PROOF

Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 4 June 2026

By authority of the Victorian Government Printer

Proof

CONTENTS

RULINGS FROM THE CHAIR
Motions of urgent public importance 1
BILLS
Electoral Further Amendment Bill 2026 1
Introduction and first reading 1
PETITIONS
Rural and regional roads 8
Alpine Resorts Victoria 8
Prostate cancer 8
PAPERS
Papers 9
BUSINESS OF THE HOUSE
Notices 9
MEMBERS STATEMENTS
Vesak 9
St John's Catholic Parish, Heidelberg 9
Africa Day 9
St Ephrem Chaldean mission 9
Co.As.It 9
National Celtic Folk Festival 10
Geelong Gallery 10
Construction industry 10
St Kilda Gatehouse 11
Gil Freeman 11
Belvedere Aged Care 11
Little Dreamers Australia 11
Mike Harrison 12
State Emergency Service volunteers 12
Project Rise 12
Vietnamese community 13
Jordan Dashwood 13
Carlton Respects 13
Planning policy 14
Australian Oriental Performing Arts Foundation 14
Lora Sky Children's Choir 14
BUSINESS OF THE HOUSE
Notices of motion 14
CONDOLENCES
Neale Daniher 15
BILLS
Electoral Further Amendment Bill 2026 20
Statement of charter compatibility 20
Statement of treaty compatibility 25
Second reading 27
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Waste and recycling management 37
Patient transport 38
Ministers statements: child protection 40
Game Management Authority 41
Construction industry 42
Ministers statements: water policy 43
Land tax 43
Beulah Outreach Preschool 44
Ministers statements: mental health and wellbeing locals 45
Energy policy 45
Abortion services 47
Ministers statements: economy 48
Written responses 49
CONSTITUENCY QUESTIONS
Southern Metropolitan Region 49
North-Eastern Metropolitan Region 49
Northern Victoria Region 49

PROOF

CONTENTS

Northern Victoria Region 50
Western Victoria Region 50
Eastern Victoria Region 50
Western Metropolitan Region 50
Southern Metropolitan Region 51
South-Eastern Metropolitan Region 51
Northern Metropolitan Region 51
Northern Metropolitan Region 51
Eastern Victoria Region 52
Northern Victoria Region 52
North-Eastern Metropolitan Region 52
Western Victoria Region 52

QUESTIONS ON NOTICE
Answers 53

BILLS
Electoral Further Amendment Bill 2026 53
Second reading 53
Committee 98
Third reading 181
Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 181
Introduction and first reading 181
Statement of charter compatibility 182
Statement of treaty compatibility 191
Second reading 193
Outdoor Recreation Victoria Bill 2026 199
Introduction and first reading 199
Statement of charter compatibility 199
Second reading 203
Victoria Police Amendment (Police Reservists) Bill 2026 206
Introduction and first reading 206
Statement of charter compatibility 207
Statement of treaty compatibility 208
Second reading 209

BUSINESS OF THE HOUSE
Adjournment 210

ADJOURNMENT
Energy supply 210
Renewable energy 211
Kangaroo control 211
Economic policy 212
Youth mental health 212
Protective services officers 213
South-Eastern Metropolitan Region homelessness 213
Western Metropolitan Region special development schools 214
Responses 215

QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Written responses 215

PROOF

Thursday 4 June 2026

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

Rulings from the Chair

Motions of urgent public importance

The PRESIDENT (09:33): Pursuant to standing order 6.09, last night I received a submission from Ms Purcell for the house to debate a matter of urgent public importance today. The matter sought to be debated relates to the allegations about the Game Management Authority reported in the media last night. Under standing orders, if the President is satisfied that a matter is of such importance to warrant urgent consideration, the matter must be dealt with as a priority over other business.

In determining the urgency of the matter, I am required to take into consideration a number of factors under standing order 6.10(1). I consider that Ms Purcell's submission meets some of the criteria, including that the matter is of recent occurrence and has been raised at the first opportunity since the media reports. However, in consideration of the matter I should also give consideration to three other important factors: whether the matter is of sufficient public importance to warrant invoking urgent procedure; whether the rights, welfare or security of citizens are in jeopardy; and whether there is a distinct possibility of the matter being brought before the house in reasonable time by other means. I am not satisfied that the subject that is proposed by Ms Purcell sufficiently meets this criteria. The submission also raises concerns about additional powers being granted to enforcement officers under the Outdoor Recreation Victoria Bill 2026. This matter can be debated when the bill comes to the house. Accordingly, while the request meets the criteria on some levels, on balance I do not consider it a matter that should proceed to debate as a matter of public urgency.

Bills

Electoral Further Amendment Bill 2026

Introduction and first reading

The PRESIDENT (09:35): 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 further amend the **Electoral Act 2002** in relation to political donations, State funding and reporting requirements, to make consequential amendments to the **Electoral Amendment Act 2026** and the **Planning Amendment (Better Decisions Made Faster) Act 2026** and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:36): I move:

> That the bill be now read a first time.

Council divided on motion:

Ayes (24): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (15): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Proof

Read first time.

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (09:42): I declare this bill to be an urgent bill, and I move:

That the bill be treated as an urgent bill.

The PRESIDENT: I remind members that this question triggers a procedural motion, which will have the appropriate time limits if anyone wants to discuss the question.

Ingrid STITT: This bill is clearly a very urgent matter and must be debated by the Council today. The integrity of our electoral donations system is what we are talking about being at stake today. This bill of course addresses the gap in our electoral donation laws in the wake of the recent High Court decision. Urgent action does need to be taken immediately to remedy the fact that we have no regime in place. We need to restore transparency in our electoral donations system, and that is what this bill is all about. In particular, foreign donations need to be outlawed, and retrospectivity for admin funding for parties is required so they can employ staff and properly perform their elected duties. We also must legislate that major parties refund certain moneys from their nominated entities. This action reduces the entrenched disadvantage of major parties, which is critical to addressing the matters in the High Court decision and to ensuring our legislation is sound. Ultimately, this is about electoral integrity issues and indeed, you could argue, national security when it comes to making sure that dark money is not entering our political donations system. I do commend this motion to the house, and I ask that all members who are concerned about protecting our democracy support the government's intentions with this motion and with the subsequent bill. It is urgent work that the Council needs to deal with today.

Evan MULHOLLAND (Northern Metropolitan) (09:44): I would start off by saying this is not an urgent bill. What this is is a rigged bill by a dodgy government attempting to rig the donations system in their favour. Minister Stitt said it is important due to the High Court case that we pay back the nominated entities money. Why has it picked a date in July 2023? Could it be that from April 2023 Labor's nominated entity gave millions of dollars to Labor's political operation? Could it be that they want to keep their entrenched advantage? And they know it. The Premier and the Premier's office have run a rigged system to entrench their electoral advantage to keep millions of dollars from the Labor Party in the Labor Party's pockets so they do not have to pay that back.

Sonja Terpstra: On a point of order, President, this is a procedural motion debate, and it sounds to me like Mr Mulholland is actually debating the merits of the bill. I suggest that he could perhaps save his rhetoric, speeches, whatever for the actual debate on the bill.

The PRESIDENT: I think Mr Mulholland was trying to argue against the urgency, so I will let him continue.

Evan MULHOLLAND: I was trying to argue against the urgency, and I would say to the member for North-East Metropolitan Region that I went to exactly the same point the minister went to. This is a rigged bill. The government are attempting to rig it in their favour and have rushed through a process that entrenches their advantage. The High Court did not just knock out the nominated entities part. It knocked out a whole section of the previous laws that this government stuffed up as well. It knocked out a whole section of the laws. The government thinks it can entrench its advantage and it can pluck dates out of nowhere to entrench that advantage. The government expect the Victorian people to believe them when they say they are wanting to make a fair donations system, except they have rigged the bill in their favour – this is a shameful example – to shut off money from Labor's political opponents and to disadvantage new entrants into the system. This is, to quote anonymous Labor MPs, end-of-days stuff by this government. This end-of-life, 12-year-old government are trying to ram through a system that entrenches their advantage. What they are trying to do here in attempting to rush this into this chamber and consider it an urgent bill is allow associated entities to the Labor Party to

keep donating to the Labor Party. So the CFMEU could still affiliate to the Labor Party after the election, and you will get the rivers of gold from the $15 billion. No wonder you want to rush this in.

Members interjecting.

Katherine Copsey: On a point of order, President, I have a headache and cannot hear what is happening in the chamber.

The PRESIDENT: I uphold the point of order and the headache. It is going to be a long day if people get shouted down. There is going to be disagreement, and I think that people should respect each other's views, even though they completely disagree or whatever.

Evan MULHOLLAND: The Premier herself has said that she expects these laws to be challenged, which is why we must get them right, which is why we must not rush bad laws through this chamber. These laws are an affront to the Parliament and an affront to democracy. The way that elections are funded and how elections are disclosed is important for public confidence in our elections and in our election system. Expecting parliamentarians to consider and pass this bill in a matter of 24 hours – I still have not had a briefing – is an insult to the principles of transparency and integrity. They have rushed the normal process. They have not practised their own treaty process with their consultations. It is an attempt to stack the decks in their favour. As the Premier said, she expects it to be challenged, which is why we must not rush this. We must get it right.

The government is seeking to massively increase public funding during a cost-of-living crisis. During a cost-of-living crisis the Premier's answer is to dig deep into the pockets of Victorian taxpayers to prop up the Labor Party.

The Premier's response is to say, 'No new money can come into the system. No old money can come into the system, except for the union movement.' This is why they have rushed through to pluck a date out of nowhere of July 2023. Now, I know many members on the other side are asking, 'Why that date?' Why that date? Because Labor received millions of dollars prior to that date from their nominated entity to the Labor Party in order to keep the money for themselves. We know that Labor – we know they are in negotiations – have set up the system in a way because they are worried about the West Party and their ability to fundraise. These laws must not be rushed. As I said, the Premier expects to be challenged. They need to be considered carefully.

David LIMBRICK (South-Eastern Metropolitan) (09:51): I will be supporting this urgency motion because at the moment due to this High Court decision our national security is at risk. We currently have no prohibitions on foreign donations in this state. I know that the Liberal Party and One Nation would love to keep getting money from the Cormack Foundation and Gina and whoever. But the fact of the matter is there have been two parties apply for registration recently, including the Free Palestine Party or whatever they are called. At the moment, under the current regime, they could go and solicit donations from the Middle East of unlimited amount. We have to close this loophole today because Australia's national security is at risk, and if the Liberal Party and One Nation want to stand in the way of that, then the Australian public should judge them accordingly.

Sonja TERPSTRA (North-Eastern Metropolitan) (09:51): I thank Mr Limbrick for his very astute observations that he has just made that this is a matter of national security, and of course this needs to be treated as an urgent bill, and this is what we are actually debating. This is a procedural debate, and that was lost on Mr Mulholland, who thought he would just simply move to debating the substance of the actual bill. But it is critically important. There are some parties who are in fact registering, and we do not know where they may in fact receive donations from. I find it very, very fascinating that Mr Mulholland is basically signalling that they will not support this. We are debating a procedural motion, but will they not support this bill? This is about making sure we have integrity in political donations because there are serious threats to our democracy, and it is about trying to make sure that we have integrity in the electoral system. So the problem is that those opposite have got something to hide. Their coffers are low because they have spent so much money on lawyers having internal fights

amongst themselves. They have something to hide. There has been so much money spent on lawyers they need these donations. It needs to be treated as an urgent bill, and I look forward to the debate once we get to the bill. Again, this is a procedural motion.

The point is this must be treated as an urgent bill for all the reasons Mr Limbrick very clearly articulated, and the fact is that those opposite are simply seeking to hide something. It is absolutely a disgrace. We must deal with this now. Our national security could potentially be at risk and will be at risk if we continue to allow foreign actors and bad-faith actors to inject dark money into our electoral system. Ultimately it is an integrity issue and indeed a national security issue, and therefore the debate on this bill today must be treated as an urgent bill. That is certainly warranted.

David ETTERSHANK (Western Metropolitan) (09:54): I would like to just speak briefly on this motion. Can I say first of all that I think it is terrific that Mr Mulholland has shared with us today some of his possibly perfectly legitimate concerns. That is what we are here for: we are here to ventilate issues and to debate them out. If there are concerns, then let us get down to that. Mr Mulholland is absolutely correct too that the confidence of the public in the laws that are passed here is critical. And it is good, I think, if one looks at the proposed new section 182A in the bill, that there is specifically a review that is proposed to address the question of what we do after there is a temporary or an interim set of arrangements that gets us on the other side of the election.

But all of this is, at this point in time, no more than the substance of the debate we need to have. Therefore it would seem to me that Mr Mulholland actually provides a compelling argument for why we need to get on with it. This is not red wine; it will not get better with the passage of time. Mr Limbrick is right: there are real risks that need to be addressed. On that basis, we will absolutely be supporting this procedural motion, even if we are not generally incredibly keen on urgency motions.

David DAVIS (Southern Metropolitan) (09:55): I agree with those who say this is simply a debate about the urgency issue. The key point here is that the High Court decision was on 15 April 2026 – that is seven weeks and one day ago. Fifty days ago the government could have brought sections of legislation to the chamber to deal with if there were truly urgent matters here.

I further make the point that there are retrospectivity provisions in this legislation. Whatever is passed, whenever it is passed, the matters will deal with many of these issues retrospectively. What is required here is a thoughtful process that actually coolly looks at the matter. This is the kind of bill that should have gone to a committee for a short, sharp inquiry.

Members interjecting.

David DAVIS: Oh, yes, it should have. I notice that the government is already bringing in house amendments because the bill is not up to scratch. They are already bringing in house amendments, I understand, because they are so incompetent in this. The truth is that the government's haste here – their inadequate process beforehand – has put the chamber in a position where they are now trying to move an urgency motion. This is not a truly urgent bill. This is a bill that could be considered in a normal way and in a normal time sequence. It has actually got retrospective clauses in it, so let us be clear: whenever it is passed, the clauses will be operative. So I think this is a little bit ridiculous.

Also, the errors that are likely to be in this bill because of the way it has been cobbled together by the government make it vulnerable to High Court challenge. We know that some parties are already intending to challenge it. We have heard a number of minor parties say they will challenge it. That is a matter for them; they have got their legal rights. I say, though, it is actually up to our chamber to get these bills right and to make sure that the points are put together properly. I would argue that few in this chamber have had sufficient time to scrutinise the bill. Few in this chamber have had the opportunity to go through the detail.

A member interjected.

David DAVIS: Well, let me just be clear about the negotiations: these were a sham. They were an absolute sham, with the Premier's office leaking details of negotiations, the Premier's office trying to target people who are doing negotiations and the Premier's office behaving absolutely reprehensibly. The Premier's office ought to have settled down and negotiated in good faith. They actually ought to have put out an exposure draft, for example. They could have put an exposure draft into the public domain and actually had input from a wide range of lawyers and others. Instead of that, they say, after 50 days, 'Oh, it's suddenly urgent.' It has suddenly come on with an urgency. Well, no, that is not right. This is not a truly urgent bill. It is a bill that could be considered methodically and carefully, and that is what should have occurred with this bill. Fifty days is not a period after which the government can say, 'Oh, it's suddenly urgent this week.' This week? Really? I do not believe that for a second.

This is an abuse of process – be clear what is going on here. This is an absolute abuse of the parliamentary process. It is designed to roll over MPs and not give them sufficient time to scrutinise these matters closely and perfectly. There are some matters of broad agreement that could have been brought in a bill very quickly to close some of the matters that need to be dealt with more urgently.

Members interjecting.

David DAVIS: Well, there are large and small issues in this bill, and some of those could have been dealt with quite expeditiously with broad agreement. But to wrap up the whole bill without a proper time period and without proper opportunity is an abuse of process – that is what is going on here. Make no mistake: the government is rushing this through because it does not want the scrutiny on the bill that the bill actually deserves.

I say that there is a very high chance that this bill will end up in the High Court, that there will be errors and problems in the bill and that they would have been exposed with a proper process.

We actually need to have a good, hard look at the way the government is behaving. They are a very arrogant government. They think they own the Parliament, they own control of the Parliament, they can rush stuff through as they feel fit and they can do that with an arrogance that befits a 14-year-old government that has completely and utterly lost touch.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (10:00): It would seem that Mr Davis has just belled the cat on just how riven the Liberal Party is, given that the current Leader of the Opposition and her office have been involved in extensive discussions over recent weeks. Mr Davis was clearly not included in those discussions, but more importantly, it would seem that the opposition leader's office saw fit not to include Mr Davis in those conversations for very good reason. This legislation, as Mr Davis has indicated, has not actually been rushed. I am not sure, Mr Davis, if you actually listened to anything discussed in the Legislative Assembly yesterday all day. That was a process of interrogation and of examination of the content of this bill. What you are doing in denying this chamber the opportunity to debate the bill is actually gagging and hamstringing a process that you say is necessary to acquit in order to bring integrity to the system. You cannot have it both ways. This cognitive dissonance from the opposition is absolutely breathtaking.

What I would suggest is, further to Mr Limbrick's contribution, if you want to wait to see, as Mr Mulholland has been breathlessly talking about, these rivers of gold flow through to parties – foreign parties, foreign donations – then it will be on you to explain to people in your communities why it is that that money has flowed without accountability. What I would say to you is: if you do not like the bill, then vote against it, but do not withhold a process which is the entire genesis for this chamber of debate, of consideration, of interrogation, of committee stages before final decisions on positions are made. You have constantly stood in the way of the passage of legislation on the basis of Mr Davis's constant refrains of a need for an inquiry. This is literally the house of review. This is literally the place where we come to have these very discussions about the content of proposed legislation.

Mr Davis, you have been here long enough to perhaps understand that the work that you do might have some relevance to the democratic process, and yet time and time again you turn your back on it with references to inquiries, to discussions, to conversations. Well, your leader, Mr Davis, has been part of those conversations directly and through her office for weeks now. It is not the problem of this house that you cannot get it together in order to have a conversation about the progress of those discussions and negotiations. If you are saying that this is not a matter of urgency, then you are sending a clear and unambiguous signal to Victorians that you do not see that the substance of this bill is urgent, that you do not see that as the way in which we as a Parliament can and should be addressing matters of integrity, of transparency and of accountability. What this does is belie the very fact that scrutiny is something that you are turning your backs on as fast as you possibly can.

And then we come to the conclusion, where we are going to end up on this bill. You stand up and vote against it after we have gone through the committee stage. Let the public record show that you oppose integrity, that you oppose transparency, that you oppose accountability, that you oppose mechanisms that we need and should be put in place to make sure that we have a level of rigour, that we have a process whereby these rivers of gold, as Mr Mulholland has hysterically put it to this chamber, will not in fact be able to come in here without some measure of accountability and of assessment. This shows you up for who you are. No matter how you try to kick the can down the road, no matter how you try to delay this or push this down the track, no matter how many procedural motions you bring to this place, the inevitable conclusion remains: you are opposing this bill for reasons that have absolutely nothing to do with the things that bring us to this place.

You are opposing debate of this bill because you cannot bring yourselves to be part of a conversation that might shine a light on the deficiencies that have plagued the opposition for years now. We bring something to this chamber for debate and for discussion and for resolution and for voting, and you cannot get away from it fast enough. What I would suggest is that anybody interested in this particular debate pay very careful attention to the fact that the opposition just do not want to talk about integrity.

Bev McARTHUR (Western Victoria) (10:05): Well, for you to talk about integrity over there is an absolute insult not only to this chamber but to the people of Victoria. You would not even be able to spell 'integrity' – $15 billion of a lack of integrity is what you are involved in. To talk about scrutiny, that would be the pot calling the kettle black in this place. You abhor scrutiny. You abhor transparency. And to talk about urgency, you have known ever since the court case was underway that changes needed to be made to legislation. You had all the time in the world to produce legislation. You failed dismally, as you have failed dismally in every aspect of government delivery in this place. You have had every chance to get this right. You have had every chance to produce legislation that could have been properly debated in time and with a sense of involvement by all parties. We have not had a briefing. I do not know whether you have given one to the crossbench – we have not had one. As for the member for the north-east region, who I think is chair of the Scrutiny of Acts and Regulations Committee – has SARC got a position on this? Has SARC met? Has the new fourth chamber of this Parliament given a position on this bill?

You talk about a dysfunctional rabble – there is no more dysfunctional rabble than the members on the opposite side of this house. You are a dysfunctional rabble, and you treat Victorians with absolute contempt. You treat every member of this chamber with absolute contempt. You are incredible. Foreign donations – you could have solved that problem immediately on day one. Do not come here and make use of Mr Limbrick's point about foreign donations. You could solve that problem in any case. In any case, as Mr Davis has said, this has a retrospective aspect to the whole thing. You could have fixed this. You are not interested in fixing this. The reason why you chose a date of July previously on the nominated entities is because you took the money from unions happily and do not need to disclose it because of your date. You are corrupt in the extreme in this whole thing; there is absolutely no transparency and no integrity – absolutely none.

The people of Victoria should be well aware that you are not the least bit interested in a fair, transparent, accountable system of government in this place. You absolutely deliver that message

every day. You obfuscate in every forum that occurs in this place. You do not produce the documents when we all ask for them to gain information that is vitally needed for the whole of Victoria. And now you want to rush in a very significant piece of legislation, which Mr Mulholland and Mr Davis have quite rightly said will again be subject to the High Court, and we will all be in a state of abyss when that occurs. Why do you not want to get this right? You do not want to get it right because you do have a lot to hide. You want to keep maintaining the fact that unions can give you money by foul means or fair.

That is what you are on about. You gave them $15 billion. This is payback time for the Labor Party – that is what this is – and everybody else will be shafted. We know what you are up to, and the people of Victoria will hold you accountable for this nonsense. Of course this is not an urgent bill, and it should not be treated as one. We should give it the due respect that it totally deserves and not rush it through.

Sarah MANSFIELD (Western Victoria) (10:10): We will be supporting this urgency motion. I certainly agree that these are really important laws and they deserve a thorough looking into. I just think we should take into consideration how we got into this position. The two major parties for a long time have benefited from their slush funds. There was ample opportunity to correct that problem within the laws. It was not done. There was a High Court challenge, and now we find ourselves in a position, in an absolute mess, where there are no laws in place at all, and every day that goes past where there is not some sort of handbrake on the money that pours into election campaigns, our election, which is imminent, which is around the corner, is at risk of influence from big vested interests, big money. We need to do something about that urgently, and so in that sense we will be supporting this motion.

We will be debating the substance of it later, and I will have the opportunity to speak more about the importance of a thorough review. That is something that we have pushed very hard for. We believe that there does need to be a serious look at these laws as a whole as soon as possible, but at the moment we need a fix in place to deal with the urgent problem of there being absolutely no donation laws and no boundaries on who can donate and how much they can donate to these election campaigns. It is an unfortunate mess we find ourselves in at the moment, but we need to do something about it urgently, so in that sense we will be supporting the urgency motion today.

Council divided on motion:

Ayes (25): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Noes (14): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Motion agreed to.

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (10:18): I move:

> That the second reading be made an order of the day for later this day.

Motion agreed to.

Petitions

Rural and regional roads

Melina BATH (Eastern Victoria) presented a petition bearing 632 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need to stop permanently lowering speed limits on country roads just because these roads are in need of repairs. Hazelwood Road and Boldings Road between Traralgon and Churchill have been lowered to 80km/h for no other reason than they need repair, in particular from Traralgon to Sanders Road and sections along Hazelwood Road through Hazelwood North. The rest of these roads have nothing wrong with them and it is very safe to travel at 100km/h, up to three kilometre long straights in parts. In fact, the two sections that were deemed Black Spots have been upgraded. One is the Church Road intersection which now has flashing 70km/h speed restriction when cars approach. The other is Jeeralang North Road which just had new slip lanes and traffic islands installed. Many even frequently tow caravans along this road at 100km/h with no difficulty or danger to their family and others. Suddenly these country roads are now deemed unsafe as the Government does not want to spend money on them.

The petitioners therefore request that the Legislative Council calls on the Government to fix country roads, in particular Hazelwood Road and Boldings Road between Traralgon and Churchill and increase the speed limit to 100km/h.

Alpine Resorts Victoria

Melina BATH (Eastern Victoria) presented a petition bearing 794 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the governance and funding model administered by Alpine Resorts Victoria (ARV) has failed to deliver financial sustainability and has particularly disadvantaged Mt Baw Baw Alpine Resort.

Victorian alpine resorts have endured over two decades of financial instability, with even stronger performing resorts unable to fund long-term asset renewal.

ARV's centralised model has driven cross subsidisation, higher costs, constrained development and reduced services.

Mt Baw Baw has faced significant service cuts in both seasons while operating costs have increased, weakening its viability despite contributing $37 million annually to Gippsland and providing an affordable, accessible alpine experience. Stakeholder confidence has been eroded.

The petitioners therefore request that the Legislative Council call on the Government to review the Alpine Resorts Victoria's centralised governance model, in particular the flawed funding model, and provide targeted funding that reflects Mt Baw Baw's economic, social and strategic importance to Gippsland and Victoria's alpine system.

Prostate cancer

Nick McGOWAN (North-Eastern Metropolitan) presented a petition bearing 2001 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council to the matter of raising awareness of Prostate Cancer and men's health within the wider community as there is very little awareness as compared to breast cancer and women's health

The Petitioners therefore request that Parliament address the issue of Prostate Cancer and Men's Health Awareness by encouraging sporting groups, including the AFL and Cricket Victoria to hold 'Blue' matches as a way of raising awareness. We would also like ALL members of Parliament to communicate with their constituents on this important topic.

Nick McGOWAN: As this is a petition qualifying debate for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on the next day of meeting.

PROOF

Papers

Papers

Tabled by Clerk:

Auditor-General – Results of 2025 Audits: TAFEs and Universities, June 2026 (*Ordered to be published*).

Commission for Children and Young People – Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament –

Administration and Probate Act 1958 – No. 57.

Building and Construction Industry Security of Payment Act 2002 – No. 60.

Family Violence Protection Act 2008 – No. 61.

Gambling Regulation Act 2003 – No. 58.

Taxation Administration Act 1997 – No. 62.

Worker Screening Act 2020 – No. 59.

Business of the house

Notices

Notices of motion given.

Members statements

Vesak

Evan MULHOLLAND (Northern Metropolitan) (10:33): It was wonderful to last Friday attend the North Victorian Buddhist Association temple in Yuroke to celebrate the opening of a Vesak pandal with thousands of people in Yuroke. Vesak is one of the most significant events in the Buddhist calendar, commemorating the birth, enlightenment and passing of the Buddha. The pandal display forms an important part of the celebrations. It is a meaningful cultural community event for many local families. Through lots of local supporters and donations, we certainly did not need a taxpayer-funded event to celebrate this; it was from the volunteers in the community, who are a fantastic community.

St John's Catholic Parish, Heidelberg

Evan MULHOLLAND (Northern Metropolitan) (10:34): It was fantastic to attend the 175th anniversary dinner of St John's Catholic church in Heidelberg. As an alumnus of St John's primary school, it was great to catch up with old teachers and the community in Heidelberg for this fantastic dinner.

Africa Day

Evan MULHOLLAND (Northern Metropolitan) (10:34): And what a fantastic occasion the Africa Day dinner was. It was great to join my colleague Renee Heath to celebrate African culture and identity. Congratulations to Qiniso Dube and his committee for an amazing evening.

St Ephrem Chaldean mission

Evan MULHOLLAND (Northern Metropolitan) (10:34): It was a privilege to join St Ephrem Chaldean mission at St Simon the Apostle Parish in Rowville with our fantastic candidate for Rowville Max Williams and our fantastic candidate for Monbulk Clare Fitzmaurice for prayer, mass and gathering with this wonderful community. Thank you to Father Sand Baseel for the invitation and leading the growing Chaldean community in Melbourne's south-east.

Co.As.It

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:35): La nostra comunità multiculturale è forte e le nostre differenze dovrebbero essere celebrate. Recentemente ho avuto il piacere di partecipare a

un forum di Co.As.It in veste di rappresentante del Partito dei Verdi del Victoria, per discutere di temi importanti per la nostra comunità italiana locale, insieme a parlamentari di altri partiti che avevano connessioni familiari tra Italia e Australia. Durante il forum abbiamo discusso dell'importanza di preservare il nostro patrimonio culturale e di accogliere gli immigrati in Australia. Gli immigrati italiani hanno dovuto affrontare discriminazioni e numerose difficoltà quando così tanti italiani sono arrivati nelle generazioni passate. E ancora oggi, i migranti sono presi di mira dall'odio. Allora, è giunto il momento di essere uniti, di accogliere persone di tutte le culture e di tutte le lingue, di dare il benvenuto ai nuovi migranti e di creare un futuro condiviso in cui tutti possiamo prosperare. Insieme ai Verdi, questa è la visione che promuovo oggi. Una promessa di futuro per tutti gli abitanti del nostro paese.

National Celtic Folk Festival

Gayle TIERNEY (Western Victoria) (10:36): I rise to give a shout-out to one of the great winter events of our Victorian regional calendar, the National Celtic Folk Festival in the beautiful township of Portarlington. If you are looking for an excuse to get out of Melbourne this long weekend, this is it. Grab your beanie and your coat and head down to the Bellarine to enjoy incredible live music, dancing, storytelling, workshops, food, markets and plenty of activities for the kids. There is really something for everyone. What I love most about this festival is the atmosphere. The whole town comes alive, with local cafes, traders, accommodation providers and businesses all benefiting from the thousands of visitors who make the trip each year. And the best part – you can actually jump on a ferry from Melbourne. A huge congratulations to Una McAlinden and all the volunteers and local businesses involved in bringing this wonderful event to life once again. Events like this are so important for our regional communities, and the National Celtic Folk Festival continues to showcase the very best of the Bellarine.

Geelong Gallery

Gayle TIERNEY (Western Victoria) (10:37): On another matter, if people cannot make it to Portarlington this weekend, then there is plenty happening across our region, including *Discovering the Impressionists* at the Geelong Gallery from 20 June to 11 October – the most ambitious international exhibition in the gallery's 130-year history.

Construction industry

Gaelle BROAD (Northern Victoria) (10:37): Allegations of corruption on government worksites under the Labor state government's $100 billion Big Build program were reported by the media two years ago, yet the Labor state government has failed to ensure that the claims are properly investigated. Geoffrey Watson, a senior counsel commissioned by the CFMEU administrator to investigate allegations of corruption, found that in Victoria it is out of control. He estimated that $15 billion – even up to $30 billion – has been lost to corruption by the government. Investigations have found the alleged influence of bikies and criminal figures and found building sites used for drug distribution, widespread bribery, intimidation, threats and violence. Murray Furlong, general manager of the Fair Work Commission, said the $15 billion estimate is consistent with what he has heard from Victorian government officials, yet the Premier dismissed the report's finding and has refused to hold a royal commission. The Commonwealth Senate estimates heard about 56 separate allegations of fraud, corruption, theft and criminal behaviour on Victorian government infrastructure projects. All other Australian states – seven allegations between them.

Despite numerous reported incidents of violence on Big Build sites, WorkSafe Victoria's workplace watchdog has no active prosecutions underway. While the Premier has announced plans to broaden IBAC's powers, the only action being taken this year is to set up a working group. Any legislative changes have been delayed until the end of 2027. The Labor government, who receive donations from unions, have done nothing to address union corruption. Only the Nationals and Liberals in government will end the waste, stop the corruption and treat taxpayer money with respect.

St Kilda Gatehouse

Rachel PAYNE (South-Eastern Metropolitan) (10:39): Sometimes those most stigmatised and in need of support are overlooked. When responding to the needs of St Kilda's drug-using community in the early 1990s, St Kilda Gatehouse noticed one group being ignored: street-based sex workers. Since then they have become a pillar of support for the community, always leading with a person-centred approach. Last month I had the pleasure of meeting Nickie, the CEO of Gatehouse, at their drop-in centre. I toured the facility and learned about their history and the incredible work that they continue to do. Their drop-in centre is a primary point of contact, offering free health and safety supplies like PPE, naloxone and toiletries alongside informal counselling and referrals to other support services.

Importantly, it provides a safe space for connection, somewhere to relax, enjoy a hot meal or try on some new clothes and make-up. I was impressed by their young women's program, supporting young women and girls affected by or at risk of sexual exploitation. Informed by lived experience, the program recognises that early intervention can reduce further harm. While it began in Melbourne's south-east, Gatehouse hopes to expand this program across the peninsula and Gippsland, where demand continues to grow. It was clear to me that Gatehouse provides more than just services. Their stories, photos and drawings adorned the drop-in centre's walls, reflecting a sense of belonging. Gatehouse's work reminds us that compassion and support must extend to all members of our community, especially those often overlooked.

Gil Freeman

Tom McINTOSH (Eastern Victoria) (10:40): I rise today to celebrate the remarkable life of Gil Freeman, a man who was a living legend, who passed away recently at the age of 85. Gil was a titan of every community he touched. From Brunswick to Korumburra, he was a proud community builder. Gil's life was defined by his progressive commitment to grassroots action, beginning in the 1970s and 1980s, where he threw out the rigid education style of old to found the Sydney Road Community School and champion inclusive, student-centred education. In the late 1980s Gil worked hard to drive forward urban environmentalism. He co-founded the Merri Creek Management Committee and the iconic CERES environment park, which transformed a polluted former quarry and rubbish tip into a world-class sustainability hub. In 1995 Gil and his partner Meredith moved to Korumburra in South Gippsland, where he spent decades championing regional food security and local agriculture by co-founding the Grow Lightly food co-op, while continuously driving community-led climate action across Gippsland. Gil was an artist, an educator and a proud, lifelong Labor man who believed deeply that lasting change is built from the ground up by empowering local communities. I extend my warmest condolences to his partner Meredith, his sons and his family. Gil's extraordinary legacy of environmental and social progress will be felt for generations to come.

Belvedere Aged Care

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:42): On Friday 29 May I was delighted to attend Belvedere Aged Care in their celebration for the 80th anniversary of the Italian republic. It was an absolutely warm celebration with all of the workers there coming out. There was the most incredible feast that had been put on, and I want to congratulate everyone that was involved. It was clear that the staff love the community that they are working with. It is a longstanding relationship that they have with Greater Dandenong, because the mayor was there, but I was the only MP. This is a proud multicultural residence that values the history and impact of early migrants, and it is a family-owned business. Congratulations to everybody involved in that.

Little Dreamers Australia

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:43): Little Dreamers is an amazing organisation that supports young carers with the principle of 'Nothing for us, without us'. I had the great privilege of meeting with their CEO and founder. Young carers are one of the most at-risk groups

across Australia, and they need practical support. Programs here are designed to be evaluated and led by young carers themselves and include tutoring, peer group crisis support and leadership opportunities, making their services relevant, respectful and empowering. I commend Little Dreamers for helping young carers to be supported and valued across our community. It is practical support, and it is something that we need to invest more in.

Mike Harrison

Jeff BOURMAN (Eastern Victoria) (10:43): I was saddened to hear of the passing of Australian Deer Association life member Mike Harrison last month. Mike was one of the most respected deer hunters and bushmen Victoria has produced. But more importantly, he was a man who dedicated decades of his life to protecting and improving the future of legitimate deer hunting in this state. Hunters across Victoria today benefit from the work that Mike undertook long before many realised those freedoms and opportunities could be lost. Mike played a central role in the growth of the Australian Deer Association, served as its national president, helped pioneer hunter education in Victoria and was instrumental in major campaigns to retain hunting access – to overturn the Sunday hunting prohibition and defend hunting with hounds during difficult political periods. His work through the Bunyip sambar project also fundamentally improved our understanding of sambar deer behaviour and ecology.

I had the privilege of getting to know Mike about a decade ago, when we worked together on issues surrounding illegal deer hunting and trespass around the Tonimbuk and Bunyip area. At the time there was understandable tension between sections of the local community and hunters. Mike's honesty, credibility and practical approach helped bridge that divide. He was trusted because people knew exactly where they stood with him and because he genuinely cared about the bush and doing things properly. Mike embodied the best of Victoria's hunting community: knowledgeable, measured, ethical and deeply committed to passing on knowledge to future generations. Home is the hunter, home from the hill.

State Emergency Service volunteers

Jacinta ERMACORA (Western Victoria) (10:45): 20 May was Wear Orange Wednesday, or WOW Day. It is a national day of recognition of our incredible SES volunteers. I dropped in to the Port Fairy SES unit and met with Max Kelly and Ray Young to thank them in person for the work that they do. It was great to visit the unit and their station, which was very special to me because I was part of opening that station along with my fellow member for Western Victoria Gayle Tierney, who is here in the chamber, who undertook an enormous amount of advocacy for that new build. I want to also take this opportunity to acknowledge and thank south-west Victorian SES volunteers who service the region in such a dedicated way: Adam Jones and Che Wellens of Warrnambool SES celebrated a quarter of a century; John Stirling of the Heywood SES, 15 years; and Colin Malin of Portland and Max Kelly of Port Fairy were also acknowledged by the New South Wales government for their service in response to the floods. The work they do is essential to keeping our community safe, and I thank all volunteers for the work that they do.

Project Rise

Nick McGOWAN (North-Eastern Metropolitan) (10:46): Project Rise is a project conducted by the Dawoodi Bohra community in my electorate in Ringwood. We are very proud of them and the work they do, in particular through the Project Rise concept, which is a global philanthropic initiative that particularly focuses on holistic wellbeing through the values of social inclusion, compassion and resilience. They are very proudly partnering with the Mental Health Foundation Australia and have for a long time done this. Their partnership has ensured that they have had uninterrupted operation of 35 mental health support groups. These support groups are absolutely fundamental in our community and important – we all know this – but these groups particularly focus on national reach. The program has supported more than 33,800 attendees across Australia, not just in my own local municipality and local electorate. They also focus on consistent engagement, with a 50 per cent return attendance. I

suggest for any program that is an amazing achievement. They also have digital access, which in this age of course is critical, reaching some 59,000 website visits as recorded individuals seek information, registration and access to information online. They also of course focus, as the name would imply and as the program illustrates, on both inclusion and diversity and attracting people from all backgrounds and critically, obviously, filling those gaps, including treating symptoms and mental health disorders or fitness requirements like trauma, PTSD, coercive control and hearing voices. We thank them for their work.

Vietnamese community

David LIMBRICK (South-Eastern Metropolitan) (10:48): Once again, along with my colleague Mr Tarlamis, I attended the annual flag-raising ceremony in Dandenong organised by the Vietnamese community. I told the gathering that after our involvement in the Vietnam War, where the Anzacs stood alongside the South Vietnamese, Australia took a moral decision to accept them as refugees after the fall of Saigon, and this turned out to be one of the smartest things we ever did. They love Australia for saving them from a terrible situation, and we love them back for their kindness, openness and industriousness. South-east Melbourne and indeed Australia would be much poorer without them. Vietnamese Australians at these events are never shy when talking about their love for Australia or about the evils of communism. This made me think that their fellow Australians should also not be shy about talking about these things, so let us go.

Communism is an inherently authoritarian ideology that has caused untold misery through purges and starvation and crushing of the human spirit. Some people, even in this Parliament, would argue about this, but this means ignoring the experience of the living and the dead. Those with lived experience are the lucky ones, because millions upon millions are dead. Communism is an abject failure everywhere – a disgusting, catastrophic experiment and a blight upon the world. Australia will remain a great country so long as someone can arrive with nothing and still create a great life for their family through hard work and commitment to Australia. The Libertarian Party will always fight for these values.

Jordan Dashwood

Moira DEEMING (Western Metropolitan) (10:49): I rise to give my condolences for the tragedy that occurred earlier this week, where three-year-old Jordan Dashwood was tragically killed in a devastating house fire in Werribee. His father suffered serious injuries while attempting to save him, and obviously his family now face unimaginable grief. Much has been said about the emergency services and the fire services that attended that fire and whether or not they had what they needed. I mostly, having spoken to a few of those fighters from the CFA and from the FRV, would like again to thank them for being those people that run into houses to save our children and just to acknowledge the fact that it was so difficult for them in a roaring fire, which looked to be caused by one of those EV batteries, which you can do nothing but watch. How traumatic that must have been for them – some of them are parents – to have to wait knowing that there is a child inside. Thank you again to all of our emergency services for everything that they do.

Carlton Respects

Renee HEATH (Eastern Victoria) (10:51): On Friday 29 May Bianca and Boyd Unwin invited Stuart from my office and I to join them on the grounds of the MCG for a moment of pause for Carlton Respects. It was the most incredible experience. Carlton Respects is an amazing program. It has been running now for 10 years. It is shining a light in a very dark place, and that is domestic violence. The moment of pause was absolutely incredible. There were 79 orange lights held up in honour of the 79 women that have lost their lives in 2025 to domestic violence. The program has reached 30,000 students in 1200 classrooms. They have raised $1.2 million to support people going through domestic violence. To have 61,000 people there at the Geelong versus Carlton game honouring the lives of those lost was just something extraordinary. From a personal point of view, to be asked to stand with Bianca and Boyd Unwin was just an honour like no other. I have spoken about Katie Haley

– it is her family that we stood with. She was murdered in 2018 brutally with a dumbbell, and it has just been such an honour to stand with that family and to fight for law reform in an area where it is really needed. I just want to thank them for giving us that honour to stand with them. I commit to continuing the fight.

Planning policy

David DAVIS (Southern Metropolitan) (10:52): I want today to draw the house's attention further to some of the matters we discussed yesterday: the so-called activity centre program. What is clear is this program for high-rise, high-density development in nodes around the city is much more extensive than the government has let on. It is not just the 10 key ones and then another 50; it is actually another 150 on top of that – that is 210. That is what the government intends to do. It is now retreating as fast as it can from that, but the cat is out of the bag. If the government is re-elected – and 2028 is the date that is listed – at the end of the year, it will roll out another 150 zones. There are only 340 suburbs in Melbourne, let alone the number of zones that are being intended – 210 is the number. Nobody should be under any illusions. The community needs to know that these high-rise, high-density monstrosities, many of them 20 storeys and beyond, without proper control are rolling over communities undemocratically, tearing out vegetation and destroying heritage – 210 of these across Melbourne. It is an absolute disgrace. The government has tried to keep this secret. It is now running away from it, but the community should be under no illusions whatsoever. If they are re-elected, it will be on.

Australian Oriental Performing Arts Foundation

Richard WELCH (North-Eastern Metropolitan) (10:54): I would like to give a great congratulations to Daisy Jia and the board of the Australian Oriental Performing Arts Foundation, who have been running for some time now a fantastic young artist support series. I had the really great pleasure to attend a concert by the young and extremely talented vibrant soprano Sarah Li last Saturday at an intimate performance, with about 250 people in a small auditorium. It was an exciting performance which absolutely showcased her talent but also fulfilled the foundation's role of fostering cultural exchange across the Australian community.

Lora Sky Children's Choir

Richard WELCH (North-Eastern Metropolitan) (10:55): Equally, on another musical note, the Lora Sky choir – I was invited to attend one of their rehearsals, and it was a really fun night to sit and basically have my own personal choir singing to me as they rehearsed some of their really complex numbers, including the *Song of Chile*, which had very intricate harmonies. This is a youth choir group that has about 20 members, mostly from the Chinese Australian community. It is a really fun group, and we had the absolute time of our lives. I would like to thank Dr Lora particularly for inviting me along and for the evening we had together.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:55): I move:

> That the consideration of notices of motion, government business, 278 to 1452, be postponed until later this day.

Motion agreed to.

Condolences

Neale Daniher

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (10:56): I move:

> That this house expresses its deep sorrow at the passing of Neale Daniher AO, footballer, coach, Victorian of the Year, Australian of the Year, and co-founder of FightMND, who faced motor neurone disease with extraordinary courage and grace, transforming personal hardship into hope for millions, and whose legacy will endure in Victoria and across the nation.

It is an honour to rise today to pay tribute to the late Neale Daniher and the enormous contribution he made to communities not just around Victoria or Australia but globally. As others have also mentioned – and I refer to the member for Pakenham in the other place and echo her sentiments – I do not know very much about football, but I do know that it takes passion and discipline, it takes collaboration and it takes persistence. These are all qualities which Neale Daniher brought not only to the game but also to the work that he did to inspire and to coach, to mentor and to lead other players at Fremantle, Essendon and Melbourne.

His work on and off the field was the stuff of legend. Not only was he able to make sure that the players around him worked at their best, he was also at his best when part of a team. In that sense he made a significant contribution not just to sporting culture but also to the things that bind people together when they head out to watch a game and when they sit on the couch at home to cheer on their team. AFL has an enormous role in our towns, in our cities and in the conversations we have at family barbecues. It is the best of endeavour, and Neale Daniher was a man who brought the best of endeavour to everything that he did.

When he was diagnosed with motor neurone disease, that fatal progressive neurological condition, in 2013, he demonstrated that same discipline, collaboration and persistence. He imported and amplified those very qualities in the work that he did to advocate, to amplify and to gather momentum around awareness and around fundraising for a disease and a set of conditions that until that point had not received the sunlight or the awareness or the funding or the presence in conversation about medical treatment, care, research and outcomes that other conditions have received. Thus FightMND was born in 2014. FightMND was guided by a number of relatively simple principles: to galvanise the community around a greater level of awareness and understanding of motor neurone disease and what it means to take people's lives, their speech, their mobility and their capacity to participate in the world and the communities around them. It is a brutal set of conditions. It is a brutal disease. There is a reason that it was referred to by Neale as the beast. Bit by bit and bite by bite, MND takes the function and the capacity of the people who live with it. Every single day the march of MND continues for those who have been diagnosed, and the prognosis varies in the time that it takes to take everything except for the minds of the people who are living with it.

Neale never backed away from talking about the very difficult experience of MND. He never backed away from appearing in his chair along with his family, with his beloved wife Jan and with their children and their grandchildren, to talk about the importance of understanding more about MND, of funding research and of giving people assistance, hope and information about the supports available when they or their loved ones have been diagnosed. It was that passion and that persistence that he had shown on the football field that he brought to the full-throated advocacy for better understanding and support for MND. Ten million dollars later we see that Australia is a global leader in driving research outcomes, trials and supports for people. As a body with MND gradually fails to support the mind that continues to be bright and sharp, it is so important that they have the resources and supports around them, whether through the clinical communities and treatment or through facilities and equipment for ways to live independently and with dignity and autonomy for as long as possible.

Neale Daniher represented the very best – the very best – of leadership. Not only did he lead, though, he walked alongside the people who shared his experience. He would sit in cafes with people. He

would welcome people into his home. He would talk frankly about his own pain and about the things that he knew and felt were slipping away from him as the disease progressed. His candour enabled others to talk more frankly about what is needed for people living with and declining from motor neurone disease. Neale's legacy is one that is profound. His work was recognised in awards as Victorian of the Year and Australian of the Year. He was recognised in standing ovations wherever he went. He was a man not afraid to don a costume at one of the many events that he participated in to drive better awareness of motor neurone disease. It was an honour and a joy to have met and spoken with Neale on a number of occasions about the work that he was doing. I do not think anyone is under any illusions about the fact that his advocacy, however, came at a cost. He was selfless in absorbing that cost, and his family were so generous in providing an opportunity and a platform for him whilst perhaps not having the time with him that they may have liked or have wanted.

Today I would like to pay respects to Neale, to honour his legacy, to make sure that his work goes on, to reaffirm a commitment to driving research and better clinical outcomes for people living with MND and to continue that persistence that Neale showed in driving every effort toward finding a cure. Neale's legacy is one of generosity, of tenacity and of the ongoing commitment to making sure that everything he did was better for his contribution. To Jan and their children, their grandchildren, their friends and everybody who knew and loved them behind the face of FightMND, thank you for all that you did to share Neale with the world. We are so much better for the life that he lived richly, in a determined way, in a focused way, in a disciplined way. I will finish where I began: it takes passion, discipline, collaboration and persistence to make a world of difference in one short lifetime, and over the 65 years that he was here with us Neale Daniher demonstrated that, demonstrated all of those qualities in everything that he did. Vale.

Renee HEATH (Eastern Victoria) (11:04): It is my honour to speak on behalf of the coalition today in support of the motion brought by the Leader of the Government in the upper house and also Minister Shing. By any measure Neale Daniher was an extraordinary man. The accolades are well deserved and well known: Australian of the Year; Officer of the Order of Australia; Victorian of the Year; Melburnian of the Year; elite footballer, playing 82 games for Essendon, including winning best and fairest in 1981; coach of the Melbourne Football Club for 223 games, including the 2000 grand final; Essendon football hall of fame; and Melbourne football hall of fame.

I would like to start by talking about Neale's upbringing. Neale was born in West Wyalong Base Hospital in 1961, the third of 11 children to Jim and Edna, and they grew up on a farm in Ungarie. In a documentary, Neale describes his time living on the farm and growing up there as 'two loving parents, a great community that looked after us and only fond memories'. Neale wrote of his parents:

> My father, Jim, devoted his life to working his guts out. He was the sort of man who, even in his youth, earned a reputation for being a tough old bugger. And my mother, Edna, has always been a nurturer who thrives on putting others' needs before her own.

Edna and Jim prioritised character above achievement, but with Neale they certainly got both. In an interview a year ago Neale said:

> The lasting lessons from my parents are many.
>
> …
>
> Mum and Dad were hard workers. They didn't really talk about talent, but they rated effort. They didn't hand out many compliments, but when they did, it was about giving effort, working hard, showing grit. One of their lasting lessons was any success in life requires a determined effort and resilience.

Neale believed that the solid foundation set by his upbringing set a moral foundation for his life, valuing loyalty and hard work. As a large rural family, the Daniher children were expected to pitch in on the farm. According to Neale's co-author, when Jim Daniher would set his four sons a farm labouring task, three brothers would dutifully begin and get in and start slogging away, while Neale would often proceed only after asking what they were aiming to achieve and to what end. It has been written that Neale stated that he could never have been a farmer, but apparently he took pleasure in

schooling a city boy about milking cows, manoeuvring a combine harvester and driving the grain truck to be unloaded at the silo and looked back fondly on the camaraderie of the shearing shed. Brother Chris has said that:

> We didn't have a lot growing up as a large family, so church and football were our weekends … the two times we did get off the farm.

Neale's mother thought he was destined to become a Catholic priest, but his father Jim was a bigger believer in kids playing sport, otherwise he was worried they would end up at the pub punting on horses. Jim attributed his children's sporting success to the competitive nature of growing up in a large family on a farm – Neale had to catch his older brother while staying in front of his younger sister, who was apparently faster than he was. As we now know, Neale took every opportunity when it came to sport, and the closest he came to being a priest was being called 'The Reverend' by the players when he coached at Melbourne. On Edna's belief that Neale would become a priest, I actually believe that she was picking up that he was called to do something absolutely huge and make a massive impact that would serve people.

After attending primary school at St Joseph's Catholic school in Ungarie and St Patrick's College in Goulburn, he headed to Assumption College in Kilmore for secondary school education. Moving from the farm to boarding school was a big change for Neale. He describes life on the farm as being like 'a free-range chicken', and going to boarding school in Goulburn he described as:

> I felt like a free-range chicken that had somehow found its way to a cage farm.

During his childhood Neale played Aussie Rules footy, where he won several best and fairest awards. He also played rugby league and rugby union. While at Assumption College in Kilmore he captained both the first football and the first cricket sides. Neale then attended RMIT University, studying emerging technologies to obtain a computer science degree.

In 1978 Neale signs with Essendon, joining his brother Terry. In 1979 Neale plays each and every round for Essendon. He is named VFL recruit of the year, wins Essendon's best and fairest award and receives nine Brownlow Medal votes. In 1980 Neale begins to play again, plays every game of the season and is selected to play for Victoria State of Origin. In 1981 Neale plays in Essendon's night premiership, wins the club's best and fairest award, is selected to play for Victoria again and plays the first 21 matches of the season before injuring his knee, something that continues to interrupt the rest of his footballing career. In just three years Neale plays 66 games for Essendon. At 21 he is made captain of the side for the 1982 season; however, he unfortunately never gets the opportunity to lead the team out onto the field, and he misses the entire season due to injury. He also misses out on the 1983 and 84 seasons, during the Dons' 1984 premiership, when Essendon is captained by his brother Terry.

In 1985, while Neale managed to play five games, he again injured his knee, missing out on being part of the premiership squad; in fact Neale only managed to play another 16 senior matches before he retired in 1990, and in his last match he made history along with his brothers Anthony, Terry and Chris. It is the first time four brothers play a senior match together, something that they also achieve at a State of Origin level, which is absolutely extraordinary. Between the four boys, they played well over 700 VFL and AFL games. After retiring from playing, Neale becomes the assistant coach at Essendon, where Kevin Sheedy then credits him for finding the gaps in Carlton's game and helping Essendon win the 1993 flag and then Fremantle.

Daniher becomes the first senior coach of Melbourne in 1998 to take the side from last place to the preliminary final. In 2000 he leads Melbourne to the grand final where he is met with a rampaging adversary in his old side, Essendon. Neale remains with Melbourne until 2007. He then joins the West Coast Eagles as the general manager of football operations until 2013 when he is tragically diagnosed with MND.

Neale met his future wife when he was 20 and said that what attracted him to her was that she was just a beautiful heart – she was generous and friendly, but she had a competitive streak, and she shared many of his values. Understandably, after he suffered another injury in 1985, he really went into what he described as a funk. He said that what got him out of that was the fact that he was married to Jan and that they had a child on the way, and he realised that there was a lot more to life than the number on his back. Neale and Jan went on to be married for 40 incredible years, in which they achieved so much. Neale and Jan raised four wonderful children – Bec, Ben, Lauren and Luke – and our thoughts are really with them today as they go through this tragic period.

As a non-football person, my knowledge and admiration of Neale come from the time after he concluded his career as a football player and coach, and as extraordinary as that was, he was going to go on to make an even bigger contribution to the world, in my opinion. After he was diagnosed in 2013, Neale decided to confront what he called the beast and set up a charity dedicated to research and helping others: FightMND. Many have observed this week that for those diagnosed with MND the average life expectancy is 27 months; however, this extraordinary man went on to live 13 years, and he made the most of every single day. Right from the outset, Neale's approach was this task and in this was unique. He said:

> We deliberately did not start out to advocate to government for a bigger slice of the funding pie. We appealed to the community for help.

[QUOTE AWAITING VERIFICATION]

In an interview in 2015 Neale was asked about what he discussed with Prime Minister Tony Abbott as they walked to the Queen's Birthday match. While describing it as a private conversation, Neale did say that medical funding as a whole needed to increase and that he did not want to take funds from research into other diseases. Neale said:

> The pie is too small … We're not looking for a bigger slice – we need a bigger pie.

Neale's original expectation for the Big Freeze was to raise $250,000, but as we approach Big Freeze 12, FightMND has now raised over $130 million. Neale said that he learned many lessons from his work:

> … I now understand the power of community and how satisfying it is to see what happens when you get involved in something beyond yourself …
>
> … I've had a front row seat watching what a difference people power can make.
>
> …
>
> I now know how generous the Australian public can be.

While Neale was always talking about and extolling the virtues of others, they in turn observed that it became clear that the FightMND cause had become a catalyst for Neale to understand his sense of purpose and, like he said, something far beyond himself. It could be argued that the lessons Neale learned during his upbringing on the farm, with parents who valued effort more than talent and admired people who tried, combined with how he managed to deal with the injuries that curtailed his professional football career, helped him become the absolutely extraordinary leader that he was. What great leaders do is show us to go against what seems to be our natural instinct. When life deals you a horrific blow, it can be our natural instinct to instantly cave to fear. When you are devastated by the hand you have been dealt, these leaders encourage you to choose your response, and that is something that Neale spoke about a lot. Neale was well known for contacting others who were battling the beast, inviting them into his home and offering them some words of encouragement and support at their lowest point but also explaining to them in blunt terms what was going to be ahead. By contacting those diagnosed with MND he was providing them with more support and exactly what they needed at that time. That type of care for others is honestly something that I aspire to in my life.

I learned last week that Emma Vulin, when she was diagnosed, was one of those people that were invited into his home. He reached out to her, and that is something that I personally am so grateful for

and I am sure that everyone in that chamber was, because when these diagnoses come, you just do not know what to do or to say to people that are about to go through the darkest period of their life. When I observed Neale and Emma together in the library last year, my observation was a person, a colleague, that was gaining strength from a man who was walking ahead of her on a path that neither of them would have chosen, both battling the beast yet both keeping the benefits of future generations firmly within their sights, the centre of their purpose, while they were doing so. With both of these it is almost as if, as their body weakens, the strength of their spirit grows. Two aspects of human life are the body and the spirit, yet it is like they are moving at two completely different speeds. I do not know how else to explain it other than that. As Neale's health declined he was able to continue the important work, thanks to his wife Joanne, his children and their families and friends. He was able to achieve so much, and the fact that he was is a testament to them. Generations unborn will benefit from Neale's work and the care that he showed to those people who were diagnosed with the beast.

There are also a lot of lessons Neale has taught all of us, even in an industry as different as politics.

I will leave you with these comments he made to the Melbourne Football Club players in the lead-up to the 2019 Queen's Birthday match. Neale said:

> What is the right way to conduct yourself in difficult times? The right way is to somehow summon the courage, the moral courage, to take responsibility.
>
> …
>
> No matter what happens, it's up to you to do something about it. Have the courage to accept responsibility. Don't shy away from it, don't baulk, don't procrastinate, don't handball it to someone else. And by doing that, what will emerge inside you is the better side of your character.
>
> …
>
> And finally, taking responsibility means looking for the opportunity. When life gets difficult and you think it's a train wreck … there's no opportunity – there's always opportunity. I was diagnosed with a disease that will kill me. No treatment, no cure. No hope, some say.
>
> …
>
> There's always opportunity – and my opportunity was to fight MND and that's allowed me to prevail. It's allowed me to find purpose, to transcend what's happening to me.

That, to me, is one of the most inspirational and incredible things I have ever seen. Neale Daniher was much more than a footballer or a coach. He was a true leader, a man who sought to give to others, not to take.

Jan, his four children and their families in the midst of their own grief released him to continue to work and fight for others. He would have never been able to do that alone and without their support. How is it that a man who has lost his ability to walk, to talk and to even feed himself can go on to achieve so much? It is because of his family. Who cooked the meals when people like Emma were invited over? Who quickly whipped around and did the vacuuming? Who first googled 'How do I start a charity?' It was them, and his legacy – which is an incredible one – is also their legacy. I want to honour them as they grieve this week.

In closing, let us continue to fight MND by buying a beanie, buying some socks, spreading the word and doing what it takes, giving what we can. Vale, Neale Daniher.

Sarah MANSFIELD (Western Victoria) (11:22): I rise on behalf of the Victorian Greens to speak on this motion, recognising the life and legacy of Neale Daniher. My deep condolences to his family and friends. It is fitting that he is being recognised today in the Parliament, given his profound impact not just on the Victorian community but right across the country. Neale rose to fame as a footballer and an AFL coach who was by all accounts much loved and respected by those he worked with, and no doubt he touched and transformed the lives of many in those roles. But his advocacy about motor neurone disease has been transformative on a huge scale.

MND is an incredibly challenging condition for which we do not yet have a cure, and while the journey is different for everyone, that journey is inevitably difficult for those living with it and their families. Too often with conditions like this, unless they are immediately impacted, people do not necessarily engage with it. That can leave the people living with the condition feeling isolated in their communities and forgotten by health and research, not because people lack compassion but because they often just do not know what to say. They do not necessarily even know much about what these sorts of conditions are. Neale was able to shift that. Not only did he support so many people personally, he was able to tap into people's empathy and change the general public perceptions of MND. Through his work he helped to educate the broader public about what living with MND is like by using his personal experience to connect people with the everyday lived experience of MND. That in turn has stimulated much-needed interest and investment in research and support for MND, and it has meant that people living with MND feel more seen and understood. It takes a special person to be able to do that whilst simultaneously fighting MND themselves, but that is what Neale, with the support of his family and those around him, did. Thank you, Neale, for everything you have done. Your legacy endures through those whose lives you have touched. Vale, Neale Daniher.

Lee TARLAMIS (South-Eastern Metropolitan) (11:25): I move:

That debate on this motion be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Bills

Electoral Further Amendment Bill 2026

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (11:25): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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 Electoral Further Amendment Bill 2026.

In my opinion, the Electoral Further Amendment Bill 2026, 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

On 15 April 2026, the High Court handed down its decision in *Hopper v Victoria* [2026] HCA 11 (*Hopper*).

In *Hopper*, the High Court found that Victoria's political donations and expenditure laws contained at Part 12 of the *Electoral Act 2002* (Act), was wholly invalid as it impermissibly burdened the implied freedom of political communication, contrary to the Commonwealth Constitution.

The High Court declared Part 12 of the Act invalid in its entirety, as it was not permissible to sever any parts of provisions, subdivisions or divisions of Part 12 to preserve its validity.

In light of the High Court's finding in *Hopper*, the purpose of this Bill is to amend the Act to introduce a new political donations, State funding and reporting regime (proposed regime).

The new regime applies to registered political parties, candidates at an election, elected members, associated entities and third-party campaigners (collectively, 'regulated person or body').

The key reforms in the Bill include:

a. setting a $7,500 general cap on political donations to a regulated person or body;

b. setting a higher general cap of $15,000 for eligible new entrants to the electoral process;

c. prohibiting political donations from foreign sources;

d. prohibiting anonymous political donations equal to or above the value of $1,250;

e. requiring that political donations equal to or above $1,250 be disclosed to the Victorian Electoral Commission (VEC) within 7 days.

f. requiring regulated persons or bodies to provide annual returns containing financial information to the VEC;

g. providing powers for the VEC to compel the production of documents or require a person to give evidence in relation to compliance with the proposed regime;

h. prescribing offences and penalties relating to non-compliance, including introducing prospective criminal liability for any failure to disclose certain political donations made between 15 April 2026 and the day the Bill receives Royal Assent; and

i. make State funding available to eligible registered political parties, independent candidates and independent elected members.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill

In my opinion, the human rights under the Charter engaged by the Bill are the:

- right to recognition and equality before the law (section 8 of the Charter);
- right to privacy (section 13(a) of the Charter);
- right to freedom of expression (section 15 of the Charter);
- right to take part in public life (section 18 of the Charter); and
- right to property (section 20 of the Charter).

Having considered all relevant factors, I am satisfied that the Bill is compatible with the Charter. To the extent that any rights are limited, the limitation is reasonable and able to be justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

Right to equality and protection from discrimination (section 8 of the Charter)

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 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.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (Equal Opportunity Act), on the basis of an attribute in section 6 of that Act, which includes race. Relevantly, the definition of 'race' in the Equal Opportunity Act includes 'nationality or national origin'.

Ban on foreign donations

Clause 5 of the Bill will insert new section 209 into the Act to make it unlawful to make or accept a political donation if the donor is not an Australian Citizen or Resident, or in the case of a donor who is not a natural person, where the donor does not have an Australian Business Number.

The ban on foreign donations limits the right to equality before the law as it prohibits the rights of persons to make a political donation on the basis of nationality. However, it is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to prevent foreign governments, corporations or individuals exercising influence on Victoria's political system through donations to regulated persons or entities. This proposal supports national sovereignty by restricting the influence that non-Australians have over Victorian politics and elections.

Right to Privacy (Section 13(a) of the Charter)

Section 13(1) of the Charter states that a person has the 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.

Anonymous donations and requirement to provide disclosure returns

Clause 5 of the Bill will insert new section 210 into the Act to make it unlawful to make or accept an anonymous political donation equal to or above $1,250. This amendment engages the right to privacy as it requires a person to divulge their name and address if they wish to make a political donation which is equal to or above the threshold.

Clause 5 will also insert new section 216 into the Act to require that a disclosure return be provided to the VEC in relation to any political donation equal to or above the disclosure threshold of $1,250. The disclosure return must include the name and residential address of the donor. New section 217 requires that that VEC

publish the disclosure return on its website (which would include the name but not the residential address of the donor) within 14 days of its receipt.

These amendments also engage the right to privacy as the names and addresses of people who donate above the threshold must be provided to the VEC, and the names of each these donors will then be published on the VEC's website.

While both the anonymous donations and requirement to provide disclosure returns amendments engage the right to privacy, in both cases, the interference is lawful as it is authorised under legislation. Further the interferences are not arbitrary, as they are reasonable and proportionate to the legitimate objective of supporting transparency and reducing the possibility of regulated persons or bodies working in the interests of anonymous donors.

Powers of the Commission

Clause 5 will insert new section 255 into the Act to provide a VEC compliance officer with the power to serve a notice requiring a regulated person or entity to produce documents or other things, or to appear before a compliance officer to give evidence. A notice may only be served on a regulated person or body or on any other person if the compliance officer has reasonable grounds to believe the person is capable of giving evidence in relation to a possible contravention.

These powers engage the rights to privacy as they could be used to require a person to divulge private or personal information to the VEC. However, the interference is lawful as the powers are clearly prescribed in the Bill. The powers are not arbitrary as the power is reasonable and justifiable as it enables the VEC to conduct investigations and encourages compliance with the scheme.

Freedom of expression

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. 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, whether within or outside Victoria and includes information imparted orally or in writing.

General cap on political donations

Clause 5 of the Bill inserts new section 212 into the Act, to provide for a general cap on political donations. The general cap is $7,500 (subject to indexation) or any higher amount prescribed by regulations. The donations cap applies to one off-donations and to aggregated donations from a single donor to the same regulated person or body within a 4-year election period (new section 213).

The donations cap engages the right to freedom of expression by limiting the funds available for people or bodies covered by the scheme to engage in political communication and by limiting a person's ability to donate and engage in political communication.

However, to the extent this clause limits freedom of expression, it is reasonable and demonstrably justified as it reduces the risk of corruption and undue influence in the political process.

If political donations were not capped, then a person or body could use their wealth to have a disproportionate impact on elections. In this manner, the donations cap promotes the right to freedom of expression by allowing for a greater number of people to express their political views.

Ban on political donations from foreign sources

The ban on foreign donations in new section 209 (discussed above) engages the right to freedom of expression by preventing foreign nationals from engaging in political communication through a political donation. However, this is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to address concerns about interference from foreign sources in elections, and it prevents foreign governments, corporations or individuals exercising influence on Victoria's political system through donations to regulated persons or bodies.

The cap on the number of third-party campaigners to whom a donor can donate

Clause 5 of the Bill inserts new section 211 into the Act to limit the number of third-party campaigners to which a donor may make a political donation. This limits a donor's freedom of political expression by restricting the number of third-party campaigners to whom a person can donate.

The purpose of the amendment is to prevent the proliferation of third-party campaigners as a means to exceed the general cap, whereby donors could seek to split their political donations among a large number of third-party campaigners.

To the extent that this clause limits the right to freedom of expression, it is reasonable and demonstrably justified to ensure the integrity of the general cap and prevent its effectiveness being undermined. The general

cap will, in turn, reduce the risk of undue influence in the political process and encourage equal participation in the electoral process.

Further, clause 5 of the Bill will insert into new section 206 of the Act, under the definition of "third party campaigner" an example that provides if a third party campaigner incurs political or electoral expenditure for general advertising and awareness raising, for the benefit of a registered political party (RPP), candidate, group, elected member or associated entity, the making of this expenditure is not a gift. This is to ensure that restrictions on donations to third-party campaigners are not inadvertently captured by the definition of "gift", and subject to associated restrictions, where they are not incurred by a person or entity for the benefit of, or that otherwise benefits, one or more other persons or entities.

Payment of public funding

Clause 5 will insert new section 227 into the Act to enable the payment of public funding to eligible registered political parties and independent candidates. A party or candidate will be eligible for public funding where they contested the previous general election and were elected or, one or more candidates received at least 4% of the first preference votes (new section 227(3)).

Registered political parties and independent candidates who qualified for public funding for the previous election, will also be eligible for instalment payments of equivalent public funding in advance of the next election (new section 232). Public funding supports electoral parties and members to focus their efforts on participation in parliamentary processes by meeting the administrative costs associated with being an elected representative. It also reduces the reliance on political donations which provide disproportionate power to people with the financial resources to donate. Public funding therefore promotes the right to freedom of expression by enabling more people to participate in the electoral process.

The public funding amendments also limit freedom of expression by restricting public funding to parties and independent candidates who satisfy the eligibility criteria, which in turn, decreases the capacity of members and supporters of smaller parties to contribute ideas and opinions into the political debate.

To the extent this clause burdens the right to freedom of expression, it is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to prevent candidates or parties from receiving payments if they only receive a handful of votes, make no substantial contribution to the democratic process, or have little intention of engaging in electoral competition.

New entrant general cap

Clause 5 will insert new Division 5 of Part 12 into the Act to introduce the new entrant general cap for eligible candidates. An independent candidate and RPPs will be eligible where they are ineligible to receive other sources of funding under the Act, including public funding, administrative expenditure funding, and policy development funding.

Resultantly, the new entrant general cap will apply to first-time independent candidates, recontesting independent candidates who received less than 4% of the first preference votes at the most recent election, and new or first-time RPPs which have been registered for less than a whole calendar year. The purpose of the new provision is to reduce barriers for eligible electoral participants by ensuring they have access to increased funds for political expenditure, despite not being eligible for a stream of State funding.

Previously, due to ineligibility for State funding streams, these participants were wholly reliant on political donations but subject to the same cap as all participants, resulting in them having access to less funds for political expenditure. The availability of funding through the new entrant general cap therefore promotes the right to freedom of expression by enabling new people and RPPs to participate in the electoral process.

Right to take part in public life (Section 18)

Section 18(1) of the Charter provides that a person has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Further, section 18(2) of the Charter provides that every eligible person has the right, and is to have the opportunity, without discrimination to (a) vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and (b) have access, on general terms of equality, to the Victorian public service and public office.

General cap on political donations and limitation on anonymous donations

The donations cap and limitation on anonymous donations engage the right to take part in public life as these reforms place limitations on the way in which a person may participate in the conduct of public affairs through a political donation.

However, any limitation on the right to take part in public life imposed by these amendments is reasonably and demonstrably justified as the amendments will reduce the risk and public perception of corruption and undue influence in the political process.

The donations cap also reduces the disproportionate influence of people with significant financial resources to influence elections, thereby providing the opportunity for others to participate in the conduct of public affairs.

Payment of public funding

A party or candidate will only be eligible for public funding where they contested the previous general election and were elected or otherwise received a total first preference vote of at least 4% of votes given in that election.

The right to take part in public life may be burdened as those candidates who are not eligible for funding will be less able to convey the opinions and policy preferences of their supporters. Additionally, those candidates will be less able to provide information to electors which will in turn impair the information available to voters for future elections.

To the extent that the entitlement to public funding burdens the right to take part in public life, it is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to prevent candidates or parties from receiving instalment payments if they only receive a handful of votes, make no substantial contribution to the democratic process, or have little intention of engaging in electoral competition.

Further, public funding will reduce the reliance on political donations, which disproportionately favour those with the financial resources to donate. In this manner, public funding enhances the right to partake in public life by enabling more people to participate in the conduct of public affairs.

Clause 5 also inserts new section 233, that provides a discretionary power for the VEC to seek repayment in instalments or waive repayments for candidates that are no longer eligible to receive public funding for the next general election, in circumstances where repayment of overpaid advance public funding may cause serious financial hardship, or in other circumstances deemed relevant by the VEC. The inclusion of this power enhances the right to take part in public life by ensuring that parties are not deterred from accessing public funding to participate in the election process merely on the basis of risk of financial hardship where repayments may be required.

New entrant general cap

New entrant general cap under new section 247 will enhance the right to take part in public life under s 18(2) of the Charter by enabling new people and RPPs to participate in the conduct of public affairs, such as greater opportunities to run successful campaigns and be elected at State elections, despite being ineligible for State funding. Therefore, the new entrant general cap will address the burdens on the right under section 18(2) flowing from eligibility limitations for State funding under the Act, by providing access to another source of funding where eligibility requirements are met.

Right to property (Section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law.

Powers of the VEC

The right to property is engaged through the VEC's power to serve a notice requiring a specified person to produce evidence, documents or other things in new section 255. This allows the VEC to deprive a person of their property rights where the property would be relevant to assessing disclosure with the regime.

The VEC's right to deprive a person of their personal property is clearly conferred by the Bill. As such, any deprivation of property would be clearly in accordance with the law, and therefore compatible with the Charter.

Further, clause 5 inserts new offence provisions at sections 278, 279, 280, 281 and 282 into the Act to require certain amounts to be disclosed and in some cases returned. These include unlawful political donations (e.g. those exceeding the general cap) and certain specified gifts received that are greater than the donations cap under new Part 12 of the Act, received between 15 April 2026 (the date that the High Court handed down its decision in *Hopper*) and the day the Bill receives the Royal Assent. Where disclosures or returns are required, this is to occur within 30 days after the day the Bill receives royal assent. New section 277 also requires the return of certain amounts received by RPPs from their Nominated Entities between 1 July 2023 and 14 April 2026 before the 2026 State election. New section 215 also requires forfeiture to the State of political donations accepted in contravention of new Division 2 of Part 12, including any foreign donations, anonymous donations above the $1,250, donations above the general cap.

These amendments engage the right to property as a person would be required to repay any money, which is a form of property, to the donor, or forfeit amounts to the State. However, this would be clearly in accordance with the law, as it would be clearly prescribed in the Bill. Further, the amendment would not be arbitrary, as it is for the legitimate purpose of ensuring that regulated persons or bodies do not have an unfair advantage by receiving a donation which is unlawful or above the old general cap, prior to the new regime being introduced.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some of the provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society in accordance with section 7(2) of the Charter.

Ingrid Stitt MP
Special Minister of State
Minister for Government Services
Minister for Ageing
Minister for Mental Health
Minister for Multicultural and Multifaith Victoria

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (11:26): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025* (Treaty Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

2. On 15 April 2026, the High Court handed down its decision in *Hopper v Victoria* [2026] HCA 11 (*Hopper*). In Hopper, the High Court found that Victoria's political donations and expenditure laws contained at Part 12 of the *Electoral Act 2002* (Act), was wholly invalid as it impermissibly burdened the implied freedom of political communication, contrary to the Commonwealth Constitution.
3. The High Court declared Part 12 of the Act invalid in its entirety, as it was not permissible to sever any parts of provisions, subdivisions or divisions of Part 12 to preserve its validity.
4. In light of the High Court's finding in *Hopper*, the purpose of this Bill is to amend the Act to introduce a new political donations, State funding and reporting regime (the regime). The new regime applies to registered political parties (RPPs), candidates at an election, elected members, associated entities and third-party campaigners.

Consultation with the First Peoples' Assembly of Gellung Warl

5. The First Peoples' Assembly of Gellung Warl (Assembly) was not given an opportunity to advise on the Bill and the Assembly did not otherwise make representations about the Bill's effect on First Peoples.
6. The Assembly was not given an opportunity to advise on the Bill, as section 66 of the Treaty Act commenced on 1 May 2026, and the Assembly only became operational on Monday 4 May. Considering this timeframe, there was insufficient time to seek advice from the Assembly prior to the introduction of the Bill into Parliament.
7. As consultation with the Assembly was not undertaken, I am not able to make an assessment as to whether the Bill is consistent with any advice given or representations made by the Assembly.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

8. In my opinion, the Bill is compatible with the following objects set out at section 66(3)(d) of the Treaty Act:
   - 8.1 advancing the inherent rights and self-determination of First Peoples;
   - 8.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
   - 8.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Advancing the inherent rights and self-determination of First Peoples (section 66(3)(d)(i))

9. The inherent rights of First Peoples, including the right to self-determination, are recognised by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

10. The First Peoples' Assembly, as it existed prior to the commencement of the Treaty Act, identified that the right to self-determination for First Peoples includes political self-determination, which provides First Peoples with the right to self-government and the power to organise and direct their lives according to their own values, institutions and mechanisms within the framework of the state of which they are a part.
11. The Bill may indirectly limit the achievement of political determination for First Peoples by imposing obligations and limitations on political donations, including donations made by First Peoples, to First Peoples, or to political parties or candidates who represent First Peoples' interests. These limitations include:
    11.1 setting a $5,030 general cap on political donations to a regulated person or body from 15 April 2026 until 28 November 2026, and a $7,500 general cap from 29 November 2026 onwards (new sections 212 and 288);
    11.2 setting a $10,060 general cap on political donations to eligible electoral participants (new entrant general cap) from 15 April 2026 until 28 November 2026, and a $20,000 general cap to eligible new entrants from 29 November 2026 onwards (new section 247, with sections 212 and 288);
    11.3 prohibiting political donations equal to or above the value of $1,250 from anonymous sources (new section 210);
    11.4 prohibiting political donations from foreign sources (new section 209); and
    11.5 limiting the number of third-party campaigners a donor may make a political donation to (new section 211).
12. The Bill could also limit the achievement of political determination for First Peoples by limiting eligibility for public funding to circumstances where a political party or independent candidate contested the previous general election, and one or more candidates received at least 4% of the first preference votes (new section 227).
13. Restricting public funding to parties and independent candidates who satisfy the eligibility criteria, could, in turn decrease the capacity of members and supporters of smaller parties (including parties representing the interests of First Peoples), and independent candidates who are first peoples from contributing to political debate.
14. Despite the limitation on the right to political self-determination, the Bill is nonetheless compatible with the object of advancing the inherent rights and self-determination of First Peoples, as the limitation is reasonably justifiable in the circumstances for the following reasons:
    14.1 The limitations and restrictions on political donations and payments of public funding apply equally to all Victorians, including First Peoples and non–First Peoples.
    14.2 The restrictions and limitations on political donations serve the overall purpose of increasing the transparency and integrity of Victoria's electoral system.
    14.3 The payment of public funding reduces the reliance on political donations which provide disproportionate powers to people with the financial resources to donate. Public funding therefore enables more people to participate in the electoral process, including First Peoples.
    14.4 The restrictions on the payment of public funding are reasonably necessary to prevent candidates or parties from receiving payments if they only receive a handful of votes, make no substantial contribution to the democratic process, or have little intention of engaging in electoral competition.
    14.5 The new entrant general cap for eligible independent candidates or RPPs under new section 247 will enable persons ineligible for State funding streams, including First Peoples, to have access to alternative forms of funding for their political campaign and reduce barriers for new entrants, providing greater opportunities to participate in the electoral process. The restrictions on eligibility are reasonably necessary to ensure that new entrant general cap is only available to candidates or RPPs that are ineligible for other forms of State funding.

Addressing unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation

15. The Yoorrook Justice Commission's 'Truth be Told' report describes the effects of colonisation on First Peoples. It describes how the gap between outcomes for First Peoples and other Victorians in areas including life expectancy, education, and health is caused by the impacts of colonisation in the past, which continue today.
16. The Bill may have an impact on the disadvantaged inflicted on First Peoples by imposing restrictions and limitations on political donations and by restricting eligibility for public funding (discussed above).

These amendments could restrict the funding received by political parties represented by First Peoples, candidates who are First Peoples or people who represent First Peoples' interests.

17. Despite the possible limitation on the object of addressing unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation, the Bill is nonetheless compatible with this object for the following reasons:

    17.1 As the amendments apply equally to First Peoples and non–First Peoples, it is unlikely to have further impact on the disadvantage faced by First Peoples; and

    17.2 The regime serves the overall purpose of increasing the transparency and integrity of Victoria's electoral system, and the restrictions imposed are proportionate to this overall purpose.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

18. A Bill may affect the equal enjoyment of rights and freedoms by First Peoples where, in its express terms or practical effect, it has a differential effect on First Peoples as compared to non–First Peoples.

19. As the Bill does not in its terms deal with First Peoples, and does not directly or indirectly in its practical effect engage the human rights or fundamental freedoms of First Peoples, the Bill is compatible with this object.

Ingrid Stitt MP
Special Minister of State
Minister for Government Services
Minister for Ageing
Minister for Mental Health
Minister for Multicultural and Multifaith Victoria

Second reading

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (11:26): I move:

That the bill be now read a second time.

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

The Victorian Government is deeply committed to protecting and strengthening Victoria's democratic systems by ensuring that integrity, transparency, accountability, and fairness underpin our electoral processes and electoral system. This Bill achieves this very purpose by introducing a new legal framework for the regulation of political donations, State funding, and reporting, which is currently absent from the *Electoral Act 2002* (the Act) following the High Court's decision in *Hopper v State of Victoria*. On 15 April 2026 the High Court ruled that the old Part 12 of the Act, which contained the former legal framework for Victoria's political finance and donations scheme, is wholly invalid.

Without this Bill, Victoria's political finance environment remains entirely unregulated, leaving this State without laws to govern how political money is raised and disclosed. This regulatory vacuum jeopardises the core principles of our democracy by opening the door to hidden influences and leaving our system vulnerable to unchecked political spending. This fundamentally undermines public confidence in the fairness of this State's electoral processes and outcomes. This Government is committed to restoring and safeguarding that confidence through this Bill. We cannot afford to let an unregulated environment persist as we approach the next election and to expose our democratic system to the risk of improper conduct.

To protect our institutions and the integrity of the electoral process, this Bill establishes clear, enforceable boundaries to support fair, transparent, and efficient elections, delivered in partnership with the Victorian Electoral Commission. The Bill achieves this by introducing:

- a rigorous political donations disclosure and reporting scheme;
- strict caps on political donations;
- a complete ban on foreign donations and clear limits on anonymous donations;
- transparent State funding provisions; and
- a robust compliance and enforcement framework with penalties for infringing the law.

These reforms will prevent improper influence in our political process. The reforms will ensure that Victorian election outcomes are determined by the voices of voters and not by the depth of certain pockets. Crucially, these measures will reduce any disparities arising between electoral participants due to unequal access to

financial resources. And most importantly, political funding will become visible to the public to support broader confidence in the electoral system and to ensure our citizens can make informed decisions.

I will now turn to the details contained in the Bill.

Application of the regime

The regime introduced by the Bill will apply to any individual or entity that makes or receives political donations. This will include registered political parties, candidates, groups of candidates, elected members, associated entities, third party campaigners, and donors.

An associated entity will be defined as an entity that is associated with a political party by financial membership, registration, voting rights, control or purpose, with the purpose threshold being an entity which operates wholly or to a significant extent for the benefit of a political party. Unions, think-tanks and fundraising entities are examples of associated entities. As also outlined in the Explanatory Memorandum, entities that were nominated entities under old Part 12 will be regulated in the same manner as an associated entity for the purposes of the Bill, and will be subject to the same limitations and restrictions.

A third party campaigner will be defined as a person or entity who is not a candidate, elected member, group, political party or associated entity, but who receives political donations exceeding $7,500 or incurs more than $7,500 of political expenditure in a financial year. A third party campaigner could include a range of large or small activist or public interest groups, who are not aligned with a particular political party but engage in political campaigns.

A group will be defined as two or more candidates who are grouped on a ballot-paper, such as grouped Legislative Council candidates.

Activity regulated by the regime

Activities relating to political donations and political expenditure will be covered by the regime.

A political donation will include gifts of money, property, and services made without consideration or with inadequate consideration to a political party, candidate, group, elected member and in some cases, an associated entity or third party campaigner. A gift to an associated entity or third party campaigner will only be a political donation if it is for the purpose of incurring or reimbursing political expenditure. Political donations will also include the payment of an amount in respect of a guarantee and payment or contribution at a fundraising function. However, annual levies, subscription and affiliation fees will not be considered political donations, nor will gifts made in a private capacity for personal use or volunteer labour.

Political expenditure will be defined as any expenditure for the dominant purpose of directing how a person should vote at an election by promoting or opposing a candidate, political party or elected member. It does not include expenditure by an associated entity or third party campaigner disseminated outside the election campaigning period unless it refers to a candidate or political party or how a person should vote.

Advertising and raising awareness about issues, without promoting or opposing a candidate or political party, will not be considered political expenditure. The broadcasting, production or publication of an advertisement relating to an election will be defined as electoral expenditure under the Bill.

The provision of labour is only taken to be political expenditure if the dominant purpose of the labour is to create or communicate electoral matter. For example, if Charlotte is the chief executive officer of a not-for-profit organisation that encourages healthy eating and occasionally issues material to influence how electors vote, but Charlotte's primary role is the delivery of healthy eating programs in schools and workplaces, as the dominant purpose of Charlotte's employment is not to create or communicate electoral matters, her salary is not taken to be political expenditure.

Political expenditure has been defined in this way to ensure that all Victorians maintain their right to engage in public discussion on policy matters that are important to them, with an ability to advertise and raise awareness about an issue without it being considered political expenditure, so long as it does not promote or oppose a candidate or political party.

Caps and bans on political donations

To address concerns about foreign influences in elections and consistent with our system of representative and responsible government, the Bill will introduce a complete ban on foreign donations, regardless of the amount of the donation. It will be unlawful for a donor to make, or an entity to accept, a political donation unless the donor is an Australian resident or citizen, or has a relevant business number if the donor is not a person.

The Bill will also make it unlawful to accept anonymous political donations over $1,250 to improve transparency and operate as an anti-avoidance measure. This will preserve the integrity of the electoral process

and prevent avoidance of disclosure and reporting requirements. This is consistent with reporting thresholds in other Australian jurisdictions.

Unregulated and excessive private funding poses risks of corruption and undue influence.

These types of unlawful donations, if accepted between 15 April and the day the Bill receives Royal Assent, will be required to be disclosed and forfeited to the State.

From 29 November 2026, the Bill will set a cap of $7,500, or a higher amount provided in the regulations, for each four-year election period on political donations made or received from the same source. The Bill will introduce a separate, interim cap of $5,030 for the period from 15 April 2026 until 28 November 2026, which is the date of the 2026 general election. Donations made above the interim general cap between 15 April and the day the Bill receives Royal Assent will be required to be returned.

Political donations caps allow individuals or entities to express their support without the risk of undue influence, supporting equal participation in the electoral process. Caps will apply to all electoral participants without discrimination, including nominated entities operating as associated entities under the new regime.

It will also be unlawful to make political donations to more than six third party campaigners for each election period, to prevent a proliferation of third party campaigners as a means to circumvent the cap.

New entrant general cap

The Bill introduces a double general cap for eligible electoral participants, called the new entrant general cap. This will be an interim amount of $10,060 from 15 April 2026 until 28 November 2026, and $15,000 from 29 November 2026 for each four-year election period on political donations. As with the general cap, amounts can be increased by regulations and are subject to indexation.

Eligible electoral participants will be those ineligible for State funding, including recontesting independent candidates who received less than 4% of first preference votes the previous election, first-time independent candidates and new registered political parties who have not been registered a whole calendar year.

Applicants seeking to be subject to the new entrant general cap must apply to the Victorian Electoral Commission (VEC), with the required information as set out in the Bill. Within 30 days of receiving an application the VEC must provide confirmation of eligibility or ineligibility. The VEC will be required to maintain a Register of New Entrants, published on its Internet site, which sets out those who have previously received or are eligible to receive political donations at or below the new entrant general cap.

The purpose of the new entrant general cap is to reduce barriers for those ineligible for a form of State funding, ensuring they have access to other means to fund their campaign without being constrained by the former general cap.

Small contributions

The Bill includes a small contributions exemption, which designed to be a practical way to ensure the donations scheme is not unduly onerous on those people that make minor contributions to entities covered by the regime. It will prevent a donor or recipients from inadvertently breaching the disclosure requirements or general cap, through making contributions of $100 or less, or a higher amount prescribed by the regulations, at events such as party meetings or events.

Disclosure of political donations

Victorians need to know who makes and receives political donations, in a timely manner, to monitor the potential risk that donors are influencing political decisions. The Bill includes a requirement for political donations and loans equal to or above $1,250 to be disclosed to the VEC by both the donor and recipient, with this amount indexed over time. Multiple donations from the same source or related companies will be treated as a single donation. Disclosure must occur in "real time", with disclosure returns submitted to the VEC within 7 days of either making or receiving a political donation. The VEC will publish disclosure returns on its website within 14 days of receipt, supporting transparency in our political system.

Acknowledging the period of time since old Part 12 was invalidated in *Hopper*, the Bill will include disclosure and reporting obligations in relation to political donations made and received between 15 April 2026 and the day the Bill receives Royal Assent, with donations in some cases required to be returned.

In addition to real time reporting, annual returns must be provided to the VEC by political parties, associated entities and third party campaigners. The returns will include amounts received and paid, as well as the total debts incurred as at 30 June. The registered agents of candidates, groups and elected members must also provide an annual return to the VEC which sets out particulars of donations received above the $1,250 disclosure threshold.

The VEC will publish annual returns on its website within 6 months after the end of the relevant financial year.

Recipients of political donations will be required to keep a State campaign account to differentiate fundraising and expenses associated with an election, from other financial flows. Only funds in the state campaign account can be used to incur political expenditure. The State campaign account will be required to be denominated in Australian dollars, implementing recommendation 5.10 of the Electoral Review Expert Panel's 2023 *Report on Victoria's laws on political finance and electronic assisted voting.*

State funding

In recognition that political donation caps reduce how much money electoral participants can raise, the Bill will provide for state funding. State funding will be comprised of public funding, administrative expenditure funding and policy development funding.

- Public funding will reimburse eligible political parties and independent candidates for costs relating to running a state election. Registered political parties running a joint Legislative Council ticket will be able to jointly nominate how public funding associated with the ticket is apportioned between them, implementing recommendation 6.9 of the Electoral Review Expert Panel's 2023 *Report on Victoria's laws on political finance and electronic assisted voting*. To address circumstances where repayment of overpaid advance public funding may cause serious financial hardship, which may arise where a participant is no longer eligible or has not elected to receive payment in relation to the next general election, the VEC will have discretionary powers to seek repayment in instalments or waive repayments.
- Administrative expenditure funding will provide funding in recognition of the administrative burden on elected members, whether they are a member of a political party or an independent. This will help elected Members of Parliament meet the administrative costs of running their offices and complying with disclosure and reporting requirements. Administrative expenditure funding must not be used for electoral expenditure, or paid into the State campaign account and used for political expenditure. Amounts payable will be based on the number of elected members from a registered political party, or a fixed amount of $300,000 for each independent elected member.
- Policy development funding will reimburse eligible political parties for costs incurred in relation to policy development, up to a maximum of $31,050.

Compliance and enforcement

The Bill will prescribe civil penalties and offences for non-compliance under the Act and empower the VEC to regulate compliance with the regime.

The VEC will be able to appoint compliance officers, who will have powers to gather information to investigate possible contraventions of the Act.

Strong penalties will act as a significant deterrence and signal the importance of compliance with reporting obligations, with penalties of up to two years imprisonment or fines of up to 300 penalty units.

To further ensure compliance with the regime and ensure bad-faith actors do not go searching for loopholes, intention to circumvent a prohibition or requirement under the regime will be an offence with penalties of up to 10 years imprisonment or 1,200 penalty units for a natural person, and 6,000 penalty units for a body corporate.

The Bill imposes prospective criminal liability for certain offences relating to donations made and received between 15 April and the day the Bill receives Royal Assent.

Additionally, the Bill will require registered political parties to refund to their former nominated entities, before the 28 November 2026, being the date of the next general election, any funds received from their nominated entities between 1 July 2023 and 14 April 2026 that are in excess of the new general cap and remain in the RPP's State campaign account on the day after the Bill receives the Royal Assent. The Bill will impose prospective criminal liability on those who fail to comply.

Independent Expert Panel Review

In addition to compliance and enforcement measures, the Bill requires an independent review to commence within 1 month following the 2026 November election to evaluate the operation and effectiveness of the new regime. The review will be conducted by an expert panel of three appointed members and will be completed within 12 months after the election. The appointment of an independent expert panel to undertake the review provides external oversight to ensure an objective assessment of the proposed reforms and that they are operating as intended.

The review will examine and make recommendations in relation to the operation of the regime, including:

- the effectiveness of the Act in addressing risks of undue influence arising from political donations;
- the effectiveness of the Act in promoting fairness in electoral competition;

- the operation and effectiveness of the political donation disclosure scheme, including timeliness, accessibility, and transparency;
- the impact of the Act on third-party campaigners, small community groups, and not-for-profit entities; and
- the overall administrative operation of the Act, including enforceability, compliance burden and the role of the VEC.

The report of the review will be laid before both Houses of Parliament within 10 sitting days after the review is completed.

Commencement

Following the decision in *Hopper* on 15 April 2026, when old Part 12 was declared invalid, there has been a period without a political donations and reporting framework. To rectify transparency concerns and ensure there is no gap where unlawful donations could unknowingly be made and received, the new political donations disclosure and reporting and state funding regime in Part 12 will commence retrospectively from 15 April 2026, the day of the *Hopper* judgement.

Public statements were released on 15 April and 17 April to put electoral participants on notice that obligations would apply retrospectively, to ensure continuous record keeping for disclosure and reporting purposes.

However, to ensure the Bill does not introduce retrospective criminal laws, certain offence provisions relating to making or accepting a political donation that is unlawful, entering into, or carrying out, a scheme with the intention of circumvention the proposed regime and failing to disclose and/or return certain nominated entity transfers, will be prospective offences and apply from Royal Assent.

Otherwise:

- Technical amendments to the Act will commence on 25 May 2026
- Remaining provisions, including consequential amendments to the *Electoral Amendment Act 2026* and the *Planning Amendment (Better Decisions Made Faster) Act 2026*, will commence on the day after the day on which the Bill receives Royal Assent.

Transitional and savings provisions

Also as a consequence of *Hopper*, the Bill will introduce transitional and savings provisions to validate past actions taken under old Part 12, so that they deemed to have been taken under new Part 12, including:

- funds paid by the VEC, and the acquittal of funding used by funding recipients
- activities related to the status of calendar year and financial year annual return
- deeming registers, compliance officer appointments and procedures of the VEC
- state campaign account activities.

Transitional provisions also provide for the separate interim cap of $5,030 for the period between 15 April 2026 and the date of the 2026 general election and provide that certain political donations offences do commence until after Royal Assent.

The Bill will also include a provision authorising the Governor in Council to make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the Bill.

Conclusion

The Bill will ensure there is transparency and accountability in the electoral process, with political donations disclosure and reporting and state funding regime that is founded firmly on integrity-based principles.

The Electoral Act is fundamental to the operation of democracy in Victoria. Noting its significance, there will be a post-election review of the regime.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (11:26): I rise to speak on the Electoral Further Amendment Bill 2026, and I do so, on behalf of the opposition, with significant concern about both the content of this legislation and the manner in which it has been brought before this Parliament. This bill is being presented by the government as a necessary response to the High Court decision in *Hopper v Victoria*. If that were all it did, if it simply restored a constitutionally valid framework for political donations and electoral funding, then all members of this place could engage in a constructive discussion about how best to achieve that objective. But that is not what this bill does. Instead this

legislation represents a shameful attempt by the Allan government to rig the system in its own favour. It goes well beyond restoring an electoral donations framework following the High Court decision. It seeks to reshape the electoral landscape in a way that advantages the Labor Party, disadvantages political opponents and – let me be clear – entrenches Labor's own political interests just months before Victorians go to the polls. Victorians deserve better than this.

This is an end-of-days government, a 12-year-old government that knows it is on the nose. This is a desperate Premier with a supposedly dysfunctional, if you ask Labor MPs, Premier's private office (PPO) seeking to entrench itself into office, seeking to disadvantage political opponents with taxpayer money and seeking to tip the scales in its direction because the public have worked it out. This government finds itself in this position because it legislated laws that were found to be unconstitutional, and that should be a moment of reflection for those opposite. I was not here then. I criticised the laws from outside of this chamber, sure, but I was not here then. But there are members of this chamber who were that knew it was unconstitutional and did it anyway. I am looking forward to hearing their excuses as to why they supported unconstitutional laws and why they do not see these laws as unconstitutional, as does almost everyone else who has commented on what they have seen of this bill so far.

It should have been an opportunity to work constructively with all parties in the Parliament to develop a fair, transparent and constitutionally sound framework. If the government thought this was so urgent, it could have brought in a bill straightaway to stop foreign donations. There are plenty of things actually that we do agree on. It could have parked the rest and quickly passed a bill on matters where we all agree, because there is a lot of agreement. The Liberal Party still does not even allow foreign donations, but it is a problem that there is a loophole that allows for foreign donations. That obviously could have been passed through.

We have even had a sitting week since the High Court decision. What did the government choose to do? Nothing. Rather than fixing the problem entirely, it engaged in a politically motivated exercise to stack the decks in its own favour, to try and rig the election to Labor's advantage. The government has chosen political advantage over good governance and partisan self-interest over democratic integrity. Maybe I should not be surprised, because we know about this tired Labor government. When the choice is Victoria's interests or the Labor Party's interests, they are always going to choose the Labor Party – every single time.

Perhaps most concerning and extraordinary is the way this legislation is being rushed. Members of this place are being given barely a few hours to consider complex and far-reaching changes to the electoral system. These are not minor administrative amendments. This is not tinkering around the edges. These are laws that govern how elections are funded, how donations are disclosed and how political competition operates within our democracy. These are matters that go to the very heart of public confidence in electoral outcomes. The Premier herself has acknowledged that these laws may be challenged again yet is not taking careful consideration with careful scrutiny, detailed examination and proper parliamentary consideration. Instead we are being told to rush it all. We are being told to pass significant electoral reforms within hours. This is an affront to democracy. It is an affront to transparency and an affront to democracy itself. This approach demonstrates the utter contempt the Labor Party have for democratic principles. The public expects us to take this role seriously. They expect legislators to examine legislation carefully before voting on it. They expect transparency and accountability; they do not expect governments to force through major electoral reforms at breakneck speed because doing so suits their political timetable. Yet this is precisely what we are seeing today.

What makes this situation more remarkable is this government's willingness to abandon principles it previously insisted be followed. Since ramming the treaty through this Parliament, Labor has made a virtue of this process. The government has repeatedly told Parliament and the Victorian community about the importance of consultation with the First Peoples' Assembly, Gellung Warl. It has embedded consultation requirements in its own legislative framework and has lectured others about complying with the importance of these obligations. This is a good one to note for when, inevitably, we bring in

a private members bill and the government tries to have a crack at us for not complying with their sham treaty consultation process. I do not want to hear any lectures from the other side when that inevitably happens. When Labor's own political interests are at stake, those principles become very, very apparent. Again, they have rushed to stack the decks in their favour. The First Peoples' Assembly were not provided with proper opportunity to comment on the bill. I do not believe it has gone to the Scrutiny of Acts and Regulation Committee at all. The consultation that Labor demanded from others has been discarded when it was convenient – absolute hypocrisy.

Perhaps the most obvious feature of this legislation is the way it protects its own financial interests while seeking to restrict others. The Labor Party continues to benefit from substantial financial support from affiliated unions, which up until recently included the CFMEU and could very well include the CFMEU once again. This is not the first time the Labor Party has disaffiliated from the CFMEU or a version of it. We know they have a long history of coming back together. See, the Labor Party and the CFMEU, they do not want to admit it, but they are one and the same. One is out on construction sites siphoning off taxpayer money to bikies, the criminal underworld, strippers, gangland wars and drug deals.

The other side, the parliamentary Labor Party, is led by a Premier that enabled a thuggish monopoly which enabled the CFMEU to siphon that money. The CFMEU and the Labor Party are one and the same, and nothing is to stop them re-affiliating to the Labor Party to continue to have the rivers of gold run through Labor Party coffers. For years Victorians have watched as the Labor Party has received what can only be described as rivers of gold from their union mates, and the figures speak for themselves. Labor received approximately $1.5 million from the CFMEU during the last term of Parliament and half a million dollars more during the current term so far – extraordinary sums that help explain why Labor continues to turn a blind eye to the violence, corruption and gangland links of their union paymasters. At a time when the government claims to be concerned about integrity and fairness in political funding, it is remarkable that the legislation continues to facilitate enormous flows of money from the unions to the Labor Party.

Victorians are entitled to ask one simple question: who benefits from this bill? Who does? Who actually benefits? The answer appears very obvious when you have a deep look at the bill: Labor is shutting off sources available to its political opponents while preserving arrangements that allow its own financial backers to continue to provide substantial assistance. They are attempting to bake in their advantage before they are forced to face their reckoning in November. My friend the member for Malvern in the other place made a very apt observation that I would like to repeat here, that the Premier's press release announcing the bill said:

> Labor, the Liberals and the Nationals will each be required to return money transferred to their nominated entities between 1 July 2023 and 14 April 2026 above the general cap of $5,030 …

Sorry, Mr President, I cannot hear myself because of the chatter going on over here.

Sonja Terpstra: Was that a point of order?

Evan MULHOLLAND: No, it is just during my speech.

The High Court judgement that got Labor into this mess was handed down on 15 April – I have got it here, I have read through a lot of it. Under this bill the government proposes that any registered political entity, which is effectively the Liberal Party, the Nationals and the Labor Party, must return donations received in excess of the prescribed cap. What is not clear, however, is why the government has chosen 1 July 2023 as its starting point for these provisions. Why this date? I encourage every member of the Labor Party who speaks after me to offer up an explanation. You are all on notice. 1 July 2023 – why this date? And do not give me some crap about that being the start of a financial year and it is easier to go back to then. Why this date, and why not the date of the last state election? It does not appear to correspond with any obvious electoral or administrative milestone. The selection of 1 July 2023 seems entirely arbitrary. If the government believes excess donations should be repaid, it must explain why

the obligation applies from that particular date and not another. What is the rationale for requiring money received from 1 July 2023 onwards to be returned? Victorians deserve to know the basis upon which this retrospective period has been determined.

It was not mentioned in the second-reading speech of the minister in the other place, which said:

> Additionally, the Bill will require registered political parties to refund to their former nominated entities, before the 28 November 2026, being the date of the next general election, any funds received from their nominated entities between 1 July 2023 and 14 April 2026 that are in excess of the new general cap …

As I said, the member of Malvern figured it out.

He said:

> It goes on with no explanation as to why that date was chosen. Do you think that maybe the Labor Party's nominated entity gave the Labor Party a truckload of money just before 1 July 2023 and they do not want to have to hand it back? Maybe that is the reason.

Well, we know this is the reason. Labor's nominated entity, Labor Holdings Pty Ltd, gave millions of dollars to the Labor Party in that period. I would remind the minister that this appears to be a scheme. This is a scheme that is designed to enable an entrenched advantage to the Labor Party. Minister, the High Court did not just knock out the 'nominated entities' part; it knocked out a whole bunch of the bill. The High Court decision – have a read – spoke about an 'impermissible burden' between the different parties. What you have done, Minister, and what the dysfunctional Premier's office has done is set an arbitrary date which advantages the Labor Party above any other party, because we know Labor Holdings Pty Ltd sent millions of dollars between the last election and 1 July to the Labor Party. That is an impermissible burden which entrenches advantage to the Victorian Labor Party. The High Court will almost certainly have a look at this, and I will be having more to say in my amendments about this case.

It is also clear in negotiations – and yes, we engaged in good faith negotiations with the government and put many, many matters to the government. They came back with always the advice that the solicitor-general warned about these particular matters. But I find it extremely curious that the setting of this date has not been called out by the solicitor-general. Perhaps it was to the Premier, and they decided to just barrel through because they want to keep the $4 million that its nominated entity has provided to the Victorian Labor Party. Why is the solicitor-general silent on this particular date? We would like to know this. Why would that be? The government knows it is facing growing public dissatisfaction. It knows that Victorians are increasingly addressing its record and questioning its record. It appears intent on limiting the ability of political opponents to put the strongest possible case for change at this year's election. This is what the legislation looks like. If that assessment is wrong, I invite government members to explain why 1 July 2023 was chosen as the relevant date. I invite them to confirm whether any funds were transferred between Labor's nominated entity and the Victorian Labor Party in the period between the last state election and 1 July 2023. I invite any member of the Labor caucus over there to rule out that any money was transferred from its nominated entity to the Victorian Labor Party. Please rule it out. You can save me the burden of moving an amendment – I will probably move it anyway – but I am of the understanding that you received millions of dollars, so of course you want that date. If there is a clear and principled justification for selecting that date, the government should provide it. If there is not, Victorians are entitled to conclude that the government has simply chosen a date that best serves its interests rather than one based on an objective principle. I will be listening carefully to whether the government is prepared to provide that explanation.

The High Court's reasoning speaks directly to the issue of differential burdens. In particular, it considered:

[QUOTE AWAITING VERIFICATION]

> The advantage afforded to established political parties that were able to create nominated entities to utilise funds that accumulated under previous arrangements, while newer entrants to the political system did not have the same opportunity.

What did Labor do by setting this for 1 July? It, to go to the High Court decision, utilised funds accumulated under previous arrangements. What does the Labor Party picking this date do? Newer entrants to the political system do not have the same opportunity. What you have drafted here goes directly to what the High Court knocked out. It goes directly to it.

There is no way around this for the Premier and the minister, other than their wanting to keep old money that Labor's nominated entity donated to itself and no-one else. Old money the Labor Party are okay with because they have entrenched themselves a favour that keeps them millions of dollars, and it raises obvious questions in the context of this bill. What are we to make of the situation where Labor's nominated entity is able to transfer funds to the Australian Labor Party without being required to repay those amounts while other parties do not enjoy the same benefit? Surely this constitutes a differential burden – it does. It is the exact definition of a differential burden. If we looked up the words 'differential burden' in the dictionary, we would find 'The Labor Party entrenching money and not paying back money because it was an earlier date and the Liberal Party having to pay back money'. That is differential burden that you have set yourself. This is an end-of-days government with a dysfunctional Premier's private office, with a dysfunctional government that is at each other's throats, trying to entrench power for itself at the expense of everyone else and at the expense of new entrants.

The High Court has made it clear the differential treatment within an electoral funding regime can amount to an impermissible burden on the implied freedom of political communication if it unfairly advantages some political participants over others, which is exactly what the Labor Party is doing. That principle should be front of mind for every single member considering this in this house. We are only months away from the state election. Victorians will soon make a decision about the future of our state. Yet rather than allowing a contest to occur on a fair and transparent basis, the government is attempting to rewrite the rules in a way that benefits itself. This is end-of-days stuff from a tired government that appears increasingly desperate to cling to power and will do whatever it takes. The Allan Labor government understands that Victorians are frustrated. They understand that Victorians are frustrated at them and their corruption, and so they seek to tip the scales. Rather than addressing those concerns, they are attempting to change the electoral framework to protect their own position. They are attempting to rig the electoral system in Labor's favour, and that should concern every single Victorian.

Another deeply troubling aspect of this legislation is its retrospective operation. The bill seeks to apply provisions retrospectively to 15 April, and retrospective legislation should always be approached with caution. It undermines the fundamental principle of good law-making that individuals and organisations are able to understand the legal rules that apply to them and their conduct at the time that they act. The government argues that public statements were made following the High Court decision and that affected parties were therefore aware of the intention. But press releases are not legislation. Media statements are not legislation. Government announcements are not legislation. The law is what this Parliament enacts, not what ministers announce at press conferences. It sets a dangerous, dangerous precedent.

As I said, the coalition has sought to operate, negotiate and engage in good faith with the government. We recognise the need to respond to the High Court's decision and maintain public confidence in Victoria's electoral system. We recognise the value of transparency, accountability and integrity. These principles matter. But transparency cannot be selective. Labor cannot claim to have any principles while simultaneously designing legislation that advances itself, rushing it through Parliament with minimal scrutiny, abandoning its own consultation requirements and protecting its own financial interests. The government has chosen to pursue a political deal rather than genuinely engage with the opposition on a balanced solution.

Members should be under no illusion about what this legislation represents. This is not a good faith effort to repair Victoria's electoral laws. This is not a narrowly tailored response to a High Court decision. This is not a principled attempt to improve democratic processes. This is a political exercise designed to benefit the Labor Party. Victorians deserve an electoral system that is fair, they deserve an

electoral system that is developed transparently, they deserve legislation that is properly scrutinised and they deserve a government that places democratic principles ahead of partisan advantage. Unfortunately, this bill fails those tests.

For those reasons the opposition cannot support legislation that barely attempts to conceal its intention to stack the decks in favour of the Labor Party and its union mates. The intention is clear: to keep the status quo and to keep the rivers of gold from the union movement. It entrenches political power, even through public funding; even through public funding it entrenches political power. If you are a donor, you can only donate that $7500 once to a political party like the West Party; yet if you want to donate to multiple independents, you can donate however many lots of that cap to however many independents. That is an entrenched political advantage available to some and not others. It goes directly to the differential advantage in the High Court.

We will always continue to stand for transparency, accountability and public confidence in Victoria's electoral system, so we will not support a bill that seeks to entrench this desperate Labor Party political advantage at the expense of fairness and integrity that we rightly expect. We will not be supporting this bill, and in fact we will be seeking to amendment it. I ask for my amendments to be circulated.

Our first amendment seeks to exclude trade unions from the definition of 'associated entity' in section 206 and now applies to the whole definition. It ensures that trade unions are not considered an associated entity and able to continue to be the paymasters of this Labor government. Again, Labor have stacked the decks and written laws so that unions, many of them found to be corrupt, can continue to donate millions of dollars to the Labor Party, but no other party is afforded that same opportunity, nor is an independent candidate afforded that same opportunity. That creates a differential burden that the High Court struck out. So that is my first amendment.

Our second amendment seeks to amend the start date of the state campaign account payback period, the specific period from 1 July 2023, to 27 November in section 277. As I said, I went through a long explanation of why the Premier picking this date of 1 July 2023 was unconstitutional. This seeks to set the payback period to 27 November, the day after the election. If the minister and the Labor Party want to explain that they have got nothing to hide within that period, they should have no problem supporting it. If the Labor Party oppose this amendment to seek to change the start date, we can only assume what we were told: that the Labor Party has received millions of dollars from Labor Holdings Pty Ltd between the election and 1 July. So that will be an interesting clarification, and if they vote against it, we will know it is true. This makes absolutely sure that the Labor Party are not seeking to bake in their own advantage using an arbitrary date to keep donations that may be made by their associated entity in the period after the last election.

Amendment 3 seeks to replace proposed sections 279 and 280 to now require parties to disclose to the Victorian Electoral Commission all amounts received from nominated entities and nominated entities to disclose all amounts given to parties since the 2022 election. Again, this is a transparency measure. I am sure it will be supported by the crossbench – I know there has been very good interest in this particular measure – because then we will know exactly what amounts have gone, and if there are amounts that have gone between the election and 1 July, we will know about it because the VEC will force them to disclose that particular amount. We have got nothing to hide. What has the government got to hide? I look forward to continuing discussions with my crossbench colleagues on that particular matter. This has to be done within 30 days of royal assent, and it will include the date the amounts were given and received. The VEC must then publish the amounts and dates within seven days under section 217. This relates to the previous amendment, given the Labor government's arbitrary choice of 1 July 2023 and our concerns about the motivation for doing so.

Amendments 4 and 5 are consequential amendments to section 283, because the previous sections 279 and 280 only applied to special gifts, whereas the new one applies to all amounts. As I said, these particular amendments should be supported by all members of the chamber. Again, if the Labor Party have got nothing to hide, they will support our amendments. But what they seek to do through both

public funding – and the way it is set up, it is public funding – and the way associated entities can continue to donate to the Labor Party is embed an entrenched advantage. As the High Court called it, it is a differential burden. It is like no-one in the PPO actually read the High Court case. If the solicitor-general was willing to call out constructive ideas in regard to how to fix this legislation, I want to know if the solicitor-general actually called out this arbitrary date of 1 July2023. These laws are a shameful attempt by Labor to rig the system in their own favour, a shameful attempt by an unpopular Premier to rig the system for electoral advantage. The Labor Party should be ashamed for bringing such a bill to the chamber.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (11:56): What we hear from the opposition is any reason available to them, whether based in fact or based in fantasy, not to proceed with legislative reform that introduces a measure of transparency, accountability and integrity – the very things that they say are important – into the framework for political donations in this state. I do not intend to try to comment on or second-guess the nature of the High Court's decision in Hopper. In my view, that would be completely inappropriate. It has not stopped, however, people like Mr Mulholland from opining on the work of Australia's highest court and highest authority in the interpretation of law. What I have noted, however, is that Mr Mulholland agrees that he has not actually read the entire decision. That is somewhat telling.

Ryan Batchelor: It is not a shock.

Harriet SHING: It is not surprising, Mr Batchelor, in fact, that Mr Mulholland has agreed he has not read the entire decision of the High Court. We have also heard today from the opposition, in a desperate attempt to avoid this legislation being considered, that it does not even want to have it debated. Mr Mulholland has also tried with the angle 'If you don't have anything to hide, then just show us everything.' It is a curious, curious attempt to create a controversy for government moving this legislation, because Mr Mulholland has said, 'If you've got a reason to provide us with guarantees, then provide them. But in any event, we won't be supporting the legislation.' So it would seem, based on the rationale and the reasoning that we have heard to date, that there will be nothing that is good enough to satisfy the opposition to the point where it would support this legislation. Back to first principles, the question on that is not what would satisfy the coalition to support legislation like this; it is why the coalition will never be satisfied to the point where it could support legislation for greater integrity, transparency and accountability. If we go to perhaps the why on this, the largest overseas political donation – I am not sure where that might have come from, if anyone can help me.

Ryan Batchelor interjected.

Harriet SHING: It came from the UK. And which political party did it go to, Mr Batchelor?

Ryan Batchelor interjected.

Harriet SHING: That is right. It was the Liberal Party. So the largest political donation from a foreign donor came from the UK to the Liberal Party. No wonder you do not want legislation that deals with integrity, transparency and accountability. You are the beneficiaries of the largest donation from an overseas donor, and you do not want to debate legislation –

The PRESIDENT: Minister, I have to interrupt business.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Waste and recycling management

Evan MULHOLLAND (Northern Metropolitan) (12:00): (1341) My question is to the Minister for Environment. Minister, there is a black market waste disposal operation on a property on Summerhill Road in Wollert involving the burning of large quantities of building waste. The EPA is

reported to be investigating in relation to this site, and I am also aware of similar sites in Sunbury and Geelong. High state government waste levies have been cited by locals and businesses as a factor attracting small operators to illegal disposal, with similar operations emerging across Melbourne's fringe and regional areas. Can the minister advise whether he has been briefed on the EPA's investigation into this matter and what broader action the government is taking to detect and prosecute illegal waste burning operations across Victoria?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (12:01): I thank Mr Mulholland for his question. It is a really important question, giving me the opportunity to talk about how our government is cracking down on rogue operators that are dumping waste illegally. That is why we have set up the illegal dumping taskforce, which is led by the EPA in partnership with the conservation regulator, with DEECA and with Parks Victoria. Over $21.5 million has been invested into tackling illegal waste, and the taskforce is taking strong enforcement action. This financial year alone, Mr Mulholland, we have taken 50 planned inspections and issued 56 compliance advices and six infringement notices. We are boosting compliance enforcement by recruiting eight additional specialists to work in the field. So we are bolstering this space, additional investments are being made, and we will continue to do that work. This builds on the record of the Allan Labor government. The Environment Protection Act 2017 was the strongest environmental protection legislation our state has seen in 50 years. Only Labor will do this important work.

In particular, on the site in Wollert that you have discussed in this chamber before, I have been briefed. I have received a confidential brief from my department in relation to that, and I can update the house that I understand that those investigations are underway, including with Victoria Police and CFA, and some of that may lead to prosecutorial action. In relation to that, because it is an ongoing investigation, I am limited in what I can share, because I do not want to obviously prejudice the court processes that may be proceeded. But in relation to that active investigation, I want to thank everyone that is involved, in particular Victoria Police as well as the EPA.

Evan MULHOLLAND (Northern Metropolitan) (12:02): Minister, in all of your portfolio areas, the black market is becoming entrenched due to delayed government action. You yourself have acknowledged that the federal government's huge tobacco excise has clearly led to the creation of this illegal market and has made an illegal product a lot cheaper. Does the government acknowledge that its decision to increase the waste levies in the 2023–24 budget has a direct correlation with this environmental crisis being inflicted on the growth areas of Melbourne?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (12:03): I thank Mr Mulholland for his supplementary question. I think, Mr Mulholland, that it is important not to conflate issues, and the issues that are surrounding what is happening in tobacco are quite different to what is happening with illegal dumping – they are very different crimes. But what I will say is that the waste levy is an important price signal that encourages businesses and householders to reduce waste and recycle more. As we focus on the circular economy – I know those across the chamber are not focused on the circular economy and they want to continue to increase waste – we want to reduce waste. We want people to reuse materials. The right response to waste crime is not to reduce the incentive to recycle, it is to crack down on the criminals doing the dumping. And that is exactly what we are doing with the illegal dumping taskforce that we have set up.

Patient transport

Georgie CROZIER (Southern Metropolitan) (12:04): (1342) My question is to the Minister for Ambulance Services. Minister, non-emergency patient transport – the NEPT providers – plays a critical role in transporting patients across the state. Despite receiving verbal assurance from the Department of Health that they would be reimbursed for increased fuel costs from 1 May, this has not been approved or actioned. Why not?

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (12:04): Thank you very much, Ms Crozier, for that question. At the outset I want to be really clear that we will continue to support our paramedics and the transport options that are available and called upon every single day to assist people in getting from the place at which they need assistance to the place at which they can receive care. We are absolutely laser focused on making sure that people are not left out of pocket for essential travel to access the health services that they need and that we are also providing opportunities for people to find the support that they require, including through non-emergency patient transport.

When we deliver these services, we do so in a range of different ways. I am not going to be taking lectures from those opposite about performance or indeed about funding. Across the ambulance services system and across the work that we have done to fund a range of programs, we have invested more than $2 billion and we have increased the size of our ambulance paramedic workforce by 50 per cent since we were elected, and we want to make sure that we can continue to provide that support. This is where patient assistance and the transport scheme are incredibly central to the work that we do. From earlier this year we implemented some changes to the VPTAS program to make things easier for Victorians who access the scheme, and that includes a new online portal for people to be able to reduce the administrative burdens and streamline applications.

Georgie Crozier: On a point of order, President, I think the minister has completely misunderstood my question. She is not even referencing the important issue I am speaking about. I am not talking about patients. I am talking about the providers, the NEPT providers. This is about fuel costs. It has got nothing to do with VPTAS. She might be trying to plug for time, but could I ask you to draw her back to the specifics about why, on these fuel costs that were promised on 1 May, nothing has been actioned?

The PRESIDENT: You can ask me, and I will call the minister back to the question.

Harriet SHING: Ms Crozier, as much as you do not want to talk about the supports that we are providing for patient transport, I want to continue to make it clear to Victorians that not only have we invested a record amount into patient transport –

Georgie Crozier: On a point of order, President, the minister has been going for 2½ minutes and has not addressed the substantive issue that I have raised. I would ask you to bring her back to the question I asked around the providers.

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

Harriet SHING: Ms Crozier, as I was saying, we want to make sure that we are continuing to support those providers who provide non-emergency patient transport, and VPTAS is an important part of that overarching scheme. Now, I want to be also really clear. Non-emergency –

Georgie Crozier: On a point of order, President, I am really quite concerned that the minister responsible for ambulance services does not have a clue what I am asking about. It is not about the VPTAS scheme, the reimbursement for patients. This is about the transport providers, the private providers, where the department promised that they would get back to them on 1 May and they have not. Why not?

The PRESIDENT: I think you are debating the point of order. Ms Crozier, there is a provision to me and a provision to you for a point of order if you think that I have not ruled that a question has not been answered. I will consider that at the end of question time.

Harriet SHING: Ms Crozier, non-emergency patient transport providers have individual contracts. They are private companies. It is my understanding that we have not ever had any advice provided that they have received assurances. But again, Ms Crozier, if you have got questions and you would like to discuss it, please flag that with my office. I am very happy to help to the extent that we can.

Georgie CROZIER (Southern Metropolitan) (12:09): What a woeful answer by the minister. This is question time. These are important issues that have been raised with me because people have not been able to get a response from the department. My question is: Minister, what discussions have you had with the sector about mitigation of the financial impact? It sounds to me you have had zero.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (12:10): Ms Crozier, you may wish not to engage with the health system around solutions and around investment –

Members interjecting.

Harriet SHING: Sorry, Mr Davis?

The PRESIDENT: Mr Davis, you and I have been around a long time.

David Davis: I withdraw that she is a goose.

The PRESIDENT: No, can you just –

David Davis: I withdraw.

The PRESIDENT: Thank you.

Members interjecting.

Harriet SHING: Again, while it might seem like comedy hour on the other side of the chamber today, we take patient safety and the opportunities for transport really seriously on this side of the house and we take it really seriously within government. As I said, Ms Crozier, I am very happy to get you some further detail about the ongoing work that the Department of Health does around the way in which non-emergency patient transport providers do their jobs. As I indicated very clearly, they are private companies, Ms Crozier. As I have also indicated very clearly, they continue to have conversations with the department, and as I indicated, I would be very happy to provide you with information on that work as those conversations continue.

Georgie CROZIER (Southern Metropolitan) (12:11): I move:

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

Motion agreed to.

Ministers statements: child protection

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:11): This week the Victorian Auditor-General's Office and the Commission for Children and Young People have tabled reports into the child protection and Orange Door systems, which the Minister for Prevention of Family Violence and I will duly consider. We thank them for their reports. They have been developed over a period of time, and recent reforms, whether it be reforming foster care, the investment in this budget or legislating the supporting stable and strong families scheme, demonstrate that the government is already at work in relation to the matters canvassed. Their findings and recommendations must be considered within this context.

I also acknowledge that the Auditor-General's report stated that the rate of children in out-of-home care fell slightly, from an average of 6.5 in 2021 to 6.4 in 2025; that our growth in kinship placements is consistent with the placement principles; that while there are children under 12 in residential care, the number has fallen, and this reduction reflects the department's focus on placing younger children with families rather than in residential care settings; and importantly, that the proportion and number of children in residential care is relatively stable. These are positive findings, and I thank our frontline practitioners, each and every one of them, for the work that they do.

In relation to the Commission for Children and Young People's report, the commission themselves have stated in the report that the commission makes no causal link between service provision and the death of a child, as this is the role of the coroner. When discussing this topic, that statement must be front of mind. It is not the role of that report or others in this place to suggest that a child protection worker is causally connected to the death of any child. To suggest otherwise demonises these essential workers. It is only this side of the house who backs them in. We have funded 1180 child protection workers since coming to government, and we are seeing the results: improved allocation rates, lower case loads and more frontline practitioners on the ground helping families each and every day.

But there are alternatives. Under those opposite, child protection practitioners are not defined as frontline workers. They will be subject to their cuts if they get the chance. What this would mean for families is terrifying. An Auditor-General's report from when they were last in government will assist. It found those opposite had the residential care system 'operating over capacity' and 'unable to respond effectively to the level of demand and the increasing complexity of children's needs'.

Game Management Authority

Georgie PURCELL (Northern Victoria) (12:14): (1343) My question is for the Minister for Outdoor Recreation. In 2018 an independent review found the Game Management Authority was a compromised regulator that was disproportionately targeting wildlife rescuers instead of enforcing hunting laws. In 2023, at a public hearing for the parliamentary inquiry into duck shooting, the GMA CEO told the committee:

> We do not set the laws, but we apply the laws. We think we apply them very fairly.

In 2024, when the GMA fined and banned me for rescuing wounded birds, Minister Dimopoulos said, 'MPs aren't above the law either.' Yesterday, covert audio taken this year revealed a senior GMA compliance officer advising duck shooters how to illegally take unlicensed children shooting, breaching firearm laws. He also claimed the government's laws were designed to 'make the protesters look like the fool' and that they 'won't be looking for illegal behaviour by shooters'. Do you support these claims made by your agency?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (12:15): I thank Ms Purcell for her question and her passion in relation to these matters. I know that these matters are quite sensitive topics. I know that the protection of wildlife is a key responsibility of the GMA. I know overall from the reports I have that the agency is reporting that they have a very strong enforcement program, which is focused on making sure there is compliance for hunting offences. When I put those allegations to the agency, the agency was very clear that 93.5 per cent of its enforcement has been related to hunting offences and only 6.5 has been in relation to public safety offences. As a government our focus is on ensuring that strong, responsible regulation protects Victoria's native wildlife, safeguards ecosystems and ensures long-term sustainability for future generations. GMA officers are trained professionals, and I expect every officer to carry out that important regulatory role in protecting public safety in the most balanced and fair way possible, like all regulators. We have the GMA and we have the VFA, and soon they will be merged. I think that is another opportunity to combine their expertise to provide a higher level of service, a higher level of compliance and more work in relation to public education, which is the key to ensuring long-term compliance and the long-term success of these agencies. In relation to the allegations you have put, they are very serious, and I know that the GMA is aware of them. My office has been in contact with the GMA, but ultimately I am not going to comment on individual actions because I think that is a matter for the agency and their employer–employee relationship, which I respect.

Georgie PURCELL (Northern Victoria) (12:16): Minister, it is important to note that statistic includes bag checks and licence checks, which are not compliance measures. Regardless, last night an ABC *Stateline* story detailed that the GMA is going to extreme efforts to put surveillance on rescuers. One rescuer had his image posted on the GMA's Facebook page with his name and his location, and

the comments underneath, which included death threats to drown him, were left unmoderated. The GMA only deleted them weeks later when they got a media inquiry from the ABC about it. It is important to note that these are the same people that will get even greater discretionary powers when ORV is established. By comparison, they have never posted a photo of a single shooter or any personal details about them. What are you going to do about the regulator doxxing members of the public on a government Facebook page?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Environment, Minister for Outdoor Recreation) (12:17): I thank Ms Purcell for her supplementary question. I did put those allegations to the GMA – my office did – and they completely reject those. In relation to that specific example you gave, I think it is important to set the record straight that that information about that individual was released via a court process, and therefore it was already in the public domain. I think as minister, across all my agencies and all my portfolios I do expect the GMA to actively moderate their social media platforms. We as members of Parliament see it all the time: comments that are false, misleading, defamatory, discriminatory, offensive or otherwise inappropriate. That is across the board. My office has to moderate my own Facebook page for that same reason, as I know many members of Parliament in this place have expressed similarly. I think in relation to that specific allegation about a photo, that photo was available via the public domain in the courts, and that was a decision of the courts. I have noticed it has been publicised in a number of publications, including newspapers. I was looking the other day, and I think one of the regional advertisers has published it. I think the GMA have been very clear that at no stage did they ever publish someone's photo and that they made sure that their face was blurred.

Construction industry

Richard WELCH (North-Eastern Metropolitan) (12:18): (1344) My question is to the Minister for Industrial Relations. Section 39 of the Labour Hire Licensing Act gives the Labour Hire Authority the power to immediately suspend a licence. How is it possible that a company owned by a serial family violence perpetrator which was employed under the state's Working for Women initiative, which is operated by family violence abusers, drug dealers and bikies and contracted to the Big Build to provide women in construction via Women in Construction at rates of up to 20 per cent above market not a candidate for immediate suspension?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:19): There are a couple of things in the question, Mr Welch. Again, I have lost count of the number of times in both the role as Treasurer and indeed as Attorney-General, when I have got portfolio responsibility for independent agencies, that there is the expectation that I can instruct how they conduct their investigations or the decisions that they make.

It is actually terrifying that this is what that side of the house think would be appropriate behaviour. In relation to a decision that is made by an independent agency, Mr Welch, I put on record that I will never intervene in an investigation or a decision that a labour hire authority makes. When it comes to the Labour Hire Authority, my understanding in relation to the matter that you have raised is that they have been given a notice of cancellation, and the only reason I can actually tell you that is because of the legislative changes that we made in this place that you opposed.

Richard WELCH (North-Eastern Metropolitan) (12:20): That is very good, but it is still not the same as immediate suspension, is it? It is amazing, isn't it? Like every part of corruption across the Big Build programs, it is quite extraordinary, isn't it? 'Not us, not us.' The labour hiring commission has failed to use its immediate suspension powers and move them on. How can you, let alone the Victorian public, have any confidence in cleaning up corruption on Big Build sites if it has failed to immediately suspend this company?

The PRESIDENT: I think that is asking the minister for an opinion, but I will let her answer as she sees fit.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:21): Mr Welch, again, there are workers on worksites that have got no allegations that have been made against them, and they are continuing to do that good work. In relation to the company that you have identified, as I confirmed in my answer to your substantive –

David Davis interjected.

Jaclyn SYMES: Sorry, Mr Davis?

David Davis: I said there are certainly allegations against them.

Jaclyn SYMES: Allegations against the workers on the worksites? If you have any of that information, you should bring that forward. In relation to the –

Members interjecting.

The PRESIDENT: Order! The minister is answering.

Jaclyn SYMES: It is disappointing that you are reflecting on an individual case and what you think should happen, because as I said, this is an independent agency. As I have said, with the advice that I have, which I can reveal to the chamber because of the legislative changes we made, I can confirm that on 7 May the Labour Hire Authority notified the relevant procurement agencies and VIDA of a notice of intention to refuse Women in Construction's application to – *(Time expired)*

Ministers statements: water policy

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (12:22): Our population is growing and our climate is changing, and we need new water savings, smarts and sources to protect our water security. That is why this year we placed the largest ever order at our desalination plant, taking orders in total from this desalination plant, the plant that the Liberals called a white elephant and a waste of money and unnecessary, to more than 600 billion litres. Our water storages at the moment are at 47 per cent, and last year they were at 56 per cent, but this year we will see water start flowing into the Cardinia Reservoir this week to boost our storages. We are also investing in innovative solutions to unlock the benefits of stormwater and recycled water for local communities.

This week it was wonderful to join local member for St Albans Natalie Suleyman to announce a government-backed expansion of the Green Gully Reserve stormwater-harvesting system. This will help to keep this really beautiful reserve green and reduce stormwater run-off into Taylors Creek. This sits alongside the work I have been doing with the amazing member for Monbulk Daniela De Martino to announce we are backing a project to build a brand new smart wetland at Birdsland Reserve, and that will use real-time technology to smooth the flow of water across Monbulk Creek. These innovative projects are backed by our latest $24 million integrated water management grants program.

Since 2017 we have invested more than $173 million into projects across the state, saving around 1 billion litres of drinking water a year. I suspect that if given half the chance the Liberals will cut these programs, and what they want to do is build more dams. Dams do not make new water, though. When dams do hold water, they inevitably capture it from somewhere or someone else. So the question that I have is: if more dams are built, who is going to miss out on that water, and how are the Liberals proposing to pay for it, given they have already announced more than $40 billion in cuts?

Land tax

Evan MULHOLLAND (Northern Metropolitan) (12:24): (1345) My question is to the Treasurer. Treasurer, my constituent Joe Frazzetto made a significantly compassionate decision several years ago to provide his parents with rent-free accommodation in a unit he owns in Preston so that, in his words, they can live securely and with dignity. Mr Frazzetto's mother is disabled. Despite this sacrifice, the

State Revenue Office recently denied his application for a land tax exemption. Their reasoning was that he does not qualify as an immediate family member under the current legislation. Treasurer, how is it fair for your government to hit Joe and many others like him who are simply providing a roof over the head of a parent in need with yet another tax bill?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:25): I thank Mr Mulholland for his question. At the outset I thank the SRO for the important work they do. From time to time there are matters in relation to application of land tax and special considerations that can be brought to the attention of SRO. They have the ability to look at matters and see how the laws apply. Obviously they have to apply the laws, but there are instances – I have done it on several occasions – where there are issues, particularly relating to family members that have second houses for children with disabilities, for example, and the like. I always look very closely at these matters, and I have provided exemptions through my discretion as Treasurer to some of these matters where appropriate. It is difficult without the full details of the particular matter you are raising to provide direct commentary on that individual case. I will check with the office whether it has come to the attention of the office, and I am more than happy to have another look at it for you.

Evan MULHOLLAND (Northern Metropolitan) (12:26): That would be fantastic, and I am happy to provide that information. My supplementary is: will the Treasurer commit to extending immediate family member exemption to include children providing this kind of support for their parents with a disability?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:27): Thank you, Mr Mulholland, for your question Indeed I have received advocacy for a broad change in the manner that you have presented. It creates some difficulty in relation to broadening. It is very difficult to create laws that carve out that exact purpose. I have looked at it because I do sign a lot of exemptions for these types of cases. But I have asked for advice, and to change the law to provide for all of the ones that are genuine, you actually end up opening a broader category that is not intended for the purposes of tax. It is something I continue to look at, because there are genuine cases, absolutely, that I look at. But in terms of legislative change, we have not been able to get advice that would achieve the purpose as intended.

Beulah Outreach Preschool

Rikkie-Lee TYRRELL (Northern Victoria) (12:27): (1346) My question today is for the Minister for Children. Minister, the 11 children enrolled at the Beulah Outreach Preschool located within the Beulah Primary School are currently forced to divide their time between Beulah and Hopetoun – Mondays at Beulah and the rest of the week at Hopetoun. Hopetoun is a 25-minute drive from the Beulah Primary School. One parent reportedly travels over 12,000 kilometres a year. Was the minister aware of the unfair burden placed on families in Beulah by the inadequate preschool situation?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:28): I thank Ms Tyrrell for her question and for her interest in ensuring that we are able to deliver our free three- and four-year-old kinder programs – programs which are saving families $5000 or more across their preschool journey right across the state. Our infrastructure plans that we have with our local governments – and we work in partnership with our local governments and indeed with parts of the Catholic and independent sector and our providers to ensure that our preschool opportunities, our free three- and free four-year-old kinder, are available right across the state. We work with them on the plans in order to ensure that there are the places. Those places are designed to meet those demands. It is also why we invest heavily in infrastructure, again, right across our state, from our 50 Early Learning Victoria centres, 18 of which are now open, through to our Building Blocks improvement grants, which allow us to upgrade some of the smaller, often regional, sessional preschools and kinders, so that we can provide that offering and indeed the increased hours of four-year-old kindergarten as well. As we move to every four-year-old child in the year before school having up to

30 hours of preschool, we need to really map out and plan out that infrastructure. That is work that is ongoing, but if there are particular issues or concerns regarding your constituents, we are happy to work with you on those.

Rikkie-Lee TYRRELL (Northern Victoria) (12:29): I thank the minister for her answer. The preschool is currently run out of the old library and art room of the primary school, which is one of the reasons for the limitations to the preschool program in Beulah. The Beulah community has worked incredibly hard to come up with a plan to completely rejuvenate their school and preschool precinct. Will the minister meet with the Beulah community and see their proposed plan and their commitment to expanding the preschool services?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:30): I again thank Ms Tyrrell for her question, and we are always happy to receive representations from everyone who is interested in the delivery of our free three- and four-year-old kindergarten right across the state. There were 147,000 children last year, for example, and we expect another 147,000 this year. So of course, as my schedule permits, I am more than happy to meet with your constituents about that. But what I would say is that we do work directly with our local communities, with our local governments, to develop kinder infrastructure plans to ensure that we are meeting the need for every three-year-old and every four-year-old to get those years of free kinder prior to them embarking on their school journey.

Ministers statements: mental health and wellbeing locals

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (12:31): I rise to update the house on how the Allan Labor government is making it easier for locals in Melbourne's south-east to access free mental health care closer to home. I am very proud to be part of a government that is building a mental health system that is community based, person centred and guided by lived experience. Last week I joined the hardworking local members for Pakenham, Emma Vulin, and Monbulk, Daniela De Martino, to officially open the doors on the Cardinia mental health and wellbeing local. The locals are the front door to our mental health system, offering support and treatment for Victorians experiencing mental illness and psychological distress, including co-occurring substance use or addiction. The community in Cardinia are now able to access tailored support in person at locations in both Pakenham and Cockatoo. The local in Cardinia forms part of our network of 22 locals across 24 locations, providing care and support to adults experiencing mental illness and psychological distress and making it easier for more Victorians to access mental health and wellbeing support free of charge, with no Medicare card or GP referral required. The Allan Labor government is proud to deliver these important services right across the state, and I am pleased to report to the house that they have now supported more than 43,000 Victorians. Thank you to the team at the local in Pakenham for the work that they do every single day to create a safe and welcoming space for the whole community in Cardinia.

Energy policy

David DAVIS (Southern Metropolitan) (12:32): (1347) My question is for the Treasurer. Treasurer, on 2 June last year Minister D'Ambrosio wrote to you, seeking to impose licence conditions on the distributed network service providers to ensure emergency backstop requirements for new and replacement solar systems. And I ask: Treasurer, did you commission any modelling as to the impact on households before supporting the change in writing on 25 June?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:33): Mr Davis, again, you are very good at attempting to ask questions in the portfolio interests that you have to the Treasurer, or indeed when I was regional minister I got any question that might be in regional Victoria due to your interest in your portfolios. I commend your dedication to your shadow portfolios; there is never any dispute about that. But the

question you are asking in relation to power prices and the like is much better directed to the minister for energy, and I would be happy –

David Davis interjected.

Jaclyn SYMES: Again, Mr Davis, when ministers write to me, yes, I receive advice regularly from DTF. But the power price question that you ask is a matter for the minister for energy.

David Davis: On a point of order, President, the minister has responsibility under the act. She is consulted, and she supported the change. My question is very simple: did she commission modelling before she supported the change in writing? She can answer the question. It is a very simple question – yes or no?

The PRESIDENT: As I said before, every member in here has very much the right to ask any minister any question they please, but the minister has the right to say that that particular question should be directed to a different portfolio.

David Davis: President, further to the point of order, you have sort of made some attempt to smooth that down for the minister. It is a direct decision that she has not answered.

The PRESIDENT: No.

David Davis: You have. Let us be quite clear what you are doing. You have tried to sort of tamp it down. No, she has actually got a responsibility to answer the question. It is a simple question. She signed a letter. Do you want to see her signature on the letter? And then she says she cannot answer a question about it. Have a look at the letter. Sorry. On a point of order, she should answer the question.

The PRESIDENT: There was no need to approach the bench. Mr Davis, I think the Treasurer is going to assist the chamber in a second. As far as smoothing over, I just use the smoothness in the precedents from other rulings from other –

Members interjecting.

The PRESIDENT: I believe I am as smooth as other presiding officers from all sorts of different political sides. Maybe we have all been a bit smooth, but I think the Treasurer is prepared to help. Are you prepared to help or have you answered? The Treasurer is prepared to help on the substantive.

Jaclyn SYMES: I am trying to avoid repeating my original answer, but perhaps I will just say it in a different manner. It is generally the responsibility of the relevant minister to do modelling in relation to a ministerial order.

David Davis interjected.

Jaclyn SYMES: Well, the answer would not be 'none', would it? The answer would be 'Is it the responsibility of the Treasurer in relation to this matter?' I have explained to you this is a ministerial responsibility of the minister for energy. In relation to the existence or otherwise of any modelling, it would generally be the responsibility of the relevant minister, which confirms and backs up my answer to you. Of course I receive advice from DTF, but in relation to modelling of impact, the way you phrased your question, it would be a matter for the relevant minister.

David Davis: But you did not commission any, so the answer is no.

Jaclyn Symes: Because I wouldn't.

David Davis: Well, still the answer is no, isn't it, actually? You wouldn't, but 'Did you on that occasion?' is the question.

Sonja Terpstra: On a point of order, President, Mr Davis is speaking across the chamber, and he should direct his comments through the Chair.

The PRESIDENT: I uphold the point of order, but also it did become a bit of a friendly interchange. It was free flowing. It was sort of like the society we would like to live in without the rules of the standing orders.

David DAVIS (Southern Metropolitan) (12:38): Further, President, I ask the Treasurer: did Treasury advise you as to whether feed-in tariffs were further affected by the changes you endorsed?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:39): My answer to your supplementary is the same as my answer to your substantive. Treasury is not a shadow department of every department that exists, so they do not replicate every role that exists in other departments. Other departments can do modelling and can do research. They are experts in their field, and they might provide information for DTF to then examine, verify and perhaps on occasion seek further advice or commission their own work. But generally, the departments have the experts that present information to DTF. DTF then would provide me advice in relation to making decisions about signing off on such things.

David Davis: On a point of order, President, I do not think the Treasurer's answer touched the words 'feed-in tariff', which was the subject of the question. I just want to be quite clear here: did Treasury advise you as to whether feed-in tariffs were further affected? Again, it is a yes or no answer: they did or they did not.

The PRESIDENT: Mr Davis, it is not compulsory for a minister to say a certain word, I would have thought.

Abortion services

Sarah MANSFIELD (Western Victoria) (12:40): (1348) My question is for the Minister for Health. South Australia and New South Wales are both dealing with parliamentary bills that seek to wind back abortion access. It is not theoretical. It is not just happening over there, somewhere like the United States. It is happening now in neighbouring Australian states. Pauline Hanson and Barnaby Joyce have made it clear they will seek to restrict abortion access in every Australian jurisdiction. We know, historically, when the hard right come knocking, one of the first things they always come after is abortion rights. What concrete action will Labor take before the end of this term to protect access to abortion for Victorians beyond 28 November?

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (12:41): Thank you, Dr Mansfield, for that question. We have been resolute here as Labor governments in Victoria in providing access to abortion care; we have been resolute in extensive discussions, debates and reviews to ensure that access to abortion is available here in Victoria; and we have been resolute, methodical and laser focused on making sure that we are not causing the demonisation or stigma associated with accessing abortion care to proliferate here in Victoria. Our track record speaks for itself in that regard, and I would refer you to debates that were undertaken in this place: candid, open, frank debates and discussions not just on the passage of legislation in the first instance but then on safe access zones – something which, again, those opposite have opposed on every occasion they can.

To that end, Dr Mansfield, I want to reiterate for the benefit of this chamber, for the Parliament, for you and for Victorians: we stand with women who are looking to access abortion care, whether medical or surgical care. We stand with women in the way in which we have allocated around $153 million to women's health across this state – the delivery of additional funding for green whistle services so that women can access IUD insertion or removal without pain, the way in which the oral contraceptive pill will be able to be dispensed by pharmacists. We stand alongside the community health services who are providing support and care. 1800 My Options has provided 50,000 calls to women accessing information, including on where and how they can find an abortion service or the sort of medical and practical support that they require, from the middle of Melbourne right out through to the edges of the state. Our actions speak to our commitment to making sure that women have

reproductive and bodily autonomy, including in the way in which they – we – can access abortion services around the state.

Much has been said by others around the weaponisation of reproductive rights and access to abortion internationally and here in Australia. It would be so telling if we were to see a revival of the debate on bodily autonomy with women at its heart become part of this debate as a stalking horse for conservative movements, as we have seen in the United States.

Sarah MANSFIELD (Western Victoria) (12:44): Last year the Greens tabled a bill to put access to abortion in the Victorian constitution to make it much more difficult for those rights to be taken away by a future Parliament and avoid the situation that, as you were saying at the end of your contribution, we are so keen to avoid here. Labor enshrined the SEC in Victoria's constitution. If Labor can constitutionally protect a government energy company, why has it not sought to constitutionally protect access to abortion?

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (12:45): Thank you, Dr Mansfield, for that question. The Abortion Law Reform Act 2008 provides those really clear legislative protections for women to access clinical supports and community supports for abortion care. We funded those sexual and reproductive health hubs. We have continued with women's health and wellbeing support. We continue to provide that support for interdisciplinary care. We have got a range of women's health services that every single day are delivering those practical reforms. Again, the law operates in a way that provides and confers that benefit every single day. We will continue to uphold and to enforce that law in a way that ensures that its primary objectives are not only met but are accessible in real-world outcomes, and we will continue to work alongside general practitioners, community health services and others. As far as the legislative program is concerned, we will continue to strengthen those components of the reforms that we enabled and that we led Australia on into the future.

Ministers statements: economy

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Development Victoria and Precincts) (12:46): I would like to update the house today about the latest ABS data on the Victorian and national economy. Yesterday's national accounts show that Victoria is going from strength to strength, with the economy growing at 0.9 per cent for the March quarter, the second-highest growth in the nation. Over the last decade, the Victorian economy has grown faster than any other state, and we expect our economy to further grow over the forward estimates. That growth is backed by a record number of businesses making a commitment to Victoria. Business investment grew by nearly 8 per cent over the quarter alone and around 15 per cent over the year, the fastest growth in almost two years. It is just further proof that businesses have confidence in the Victorian economy. It is no wonder 123,000 more businesses in net terms have chosen to set up shop in Victoria since the start of the decade. They know that this is the place to grow and the place to succeed.

Victoria's strong economy is underpinning a strong labour force. Since 2020 more than 648,000 Victorians have found jobs, the strongest growth in the nation. There are now nearly 3.8 million Victorians in the workforce, and our economy is fairer too; since this time last year our participation rate has averaged a historically high 67.7 per cent, meaning more Victorians have been employed during this time than ever before. This has been driven by the high number of women who are participating in the workforce, women who are backed by our initiatives like the free kinder program and our commitment to enshrine the right to work from home. It is clear in these stats that more people are choosing Victoria to be their home, more businesses are setting up and more workers are finding good and fair jobs.

Written responses

The PRESIDENT (12:48): As far as Ms Crozier's question to Minister Shing, I am going to review *Hansard* on that. I felt that in last few seconds of her substantive answer she might have answered the question. But there is every potential I could be wrong, so we will check that.

Georgie Crozier: Out of 3 minutes, the last couple of seconds is not good enough.

The PRESIDENT: As I said, I am a big man. I can admit that I could potentially be wrong from time to time.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:49): (2365) My question is to the Minister for the Suburban Rail Loop. Four of the SRL stations run through the Southern Metropolitan Region: Cheltenham, Clayton, Monash and Burwood. I was at Clayton recently and Burwood recently, seeing the hive of construction activity and all the workers onsite. My question to the Minister for the Suburban Rail Loop is: how many workers on the Suburban Rail Loop stand to either lose their jobs or be furloughed if the Liberals' policy to pause and review the SRL is enacted? The SRL is a transformational project that is going to mean better connections and more homes, and it is all at risk under the Liberals.

The PRESIDENT: Before I call the next constituency question, can I acknowledge in the gallery the Ambassador of Indonesia, and I believe the consul general is accompanying them as well – great to have you here.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:50): (2366) My constituency question is for the Minister for Public and Active Transport. Residents in Wattle Glen have contacted me about serious pedestrian safety and accessibility concerns around the Wattle Glen station, particularly the lack of access across Main Hurstbridge Road and the missing pedestrian connection between Wilson Road and the Diamond Creek Trail. Local residents are being asked to navigate a dangerous crossing and walk on roads near a 70-kilometre-an-hour traffic zone. The Wattle Glen community would like a clear answer as to why, after years of raising these concerns, basic local infrastructure for pedestrian safety and accessibility has continued to be neglected. My question to the minister is: would you please urgently investigate pedestrian safety measures around Wattle Glen station and provide the community with a clear timeline for funding and delivering safe, accessible pedestrian access in the area?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:51): (2367) My constituency question today is for the Minister for Roads and Road Safety, and my constituents ask when they can expect the promised repairs to Echuca–Mooroopna road at Undera to be completed. On 14 November 2025 I asked the then minister for urgent repairs to be undertaken on the Echuca–Mooroopna road between Mooroopna and Undera. On 21 November 2025 the minister responded that more than 40 routine maintenance and resurfacing jobs had been completed in this financial year. Last week Paul the roadside warrior reached out to my office with photos of the worsening conditions of this road. He stated that on the Mooroopna side of the Lancaster turn-off near Undera, the potholes and crumbling surface have been marked and re-marked for repair at least three times in 18 months, yet it still has not been repaired. Within 6 feet of some of these markings there are even bigger potholes that are not marked for repair. Perhaps the minister could give the Department of Transport and Planning a gentle reminder that the Echuca–Mooroopna road still needs to be repaired, because it seems it has been forgotten.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:52): (2368) My question is to the Minister for Housing and Building regarding the government's housing development in Osborne Street in Flora Hill. This development was promoted as a legacy project following the failed Commonwealth Games. Originally it was to have been an athletes village built in time for the games, but it is nowhere near finished. I have been contacted by residents who are concerned about this project, and I have been told that a local company that was clearing asbestos at the site has been asked to stand down and remove its machinery. Workers were told the site was closed despite the continued presence of asbestos. I understand what was meant to be a two-week job has blown out to six or eight months. I ask the minister to explain the reasons for the delay and provide an update on progress at the site, particularly around the removal of asbestos, and what additional costs have been incurred.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:53): (2369) My question is for the Minister for Prevention of Family Violence. Recently, a mental health professional from Melton shared with me that when they refer western-based clients for therapeutic family violence counselling, they have two options, IPC Health or Cohealth. One currently has a waiting list of approximately eight months; the other is not accepting referrals at all. By contrast, clients in much of the metro Melbourne region have access to multiple providers offering the same therapeutic service – for example, FamilyLife, the Salvation Army, Better Health Network, Good Shepherd and others. This means women and families in different postcodes in Victoria are having an entirely different experience of the system. Minister, will you commit to a formal needs assessment of therapeutic family violence services in Melton to ensure that access to services is equitable and matched to needs in the local community?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:54): (2370) My question is to the Minister for Multicultural and Multifaith Victoria. Since starting the Parliamentary Friends of Indonesia with Dr Heath and Ella George and others in the Victorian Parliament, we have strongly built on the relationship with the Republic of Indonesia. Indonesians here in Victoria have a beautiful community, and whether we attend events based around food or fashion and language and community, it is always fantastic for us to attend, not to mention the fact that Indonesia is Victoria's fifth-biggest trading partner and particularly strong in agriculture, which is dear to many of my constituents in Eastern Victoria, having visited some of our farmers who are exporting to Indonesia. Whether it be cultural, whether it be economic, whether it be Indonesians coming here to study in our state or whether it be tourism, there is a strong connection. My question to the minister is: how is the Victorian government supporting a multicultural and multifaith Victoria?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:55): (2371) My question is to the Minister for Planning. My residents are concerned about a proposed 350-hectare hyperscale data centre in Plumpton. Can the minister please advise whether legally enforceable protections will be in place before any approval is granted, such as groundwater monitoring, environmental bonds, remediation guarantees and provisions ensuring that the companies themselves, not the local families and not Victorian taxpayers, will bear the full cost of any resulting harm to human health or environmental health? In Oregon a major data centre operator was forced to pay over $20 million to settle litigation over contamination of surrounding groundwater. In Chile a Google data centre was forced back to the drawing board after it was found they would need to use water equivalent to the needs of almost 50,000 people. We have already been warned about future water shortages in the west due to rapid population growth, but the Plumpton proposal is reportedly going to use up water equivalent to the needs of 350,000 people – seven times that. And in Ireland data centres now consume around 22 per cent of the country's electricity supply, which has strained grid stability and driven up household costs. Obviously we also have the same issues here.

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:56): (2372) My question is to the Minister for Energy and Resources. Constituents in the Southern Metro Region are concerned about the proposed AI data centre in Port Melbourne and the wider growth of energy-intensive data centres. A real-world example of this getting out of control is in Ireland. A recent Irish report found that data centres there consume 22 per cent of Ireland's electricity, more than every urban household combined. Irish households have already paid an estimated €715 million in additional electricity costs, and that is predicted to double over the next decade. The government's sustainable data centre action plan, much vaunted, says that these centres should be powered sustainably while maintaining reliability and security for all Victorians. Given reporting that demand from new data centres could push Victoria back towards gas-fired power, will the minister require – not request – that new AI and data centre operators build or contract genuinely additional renewable energy and storage so their electricity demand does not increase emissions, pressure on the grid and bills for my residents in Southern Metro?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:57): (2373) My constituency question is to the Minister for Community Safety. Minister, latest data reveals that the City of Casey recorded the second-highest number of criminal incidents in public transport locations in the state, with a horrific total of 907 offences. Three other local council areas in my region – Greater Dandenong, Monash and Frankston – are also in the top 10 of this list. Many people in my local area use public transport to get to work and shopping centres or to simply go about their lives; some may not have any other option. Yet in Labor's crime state, with less police, less PSOs and reduced hours at police stations, Victorians are simply not safe at train stations, at station car parks or at bus stops. Minister, what will you do to end crime in public transport locations so my constituents feel safe?

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:58): (2374) My constituency question is for the Minister for Housing and Building. Minister, the demolition of Victoria's public housing towers has caused significant distress for many residents, particularly vulnerable families. My constituent Samira is a single mother of four young children living in an overcrowded two-bedroom public housing apartment in Flemington. Despite the parliamentary inquiry into the tower demolitions investigating resident wellbeing and human rights, ongoing demolition works commissioned by the government are causing distress for her autistic son while medical professionals have confirmed the noise is triggering Samira's migraines. Despite having an approved priority transfer, the Footscray housing office has failed to offer her a suitable home that meets her family's needs. Minister, what action will you take to ensure single mothers and families with disabled children, like Samira and her son, are safely rehoused into appropriate homes without delay?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:59): (2375) My constituency question is to Minister for Local Government and concerns a recent decision by Merri-bek City Council to change the general rubbish collection from weekly to fortnightly. Since this decision was announced, many residents – many, many residents – have reached out to me expressing their concerns and have rightly raised objections to this change, noting concerns about the impact it will have on larger households and families with young children, who generate more waste – and I can certainly attest to that. While the bins are expected to increase in capacity, many residents are concerned it will not be adequate and will lead to overflowing bins and will generate hygiene and local amenity problems alongside the increased risk of illegal rubbish dumping. Given the importance of waste collection meeting the needs of the local community, will the minister intervene by engaging with Merri-bek council to ensure that these services properly reflect community expectations?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:00): (2376) My constituency question is for the Minister for Health. Expanded community pharmacy services are well needed and warranted in my Eastern Victoria electorate, particularly for those further and further away from the city who are struggling to find doctors services. The government in 2023 established a pilot, and last year we were the last area to incorporate these expanded community services. The problem is in our pharmacists actually getting to and accessing the training so that they can then offer the services. Members in the pharmacy community in Eastern Victoria Region have asked me to ask the minister: when will there be the rollout of equitable access and government training in this area so that we can actually get on and train those pharmacists to serve people in my Eastern Victoria electorate?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:01): (2377) My question is for the Minister for Water. In May this year the New South Wales Labor government passed the Water Management Amendment (Easements for Inundation) Act 2026. It provides WaterNSW with the power to flood private farms. Minister, will you give a rock-solid guarantee that the Victorian Labor government will not pass similar legislation in Victoria and that you will not use compulsory powers to flood private properties or to acquire land or easements for the purposes of flooding due to high river flows? Minister, on 31 July 2024 you provided me with an answer to an adjournment matter on water buybacks that states:

> It's important to note we will not flood private land without the landholder's consent. To be clear, we will not use compulsory powers to acquire land or easements, either.

Minister, my constituents want to know if you still stand by that statement, that you will not sell them down the river to appease your Labor mates in South Australia or the federal government.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (13:02): (2378) In this place this week I have already raised with the Minister for Health the issues in respect to paediatric services at Maroondah Hospital – in fact I did that just yesterday. Today I ask the Minister for Health to provide to my community certainly something in the form of a statement that will give us guidance and confidence in respect to the paediatric care that our children locally can receive. I do that in the full knowledge that just today and just moments ago the Minister for Health Infrastructure has made an announcement in respect to a so-called new emergency department for children. The Labor Party did this back in 2019, when they announced a brand new emergency department for children and never, ever delivered upon that. But of course today the government is saying the same thing yet again, notwithstanding the fact that the current emergency department administration wing is also being relocated as we speak. My community and my constituents, and children in particular, want to know from the health minister what services we currently have and how they can expected them to be changed should this emergency department for children ever come to fruition, having failed us since 2018.

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:03): (2379) My question is for the Minister for Public and Active Transport. A number of my constituents have raised concerns about V/Line services to Greater Geelong terminating earlier than advertised. I am advised that South Geelong services have unexpectedly terminated at Geelong station and that more recently a Waurn Ponds–bound service terminated at Marshall station. Constituents have reported similar disruptions before, with some blindsided passengers left walking between stations or relying on lifts from other passengers. Minister, during this term of government, how many trains scheduled to terminate at South Geelong and Waurn Ponds have instead terminated earlier? On these occasions what arrangements were made to ensure passengers reached their advertised destination or returned to the point of origin, and how were those arrangements communicated? I ask the minister to provide actual numbers in the response.

Questions on notice

Answers

The PRESIDENT (13:04): Before we go to lunch, I just need to reinstate a couple of questions on notice. I received written requests from Ms Crozier seeking reinstatement of questions on notice 2537 and 2574 directed to the Minister for Health. I imagine it was the previous Minister for Health. Having reviewed the responses, I view that the minister has not been responsive to the question and therefore reinstate questions on notice 2537 and 2574.

Sitting suspended 1:05 pm until 2:07 pm.

Bills

Electoral Further Amendment Bill 2026

Second reading

Debate resumed.

Bev McARTHUR (Western Victoria) (14:07): Just yesterday this bill was rammed through the Legislative Assembly. Today it is our turn, and the manufactured urgency is just as fake. It might be politically urgent, but the judgement forcing the government's hand came in April, and they have shown their willingness to make this legislation retrospective. So there is no excuse whatsoever for the way the parliamentary process has been abused in this bill. We all know the reality: the government wants, needs, this bill to suffer the minimum scrutiny possible. And that is the reason they have yet again decided to fail to brief us with any decent notice, to fail to produce a draft and to ditch any chance of public consultation, mature consideration and the productive refinement and review of legislation. In fact we are being asked to deal almost immediately with a bill of enormous democratic significance, a bill that goes to the rules of elections themselves. That alone should trouble every member of this chamber. Even if you have decided to support the government today, can you honestly say you believe this is how we should do business? It is bad enough when we rush any legislation, but when it is about the very way our democracy works, the loudest alarm bells are ringing. Electoral laws should not be written in panic, negotiated in secret or forced through Parliament on a political timetable designed by the government of the day, but that is exactly what is happening here. Electoral law should be careful, principled, transparent and constitutionally sound – is that seriously too much to ask?

The reason we are here at all is because the government got it wrong last time. Its previous political donation laws were struck down by the High Court because they impermissibly entrenched political advantage – not in a small way. In fact they undermined fairness, they offended against democracy.

You would think that might occasion some humility from Labor, but no. Instead of that, Labor have come back with another rushed bill that appears to preserve and, in some respects, worsen the differential burden the High Court identified. Our central objection is simple. Labor claim to be banning big money from politics, while in reality they are leaving open the channels of big union money into the Labor Party. That is not a level playing field. That is not fair. That is the High Court's differential burden writ large.

There has been a lot of discussion of protection rackets here in the last few days, and this is a particularly shocking one – a political protection racket dressed up as transparency. Members in the Assembly pointed to the millions of dollars flowing from the CFMEU font of corruption and other unions to the Labor Party, while other political participants face tight caps and restrictions. The government cannot credibly lecture anyone about integrity while designing a system that says, in effect, 'Union money, good; everyone else's money, bad.' If the rules are going to be fair, they must apply fairly to all. If the objective is transparency, then transparency must apply to Labor's own financial lifelines as much as to anyone else.

The idea that this money will be entirely quarantined from political campaigning, that it will be spent on paperclips, is just – I do not know what to say – garbage. There is no way that the staff, buildings, databases, systems, organisers, call centres, software, compliance teams, HR, training, research, polling, messaging work and party infrastructure are somehow hermetically sealed from the election campaign. Even if we had not had the red shirts rorting scandal, this set-up would look suspect. Every dollar Labor receives for administration frees up another dollar for campaigning. You cannot seriously pretend there is a wall between running the party and fighting the election. If one side gets millions in protected administrative funding while everyone else is capped, that is just basic unfairness. And why – it is shameless and unprincipled for sure, but it is much more than that. It is desperate, it is panic, it is terror. This is a government that knows it is in trouble. They see the polling. They see the anger in the suburbs. They know regional Victoria is walking away. Liberals, Nationals, One Nation, independents: they are all coming for seats Labor once thought were safe, that they took for granted. But instead of asking why Victorians have lost faith, desperate Jacinta's instinct is to change the rules. Clearly this makes no legal or moral sense. It is naked political survival. They will do literally anything they can, including making laws they know may be struck down, just to buy time, put things off and fight an election on unfair terms in a desperate attempt to cling to power.

On the rest of the content of the bill, I will come first to public funding. It goes without saying that this is a very, very poor time to be asking ordinary Victorians to put their hands in their pockets to pay for political campaigning.

We are not talking about the cost of running the election here – the Victorian Electoral Commission, the voting centres, the ballot boxes. We are talking about political campaigning – campaigners, posters, mail shots, social media, TV advertising, putting politicians' faces in front of every Victorian, forcing them not only to look at us but to pay for the privilege of having us intrude into their lives.

This state is drowning in debt, taxes, levies, charges and duties. The whole panoply of money-extracting methods has already skyrocketed under Labor, and now this bill is coming back for more. Jacinta Allan is putting her hand further into your pocket to fund not roads, hospitals, schools, police, emergency services or basic services but politics – to put her face on a billboard to tell you to vote for her. It is yet another example of Labor wasting your own money to tell you how you ought to vote. It is a shocking situation.

Public funding is always sold to us as the cure for private money in politics: 'Get the donors out,' we are told, 'and let the taxpayer pay instead.' But look at what that bargain actually does. It does not take politics off the donors payroll, it puts politics onto the public payroll. And it does not return power to the people, it returns power to the parties already powerful enough to award themselves a cheque. This is not a new argument; it has been recognised for years. The danger is that introducing public funding for political parties' election campaigns will fossilise the system. It will lead to party dependence on the state.

We should be clear about what a political party is or what it should be. It is not a public utility, it is a private association formed to persuade citizens, to recruit members, to raise support and to campaign for political power. Parties should have to earn support, membership, volunteering and donations and force political movements to remain connected to ordinary non-political Victorians. If parties live off the state teat instead, they need fewer members, fewer local branches, fewer volunteers and less genuine public enthusiasm. Politics becomes more professional, more bureaucratic, more consultant driven and basically a lot more remote from ordinary people. It is less democratic, to be blunt.

It is far more than a technicality. If the parties in this building write the rules, then they allocate the money, and if they allocate the money, they will naturally favour themselves, all the while calling it election integrity – how ironic. Strip away that language and what you have is a protection racket for incumbents. Those already in Parliament get the funds, the staff, the profile and the machinery. Those on the outside and the party that does not exist yet face a higher bar. Mr Limbrick should recognise these arguments. Surely no Liberal or Libertarian can in good conscience support this. There is another

reason why: no citizen should be compelled through the tax system to bankroll political messages they find abhorrent. It is one thing to ask taxpayers to fund the neutral machinery of democracy – the rolls, the booths, the counting, the enforcement of the law. Let me put it as plainly as I can with an extended analogy I hope you will understand: a democracy should fund the umpire, not the teams. It should fund the ballot box, not the campaign machine, because once the state starts paying the players, the players will start designing the game around themselves, and that is the whole story of this bill. Let us call this bill what it is: not reform, not integrity, not transparency but another attempt by this cornered government to rig the rules of an election it is terrified of losing.

Remember how we got here: the High Court struck down Labor's last attempt because it impermissibly entrenched political advantage. It created a differential burden – one set of rules for some and another for everyone else.

You would think a government with any humility would have learned. Instead they have come back with a bill that preserves that differential burden and in places makes it worse. The beneficiary is always the same: Labor. The caps fall on their opponents, the restrictions fall on their opponents, but the great rivers of union cash from the CFMEU keep flowing into Labor's coffers, quarantined behind a fiction that nobody in this chamber believes. Every protected dollar for administration is a dollar freed for the campaign. Union money, good; everyone else's money, bad. That is not a level playing field, that is a differential burden in capital letters, and they know it.

Why should a government take a law it suspects is unconstitutional and ram it through anyway? Because this is not about principle, it is about survival. They see the polling. They see the suburbs turning. They see regional Victoria walking out the door. This is a government in its final days, and it knows it, reaching into your pocket, rewriting the rule book, doing whatever it takes to cling to power for a few months more. Victorians are not fools. They can see a stitch-up when it is paraded in front of them, and they will not be bought with their own money. I urge the house: vote this bill down.

Sarah MANSFIELD (Western Victoria) (14:21): I rise to speak on the Electoral Further Amendment Bill 2026. Right now Victoria has no rules around political donations for state elections at all. We urgently need to fix them, and the bill before us is attempting to do that. Before I go into the substance of the bill it is worth revisiting how we got into this situation in the first place. In 2018 Labor stitched up laws that would allow themselves and the Liberal and National parties to keep nominated entities – their election slush funds – while at the same time denying any other party or independent the same opportunity. For years the major parties were warned not only that this was unfair and undemocratic but also that it would at some point be the subject of a legal challenge. Labor had countless opportunities to deal with it. A simple fix to the laws to remove nominated entities would have done the trick. But instead they let a High Court challenge go ahead, which found, quite rightly, that nominated entities were unconstitutional. However, because nominated entities were so embedded in section 12 and integral to how the whole package of donations laws got passed in the first place, the High Court chose to strike out not simply nominated entities but the entirety of section 12 of the act. So we now find ourselves in a place where for months who knows how much money from who knows where has potentially been flowing into election coffers all over the state, where vested interests could be using hundreds of thousands, maybe more, to buy influence over the next election. It is a situation that the Greens say has to be remedied urgently.

But fixing the mess now is not as simple as it might have been if the government had just dealt with the nominated entities issue to ward off a High Court challenge, because now there is the High Court ruling itself to take into consideration. Additionally, because limitless donations have been flowing into campaigns for months now, including potentially from nominated entities, despite unequivocal warnings from the Premier not to exceed the donation cap in the period there were no laws, that money will now need to be clawed back. Further complicating the situation is the fact that a state election is around the corner. There is not the luxury of time to do a wholesale rewrite of the donation laws. What we have got here is a bandaid fix. It will stem the bleeding and do for now but only on the condition that it is followed by a thorough review and consideration of broad donations reforms.

Turning to what the bill does in itself, importantly, it deals with the problem that triggered this whole saga in the first place: the three nominated entities belonging to the Labor, Liberal and National parties. Until now these slush funds amassed over years could donate unlimited amounts to their campaigns, as they were exempt from the donations cap. This exclusive carve-out has been removed, and nominated entities are now subject to the same donations cap as every other party and candidate.

Secondly and crucially, the bill puts a donations cap back in place. It is increased to $7500. We would have liked to see that even lower, but given the other figures being entertained we think this is a reasonable outcome. In contrast to the Liberals, who have argued for significantly higher caps, the Greens support caps as a way of limiting the influence of big money over election outcomes. No-one should be able to buy a seat in this place. There has been a lot of talk about level playing fields around this bill, but the playing field should also be as close to level as possible for ordinary citizens. Now everyone and every entity – whether it be the Cormack Foundation, a union, a billionaire or Jill from down the road – will be subject to the same cap. Further, the bill reinstates public funding. Public funding is linked to the level of support candidates receive from their voters, ensuring that electoral funding is distributed more democratically. Anyone who gets over 4 per cent of the vote gets public funding. It also reinstates the same disclosure requirements as were previously in place – that is, donations above $1250 cannot be anonymous – and bans foreign donations.

Crucially, the donations cap and disclosures will be retrospective. Any donation received since the 15 April High Court ruling that exceeded the cap must be repaid or the recipient will be subject to criminal penalties. This includes money received by the Labor, Liberal and National parties from their nominated entities during that period, regardless of whether it has been spent. The Liberals are deeply unhappy about this, but it is hard to feel much sympathy for them. It was made abundantly clear that this would be the case. As the party that claims to believe in individual responsibility, they have chosen to disregard warnings and potentially take and spend bucketloads of cash on campaigning. If they have chosen to do that in the past couple of months, they should have to wear the consequences.

The bill also contains some novel aspects which are an attempt to address the High Court's concerns about the evenness of the playing field for candidates. The way the government has dealt with this is to provide for a doubling of the donation cap for new entrants at an election, bringing that cap to $15,000. The principle behind this concept is reasonable. There should not be significant structural disadvantages for new people or parties choosing to run in elections. Incumbents and established parties do have a head start, it should be acknowledged, with public funding and existing infrastructure, and that higher cap for new entrants allows them to fundraise faster to get their campaigns up and going. While the principle of it is sound, I think it is still unclear whether this mechanism will actually achieve the intended outcome. The definitions and operation of the new-entrant system are complex, and we are aware of a number of concerns that have been raised about potential unintended consequences. For example, there are questions about whether the amount of public funding received by a candidate who was unsuccessful but achieved greater than 4 per cent adequately offsets the advantage created by a higher cap. The issues with the new-entrant system highlight why the Greens have insisted on a proper review of these laws so that this sort of thing can be considered more thoroughly in the near future.

Overall we have made the assessment that the bill deals with some of the critical problems with the old laws, is certainly preferable to having no laws in place at all and therefore is supportable. But we very much view these laws as an emergency stopgap measure to put in place some donations guardrails before the upcoming state election. They need a thorough clean-out, and that is why the Greens have demanded a comprehensive legislative review. If we are serious about strengthening democracy and levelling the playing field, other options for political donations reform need to be on the table and therefore to be explicitly considered as part of the review. These include things like looking at spending caps. The Greens have long argued for spending caps. These do a much better job of levelling the playing field than donations caps alone. It limits the advantages of individual wealth, given candidates themselves are not subject to donations caps. It diminishes the benefits of incumbency. At a time when

the influence of big money and vested interests on elections is growing, spending caps are the obvious way to curb this. It is not a radical idea. Spending caps are already in place in many jurisdictions, including in New South Wales, Queensland and the ACT.

Other ideas for reform include the Centre for Public Integrity's proposal for a donations voucher system and the New York City matching funds program. These are all ideas that we could be exploring.

We understand that these options present a more significant change from the previous laws, and in the circumstances we find ourselves in currently in Victoria, it is not possible to get across all of these and consider the implications in the time required. But the review, importantly, will commence within a month of the election and must be completed within a year, so it may not be long before we have the opportunity to put better laws in place. Crucially, the review must be done by independent experts, not politicians. As this debacle demonstrates, we cannot have politicians who stand to gain or lose from the electoral donation system designing that very system. Those in power are very unlikely to support changes that make things harder for themselves or advantage political opponents, unless – as is the case here – they have their hand forced. It should not have actually taken a crisis to get these laws looked at. One would hope that the drive to protect integrity in our democracy would be reason enough. Perhaps the government should learn from this experience. It is much easier to prevent these disasters in the first place or at least treat them very early when you become aware of them.

There are broader donations reforms that need to occur in this state – reforms that, just like the changes to nominated entities, have long been called for by integrity experts and others. For example, candidates running in council elections are not subject to any caps at all. This leaves the door wide open for vested interests – for example, property developers – to buy influence. Victoria's longest running corruption investigation, which looked into corruption at Casey council, led to IBAC recommending donation caps for local government candidates that match the state election cap. Operation Sandon recommended both caps and bans on donations from high-risk groups such as developers – something the Ombudsman also recommended in 2015 – and yet neither of these things have occurred. It should not take another disaster to get action.

We cannot change the past, but we can learn from it. Let us make sure when these laws are reviewed next year that we take the opportunity to learn from what has happened and get them right. In a democracy, voters – not money – should get to decide the outcomes of our elections.

Georgie CROZIER (Southern Metropolitan) (14:32): I rise to speak to the Electoral Further Amendment Bill 2026, and I do so because I think this piece of legislation that we are debating this afternoon and into the night is a significant piece of legislation that has been poorly articulated by the government given the massive failings that they have undertaken. Let us not forget why we are debating this today. In 2013 and in the lead-up to the 2014 election, the red shirts operated. It operated out of Daniel Andrews' office. It implicated ministers and members of Parliament and other members of the Labor Party movement significantly. It was, as the Ombudsman claimed, an artifice, and the Labor Party had to pay back $388,000 to the taxpayer. The Labor Party and the then Premier and his ministers rorted the system. They rorted Victorian taxpayers, and in that time they also used the union movement to campaign heavily against the then government, the Napthine government, of which I was a member – so I remember it very clearly, and there are many people in this house that do not.

Out of that disgraceful cover-up of the red shirts – and it was a cover-up – the police did not do their job properly. No-one was charged. They should have been. That was a disgraceful cover-up in every sense of the word. And here we have legislation brought into this chamber to fix what Labor had done. Labor had done this – Labor had ripped off the taxpayer and Labor had rorted the system. They rigged the system then and now they are rigging the system again. They brought in legislation that we voted against at the time, and it was only passed by one vote. We had a very long and significant debate at that time. And here we are again. Labor come in here and have the audacity to lecture us about integrity. Let us not forget why we are debating this – because of the rorting of the system that Labor

does continuously, doing it to the taxpayer. And we are having this debate. There is so much I could say about integrity and the failures of Labor, whether it is under this Premier or the former Premier, because they have no basis and no grounds on which to speak to the Victorian public about integrity measures and how they stand up for the little people, the voters.

They have got no credibility on this because they are a part of the problem; they set up the systems to rort the system. That is why this bill is so important. It is why we are opposing it – because it is a rigging of the system. It is not the Liberal Party's or the National Party's fault that we are in here debating it, it is the government's.

It is Labor that introduced the first laws. It is Labor that did the deals with the crossbench at the time and got the legislation through by one vote. It is Labor that stuffed it up. It is Labor that is now lecturing to the Victorian public about integrity. Spare me. What the bill does is go beyond restoring a political donations framework following the High Court's decision in *Hopper v Victoria*. The Independent candidate who took it to the High Court still has concerns around how this is not a level playing field, because it is not, because the union movement is a part of it. It is extraordinary. I do not understand how anyone can say that this is fair given the union influence. Look at that movement. Look at the union movement. Look at the union influence. What do they do? They are a part of the labour movement, as has ben said, and I think it was Ms Ermacora who said this morning in an interjection, 'We are part of that union movement.' Yes, we understand that, but the unions are being exempt from this legislation, and the unions, by their own definition, are part of a system in the labour movement where they influence – they influence in conferences and influence in internal matters through who is appointed to ministries, who is appointed to seats and who is appointed to the leader roles. The union movement has a huge amount of influence on what happens in this state and what this government does and says in this state; that influence and those big pockets of the union movement are still influencing the Premier and this government through this bill.

This bill is rigging and rorting the electoral system. The union movement has never been so powerful. Look at the CFMEU: $15 billion they ripped off the taxpayer through the Big Build. The then minister, now Premier, turned a blind eye to it. She is responsible. The union movement, with what they did throughout COVID, what they did throughout 2013 and 2014 in that election campaign, what they did in the red shirts campaign – these are the unions with influence. So for the Premier to get up there and say in her media statement that they are not going to be influenced by those with deep pockets – well, this legislation and these donation laws should not be influenced by big unions either. And by hell do we have big unions in this state. Everybody knows that. Victorians know it. They can see it. They are feeling the effects of the union influence on this dreadful government. They have rorted the system through the Big Build and they have rorted taxpayers money, and they are rigging the electoral system again. The government has allowed the union movement to still be part of the donation system. How is that a level playing field? I say to every crossbencher: you are pathetic if you side with the government and agree with this.

I want to take up Mr Limbrick's discussion, though, in the procedural debate – and I could not agree with him more – around the foreign influence, the foreign interference and foreign donations. I totally agree with you. We could have carved that out and sorted that out, and I think there would have been unanimous agreement – but oh, no, no, no, not this government. They know what they are doing: shut everyone else out but let the union movement, with their influence, with their big pockets and with their deep pockets, influence this government and rig the system again.

This is a disgrace. It is so shocking, and it is even more shocking with the way the government has introduced this bill. The Liberal and Nationals have had less than 24 hours to see the bill. They say it is urgent. They bring it in and then move a motion. I do not want to denigrate the motion on Neale Daniher – an amazing Australian, an incredible Victorian – but we could have done that yesterday when the lower house did. But we did not. It is an urgent bill, and they bring that on. And there are amendments. They have not even gone through the proper process around going through the Scrutiny of Acts and Regulations Committee, as Mrs McArthur said, going through the proper parliamentary

processes of what we are meant to do. The minister said, 'We're a house of review.' Well, you are not even following the rules of this Parliament, Minister. You are not even following what needs to be done. We have got the new treaty that has been passed. That was meant to be an amazing application to every piece of legislation that is going through this place. Well, they bypass them when it suits them. They disregard the – what is it?

Bev McArthur interjected.

Georgie CROZIER: Gellung Warl. Thank you for correcting my pronunciation, Mrs McArthur. They just disregarded them, bypassed the process. I mean, this is farcical. But it is not just farcical, it is dangerous. Our state has so much to lose. It is about good government and decent government and integrity in government.

For many years we have seen Victoria, I think, slide into a state of decay, a state where there is not that value on what it means to have integrity and good government, because for Labor it is power at all costs. We saw it with Daniel Andrews, and we are seeing it with Jacinta Allan. That is dangerous for democracy. It is dangerous for the future of our state. I say that this bill is flawed because of the nature of it, and that is why the Liberals and Nationals will be moving amendments to improve this. I know that Mr Mulholland will be going through it. He will go through those amendments when we move those. I would urge members to look at those amendments closely. I am sure that we are giving more time to the crossbench in explanations of why we believe those amendments should be moved than the government has provided to them. I spoke to one crossbencher. She said that they have not even had a briefing from government. It was 2 hours ago. I mean, seriously, what a disgrace – how arrogant. You hold members on the opposite side of this house in complete contempt. You are a disgraceful government in so many ways.

I want to just say a little bit about the retrospectivity aspect. It is as clear as the nose on your face. Let us go back and have a look at what the government is doing with this bill. Parties will have to return money transferred to their nominated entity – so it is basically the Liberals, Nationals and Labor Party, putting the union movement aside over there – between 1 July 2023 and 14 April 2026 above the general cap of $5030, so when that court action happened. Look at that date: 1 July 2023. It is a very arbitrary date. Why? Why don't we go back to when the legislation was first introduced or to the last election? Why is it 1 July 2023? The government will not answer those questions, but it is very clear that Labor had money shovelled to them before that date. That is the cut-off. They need to explain exactly why they called for this date, because I say I do not trust this government. They lie and they will lie about this too, I have no doubt. They have lied about so many things. Look at the Commonwealth Games. Look at all the broken promises that we are dealing with. Look at the incredible debt and the 67 new taxes. Daniel Andrews promised he would not increase one tax way back in 2014.

I mean, this government will do anything to hold on to power. Why do they want to cling to power? Because there is a lot they have to hide.

But these donation laws to ensure that we have a proper democratic process in this place should have better scrutiny. They should have a whole range of better aspects than what this bill provides. It provides one-way traffic to an overbearing party machine, the Labor machine, run by the unions – the unions that dominate in this state and call the shots in government. They are all apparatchiks of the union movement; they all belong to a union movement. The union movement determines who goes where in Labor, who is sitting as Premier and who is sitting as Deputy Premier. Look at all the internal fighting. They keep it in-house, I must admit – they are better than we are – but they are dominated by –

Ingrid Stitt interjected.

Georgie CROZIER: The minister is laughing; I do not blame her. But the point is, the union movement dictates who goes where. We are the Liberal Party – we are far more open, and I think it is far healthier to have those open discussions.

I say again, look at the union influence in this state, look at the union influence within the Labor Party, look at the union influence within government, and the unions are exempt. Those deep pockets that the Premier speaks about are going straight into her coffers, straight into rigging the electoral system, rigging this Parliament, rigging the processes of what needs to be done here. Our state deserves better than what we have with this government, and our state deserves better than this bill. I stand with my colleagues in opposing it.

David LIMBRICK (South-Eastern Metropolitan) (14:47): It is unfortunate that we have gotten to this state. The original Electoral Act 2002 was brought in before my time in this Parliament. I note that the opposition opposed it at the time, and I imagine that if I had been in Parliament I would have railed against it as well. There are lots of things in the Electoral Act. Ever since I was elected, I have had to look at it all in so much detail – how the administration and campaign funding works and all of the ways that you have to deal with it. It is an absolute nightmare for a small party to manage compliance with these things. It is very difficult. There are lots of problems with the existing Electoral Act, and I totally agree with Dr Mansfield that it needs a wholesale review from the bottom up. We are simply in a situation where that cannot happen at the moment. You cannot really do any major changes to the Electoral Act after August, otherwise the Victorian Electoral Commission will not be able to run the election properly, so that is a problem.

I note that the government has committed to a larger review of the act – that is good. But on the part of the current act that was struck down by the High Court, it should have been obvious to anyone when it was instituted that it rigged the system in favour of the major parties with the way that the nominated entities work. The Liberal Party had a nominated entity, the National Party had a nominated entity and the Labor Party had a nominated entity. This was a way for the major parties to continue using these vehicles that they had set up for funding to continue to have an advantage over every other party, whether they are existing or new entrants. In hindsight it is obvious – blind Freddy could have seen that there was an unfair advantage. As of April this year the High Court has rumbled it and said it is invalid. I do not think anyone, including the litigants, expected the High Court to strike out the entire section 12. For whatever their reasons, they said that they could not disentangle the entrenched advantage from that, so they struck out the whole section 12. That puts the state of Victoria in a very precarious position, because there were a number of things which were not controversial in section 12. The one that I am most concerned about is foreign donations, but also other things around party administration, funding and donation disclosures. These are all very important things.

My position has been consistent ever since this High Court ruling went in – I have said it publicly, I have said it to the government, I have said it to anyone that will listen: we need to urgently and as soon as possible reinstate as much as possible from the old act as is constitutionally valid to have a bandaid so that we can at least run the next election properly, and any larger changes to the system I will not be supporting without a proper review. For the most part that is actually what the government has done. They have tried to come up with a bill that they think will survive a constitutional challenge and that reinstates things like foreign donation prohibitions, donation caps – all that sort of thing – and that also removes the entrenched advantage of the ability of nominated entities to transfer as much money as they like. I am not a constitutional law expert. I do not have the resources to hire one to give me an opinion. But ultimately, whether or not this survives a constitutional challenge, the government has the resources of the solicitor-general and all sorts of other resources, and the constitutional validity is on the government. They have to make a decision on whether they think it will survive a challenge, and I think that there probably will be a challenge. They have to make that decision.

But I am upset that we were not debating this earlier. I note that the opposition was saying, 'If it was urgent, why didn't we do it earlier?' That is a very good question. We should have done it earlier. In fact I said to the government I would be happy to support a recall of Parliament to fix this problem

during the break. I said I was disappointed that we were not debating this in the last sitting week, because every day that we stay in this limbo our state is exposed to foreign influence. At the moment it is totally legal for any political party to solicit and receive donations from anyone in the world, and if people cannot see how dangerous that is, they need their heads read. That is a very, very serious problem with our system.

Similarly, less significant but still significant, the disclosure of donations currently is not required either, and I think it does need to happen. The caps are being reinstated. I have philosophical problems with the caps, but ultimately they are just reinstating what they had with a slightly higher amount. I think it is $7000 it has gone up to now from close to $5000. It is really neither here nor there.

The main thing that I am concerned about is how vulnerable our state is at the moment. I actually agree with the opposition: if the government had come up with a bill that just fixed these really critical things and done it very quickly, maybe we could have had unanimous agreement on it, because I know that the opposition also, as has been stated, are concerned about the foreign donations. But ultimately I have to make a decision based on the bill that I am presented by the government, and what I have been demanding from the government is for them to reinstate as much as possible of what is constitutionally valid. It is my belief that for the most part the government has done that. They have reinstated foreign donation prohibitions, which is good, and we cannot go another day while Victoria is vulnerable.

I totally agree there are many, many, many problems with the Electoral Act – I do not think that anyone in here actually seems very happy with the Electoral Act as it was – and we do need a wholesale review. We simply cannot do that in a considered way before the election. It is just not going to happen. I do not think even the government would claim that this bill is anything more than a bandaid to make sure that we can run the election properly and we do not have dark money flowing in from overseas. On that basis I will be supporting this bill, but I do not support the current Electoral Act. I do not support the way that it works at the moment. I think that many of the things that happen in our Electoral Act at the moment are just wrong, cumbersome, difficult to comply with or counterproductive. There are so many things wrong with it, but we simply do not have the time before the election to have that considered review. The government needs to act to make sure that these loopholes are closed, like the foreign donations issue, and this bill will close them.

Therefore the Libertarian Party will be supporting this bill, with many reservations about the bill. I have got no choice but to accept the government's advice that they think it is constitutionally valid. But if this fails a constitutional test, well, the government have stuffed up again, haven't they. I think that there is a lot of pressure on the government to make sure that this does survive a challenge.

As for the amendments, I share the opposition's curiousness about the date of 1 July 2023, and I am giving due consideration to the amendment being proposed by the opposition on that particular issue. They claim that there was lots of money transferred before that date. Maybe the Labor Party or one of the Labor MPs could actually clarify that for us, because I do not know whether that is true or not. I have no information. I do not know the financial inner workings of the Labor Party. But if that was the case, I think that Victorians would be outraged if that was true. I think that Victorians would be outraged that they are forcing this retrospectivity to pay back money but making it slightly after they made a payment.

Members interjecting.

David LIMBRICK: I will take up the interjection by Mr Mulholland. If Mr Mulholland has evidence to that effect, I would be very interested in seeing it.

Evan Mulholland: There were. They told us.

David LIMBRICK: Okay, well, if that is the case. No-one told me about millions of dollars being transferred before 1 July 2023. But if the government have got nothing to hide, maybe they would not mind changing the date back to the date of the election or close to it. I understand that if you did it

right on the election date there might be problems, because there is lots of money flowing around during an election period. But I would like to hear the government's explanation. The explanation they have given so far, of it being the first day of the new financial year – okay, well, if you are going to choose an arbitrary date, I suppose that is as good as any. But if it is actually true, the government should either change the date, as the opposition is suggesting, or stand up in here and tell the truth. If there were no transfers made, then it does not really matter if it is 1 July. If there were no transfers made and if the government can confirm that there were no transfers made, then I think that that is probably reasonable. But I do not know; the government has not said anything about it. At this point it is up to the government to come clean on that. But it is an unfortunate situation that we are in. I do not like it. But ultimately we need to plug this gap that we have got at the moment, and therefore I will be supporting this bill.

Melina BATH (Eastern Victoria) (14:58): I rise today to oppose this bill in the strongest fashion. It has been interesting and important to listen to the debate, and I appreciate the comments that have gone before me. I came in in 2015, and at the start of 2015 there was constant frustration and outrage as the red shirt rorts were being unpacked both in this house through questions that we put to the government but also through the Ombudsman Deborah Glass. I always find it gobsmacking how somehow Labor members of Parliament must go to a certain school, must have certain levels of tuition so that, first, Daniel Andrews can stare down a TV camera and say, 'No more taxes,' and then lo and behold, we are up to 67 – probably about 60 by the time he left. It is just confounding how they can do this and think, arrogantly, that they should be entitled to get away with it. That is what they thought, taking almost $400,000 of taxpayer-funded money from the electoral office and campaigning in red shirts. The Ombudsman said, in both 2018 and 2019, it was an artifice and it was wrong. Twenty-one MPs got on board, some of which were in that Parliament in 2018 because of those red shirts.

Bev McArthur: Michaela Settle is one.

Melina BATH: Yes, we could get the list out. Some of them have gone through other means – through transporting their dog around in a company car and various other interesting spaces and places. But we see this happening. The legislation was brought through, and it was flawed at the time. We see now that this legislation is flawed today.

I am a simple person. I grew up in the country, my parents worked hard, I went to uni – all of those things. But I am astounded at the amount of legal representatives that this government has as staff working on this. It went through the High Court – *Hopper v Victoria* – and the decision came down. Then, lo and behold, we waited seven weeks – seven weeks, with all that force, all that understanding, all those people poring over the law – for the government to then bring in legislation. Not through due process, like democracy demands – they brought it in, stuffed it into the lower house yesterday, and now it comes through here as an urgent bill. It could have come in five weeks ago. It could have come in, been first read and then gone off through the normal process – through SARC and through bill briefings. Put your hand up if you were afforded a bill briefing, anyone in the opposition or on the crossbench. No, we were not. There was no due process – no request. We were not handed the bill until late yesterday at best. And now we see this bill is coming through.

Not only that – this is the house of review, and this morning we were lectured by the Allan government, by members in the government, who said that we should just roll over about the process of this house. The house of review should be about moving slowly and surely through a piece of legislation. This is a significant piece of legislation because it impacts taxpayers, it impacts due process and it impacts transparency. Now, I am all for greater transparency and accountability, which we have not seen through the last 12 years of this government, but I am also about due process passing through Parliament. Indeed we see there was not due process – even to the point where this government in November last year brought through the statewide treaty. We were told by those opposite of the very importance of Gellung Warl, of the First Peoples' Assembly and of having a statewide treaty statement of compatibility. We were told, and we said no. We said we oppose treaty. We have a different route to closing the gap and self-determination. We were howled down. 'Shame,' it was said. Well, this

government now, in its fast-tracking of this somehow vital piece of legislation that had to be rushed through yesterday, has just cast that aside: 'Oh sorry, it doesn't suit our narrative. We can abandon that.' That which was so important in November – we can debate whether it was important or not, but they threw it down our throats and we were supposed to cower under it. And now this government has cast that aside: 'It doesn't suit us.' Indeed, the statement of treaty compatibility said:

> The First Peoples' Assembly of Gellung Warl (Assembly) was not given an opportunity to advise on the Bill and the Assembly did not otherwise make representations about the Bill's effect on First Peoples.
>
> The Assembly was not given an opportunity to advise on the Bill, as section 66 of the Treaty Act commenced on 1 May 2026 …

And it goes on. I find that slightly duplicitous. I find 'What works for me now may not work for me in the future' is what Jacinta Allan is running here. This is not minor machinery of a bill. This is about changing the rule book of political competition. Again, I am a simple person. I go to people in my electorate who I have worked hard for, and I say to my friends and family, 'Do you think you would like to give me some money to run my campaign?' The Nationals have gone through in detail about the caps, disclosures and all of those things. If you run a raffle, you have got to make sure that you meet those needs and requirements to the nth degree.

Here we are told now that because of this High Court decision, the government is rewriting the rule book. We do not like black money – in fact it scares the living daylights out of me – but what I hate more is grey corruption from the Allan government. That is what we are seeing here through this process, through the Big Build and $15 billion worth of corruption. It is astounding and scary. I support the Westminster system and I support democracy, but I cannot support this bill.

I just want to go through a couple of other points in relation to this – first of all, the retrospectivity. I take the point that Mr Limbrick raised and I have heard all on our side raise: this value point of 1 July 2023. What is this government hiding? 1 July 2023 is just an airy-fairy arbitrary date. Well, is it? What happened just before 1 July 2023? Why don't you cast the net back further, as we have suggested, back to 27 November 2022 – the election. Why don't you make that a clean break? Therefore we will see that you have integrity. I am sorry that you are not and it is not applicable or appropriate.

To go to the unions – and this is the part that really completely frustrates – workers deserve to be in a union. They deserve to take fair pay home for a hard day's work. They deserve pay and conditions. They deserve to be safe. They deserve to choose what to do with their money. But what we see with this government is that it is using this. Labor cannot claim it is cleaning up political donations while preserving many pathways for ongoing financial benefit from the union heavies. The CFMEU is not just any donor; it is a union that has been placed under administration after several findings and allegations of corruption, intimidation and organised crime in the construction sector. This should send a shiver down the spine of many Victorians about all the things that they are missing out on: the schools, the hospital upgrades, the shoddy roads that we are missing out on because of this black hole of corrupt money, and yet this government will continue to take those funds.

We see the bill excludes annual affiliation fees as a definition of a 'gift'. This means that Labor can continue to benefit from this union financial support while other parties and candidates are constrained by strict donation caps. Let us call it a level playing field and make it a level playing field. This is not donation reform; this is political self-preservation while rights are being limited by Parliament and we are being denied that scrutiny. The Nationals will oppose this bill. We oppose the fact that the government is doing this in a cost-of-living crisis and is seen to be lining its own pockets while pushing down and pushing away that fairness and transparency. We see our roads crumbling, as I have said. We see our hospitals and just the whole range of service industries under pressure.

In conclusion, this government needs to come to the table and at the very least take on our very good amendments that make it more of a level playing field. The government needs to turn over a new leaf. What would that cost? What would that do? You would have to have that gun that the Men in Black used to look at before they had complete amnesia. They would have to turn over and become

reasonable, appropriate, respectful and honest with the Victorian population. You cannot clean up donations while keeping the union rivers of gold flowing. The Nationals oppose this bill.

Rikkie-Lee TYRRELL (Northern Victoria) (15:09): I rise to speak on the Electoral Amendment Bill 2026. One Nation Victoria will be supporting this bill. We 100 per cent support a fair and transparent political donation system in Victoria.

We had concerns about what seemed like loopholes in the bill, and it took a bad mood, some mudslinging in this chamber and a few emails to get a briefing from the government. It is disappointing that it took this for the government to finally consult with me, but then again, this is rather a rushed bill. I have absolutely no issue with capping the general donation limits. It creates a fair and even playing field for all parties and candidates. I would have liked to see the cap on associated entities donations be backdated to the last election, which I see my colleagues in the opposition are trying to rectify with their amendments, which I will be supporting. This bill is not perfect by any means, but it is at least a starting point. The electoral system in Victoria is broken. It is being played by who has the most money to spend on preference whisperers, smear campaigns and flat-out saturation campaigns. I would like to see a complete overhaul of our electoral system, but it seems this government is not brave enough to do that just yet. In closing, I am glad to see some change to the donation rules and commend this bill to the house.

Wendy LOVELL (Northern Victoria) (15:11): I rise to speak on the Electoral Further Amendment Bill 2026. This is a bill that I do not consider to be an urgent bill but one that the government are pushing through this house in one day as an urgent bill. The key to why it is not an urgent bill came in Minister Shing's contribution this morning when she said, quite rightly, that we are a house of review. What the government is doing here is avoiding any scrutiny or any review of this legislation by trying to ram this through today. It is not an urgent bill. We have known for some time of the decision of the High Court, and Labor could have brought legislation earlier than this. They could have consulted with all parties in the Parliament about what should be in this bill, but they have not. They have just brought in this bill that actually entrenches advantage to the Labor Party, to the detriment of all other parties and independents in this Parliament.

Why are we debating this bill today? We are debating this bill today because Labor got it wrong in the first place. Labor got it wrong, and someone challenged this in the High Court. And I would say the Greens got it wrong in the first place, because the Greens collaborated with Labor to get the original legislation through, which has been challenged in the High Court. Even though the government have been told what is wrong, this legislation is still wrong. There are holes right through this. We know that it is going back to the High Court, but the government could not even get what they brought into the lower house yesterday right. We are now hearing there are going to be government amendments to this bill. It went through the lower house yesterday, and the government are already saying, 'Oops, we got it wrong. We've got to put an amendment to this bill.' This is a real concern, because what we know is this bill will not be constitutional, it will not be legal and it will go back to the High Court.

What should have happened is this bill should have come in here. We should have had ample time to consider this bill. It should have been public for a number of weeks. There should have been time for legal and constitutional experts to see this bill and ensure that what is in it is correct. But no, Labor know better than everybody else, and Labor are ramming this legislation through. This bill should be deferred so proper scrutiny and review can be done on this bill to ensure that Labor and the Greens do not get it wrong again. These laws are an attempt by Labor to try and rig the system once again – to rig it in their own favour. This will cut off all money flowing to any other party, to Labor's political opponents, while continuing to allow rivers of gold from the CFMEU and other unions to flow into the Labor Party. Labor has no doubt done a deal on this with the crossbench to benefit Labor, and the crossbench have not even been wise enough to be alert to that.

Labor will do anything, we know. Who was it who wrote the book *Whatever It Takes*?

Enver Erdogan: Graham Richardson.

Wendy LOVELL: Graham Richardson – *Whatever It Takes*. Labor will do whatever it takes to hang on to power, and if that means rorting public money, if that means corruption, Labor are in it like Flynn. This is very much a desperate attempt from a tired and corrupt Labor government to benefit themselves at the expense of everyone else.

The bill goes far beyond restoring the political donations framework and what was needed under the High Court's decision. Labor are legislating unconstitutional laws, and instead of fixing the problem properly they have been politically motivated to stack the decks in their own favour and at the expense of all other parties and political opponents just six months out from an election. Labor has given the members on this side of the chamber just a few hours to consider and pass this legislation. As I said before, it should have been out there for weeks for constitutional and legal experts to scrutinise and for us to consult with people on this bill, but no, Labor will not give anybody that opportunity. The Premier herself has said that she expects this to be challenged in the High Court, and that is all the more reason why we should be getting this legislation right and not rushing bad laws through the Parliament.

This bill is an affront to democracy. The way elections are funded and how funding is disclosed is important to public confidence in the election results, but we know that does not matter to Labor because we know about the red shirts rorts and how they used public money to advantage Labor candidates and to elect Labor members of Parliament to this Parliament a couple of elections ago.

The CFMEU and the unions will be able to continue to make huge donations to the Labor Party. Rivers of gold will flow into the Labor Party. This bill enables that. In the last term of Parliament the CFMEU gave $1.5 million to Labor – that is just one union. Trades Hall have 41 unions who are affiliated with them, and I believe that 21 of those formally affiliate with the ALP, so does that mean that we will have 21 unions giving $1.5 million in a term of government to the Labor Party? That is $31.5 million. That is a huge advantage over the Greens, over One Nation, over the Nationals, over the Liberals, over the Lib Dems, over any other party on the crossbench, the cannabis party, the shooters party and the Animal Justice Party as well – a huge political advantage.

This bill is retrospective back to 15 April 2026. Call me cynical, but when was the last donation made by Labor's nominated entity to the Labor Party? I bet you it was about 14 April 2026. That is why it is only retrospective back to that date. This is just another attempt by Labor to undermine their political opponents and shore up their own electoral position ahead of this November's state election.

We just listened to One Nation, and they are going to support this, but Ms Tyrrell said, 'We're going to support this, but we couldn't even get a briefing from the government until the very last minute. But we think this is transparent and fair.' I would say to One Nation: read the bill, because this is not transparent and this is not fair legislation. This is legislation that is rigged to support the Labor Party to get rivers of gold flowing into the Labor Party at the expense of every other political party and independent that wants to gain a seat in this Parliament. The coalition did seek to engage with the government in good faith, but the government has chosen to stitch up a deal with the Greens and One Nation.

The coalition will always support principles of transparency, accountability and public confidence in Victoria's electoral system, but that is not what the Labor Party want to do. The Labor Party just want to stitch up a deal that supports them, and we cannot support a bill that barely attempts to hide its intention to stack the decks in favour of the Labor Party and their CFMEU mates. We know that there is $15 billion in money that has been rorted under corrupt deals on the Big Build sites. You have to ask: is that $15 billion coming back into the Labor Party coffers, or is part of that $15 billion going to come back into the Labor Party coffers, to fund their election in November? This is further corruption by a tired 12-year-old Labor government who have run out of ideas, who have run the state's finances down and into deficit and who do not know how they are going to get re-elected. They are so desperate

to get re-elected that they would cripple their opponents rather than go to an election on an even playing field with a fair set of electoral reform matters.

This is appalling by the Labor Party. The coalition will move amendments to this. We will move an amendment to exclude trade unions from the definition of an associated entity in section 206, and this will stop the backdoor exemption for the rivers of gold that flow from the CFMEU and other trade unions into the Labor Party. If it is good enough to ban big business from donating unlimited money to any political candidate, it is good enough to ban big unions from doing the same with the Labor Party.

The other amendment that we will move to this is an amendment to ensure the constitutional validity of the new campaign finance regime. It ensures that the amounts that need to be paid back to nominated entities apply to the period since the last election. Labor have chosen an arbitrary date of 1 July 2023. Why would they have chosen that date? They chose that date probably because that was in advance of the last time they got a donation. They told the coalition during negotiations that the July date was selected because it was after –

A member interjected.

Wendy LOVELL: They actually did. This is it. They told the coalition during the negotiations that the July date was selected because it was after Labor received its last payment from Labor Services & Holdings. Why is it just after Labor received their last payment? Why is it not after the last date the Nationals or the Liberals or anyone received their last donation? Why is it not just from today onwards? Because some of that money that has been paid in from entities would have already been used on previous campaigns, and this will severely restrict the ability to campaign in this November's election. Labor actually told the coalition that that was the last date they that they received a payment from their Labor Services & Holdings, despite communicating that the solicitor-general's advice was that the new regime must apply to the entire election period, so this is showing that they are rorting it. They are not going back. The solicitor-general said, 'Apply it to the whole election period.' No, Labor said, 'We'll apply it from the day after the last time we got a payment from our entity.' It shows you just how corrupt this government is. It is critical that this amendment be adopted to ensure the constitutional validity of the of the provision.

We have another amendment as well. That amendment seeks to replace proposed sections 279 and 280 to require parties to disclose to the Victorian Electoral Commission all amounts received from nominated entities by all parties since the 2022 election.

Labor does not want this transparency. The coalition does want this transparency. Labor do not, because they do not want you to know how much they have already received in dodgy dollars.

This amendment will open the books and shine a light on everyone's campaign finance agreements. We are willing to commit to transparency, so why won't the Labor Party? I would say to every member of Parliament, including the Labor members of Parliament and the Greens, One Nation and whoever else is supporting them on the crossbench: have a very close look at the sensible amendments that have been put up by the coalition. These should be adopted to ensure that this bill is a better bill. But I think that the bill is just so bad – it is so corrupt, just like the Labor Party is so corrupt – that we should oppose this bill no matter what format it is in, just as every Victorian should put Labor last on their ballot paper in November, because Labor is corrupt.

Richard WELCH (North-Eastern Metropolitan) (15:26): I rise to speak on this allegedly urgent bill, which of course is not an urgent bill. This bill goes far beyond restoring the political donations framework following the High Court's decision in *Hopper v Victoria*, which of course was Labor's own fault. They legislated unconstitutional laws and instead of fixing them properly in advance at any point over the last few years, engaged in a politically motivated attempt to stack the decks in their own favour at the expense of their political competitors only six months out from an election. It is appalling. It is miscreant. It is a terrible thing. They had time to see this. This is the first point. This case was

before the High Court for some time. There were clear indications of the direction of travel of that court case. There was wide conversation in the community. There was ample time to sit down with all parties and all stakeholders in the interests of democracy and come up with a clear, sustainable and constitutional way to manage election donations.

Election donations are a useful and valuable part of democracy, but they also can be a toxin and they can distort, so the fairness of the system is paramount to any functioning democracy. There was plenty of time where all parties at a sensible speed could have sat down and done it. It could have been revealed to the public so the public could have their legitimate say – because, after all, in a democracy it is their consent to the process that legitimises the process. If it is done behind doors, where is their say in any of this? In fact the last bulwark, the last backstop, to this is actually the Liberal and National parties in this chamber. We are the last democratic mechanism that the Victorian people have to have any say in what is going to happen in their democracy. All this time they could have had a good faith process to address the shortfalls of their donation legislation, but they chose not to do it. And just like so much else in this state, leaving it late or however they have blundered through it, they have left it to the last minute and said, 'Oh, calamity, we've got a problem' – a problem they could have seen from a hundred miles out. 'Oh, we've got a problem, and now we must solve it, and we must solve it in the most hasty, ill-thought through, bad-faith process possible. And maybe with a bit of bluster we could just bluff our way through it and get what we want and get a structural advantage in doing so.' Well, we are not having it. We will stand up. Others are going to fight for their own self-interest, but we are going to fight for Victoria's interests and the Victorian people's interests.

I do think this is sort of this Labor government's last hurrah, because at this point of the election cycle in other periods they would have been coming out and saying, 'We're going to build a bridge,' or 'We're going to do crossings,' or 'We're going to have some megaproject.' I mean, the Suburban Rail Loop came off a back-of-an-envelope calculation. They came out and announced that. They said, 'This is what we're going to do.' It is very instructive that this year, at this stage of the election cycle, what they are coming out with is, 'How do we rig it that we maintain our sources of revenue uniquely and no-one else does, and how do we add more money from the taxpayer to our campaigning?'

That is their big vision. The hue and cry that they are making over this – the bluster and the bluff – is their last shot. This is it. This is all they have got. That is all that is left in the tank. The only ammunition they have got left is 'Well, we're not going to be able to win on merit or on the battle of ideas. We're not going to be able to win on performance. We're not going to be able to win on the popularity of our leader. What we're going to win on is that we will actually just rig the finances.' So it will cease to be a battle of ideas; it will be a battle of union funding to the Labor government to the exclusion of every other legitimate source of funding. This is their last hurrah.

They have rushed this legislation. We have had less than 24 hours to look at this legislation, to understand or communicate or share out the implications of this legislation. The wider public of course have no visibility of this effectively at all. It is an affront to democracy, it is an affront to this chamber, it is completely inappropriate and it would not have been necessary if you had managed things properly in the first place. Certainly just because you did not does not give you the justification to ram it through. Yes, it is a serious matter, but you had time and space to address it as a serious matter. The fact that you have chosen to treat this as some sort of inconvenience does not justify it, and we will not stand for it.

How the electorate is funded and how funding is disclosed is important to public confidence in election results – there is no question of it. It does not even pass the pub test. I think if you had to explain these new laws to a friend over a coffee at a cafe or wherever you are meeting, at a supermarket, the shorthand of this is very simple: the Liberal Party and National Party sources of funding are going to be made illegal but funding from unions to the Labor Party is not. That pretty much sums it up. To just unpack that a little bit, it is unions like the CFMEU, one of the biggest recipients of state taxpayer funds for state Labor government projects, that gets that revenue. This borrowed money – it is not

even taxpayers; it is borrowed money – goes to the CFMEU, and lo and behold, they are allowed to keep donating to the Labor Party.

Enver Erdogan: No, they are not.

Richard WELCH: They were allowed, weren't they? While they were getting all this money they were allowed. You have received no funds from the CFMEU?

Enver Erdogan: They were affiliation fees. It is like a membership fee.

Richard WELCH: Oh, an affiliation fee. Yes, how convenient. How very convenient.

Enver Erdogan: But not anymore.

Richard WELCH: No, please tell us. I accept the interjection. Please tell us how pure as driven snow the CFMEU contributions are to the Labor Party. Even standing here, you are defending it. You are still defending it. I think this goes beyond denial. They often say, 'Don't ascribe malice to simple incompetence,' but I think in this case it is a bit of both. It is not a level playing field, because the Liberal and National parties have served the people of Victoria and Australia for many generations. We have served this community. If we have built up resources by that process to help the party serve the community, we should have access to them just like any other party does. But no, it is not a level playing field.

This is not the only area where we do not have a level playing field. Look at the resourcing of our leader's office. We used to have reasonable staffing levels, and that has been cut down to 11. Whilst the Premier's office can have 20 or more media staff –

Wendy Lovell: Just media staff, not admin staff.

Richard WELCH: Yes, just media staff, more media staff than the entirety of the Leader of the Opposition's office, which has 11. How is that a level playing field? What about Suburban Rail Loop community grants? Community grants issued in the name of the signature policy of the government, by which the government probably lives or dies. The policy that then says, 'Every recipient has to sign an NDA and has to have a Labor member come out and announce it and present it.' These are sums of money in the hundreds of millions – $300 million, it has been. How is that a level playing field? How do you get to use government for that marketing purpose? Then you time those community grants to be in the last six months before an election. Is that not corruption? Is that not grey corruption that everyone talks about in this government? How is that a level playing field?

And what about all the undisclosed advertising through social media and through social media groups such as Secret Melbourne? There is advertising going there. There is no disclosure about how much you are paying influencers on social media. Where is the level playing field? It is all with taxpayers money. Where is the level playing field then? You can afford to siphon off $15 billion in corrupt money to organised crime and just conveniently be looking the other way when the paper bags are passed over. How do you get to waste $15 billion and not be held accountable for it? How do you get to do that and no-one resigns, no-one is accountable? No integrity, but you will cut the funding to the integrity body so that they cannot properly investigate it. Where is the level playing field in any of that?

This is the last hurrah of a very tired government that has nothing new to offer the people but wants to take a little bit more on the way out the door. You want to rig the system because you cannot win on the battle of ideas, you cannot win through integrity, you cannot win on delivery and you cannot win on performance. You are a very, very poor government. You have made Victoria the laughing stock of Australia, the butt of jokes, just like we were in 1992 after the last time this all happened to us.

We will not support this bill. We will try to amend it in some very sensible ways. We think that if you are going to exclude our affiliated bodies, then it is only fair, if you actually genuinely believe in a level playing field, that unions should be excluded as well. We should stop the backdoor exemption

that allows, as we are saying, the rivers of gold to flow from the CFMEU and other corrupt bodies into the corrupt Labor Party.

We would also make an amendment about ensuring the constitutional validity of the new campaign finance regime, because whilst some and particularly the crossbench railed this morning about how urgent this is, how this could interfere with democracy and how we could have money flooding in right now, I will tell you what, it will be 10 times worse in three months time when, just three months out from an election, it all gets knocked over and we are back where we began in the High Court. That is a really disingenuous and convenient argument: 'We must do it because it could be going wrong now.' It could get much, much worse. If there is a High Court challenge, it will have signposted the fact that that is coming, and people will be able to plan and act accordingly very close to an election. It is very dangerous indeed. It will ensure that moneys that need to be paid back to nominated entities apply to the period since the last election, not an arbitrary date chosen by Labor to yet again rig the system.

They told the coalition during negotiations that the July date was selected because it was after Labor had received its last payment from Labor Services and Holdings.

Members interjecting.

Richard WELCH: You want to interject on that, but you have got no legs to stand on. It is transparently corrupt. No person in their right mind could listen to that fact and say, 'Yes, that's all fair.' No person in the street to whom this is explained would go – well, I think they would say, 'We've got low expectations of Labor and corruption, but maybe we've just lowered the floor even lower.' You would think a government that was trying to repair its reputation in terms of corruption would not do something so blatant as this, but they have, which tells you either they have completely lost their moral compass or they are so desperate to hold on to government and power that now it is whatever it takes – it will not matter what. As Ms Crozier pointed out, follow the money, but follow the motive. If they do not hold on to power, there are so many skeletons that are going to come out of the closet once there is a change of government.

The ability to use the machine and engine of government to hide and protect and to claim things as commercial in confidence and to hold back advice received and briefing papers and withhold documents that we, through the proper processes, have requested – all of those things fall out. There is so much that they have got to hide, and they have only got so much time to save the situation. If it was a purely democratic process, they know they could not do it. So now it has to be a process where if they cannot do it the normal way, they are going to do it by rigging the finances.

This is the stuff of banana republics. This is the stuff of a Third World country. This is not anywhere near the base level of integrity Victorians are entitled to in their democracy. I have often said the Westminster system under which we operate was never designed for a government like this – a government that waves aside every convention that holds the Westminster system together and degrades our democracy. Here is their last effort: 'Let's degrade the financial system as well to embed the corruption.' It is a sad day for Victoria, and I would love to see our amendments get up. I would love the crossbench to see the bigger picture. It is not about the Liberal Party; it is about Victorian democracy, it is about integrity and it is about seeking the right outcome for all.

Gaelle BROAD (Northern Victoria) (15:42): I am pleased to be able to contribute on the Electoral Further Amendments Bill 2026. Donations are very foundational to our democracy. They are crucial, and that is why it is important that we get this legislation right and do not put forward legislation in haste, and certainly legislation that will end up back in the courts. I remember when I was first elected, coming and listening to a panel here in this Parliament that had a number of journalists and a lawyer. They were actually speaking about the Victorian Parliament, and they were talking about how transparency under this government had eroded over time. It has changed a lot, and I feel that this bill is another step in that similar direction. It feels to me a bit like a seesaw or a set of scales that is severely

tipped in one direction, that is stacked in one way. We are told that it is urgent, that it must get through very quickly, but this is significant legislation. There are issues that need to be addressed, like banning foreign donations, but as has been said in this chamber today, that could have been passed with strong support, I expect, from all sides.

This government can push legislation when they want to, and they will go slow when they want to as well. I know I spoke in this house after the last election back in 2022 about the system of voting that we have in Victoria, certainly with the upper house, and I raised concerns in the early time of my term in Parliament about individuals in Victoria that can currently receive payments for helping coordinate preference deals for MPs to get them elected to this house. I am certainly not aware of any changes that have been made to stop that from happening, and yet the November state election is now just months away. Then with the bail reforms as well, we warned the government time and time again that weakening the bail laws would have a detrimental effect. They ignored the calls for reform. They said, 'No issue,' and later said that they were introducing the toughest bail laws and then making further amendments to make the toughest bail laws even tougher – but again, they still do not go far enough. We saw the same with tobacco licensing. It took forever to pass the laws, and then they actually delayed the implementation or the start date for the commencement. With the IBAC reforms, the government has again not enabled them to follow the money. They voted against our bill that we put forward. Finally, the Premier backflipped, but again they are going very slow. They are just appointing a working group this year, and they have said that there will not be any legislative changes until the end of 2027.

This bill feels very stacked. It feels like a game of monopoly where the government has all the property, because everyone gets capped except for the unions, whose donations go back to Labor. But we have seen this before, even with the Premier's office; she has over 80 staff, whereas MPs get 2½ staff.

The High Court has found issues with the previous act, and it is likely that this bill will be challenged again, but it is unfortunate that there has not been transparency on the proposed changes. I am a member of the Scrutiny of Acts and Regulations Committee, and we review legislation that comes to this Parliament, but we certainly have not seen this bill at all. There has been no bill brief, which is the usual process when a government brings in legislation to enable the other members of the chamber to consider it and ask questions, get a bit of feedback and understand it. There has certainly been nothing of that sort with this legislation. In less than 24 hours we are expected to be voting on it.

As has been mentioned, the date of 1 July 2023, the retrospectivity to be able to repay any funds received from associated entities, has been talked about. It is interesting to note that Labor did not stand a candidate at the Nepean by-election. I would be interested to hear the government speak about whether they received any finances before that date, because we are suggesting an amendment taking it back to the last election.

My concern is that this process that we are seeing unfolding in our chamber today sets a very dangerous precedent. We have already seen a real disregard by this government for parliamentary processes in so many different ways. The process of handing over of documents that have been requested we have seen time and time again quite frustrated. But as I have said, to introduce a bill and expect it to pass within 24 hours – Victoria has reached a new low.

We are here to represent our regions, to represent the people of Victoria, to consider the legislation that is before us and to ask: is it good for the people that I represent? Is it good for the wider community? Is it good for Victoria? To pass legislation that will see Labor retain a revenue stream when everyone else is capped – no, I do not think that is wise, I do not think that is fair, and I do not think it is good for our democracy. The model of our political system, our democratic system of government, is special. Ordinary people can stand for Parliament and advocate for their region. As a system of Parliament, we took the best from the systems in Britain and America and we made it our

own. We cannot turn a blind eye to the issues in this bill. We have put forward amendments, and I hope other members will support them.

David ETTERSHANK (Western Metropolitan) (15:48): I rise to make a contribution on behalf of Legalise Cannabis Victoria on the Electoral Further Amendment Bill 2026. On 15 April 2026 the High Court handed down its decision in *Hopper v Victoria*, the Hopper case. The High Court found that Victoria's political donations and expenditure laws contained in part 12 of the Electoral Act 2002 were inconsistent with the implied freedom of political communication embedded in the Commonwealth constitution. Much I think to everyone's surprise, the High Court declared part 12 of the act to be invalid in toto. It could not be simply amended to address its incompatibility with the constitution and would need to be completely replaced with provisions that are compatible with the constitution. From time to time high courts do make judgements that overturn arrangements that legislators had assumed to be entirely appropriate, and this is just such a case.

This should not be seen simply as a legal inconvenience. On the contrary, this is a bold and meritorious assertion by our highest court of what democracy means. It affirms the need for the legal instruments of our democratic system to reflect the constitution's implied right of freedom of political communication and for a level playing field for those parties or individuals who choose to seek election to this Parliament.

For far too long our electoral system has privileged the large and established parties to the detriment of smaller parties and independent candidates. The 2018 amendments to the Electoral Act were, frankly, outrageous. They effectively established a form of electoral segregation which was morally and politically bankrupt. To suggest that there be one set of electoral rules for the major parties and a second discriminatory and disadvantageous set of rules for the rest of the parliamentary members is a fundamental betrayal of our democracy. Legalise Cannabis, a small but rapidly growing party, is part of a sea change in our communities, one that increasingly favours smaller parties and independents who come to this place with a deep sense of connection to our communities and with their priorities front and centre. As such, we wholeheartedly welcome this decision of the High Court and also express our deep gratitude to the litigants who prosecuted this case.

I do not propose to detail the specifics of either the case or the changes that are proposed in the bill. I am sure that others in this place will more than adequately fulfil that role, although doubtless with their own particular emphasis. I will note that the bill before us seeks to provide an interim set of arrangements, consistent with the decision of the court, that address political donations, the reporting framework for those donations, the arrangements and amounts associated with state funding and a range of outworkings and associated issues.

In approaching this issue, Legalise Cannabis is committed to two central principles. Firstly, as I have already stated, we see these as entirely interim arrangements. We have a state election fast approaching, and the prospect of that occurring in a regulatory vacuum due to the invalidation of section 12 is nothing if not horrendous – and a number of speakers have quite accurately detailed some of those threats. In our view, one shared I believe with many of my crossbench colleagues, the measures contained in this bill are intended to be a set of changes that are consistent with the findings of the High Court and provide a reasonable and equitable framework to underpin the 2026 state election. They are not perfect, nor do they include everything that we may have wished to see included, but we believe they are a reasonable and rational response to the Hopper decision as we head into the electoral cycle.

Secondly, if it is accepted that these are indeed interim arrangements and that the entirety of the Electoral Act requires review, then that review must and can only be undertaken by an independent and expert panel. To suggest that such a task could be legitimately undertaken by politicians, parliamentary committees or ageing party functionaries would be seen by the public as akin to appointing a coven of vampires to guard the blood bank – no disrespect intended. A review must not only be independent of vested interests, it must be seen to be beyond all reasonable doubt. On that

basis, we reached out to the Centre for Public Integrity for their guidance. The centre is governed by a board of esteemed jurists and anti-corruption campaigners. The organisation describes itself as such:

> We work to prevent corruption, protect the integrity of our accountability institutions, rein in executive power, and eliminate the undue influence of big money in politics.

Pardon the pun, but that sounds like they are right on the money for defining a bona fide review framework. We were very pleased to receive a set of terms of reference for a review into the issues raised by the High Court in the Hopper case. These terms of reference now constitute new section 182A proposed in the bill. This provision is timely. The review must commence within one month of the general election and report back within 12 months of the election. It is also sufficiently broad to capture a diverse range of issues pertinent to both the High Court's ruling and the broader community concerns about money in politics, transparency and probity.

The opposition have raised a few questions regarding timeframes that I would like to address briefly. It has been said that this process has been rushed, and it has moved quickly. But I would also suggest that a prompt response is entirely necessary, firstly, because we find ourselves in a regulatory vacuum on the key issues raised in the Hopper case, and that is intolerable. We must have a functioning regulatory framework in place, and the sooner the better. Secondly, as we all know, there is every possibility that whatever legislation is passed here, however considered, however mindful we have been of the constitution, it may be appealed to the High Court. I hope that does not happen, but it could, and we have no say over what the court chooses to apply its attention to. Accordingly, we need to move forward with good, considered legislation in a timeframe that allows for possible High Court consideration before the state election. I would also like to rebut this suggestion that the legislation has suddenly dropped from the heavens. Both the opposition and the crossbench have been in discussions with the government for weeks. Feigning surprise at this point is, I would respectfully suggest, disingenuous.

That said, we approach the amendments moved by the opposition with an open mind. I would on the face of it suggest that in the absence of a compelling argument from the government as to the initial date for recoupment, whether that is in July 2023 or immediately after the state election, I can see, and I think Legalise Cannabis can see, a value in what the Liberals are proposing, and yes, unless the government has a compelling argument to the contrary, then I think that is probably where we will travel. On the other issue of associated entities, I think we are keen to understand what it is that the opposition is actually seeking to achieve. We have communicated to the opposition some questions, and we are awaiting a response to them.

Before concluding I would like to commend the government for the relatively open and transparent manner in which they have conducted the negotiations around this bill. I know they were not initially enamoured with the review terms from the Centre for Public Integrity, but I also know that they very quickly realised the merit of an arms-length independent review process. At a time when public confidence in our political systems, in our political parties, is at an all-time low, the government correctly concluded that this is far too important an issue to risk any impression of self-interest or partisanship. I would also like to record that while we at Legalise Cannabis Victoria participated in discussions on a range of issues canvassed in this bill, our only non-negotiable has been and remains this independent review. Mr Welch raised a whole lot of questions, a whole lot of very interesting questions, about what the problems are with the current disclosure framework, following the money – those sorts of issues. We agree wholeheartedly that those are all questions, and that is the very intent of a review: how do we investigate? How do we regulate? How do we ensure an equitable and level playing field for all political participants? On that basis we commend the bill to the chamber.

Joe McCRACKEN (Western Victoria) (15:59): It does always concern me when a system is set up to overtly benefit one particular interest over any other. Integrity matters, especially when it comes to the way in which our parties and the people that get into this place are actually funded, particularly given the fact that public money is involved. Integrity matters in relation to not just how we get it but

the process and the limits surrounding non-public funding arrangements, such as the fundraising efforts that political parties or independents might undertake.

There are a number of aspects I do want to touch on in this bill. Firstly, on the discussion about foreign donation disclosures, I agree that foreign interference is a concern because it does challenge the integrity of the system of donations and fundraising that we hope prevents undue influence and corrupt behaviour in this state. There is absolutely no reason why these concerns could not have been dealt with 50 days ago, when the High Court handed down its decision on 15 April to strike out many parts of the donation and fundraising laws. If it was such an urgent matter, why couldn't it have been dealt with then, as it was purported to have been? Can the government answer that question? Can they actually answer that question? I doubt it. If something is to be considered urgent, as Parliament has now agreed to this morning, then why wasn't that an aspect of the changes passed through urgently immediately after the High Court handed down its decision on 15 April? The blame for that lies squarely with those opposite. Fifty-plus days since the High Court decision is not urgent, and those who support integrity in the funding of our electoral system need to at least acknowledge that fact.

The starting date is another interesting aspect of this as well. The government has decided – and I cannot really discern what the logical reasoning behind this is, other than perhaps political convenience – that the campaign payback period should begin on 1 July 2023. If there is another explanation forthcoming, I would love to hear it, but I cannot find one. You have got to ask the question: is it because it was just the last time the Labor Party received money from a nominated entity? I have not heard anything to the contrary. If the government were serious about genuine integrity reform, why not choose the date when the legislation first came into effect for the 2018 election, or at least the 2022 election? Why not a whole parliamentary term? I say to the crossbench, who are not here but might be listening, that I do actually understand their frustration with integrity reform in this state. I know the Greens in particular have spoken about it a lot in here – they have. If a member of this place believes in genuine transparency, accountability and the ability of the public to have real confidence in our system of public funding and donations, wouldn't it make sense to at least support the payback date being at the commencement of this parliamentary term? Wouldn't that at least make sense? The government has failed to justify why this date has been chosen. No government spokesperson, let alone the responsible minister, has been able to articulate in any clear terms why 1 July 2023 has been chosen, other than one obvious fact – it is the date the Labor Party last received a payment, pure and simple. Entrenching advantage – or disadvantage, for that matter – should not be something anyone who cares about integrity should be comfortable with. The worst thing is that we can all see how this will play out. The government is going to go to the crossbench and entrench advantage here and then completely steamroll the crossbench when it comes to electoral reform and abolish group voting tickets.

I also want to talk about associated entities as well. It is very clear that through the affiliate fees from various unions a huge funding windfall could be directed straight into the hands of the Labor Party. The definition of 'associated entity' should not include 'a union'. If we look fairly and objectively at this, why should a trade union, whether it is a left or right union or indeed even the CFMEU, be allowed to donate via affiliate fees to the Labor Party while other membership organisations such as chambers of commerce, industry groups, service clubs and the like are unable to do so? Chambers of commerce, for example, would be subject to the same caps that the general public would be subject to – $5000 and $7500. Other membership organisations such as advocacy groups like GetUp, which have significant paid memberships, are not subject to those caps – they are subject to the ones that everyone else has. Environmental organisations such as Environment Victoria, Friends of the Earth Melbourne or the Ecological Consultants Association are all affected and subject to the same caps. How is that fair? Why is just one membership organisation allowed?

Trade unions – their primary interest is industrial relations and in particular representing their members in negotiations with employers for pay and conditions and all those sorts of things. Why are they given a different treatment under these laws to other membership organisations?

I noticed in the procedural debate this morning regarding the urgency of the bill that Ms Ermacora, the current Acting President, said, 'We are union, we are the union party'. Maybe that talks to the reason why there is a different treatment here. I would have thought that, given the well-documented allegations of rorting, corruption and the criminal conduct about the CFMEU, which are all very public and are all very available to us, there would be at least some caution around this matter and caution around facilitating a union like the CFMEU donating to a political party like the Labor Party, who have historically accepted support, whether it be in the form of manpower or donations from that union. If the CFMEU are unaffiliated with the Labor Party now, who is to say that they cannot just reaffiliate at some other point in the future or even straight after the next election or, geez, even straight after these laws might be passed? Who is to say that cannot happen?

The Greens; the cannabis party; the Libertarians; the Animal Justice Party; the Shooters, Fishers and Farmers; and One Nation – indeed the entire crossbench – have all supported calls for a royal commission into the $15 billion of corruption that is alleged to have been misappropriated on Big Build sites. To be fair I give full credit to the crossbench for supporting those calls, because it is entirely legitimate and important to get to the bottom of corruption in this state. If that is the case, doesn't it then make sense to put measures, safeguards and limits in place to ensure that that sort of corrupt money cannot be used to influence the political process? Why is it so bad to put limits in place for that dirty money – money that has been taken by criminal elements? Why not prevent the facilitation of that money entering the political process and ensure that the system is cleaner? Surely that makes sense. If you do really believe in integrity, surely closing the door on corrupt money entering the bank accounts of any political party should be a priority.

I put on the record that it does not particularly affect my prospects. I am retiring, so whatever the arrangements are for funding, like for some others in this place who have made an announcement, it will not particularly impact me. My interest is in ensuring that any electoral reform is fair, balanced and facilitates the participation of citizens to engage meaningfully in democracy to elect their representatives. That is what representative democracy is. Those that seek election – be they from an established political party, a minor party or even as an independent – should do so in a fair, transparent and open manner, especially when public money is involved. Because it will be future generations who will not even know the new framework they are working in, it will just be what they have always known. They will have to engage with this framework, and they will not know what they have not known. It has the potential to wreck the very fabric of our democratic society as we know it. It is an uncomfortable truth to admit, but if these laws are passed in their current form, they will be entrenching an advantage to one side of politics. It really is a blatant attempt to shift the weights of a system to the advantage of the government. It looks as though it is a desperate attempt to do anything – literally anything, including rigging the electoral system – just to cling to power, and it is quite shameful.

If you believe in integrity, if you believe in openness and if you believe in having a fair process whereby public and private money is used for election purposes, there are many aspects of this bill that simply should not be here, or at the very minimum need drastic, drastic changes. It is incredibly disappointing that on our side we have not been offered any briefing, despite the claims of those opposite about negotiations. My understanding is they were not entered into in good faith. As the house of review we have the right – indeed the obligation – to scrutinise legislation and, if need be, to take the appropriate time to do exactly that. That is our function as the house of review.

It is entirely our job and within our remit. But with less than 24 hours to even consider the legislation, it looks as though the government really do just want to avoid scrutiny by pushing it through. Again, if you believed in the integrity of the parliamentary process, you would call this out for what it actually is. I hope the government can begin to see reason and support some of the positive changes that have been put forward that reflect the expectations of Victorians, who just want a fair and balanced system – one that will not be rigged, one that will not be taken advantage of and one that hopefully stands up in the court of law, but that remains to be seen.

Trung LUU (Western Metropolitan) (16:11): I rise today to speak in opposition to this Electoral Further Amendment Bill 2026. I want to make it quite clear that this is a desperate and calculated attempt by this desperate Labor government to rewrite the rules of democracy in favour of them six months before the election. They are desperate to hold on to power. I contend that this is a rigged bill, designed to set other parties back while attempting to favour themselves in six months time at this election.

We have been informed again and again that this is an urgent bill. We are told it must pass immediately to fix the unconstitutional mess that this government created, as exposed by the High Court in *Hopper v Victoria* in April. As it was their mess in the first place, what we are trying to say is, having gone through the process through the High Court, there was a last attempt to make sure all the political donations, spending caps and funding to parties were transparent and made with integrity. But as you know, the High Court pushed back, and we are going through this process again of rushing the bill through. The High Court handed its decision down over 50 days ago. That is almost two months that the government has sat on its hands, and it is only now that it declares it an emergency. It is an entirely manufactured emergency as it is designed as a policy process to railroad the Parliament, denying minority parties the time to properly scrutinise this bill, ramming this through in hours and rigging the framework. Time and time again we see this government hastily rush legislation as a reactive measure. My colleague Mrs Broad has mentioned various legislation we have seen rushed through this Parliament in recent times, and again and again after it has passed the government seeks amendments to the legislation.

This bill goes far beyond simply restoring the political donation framework underneath the veil, because Labor hopes members in this chamber will not have the time to read the fine print. What we find highly convenient is the retrospective clause backdated to July 2023. One would ask: why that date? Why would the Labor government pick that date? Why were the government so urgent to boost integrity by cherrypicking the date to exactly July 2023? My colleague Mr Mulholland outlined various possible reasons that the government might do that. There is the possibility that the Labor government may have received a large amount from an entity – a donation just prior to that date. That would be quite a reasonable possibility. The bill currently imposes this retrospective starting date, as I mentioned, for this nominated entity payback obligation. The date is not an arbitrary date, as I mentioned. The date is not on principle in any form.

The date was chosen because it was convenient for the Labor Party, which had already received the benefit, as mentioned, possibly from the unions' entities arrangement of an uncapped transfer and obviously the High Court obviously deemed this unconstitutional.

This bill neatly draws a line in the sand by the Labor government just after the Labor Party lined its own pockets with what we would describe as rivers of gold from the CFMEU and the union movement. I just want to refer to what I mean by this. In this bill, if you read the fine print, the amended section 206 asserts that an annual affiliation fee is excluded from the definition of a 'gift'; it is not subject to that cap, meaning the Labor Party can endlessly benefit from unions and friends whereas for the rest of the other parties, everybody else is capped. They are not capped. They are not regulated, all while people who are running for election are capped unfairly. This is a deliberate drafting of a bill which will fail to deliver a level playing field, an agenda Labor fought to be established. That is why we say this bill should not be rushed through with only hours for this chamber to read and go through it before it passes. As the minister mentioned earlier in her speech, this is a chamber of review. You cannot review legislation as important as this in hours. They have banked their union cheques and secured their own election advantage with this bill, and now they want to pull the ladder up behind them and starve all the other minor parties and all their opponents from doing the same.

I will keep this short: this government is ramming this legislation through with, unreasonably, zero time for proper scrutiny. As I mentioned, they are desperately trying to manipulate the tide that is rapidly flowing against them going towards November. It is only months away. They allowed members of this chamber little time for scrutiny because they know it is not their best interests to do

so. It is for their survival and ultimately a deception. Going through the records, the Premier has previously stated clearly that we must not rush bad laws through. This side of the chamber fully supports transparency of political donations, we support a level playing field, and we support laws that give Victorians confidence that elections are decided by voters, not by which parties have better access to uncapped funding. That is precisely why we cannot support this bill, because this bill does not deliver a level playing field.

I will just give one more example of going through the bill. We have sat here all day going through each part of it, and there are a few more things which have been identified already, and they are in the amendments that will be put forward by Mr Mulholland. It delivers a tilt to one side, dressed up in the language of reform. We will always stand for the principles of transparency, accountability and public confidence. It is important we do so. That is exactly the reason why we refuse to rubberstamp the government's fabrication of urgency with this bill. We will not stand for a bill that deliberately undermines parties, and we will not stand for legislation that hides its truth and cynical intention behind a smokescreen of integrity by claiming, 'We will review it in time.' Well, how about we get it right in the first place instead of bringing it back to the High Court again? We will not stand for a bill that lines the pockets of the Labor Party or stacks the deck with allies of the union movement six months before an election. That is not a level playing field, is it? I oppose this bill in its current form. I commend the coalition's amendments to the Council, which will be put forward by Mr Mulholland, and urge the crossbenchers to support the coalition's amendments.

Nick McGOWAN (North-Eastern Metropolitan) (16:20): I have heard quite a number of the contributions made this afternoon in this chamber – and before in fact, when we had the procedural motion this morning – and I thought it was important to put on the record a number of observations, not the least of which being that the proof will be in the pudding. Those opposite know that to be the case, because they know that whatever they do today and tonight and however they manage to ram it through, because that is their will and their want, ultimately the laws that they are going to shove through they probably already know are going to be challenged and they probably already know will be found to be unlawful. What this tells us about those opposite is this: they are creatures of habit. They are repeating a pattern of behaviour and, I might add, a pattern of unlawful behaviour. Isn't that ironic in Victoria in 2026 that those opposite are exhibiting a pattern of unlawful behaviour? That is what they are doing.

We know this because the High Court struck down what they did as unlawful. That is the simple form – simple, no argument there. Silence from those opposite, because we know that to be true. We know it to be absolutely true that those opposite had such little regard for this nation's constitution and were so poorly or ill advised – or they took the advice and they ignored it, whichever the case may be: incompetent or just plain old scallywags. I think perhaps the Premier would call them scallywags. What scallywags those opposite are. The cracks well and truly appeared in the previous legislation, so much so that they cracked apart. Here we are again doing exactly the same, and it is predictable that we will have exactly the same outcome. Really in one sense all this time, energy and effort spent today by all these members of Parliament and associated staff is a monumental waste because this government has rushed, there is no doubt about that.

There is also no doubt about the appetite of the crossbench – rightly, I think – to deal with the matter. I think they have got the right motivation. I think they are rightly motivated, rightly concerned. But for those on the government benches, here is the irony: if they were so concerned, like they were letting it be believed this morning, about foreign interference, so concerned about the foreign threat, they would have actually taken action in April. What is more, they would have taken action before that, because they knew the court judgement had to come down anyway.

Members interjecting.

Nick McGOWAN: No-one is suggesting, Mr Batchelor, that we knew what the High Court was going to decide. But with all the lawyers you have on the government benches, and you throw a lot of

them at the firies – you are spending millions of dollars fighting workers in this state, day after day, and trying to not only whittle away their conditions but whittle away their rights. That is what you are doing to the workers of this state, using millions of dollars to do so. Perhaps you could have used those lawyers to give you some better advice. Or is it that you did not take the advice? Whichever one of those two options it is, you look pretty silly, you old scallywags. It is not me saying that; it is the Premier. That is her word: 'scallywags'. You are all scallywags over there because you chose not to take good advice, or you are incompetent because you took the wrong advice. Whichever it was, you cannot tell me you did not know that the High Court was going to have an outcome and you could not prepare for outcomes, plural.

Even, Mr Batchelor, if I forgive you for that act of wanton disregard, when the High Court decision did come down, what did you do? You took days – no, sorry, I am wrong. I correct the record. You took weeks – no, sorry, I am wrong. I correct the record. You took months to do anything about it – months now. In April, day one after the High Court judgement, if you were so concerned about foreign intervention, you could have recalled Parliament. But no, you did not want to do that. If you were really concerned, that is what you could have done from day one, and you would have got every person in this place unanimously supporting a singular motion that would have banned any political donations from international players, full stop, end of sentence. But no, you did not do that, because that would require sincere communication based on good faith negotiations.

The ACTING PRESIDENT (Jacinta Ermacora): Mr McGowan, please direct your remarks through the Chair rather than across the chamber.

Nick McGOWAN: I am only too pleased, Acting President, to direct my comments through you. Were the government genuinely concerned about any threat, not just the threat of foreign donations and therefore some kind of foreign interference – I am not quite sure what they mean by that, in actual fact.

Harriet Shing interjected.

Nick McGOWAN: I am glad to hear from the Minister for Health, because if the Minister for Health was so concerned, she too would have been at that cabinet table, stamping her fist down on the table, demanding that the day after the High Court decision they come back to this place: 'Come on, Premier, let's recall Parliament immediately and let's stop anyone, much less the Liberals, from having any donations.' But did you do that, Minister? Did any minister of this government do this? Did they sit at the cabinet table and say, 'Let's have a plan of action. We're going to get this. We're going to stop anyone. We're going to do what's right, goodness forbid'? No – silence.

Members interjecting.

Nick McGOWAN: I was wondering whether there would be some silence.

Members interjecting.

Nick McGOWAN: I am not going to accept the premise of that, but even if I did, then that would rest on your shoulders squarely, because who is running the show? If you do not want to run the show, that is fine. If those opposite do not want to run government, I am comfortable with that. In fact perhaps that is where we have found common ground today – all of us. We will simply assume government, and they can assume opposition, because clearly they are inept, incompetent or scallywags – that is a polite word for saying the word that I do not like to say, so I am not going to say it in this place, even though it is not unparliamentary. But they did not act; they did nothing. This is almost the hallmark of this government: if all else fails, just do nothing.

Members interjecting.

Nick McGOWAN: Seven weeks – you could have done it within days. If you were genuinely concerned, if there was genuinely a foreign threat – days if you were sufficiently concerned. But the

truth here is it is mock rage. The public know it, the media know it, the people in this place know it and the staff here know it. I bet your bottom dollar, Chair, that if I were to ask some of the cleaners – we chat often – about whether they think this government is into mock rage, I am sure the answer would be yes. They are experts at it; they like to use these supercilious or other suggestions and comments, but when their actions belie their words, which is consistently the practice of this government, then it is only inevitable that those opposite will actually start to come unravelled.

This is what we have seen here. We have actually seen a government create laws in the first instance knowing full well that there was some contestability about those laws and not worrying about that at all. It is only public money. What is it to this side, that side? What is it to anyone? More public money.

Harriet Shing: What's on your side? A million bucks from the UK.

Nick McGOWAN: Let us talk about $15 million bucks, Minister. I will take up your interjection.

Evan Mulholland: Billion.

Nick McGOWAN: Billion. Let us talk about $15 billion. Thank you very much for the correction, Mr Mulholland. You referred to $1 million, but I am talking about $15 billion, Minister. Let me take up your interjection.

Harriet Shing interjected.

Nick McGOWAN: No, I am saying that if you want to talk about money, let us talk about $15 billion, because that could have got me in my constituency 15 Maroondah hospitals, and I am only asking for one.

Members interjecting.

The ACTING PRESIDENT (Jacinta Ermacora): Order! There is just a little bit too much noise in the chamber.

Nick McGOWAN: If it is a question of money – those opposite raised the issue of money – then I put it to those opposite that they have very little ground to stand on. Everyone in Victoria knows that. Everyone in Victoria is still probably looking for the $15 billion. I am looking for the $15 billion.

Harriet Shing: Geoffrey Watson's not.

Nick McGOWAN: Well, I am looking for it. Do you know why I am looking for it, Minister? I am looking for it because I have got one hospital that I need to fund. It was a commitment by your side of politics. They stood out there one after the other – the member for Bayswater, the candidate for Croydon, the candidate for Geelong and so on and so forth. Just one teensy, tiny billion of the $15 billion – that is all we are asking for, so tiny compared to what this government has wasted. We talk about waste and money, Minister, and that is where you went with this. That is fine – we are happy to go there; that started off at an estimated $6.5 billion. If you look at the North East Link project, what are we up to now, Mr Mulholland? In the order of $27 billion to $29 billion for a 10 k stretch of –

Harriet Shing: Do you go on the trains, go on the West Gate, go on the Monash?

Nick McGOWAN: Minister, I have been on the West Gate recently, yes – and that tunnel.

Harriet Shing: They're all projects funded by the state government. You don't believe in investing in infrastructure.

Nick McGOWAN: I know you are disturbed by this. I know you do not like to hear the truth, but I am going to give you a dose of truth – through the Chair of course, respectfully. I come from a long line of governments that liked to invest in infrastructure. I would say the word 'love'. I am going to use the l-word in this place in front of all these people: 'love'. I love infrastructure – there, it is said. I have said it. And that includes – that is right – Citylink. Who built that? Let me cast my mind back.

Members interjecting.

Nick McGOWAN: Sweetheart deals? I did go from 'love' to 'sweetheart', so I can understand the transition. But if those opposite wish to speak about sweetheart deals, then I think that is a matter that would take far longer than the 4½ minutes I have sadly got left, because those opposite have turned sweetheart deals into a standard operating procedure. They must have a manual they flip through every time – 'In case of emergency, standard operating procedure, sweetheart deal'. Tolling company – done, sold. Tattersalls or a betting company – sold, done. Every time – it has become a go-to for those opposite.

Members interjecting.

Nick McGOWAN: To pick up on the minister's interjection, yes, I have been on the West Gate Bridge, and I recall the days when we spent money on infrastructure, including CityLink, as I have mentioned. Which government was that? That is right. There is also the Melbourne exhibition centre. Which government was that?

Harriet Shing: Jeff's Shed.

Nick McGOWAN: Minister, you can call it Jeff's Shed, but I was being respectful. I called it the Melbourne exhibition centre. There was more infrastructure – yes, that was a Liberal government too. So the answer to the first question was 'Liberal, Liberal'. It does not stop. Let us keep going. I could go at this all day. We will keep going. I am happy to keep going. We will add to it. What is another? I know another I can add: the museum of Melbourne. That is right, that is another one. I can keep adding to the infrastructure list all day long. I can go on to regional hospitals, it would surprise you. I recall the day – I was around long enough, and I have got enough grey hairs –

Members interjecting.

The ACTING PRESIDENT (Jacinta Ermacora): Order! I know that some speakers enjoy the parry, but we should listen to the member in silence.

Harriet Shing: We wanted to hear about building hospitals, though. You build hospitals, don't you? Oh, no, that's right – you don't.

Nick McGOWAN: I will have to take the minister up on that interjection, because it is a subject that I love to talk about. She knows I love talking about it, particularly directly to the health minister herself, who I am hoping in the next couple of days is going to make a sensational announcement that rather than abandoning the Maroondah Hospital she is actually going to fund it. I did note today that those opposite came out with an announcement. They are not actually revealing the extent to which the state government is putting new funding into this, but it was said in the press release today put out by the health infrastructure minister that the federal government is putting $20 million into an emergency department for children. That sounds familiar. Where did I hear that before? Oh, that is right – in 2018 those opposite, in a press release, said there would be:

> An emergency department Maroondah kids … can count on.

In 2018 they promised it and never delivered it. Then they promised a new hospital in 2022 – never delivered it. Now guess what – they are back, the same people. They have got about as much credibility as a used car salesman in Las Vegas. I tell you what, this lot opposite, they are the greatest –

Sonja Terpstra: On a point of order, Acting President, I know Mr McGowan is really hitting his straps here and getting into waxing lyrical about Maroondah Hospital, but I do not know that that actually has anything to do with the bill that is before us at the moment, and I would ask that he be directed to come back to the substance of the bill.

The ACTING PRESIDENT (Jacinta Ermacora): I ask Mr McGowan to stick to the substance of the bill, please.

Nick McGOWAN: I do try to stick to the bill, and I do try to be very disciplined – I am trying, in every respect – but when the minister goads me in such a way I can only possibly respond and defend my local community in Maroondah. It is somewhat disappointing that the point of order was taken from a fellow member that represents the same area, because I know that she genuinely cares about –

Sonja Terpstra: On a point of order, Acting President, I refer to your ruling that you just made about 20 seconds ago, and I note that Mr McGowan is still not confining his comments to the substance of this bill. I would again ask that he come back to the bill but also please take note of your ruling and not disrespect the Chair.

The ACTING PRESIDENT (Jacinta Ermacora): Thank you. Please stick to the topic at hand.

Nick McGOWAN: I have almost run out of time, but for those here present today – through you, Chair – it is important to state the obvious, that in the first instance those opposite, this government, knew what they were doing in introducing a piece of legislation that either they should have had advice about or they did not take the advice about. Then when it went to court they should have been prepared for what was to follow, no matter what could have followed. We know this government's love for lawyers, and there are any number of lawyers who could have advised them accordingly. From day one, back in April, they could have exercised themselves to either protect our state and protect our country or not.

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:35): Just to recap on what this is all about, this is the Electoral Further Amendment Bill 2026, which has a background taking us back to the issue of political donations and the framework that needs to be changed and needs to be looked at. We know that Labor legislated unconstitutional laws and, instead of fixing them properly, have engaged in a politically motivated attempt to stack the decks now in their own favour. That is what this particular bill is. It is being rushed through, and if we start with the whole issue that this is being rushed through, it has been called an 'urgent bill' that has to go through the Parliament. Let us have a look at what they did not consider to be urgent; things that they had to take their time to get right, like the Bail Amendment Act 2023, which came about as a result of a tragic death in custody three years prior. We had a tragic death in custody in 2020, and then they did not make the Bail Amendment Act until 2023. They certainly did not consider that to be rushed through or to be urgent. Now we have situations with bail reform. Well, let us take a look at what they have done with bail reform. It took them until 2023 to realise that they had not got it right. They passed it in October 2023 and then they had to look at commencing it in 2024. They brought out a bail amendment bill in 2025 and a further amendment bill in 2025. In fact they called that the 'tough bail laws' bill, which is just ridiculous given that they were not tough enough and had to be amended, and we told them that from the start. They were not considered to be very important – so important that they needed to be rushed through – and yet lives were at stake. People died, people were injured, people were harmed and people lost their lives back in 2020 under a Labor government – it took them three years. They were not so urgent, but this one is so urgent that the opposition does not even have enough time to really get its head across everything and put all the things in place that they need to to make sure that there is any genuine structure that is worth even looking at.

Let us consider not just your 'tough bail laws' bill that came through in August 2025 but also adult time for adult crime. Well, that is basically a situation where we have not seen the reform that we need and we are here looking at concerns – that was 2025–26. Let us consider what happened when 2000 children aged between six months to two years had to be tested for sexually transmitted diseases. Well, that was not considered to be an urgent enough situation. We had to take some time to get that one right. They took time for that and in the meantime, children were in child care and people who were perpetrators were able to access those children because they did not have their systems in place. Those were not considered to be urgent enough, but this one has to be rushed through today. We have got to all stop, and in fact Labor is not going to have all its speakers because we have got to rush this one through. Well, not on our watch. We are going to take our time as best we can, because we know that this is not going to be a good law. It is not good legislation.

Members interjecting.

Ann-Marie HERMANS: This is something that is being done to shut off money from Labor's political opponents while continuing those rivers of gold from the CFMEU and the unions to the Labor Party. Labor has clearly been working with the crossbench to benefit themselves so they can hang on to power. Labor when they go to the polling booth are about winning at all costs. They do not care that they want to have such an advantage. They do not want democracy in this nation. They do not want justice and democracy for every Australian, every Victorian. They want to have the cash flow so that they can send out the messages that they want with all their propaganda and nobody can have a genuine alternative for the people to vote for or the money to run the campaigns that they need to vote for them or the messaging that they need to be able to overcome the propaganda. They want to make it that they can shut it all down by shutting down our democracy – that is what this is all about. This is all about a government that is in bed with unions like the CFMEU, which we know has the $15 billion at least that was just somehow funnelled out of taxpayers money on Big Build things that have been over-inflated with overtime that was unnecessary – a whole lot of lights that are on all the time and nobody hardly working and all sorts of ways to have cost delays. What do we see here? We see that this has to be rushed through because they need to advantage themselves going into this election. They know that the people out there are sick and tired of living under a Labor government that is not transparent, does not consider what integrity even is – in fact I do not even think it is in their vocabulary – and is not prepared to make it fair for every Victorian in an election.

In fact they just want to be able to have the whole advantage for themselves and for everybody else to be disadvantaged. This bill is going to be retrospective, and they went and put an operational date on it that suits them. The government argues that public statements were made following the High Court decision, but press releases are not legislation. The coalition has sought to engage with the government in good faith, but they have chosen instead to try to stitch up a deal, and we do not know what that deal is going to look like until we actually come to the time to vote.

We always need to fight this government in terms of issues of transparency and in terms of issues of accountability, because public confidence is down. This government has failed Victorians. It has failed Victorians with hard-earned taxpayers money. Let me tell you, I have visited the soup kitchens more than once, and I am telling you that there are people out there that are doing it tough, that have never done it this tough before. Just two doors down from my office there is some guy who has built his own shanty shack in order to have somewhere to live. Shame on you. And you want to have electoral decisions for electoral campaigns that are going to allow you to win and not allow anybody else, because you do not want democracy. You do not want to hear the words of the people. You do not want to –

Members interjecting.

Ann-Marie HERMANS: On a point of order, Acting President, I cannot actually hear myself.

The ACTING PRESIDENT (Jacinta Ermacora): Order! Interjections should come from people in their place.

Ann-Marie HERMANS: The opposition has had to put together as fast as it could some amendments. One of the amendments will exclude trade unions from the definition of 'associated entity' in section 206.

Members interjecting.

Ann-Marie HERMANS: It is not about hating workers. I have been a worker. I know what it is like to have to work hard for your money. I know what it is like to not be able to feed your family. I have got four kids. What do you think led me to go into politics in the first place? It was actually an economic situation where I was thinking to myself, 'I'm an educated woman in a wealthy country and I can't feed my kids.' It is not good enough. And all I can say is this: do not talk to me. I am not against

unions, but I am against union money going to advantage one party over everybody else so that we do not have democracy in this country, and we certainly will not have it in this state.

We also have a second amendment that is all about ensuring the constitutional validity of the new campaign finance regime. It will ensure that the amounts that need to be paid back to nominated entities apply to the period since the last election, which is a fair thing to do. If you are going to do things retrospectively, why do you pick certain dates? Why don't we have it all the way through? Or we have to pick something that is fair and reasonable, not some arbitrary date that is actually going to benefit the Labor Party. Clearly it benefits them. Labor has chosen the arbitrary date of 1 July 2023. Why would they have chosen that date unless it benefited them? They told the coalition during negotiations that the July date was selected because it was after Labor received its last payment from Labor Services & Holdings. And yet we see that they are yelling in the chamber, telling us that that is not the case and that is not what this is all about.

Amendment 3 seeks to replace proposed sections 279 and 280 to require parties to disclose – that is, to tell the Victorian Electoral Commission – all amounts received from nominated entities to all parties since the 2022 election. Labor does not want transparency; the coalition does.

The amendment will open the books and shine a light on everyone's campaign finance arrangements. If you are okay with that, then you should be voting for amendment 3. If you want to be transparent and you want to be accountable, you should be voting for our amendment 3. We are willing to commit to transparency, so why won't the Labor Party? Well, let us look at the $15 billion with the CFMEU – and it could be more. Let us look at the fact that there are all sorts of things that have been going on. We have a fake community hospital in Cranbourne. They have just changed the definition of 'hospital' so that they can actually make it something else. It is an allied health service building that has somehow taken the people's land and turned it into some sort of private –

Members interjecting.

Ann-Marie HERMANS: On a point of order, Acting President –

The ACTING PRESIDENT (Jacinta Ermacora): Point of order, Mrs Hermans.

Ann-Marie HERMANS: I am all for hospitals. My community needs a real hospital that has emergency services.

Members interjecting.

Ann-Marie HERMANS: That is an allied health service, Mr Galea. Just because you put a sign out the front and build a surrounding that makes it look like a hospital does not make it a hospital. This is, again, how Labor cannot manage money. So do we want to give them a bill that is going to allow them to have more money for an election campaign than anybody else, with no accountability, with no proper transparency? Is that what we want to do? No, we do not. That is not democracy. I hear those on the other side use the word 'democracy', and every time I hear them say it, it makes me feel sick, because I know deep down they do not really want democracy. If they wanted democracy, they would have bills that are fair for everybody, and this is not fair for everybody. They talk a lot about fair: 'Oh, all about fair. We want fair.' no, this is not fair. This is not reasonable.

Michael Galea: On a point of order, Acting President, we often get into robust debates, but those remarks are offensive. They are as offensive as they are bizarre, and I ask them to be withdrawn.

The ACTING PRESIDENT (Jacinta Ermacora): I ask the member to withdraw, please.

Ann-Marie HERMANS: Fine, I will withdraw. Can I know what I am actually withdrawing? I just need to know, before I do that, what I am –

Members interjecting.

Ann-Marie HERMANS: Okay. let us get back to where we were. I am still really cheesed off with this government, still upset with the fact that they do not care about what is fair. This is not going to be fair for every Victorian. It is going to be unreasonably advantageous for Labor over every other party and over every other Victorian with their hard-earned taxes. As I said before, they are struggling to feed their families. The last thing they need to be doing is actually making life so much easier for those on the other side and the government, who are swanning around, not understanding what it is really like for every Victorian. If they did, they would care enough to have something that is fair and reasonable, that allows true democracy in this state. True democracy allows everybody to have that level playing field that allows us to have a true opposition and a true government, where we can have donations to be able to fund our campaigns, and it is done in a way that is fair and reasonable.

It is a big thing for the Labor Party to make sure that they can look after all their big union funds that they do not want to be transparent about. They do not want to have to declare and show us everything. Well, we need to be able to see what is going on in this state. And this state is constantly under the 'I don't recall' mentality that was set up by their former leader Daniel Andrews, and it has continued on. They simply will not make this a democracy that every Victorian feels they can participate in and feels that their voice is heard in. They are taking that away by having legislation like this rushed through that has not being worked through with everybody, with all parties having enough time to have a say and to think it through. It is simply not good enough. It is simply not justice. It is simply not fair. I hope that we can stop some of these ridiculous things in this bill with our amendments, and I ask for everybody, please, to support our amendments.

Renee HEATH (Eastern Victoria) (16:50): I rise to speak on the Electoral Further Amendment Bill 2026, the latest bill that the government deems urgent. It is moments like this when I truly and genuinely realise that the values that I hold are so different from the values that the Labor Party hold. It is moments like this when I remember that to them it does not seem urgent to implement the reforms that were handed down by the stalking inquiry, regardless of the fact that every single year since that was handed down non–family violence stalking has increased. To them, regardless of the fact that violent crimes are up 74 per cent at train stations, they have not decided to come in and bring reforms for that. In fact the way they responded is by taking PSOs off 119 stations. One of the things that I keep thinking about is when there were gaps that began to come out in the working with children check system, after the most horrendous crimes were perpetrated against babies and children in this state and when the opposition were saying that we wanted to recall Parliament to deal with it, this government did not deem that as urgent and would not recall Parliament. To them it is not urgent when $15 billion is being siphoned off Big Build sites and projects, and it is not urgent to give IBAC the follow-the-money powers – apparently IBAC can wait until 2028 to have follow-the-money powers. It only seems to be urgent to Labor when their self-interest is at stake. There is a carve-out for the unions, Labor's paymaster. That is nothing but corruption. It honestly makes me wonder why the Labor government is treating this bill as urgent while delaying the follow-the-money powers. It is dodgy, to say the least, to ram through a bill, calling it urgent when it is based on a court judgement handed down on 15 April. There has been no bill brief. There has not even been time to properly scrutinise this bill, and I do not think that that is a mistake. I believe it is by design.

This bill gives special treatment to those that give Labor money, special treatment for those that the Allan Labor government give taxpayer-funded projects to. It is a money merry-go-round. The Allan Labor government give dodgy contracts to their union mates with taxpayer dollars, and then those unions in turn donate money to their political wing, the Victorian Labor Party. That to me seems to be what is going on here. There are no two ways to look at it. These laws give unfair advantage to Labor. It is brazen, and it is a shameful attempt to rig elections in Labor's favour. What Labor are doing here is shutting off money – funds – from their political opponents, and they are doing this by banning all big money other than the big money that is coming to them from the unions. And they are doing it six months out from the election. They are stacking the decks in their favour, and the cost of that is democracy.

Members interjecting.

Renee HEATH: It is so interesting, isn't it, that people attack the man when they do not have an argument. That is all right.

Michael Galea interjected.

Renee HEATH: No, it is not. This is the argument. But anyway, you believe what you want. You are rushing through bad laws that the Premier herself said will be challenged.

Harriet Shing: Have you read the bill?

Renee HEATH: Yes. Why on earth would she say that if she had taken every step to make sure that they had gotten these laws right? Minister Shing this morning feigned outrage when during the debate she was saying that it was not rushed, that there had been plenty of opportunity to consult. I was actually going to ask about this, because she was saying all these things but failed to mention that we still were getting government amendments this morning while we were waiting in the party room to see what they were.

That is not a well-thought-out argument from the government. To send through an amendment on your own bill a few moments before the chamber is about to start does not seem like you have got everything organised. She could not explain the absence of a bill brief. She could not explain the lateness of the detail or the absence of it. What an insult to Parliament this is and what an insult to Victorians, and what an incredible insult this is to democracy. In order to maintain public trust in politics – which, by the way, is at an all-time low – there must be an even playing field when it comes to how elections are funded, but what this government is doing is once again bringing forward their extremely lopsided view of equality. Whenever they talk about equality, you can absolutely know for sure that it is not equal. There is no equality in this bill. Further proving that the Labor Party are all show, they even broke their own treaty laws. The First Peoples' Assembly did not have time or an opportunity to comment on this bill, and to me, that just demonstrates quintessential Labor. It just demonstrates, quite frankly, staggering hypocrisy.

In the last term of Parliament, the government took $1.5 million from the CFMEU, and this bill protects their ability to still receive funds from unions. So we will bring forward some amendments to this bill. The first one is: if it is good enough to ban big business from donating unlimited money, then shouldn't unions be banned from donating unlimited money?

Members interjecting.

Renee HEATH: It is so interesting, the touchiness – anyone who subscribes, or even pretends to subscribe, to the notion or the idea of fairness knows that. So our first amendment will exclude trade unions from the definition of 'associated entity' in section 206. The second one, and the reason that we are here, is because there was a High Court ruling that deemed the previous laws unconstitutional. The next amendment that we will bring forward ensures the constitutional validity. It ensures that money that needs to be paid back to nominated entities applies to the period since the last election. Labor have chosen a so-called random date – 1 July 2023 – when it is not random at all. They told the coalition that the date was selected because it was after the Labor Party received its last payment from Labor Services & Holdings. If this is the case, you are flirting extremely closely with the line of corruption; it is just about as close as it gets. If they have chosen a date despite the Solicitor-General giving advice that it must apply to the entire election period, and if that advice has been ignored, that could undermine the validity of this whole process.

The last amendment that we are bringing forward is one about transparency. It seeks to replace proposed sections 279 and 280, which will require parties to disclose to the Victorian Electoral Commission all amounts received from nominated entities since 2022. This will shine a light on exactly what has happened and where money has been coming from. It will shine a light on everybody's financial campaign arrangements. We, the coalition, have sought to engage in good faith,

but of course the government has been too busy doing deals to return that favour. Here we support transparency, we support accountability, and we want Victorians to have confidence in Victoria's electoral system. What this bill does is undermine every bit of that. This bill stacks the decks in Labor's favour, and it does not even hide the intention to do that for Labor and its union mates. I just think six months out from an election it is just staggering that we get something put forward like this that is so blatantly unfair.

Just before I close, I want to just share something that has been a genuine observation of mine. This is my first term in this Parliament. It has been a steep learning curve. I have sat in here and I have observed so many things. It is a whole new environment. It is my honest belief that when that $15 billion of corruption was uncovered something changed in my government colleagues.

Harriet Shing interjected.

Renee HEATH: This is my honest belief, that when that news was reported –

Harriet Shing interjected.

The ACTING PRESIDENT (John Berger): Order!

Members interjecting.

Renee HEATH: I will wait for Ms Shing to finish. Still going – I am just waiting. I do not want to talk over the top of Minister Shing. Are you finished or do you want more time?

This is my honest belief. This was what I was saying: something changed when there was all that corruption uncovered. Something changed, particularly in some members of the government. It was like it was so bad that the party that they believed in had failed the state so badly. I believe something changed, because I have the honest belief that people come to this Parliament, regardless of which party they are in, because they want to make this state a better place. I believe that people come here because they believe in fairness and they want people to rise out of the situation they are in, whether that is poverty or whether that is disadvantage, but there are different ways of getting there. But I honestly feel that I saw a change in Labor members when this was uncovered, because all of a sudden they thought, 'I actually can't honestly argue this anymore.' Something changed, and since then there has been a disconnect.

There needs to be integrity restored to this Parliament. Every one of us has to rise up to a better standard – and I think better than what we have just seen here – because one of the biggest responsibilities anyone can have is to hold the purse strings of the taxpayers of Victoria. We have a responsibility to make sure that their hard work and what they contribute is worth something. That is why I believe that there is no way we could possibly support a bill that so blatantly tips the scales. I am looking forward to what we talk about in committee, because there are some serious questions that have to be asked. But regardless, I hope that the crossbench at least support the amendments that we are putting forward so we can begin to, bit by bit, restore integrity to this state. We will be opposing this bill.

Ryan BATCHELOR (Southern Metropolitan) (17:03): In the last 3½ years we have had in this session of the Parliament, we have heard some debates that have been pretty wideranging and pretty wild, but I think it is fair to say that there have been few that have been divorced from reality as much as some of the contributions that we have heard from the other side today. They appear to be living in an alternate reality, and they appear to be debating a set of arrangements that do not exist and are not proposed. I do not know whether their contributions are deliberate obfuscations of the truth or whether they just do not understand how the laws work and they just do not understand how the bill proposed would enact a replacement regime. It may well be the latter. It could well be the former. But whatever it is, it amounts to a series of contributions all day that simply misrepresent or do not understand what has existed and what is being proposed.

I think part of it is probably driven by the fact that members of the Liberal Party appear to have a Pavlovian response whenever someone mentions the words 'trade union'.

I do not know whether they get taught it in their meetings or whether it is something they pick up from spending all of their time together, but every time anyone remotely says 'trade union' they immediately all start spouting the same things. We have heard it repeatedly, speaker after speaker after speaker after speaker on the other side using the same language, the same claims about what the trade union movement does. But what it comes down to and what this debate and what the amendments that have been circulated by the Liberal Party, by Mr Mulholland, in this debate demonstrate is that fundamentally the Liberal Party are trying yet again to silence trade unions from participating in meaningful debate. They want to silence, prevent, trade unions from being able to advocate on behalf of workers in this state. I think what it shows and what it gives you a glimpse of is a window into the minds of the Liberal Party – that whatever opportunity they get, whatever chance they get to talk about trade unions, it will be to try and silence them and shut them down, because the Liberal Party would prefer a world where workers were not represented, where workers had no-one standing up for their industrial interests, where workers had no-one standing up for their political interests, and they will take every opportunity that they have available to them to make sure that workers do not get a voice. They are doing it today – they have said it all afternoon – and it will be exactly the same thing that motivates everything that they do should they ever get a chance to form government in this state again, because what we have seen today is that nothing motivates the Liberal Party more than having the opportunity to denigrate workers and to denigrate the trade union movement. The amendments they are moving to this bill seek to silence them. That is what the Liberal Party are trying to do with their amendments to this bill.

What they are also trying to do through the way that they have tried to prevent this bill coming forward, the way that they have tried to prevent debate today on this legislation, is to perpetuate a black hole in electoral accountability, in disclosure, in transparency about our democracy that has existed since the High Court struck down parts of the Electoral Act 2002 here in Victoria in April. This bill, an urgent bill, is designed to make sure that Victoria and Victoria's democracy have electoral funding, transparency and disclosure laws to support our democratic system of government. This bill is about transparency. This bill is about accountability. It is about ensuring that political donations are visible to the community. The Liberal Party may want to hide in the shadows. They may want to put a cloak of anonymity over their donors. The Labor Party, the government, wants to make sure that the people know who is putting money into election campaigns in the state of Victoria. We want to make sure that there are laws that exist to regulate political donations and to ensure transparency of our system. The Liberal Party, as they demonstrated today, are against that transparency. They are against that accountability. This bill is all about upholding public confidence in our electoral system and reducing undue influence that can and might exist. For example, at the moment, since the High Court in mid-April struck down parts of our previous Electoral Act, it has allowed unfettered donations. There is no ban on foreign actors donating to Victorian political parties and trying to influence Victorian democracy. That may be a scenario that the Liberal Party wants to perpetuate, because we know that the Liberal Party was the recipient of the largest ever overseas donation in Australian political history.

Maybe they are very happy for this black hole of transparency to continue, but we are not. We want to make sure that there are rules in place that are fair and transparent and require the disclosure of donations that limit the ability of individuals and corporations to make donations for campaigning purposes here in the state of Victoria and ban foreigners from interfering in our elections. That is what this bill does.

Following the High Court's decision in Hopper and the state of Victoria there has been no lawful scheme governing how political money is raised and disclosed. This bill reintroduces caps on political donations, bans foreign donations, bans anonymous donations above a $1250 limit and requires the use of state campaign accounts to segregate funds between administrative purposes and campaigning purposes – a fact that all the speakers that have spoken so far seem to be politically ignorant of. But it

is actually quite important, because the electoral funding regime that we had up to April and as proposed by this bill does make a distinction between funds that are raised and provided for the administration of a political party and funds that are raised for the campaigning for election of candidates representing a political party. That distinction is pretty important, and the Liberal speakers in this debate do not seem to have recognised that difference. We have, by interjection, tried to point it out repeatedly, but their I think wilful misrepresentation of the law that had existed and that we would propose to exist again is all about serving their interests of denigrating particularly the trade union movement, because we know they are not really interested in the truth. The Liberal Party are not really interested in articulating the truth.

What they are really interested in is perpetuating distrust, perpetuating and seeding misinformation about what exists. They are taking lessons, I think it is pretty obvious, from their friends in the United States and appear to be trying to import that kind of Republican–Trumpian political rhetoric into Victoria. We have seen it a little bit in the speeches in the course of this debate. We had yesterday in the conversation in the Assembly the member for Caulfield, the Deputy Leader of the Opposition in the other place, talk about how this was an attempt to steal an election. They are words taken from the Donald Trump playbook. The Liberal Party are trying to import that rhetoric and import that style of politics into Victoria, and they should be ashamed of themselves for doing so. That sort of language erodes our democracy. But it was not just once that it happened yesterday. We had yesterday the member for Malvern parroting Trump's conspiracies about former President Biden in there. They are importing their rhetoric; they are importing their conspiracy theories. We have had speaker after speaker after speaker in here talking about how ensuring fairness and transparency and accountability for our electoral system would somehow mean that it was rigged, when the opposite is the case. These laws are about fixing our system so that it is transparent and there is accountability and the same laws apply across the board.

If we think that they have got a Pavlovian response to the concept of trade unionism, what we have seen is a wilful disregard of the facts, particularly when it comes to what has been happening with the CFMEU, because I think every single speaker has talked about how this bill is about ensuring that the CFMEU can continue to donate to the Labor Party. The facts are that under federal law the CFMEU is prohibited from being affiliated with the Labor Party or any other political party or making any other forms of affiliation.

The Fair Work Commission has made it very clear to the administrators of the CFMEU that they are not allowed to make any form of affiliation, payment or donation. Perhaps the Liberal Party are deliberately misleading when they talk about that, or perhaps they just do not know, but either way they are wrong and people should not believe a word that they say.

What this bill will do is set up a new replacement regime that allows regulation of political donations and caps, requires transparency and establishes regimes so that funding for the administration of political parties is set up in one account and funding for political campaigns is set up in another. I am sure that, particularly on the administration side, it will still facilitate the Liberal Party paying the legal bills as they sue each other in court. I do not think that they need to be worried about this bill stopping them paying their lawyers because they cannot stop suing each other. I think members of the administrative committee are still suing the Liberal Party. Nothing in this legislation is going to stop them from suing each other. They do not need to worry about that. The Liberal Party will be able to continue the vendetta they have got against themselves in the courts in the state of Victoria right now. They can go on their merry way.

This bill is all about ensuring that Victoria's system of democracy has a set of electoral funding, disclosure and transparency rules that ensure that there is no influence of foreign money in our politics and no influence of dark money in our politics. All we see from the Liberal Party again and again and again is either a deliberate obfuscation of the truth or a complete misunderstanding about how these laws work. If the Liberal Party had their way, they would have no rules about who could donate in the state of Victoria, because clearly what they want is for foreign actors and foreign interests to be able

to try and influence the Victorian electoral system. They want the capacity for unlimited donations for political purposes, for campaigning purposes. What they have demonstrated in the course of the debate today is that they have got no understanding about how our electoral funding laws used to work or would work under the amendments being proposed today. The only party that wants to ensure that there is transparency and accountability in our system is Labor.

Michael GALEA (South-Eastern Metropolitan) (17:18): It is good to be speaking today on this very important bill that is before us. Indeed, in the situation that the state finds itself in with regard to electoral donation laws, there has been a very well known recent decision by the High Court which was handed down on 15 April this year, and in the seven or so weeks since that time this government has been working very earnestly to ensure that the gaps – or the chasms – that have opened as a result of this decision can be rectified and, importantly, can be rectified before the state election later this year. Victorians for a very long time have been advocating for political donation laws that are fair, that limit the undue influence of major outside players and that ensure that all of us as democrats in this Parliament are here to represent the voice of the people. I will not go into exhaustive detail on the previous laws and the establishment of them, but indeed at the time they were landmark reforms that had to be fought very, very hard for. Indeed genuine cross-party work was undertaken and adjustments were made on the basis of advice from parties from the crossbench and indeed on the advice of the coalition as well.

That work was done. Irrespective of the fact that the coalition ended up voting against those laws too, that work was done across the chambers to ensure genuine buy-in from all quarters. Here again, in the past seven weeks, that work has continued, whether it has been with opposition colleagues or crossbench colleagues. I know the Special Minister of State and others in government have been working very earnestly to ensure that we can get a robust set of legislation before this Parliament in a fast manner. Seven weeks is a very short period of time to be bringing this all back into place, but it is very important that we do so, and it is important that we do so properly. I welcome the opportunity to speak in this chamber tonight on these reforms.

We have had some interesting commentary from members across the aisle today, and I have had the fortune or misfortune of listening to a number of them. It is very hard to pinpoint any purpose behind what can only be described as completely wilful logical illiteracy or logical blindness that has been applied by some members. We have had some members grandstand and accuse the government of failing to consult with the opposition or discuss any such changes with them, which is simply and blatantly not true, and it is in fact contradicted by the statements of members, including Mr Newbury and others in the other place. Those consultations and those discussions have been occurring right across the Parliament. I believe even one earlier speaker from the other side was complaining that no-one was spoken to, misrepresenting the situation to claim that the Liberal Party had not been spoken to, only to then go on and refer to something that was allegedly said in discussions on this issue that happened between the government and the Liberal Party. It is something quite remarkable to come into this place and say both that no discussions had happened and then that 'In those discussions this was said.'

Many people brought up many unrelated matters, but one of the speakers attacked the government most earnestly for refusing to act on this particular piece of policy, never mind the fact that Jess Wilson had herself ruled out acting on that piece of policy, in exactly the same way that the government did, just a few days ago in a radio interview. Whether it is wilful ideological blindness or whether it is just not bothering to engage or dive into the substance of the matters before us, we did see a very disturbing pattern from Liberal Party members – not all, I will make the point to emphasise, but some – who are prepared to launch into outrageous attacks on other members, government members and crossbench members, and accuse them of being fundamentally undemocratic.

We have many, many robust debates in this place. It is what makes it so special. Certainly we are blessed to be in the red chamber of this building, where we do get to have vigorous, feisty and fiery debates, but we also negotiate, we also talk and we also collaborate, because we know that this

chamber represents a very big diversity of Victorians' views. Through us coming together in our weird mix of people that we are, we get to – I apologise for looking at you while I said 'weird mix of people', Mr Bourman; it was not necessarily meant in your direction, but more for all of us as a whole, but it certainly includes you – represent very different parts of the Victorian community. The very magic and the very essence of us being in this place are that we are here to work, talk, negotiate, argue, yell and come to some sort of conclusion in the interests of the people who elected us. That is what we are here for. We often, usually, have very different ideas on how that is done. That is the point of this place.

To say that the entire other side is undemocratic is deeply unserious. It is also deeply dangerous. In reflecting on the remarks by my colleague Mr Batchelor, it is a trend that we have seen overseas as well in places such as Europe, including the UK.

Most egregiously we see it in the United States, where from an outsider's perspective – I do not claim to be an expert – they have gone from being one country united by their love for their country to being two different countries fundamentally at war with each other, who think because of the colour of the party you vote for you are evil and everything you stand for I detest. That is not where we want to be in this country. There are many, many decent Victorians who vote in many different ways, ways I might not like, but that is the whole point: we are all Victorians first, we are all Australians first. To bring that into this place, or indeed into the other place, like just yesterday when a senior Liberal member accused the government of rigging an election, accused us of 'stealing an election', taking those words straight out of the Donald Trump playbook, is corrosive to our democracy. It does not matter if they are just trying to chase votes and stop them from going to One Nation – it does not matter. Those are the sacred cows for politicians as guardians of our state's democracy and as the people entrusted to be here. To act in such bad faith damages all of us and damages Victoria.

Victorians have every right to feel confident in our system of politics and in our system of government. Many times they feel let down by politicians and the political system. Every single one of us in this place, I certainly hope and trust, came into this place to make a positive difference for Victorians. I regularly speak in this chamber about the many things that I am excited to do in my community, in my fields of passion or whatever else and on different policy issues. We have robust debates – we had them yesterday and we had them on Tuesday. We all come in with those perspectives. On this side we have a very positive story to tell when it comes to those investments we are making.

Acknowledging that this is wildly outside the scope of this bill, but it was raised already by a colleague across the chamber attacking a community hospital in my electorate, a community hospital that is already servicing my electorate, that is already treating people with allied and other health issues so that they do not need to go to a larger hospital or a larger medical service and they can get that care closer to home, in doing so taking pressure off a larger hospital. That community facility will soon be very much expanded with the urgent care clinic funded in this budget. Those are the things that we get excited about, certainly on this side of the chamber – the health care; the bus routes; the new schools; the policies and changes making retail workers' workplaces safer; bringing in better protections for people going through the criminal justice system, especially victims; supporting children in care, providing the best start for young children. Those are the things that excite those of us on this side of the chamber. Whatever it is that we want to see our state become, none of that is served by the sort of base-level attacks that we have seen. It is not about attacking the other side when it comes to making those sorts of claims: it is an attack on Victorian democracy.

Victorians should have every right to hold us to a high standard, and they also have every right to have confidence in the system that we have – that includes having donation laws that are accountable and transparent. As a result of the High Court removing section 12 of the act, we are currently in a state where we have a gaping chasm where once we had protections, protections that were brought in by a Labor government. What we have today, in an urgent sense, is an opportunity to rectify that, to once again restore accountability, transparency, and yes, caps on donations that will mean one or two people cannot have a vastly undue influence on our elections. The reforms in this bill will ensure that we have

a system that is accountable and transparent and indeed will restore us in many ways to a system that was in place, but in a way that ensures continued compliance with the parameters that the High Court has outlined for us.

It will, as my colleague Mr Batchelor said, ensure the nominated entities will continue as they are. In the case of Vapold, it means that the Liberal Party will still be able to sue each other into oblivion as their hearts may desire. That does not change. What does change is that we will return to a system where we have peace of mind.

It is also important that I pick up on the earlier remarks as well, because we have seen repeated derogatory attacks made on the broader trade union movement today. That is an attack on working nurses and working police officers, on retail workers, on truck drivers, on everyday people who expect a fair day's pay for a fair day's work, who contribute their wages to their families and to local economies and who support unions so that they can have their interests represented in a political movement. To suggest that those everyday working Victorians – the shop assistant at Woolies, the bus driver at Ventura – should not have their voices counted through the unions that they choose to join would indeed also be an affront to democracy. It is why the amendments put forward by those opposite cannot and should not be supported. When you conflate donations with affiliation fees, and when you talk about funding from unions that are not even affiliated with the Labor Party as part of some scare campaign, you are not doing yourselves any credit and you are not making yourselves look serious. Coming into this place and proudly boasting 'I used to be a worker' – great, good for you. Millions of Victorians are workers and they are proud of the work that they do, and they deserve a political system that represents them.

Given the outrageous attacks on unions, it is probably appropriate to talk about some of the many achievements that unions have brought to working Victorians' lives. We could talk about the Victorian Labour Hire Authority. We could talk about reforms and improvements over decades to WorkSafe. We could talk about making Easter Sunday a public holiday in this state, which the previous government completely failed to do.

Evan Mulholland: On a point of order, Acting President, on relevance, I am just wondering what Easter Sunday has to do with the Electoral Further Amendment Bill 2026.

The ACTING PRESIDENT (John Berger): There is no point of order. I ask Mr Galea to continue for the last 18 seconds.

Michael GALEA: I am surprised that you of all people, Mr Mulholland, would attack workers getting an important Christian holiday off. I am disappointed to hear that. In concluding my remarks, this is an important bill, and it deserves to be supported by this house tonight.

Tom McINTOSH (Eastern Victoria) (17:33): The opposition's point of order just shows how ridiculous their position is on this whole thing. I think we have got every single member in this chamber, every party, coming and voting to support this legislation, yet the Liberals stand opposed.

Michael Galea: And the Nationals.

Tom McINTOSH: And the Nationals. I forgot about their junior partner, the Nationals, whom we deeply respect. I think they might be the lead partner; I should take my words back. We know that over the last 10 to 15 years of federal politics it has been the Nationals that have wagged the dog from Queensland. The Nationals have ruled the roost, so I apologise to the Nationals over there.

It is breathtaking that we have legislation here to ensure our democratic processes in Victoria and the Liberals are opposed. I do not know how many times I have stood in this place talking about values. When you can identify your values, then you can get on with policies that deliver good outcomes. The problem for the Liberals – as I think we have heard from a few people on this side today – is they do not know what they stand for, because they do not spend time understanding their shared values. I think the word 'collectivism' would send them into hyperbole or something.

I think when they were studying university student politics together, they were taught the word 'collectivism' was evil and wrong. But they cannot agree on their values because they do not like each other. We have seen a rotation of leaders, whether it is in this chamber, whether it is in their leadership positions, because they pick each other off one by one. And that is what they would like Victorian workers to have to do. They would like Victorian workers to have to compete against each other for the lowest common denominator – wages at work, conditions at work and security of employment – because that is what drives them, driving down Victorians' conditions. That is why you have heard throughout their contributions today – even this morning, when we were simply debating whether or not this important legislation should be heard today – that most of their language is anti-union, anti-worker. That has been the focus. They were going on at full tilt, yelling at the room for no reason, when we were simply here debating whether we would debate the bill, and away they went. You can only imagine: if the Liberals had their way, you would not have licences in place, you would not have regulated industries, you would not have proper training pathways. Whether it is in aged care, whether it is getting someone around to do some work at home or whether it is in a whole variety of aspects of life, as consumers it would just be going out and picking someone out of the trading post and hoping they are going to do a good job. This side is committed to ensuring that we train people up from the start – get people trained and then make sure they are licensed and there is proper, appropriate regulation in place so the consumers know they are going to get a good product. All this anti-union, anti-worker language that has floated around what is actually really good legislation for our democracy today has been bizarre.

I think it is fantastic that a group of neighbours – two or three people – could get together and say, 'You know what, we're going to put some money into a jar every week,' and they can match a corporate donation over the term of the year or four years. Isn't that really good? Don't we want more people to be able to actively participate in democracy? I would have thought that is a good thing, rather than having a number of big players who can have a maximum amount of input and influence. We know the Liberals want that. We know that is their MO and has been since they were a functional party probably 40 or 50 years ago. But I think it is really good that we are saying to people, 'If there's a donation, we're going to know who it's come from.' Once it is over $1250, we are going to know who that donation has come from, and people can find that information. Over the term of a cycle it is going to be capped at $7500, so we know that certain organisations and corporates will not have bigger influence than others. It just keeps punters up in the same sort of ballpark. It just makes complete sense.

The ban on foreign donations – why on earth would you be against a ban on foreign donations? We heard Mr Limbrick here this morning. Mr Limbrick made a great contribution just outlining the hypocrisy. This sort of stuff all makes so little sense. It is because you would not come to the table to discuss it. It is the typical Liberals unwilling to come to the table, because, you know what, there is no-one to negotiate with, because what are you? You are 31 people in the Parliament. There are 31 individuals on that side, and they cannot come to the table and cannot negotiate as a group. We had a group from Gippsland in today, and I was talking about the importance of advocacy and advocating for your community. I was saying that it is important to be able to think strategically, to be able to identify what it is that you want to achieve to improve quality of life. It is that ability to identify that and then go and advocate, and advocate professionally.

Those are things that the Liberal Party lacks. It is that strategic vision and it is the professionalism. You can see in Liberal branches around the country that lack of professionalism. The fact is that you are opposing good legislation because of the lack of professionalism within your own organisation. I think stemming from that is this 'just say no' mentality. You are just saying no for the sake of saying no because you did not want to sit down and have the conversation, and that is just typical of so many policies. For so many policies, you just want to strike things off. I mean, the greatest example was just last week. We just had our committee and we tabled the report, but the Liberals had to table a minority report because they cannot work alongside others. That stems from them being unable to work with themselves.

Coming back to the banning of foreign donations, banning foreign donations just makes sense. We do not want foreign money in our elections – we do not want it in our elections. Capping the donations at $7500, as I said, enables a level playing field, and having the enforcement and compliance with the prescribed penalties is really important. It gives voters confidence and it just ensures that these rules are followed, because it is critically important. The other aspect is about taking a lot of the money out of the system from donations – the money that political parties and candidates or elected representatives can get upon election – which is a good thing. It is a good thing in our democracy and far better than what the Liberals would have, which would just be a complete and utter free-for-all.

I have talked to the caps on political donations. I have talked to the ban on foreign donations. I have talked to the anonymous donations equal to or above $1250. State campaign accounts will be used to segregate funds and assist with Victorian Electoral Commission Oversight. I talked about the enforcement and compliance mechanisms and the penalties that will be applied to ensure that that occurs, because it is vital that all of us have faith in our democracy and know where money comes from. At the moment, if the Liberals had their way, people would not know. The comments yesterday from the member for Caulfield in the other place, trying to talk about stealing an election and that sort of Trumpian language, just shows where the Liberals' minds have been for a long time. All of a sudden you are looking in your rear-view mirror and there are others coming to take the space with the environment that you have created. Safeguarding transparency and integrity in the system, the political donation disclosure and reporting regime will inform the public about the financial dealings of registered political parties, independent candidates and others involved in the electoral process. It will make state funding available to the eligible electoral participants, including new entrants, as I said, to limit that influence of private donations in the political process. Prescribed reporting and disclosure obligations to the VEC – that will be clearly identified and empower the VEC to regulate compliance with the proposed regime. It will prescribe offences and penalties relating to noncompliance, including introducing criminal liability for failing to disclose and return political donations that are prohibited or above the old general cap.

It will make necessary consequential amendments to the Electoral Amendment Act 2026 and the Planning Amendment (Better Decisions Made Faster) Act 2026. The bill will prescribe a general cap on political donations of $7500 made from the same source for each four-year election period, with an interim general cap of $5030 applying for the 2026 election period, and prescribe the election period for the 2026 November state election as the period commencing from 15 April to 28 November for the purposes of the donations cap. It will prohibit all foreign donations and set a cap on anonymous donations of $1250 and prescribe the small contributions amount as a political donation that is equal to or less than $100 or a higher amount provided in the regulations without subjecting this amount to indexation. These amounts are to be disregarded in determining whether the general cap or the disclosure threshold has been met, requiring real-time disclosure of donations and loans equal to $1250 and above and submissions of annual returns to the VEC. It will prescribe civil penalties and offences for noncompliance under the act and empower the VEC to regulate compliance with the proposed regime. It will require a state campaign account to be established by all electoral participants receiving political donations for state elections and public funding payments or incurring political expenditure, and state campaign accounts must be maintained in Australian dollars and associated reporting requirements to the VEC must be followed and provide state funding to eligible electoral participants, including increasing the current index rate of administrative funding for eligible registered political parties and independent elected members and the establishment of a new dedicated funding stream for new entrants. It will impose criminal liability on legacy registered political parties failing to return their nominated entities before the 2026 state election, with any funds received between 1 July 2023 and 14 April 2026.

The bill will reintroduce state funding and will also increase administrative expenditure funding, with benefits flowing to independents and smaller parties. Administrative expenditure funding is available to registered political parties based on the number of members they have in Parliament, up to a maximum of 45 members, which will probably never be a problem for the coalition. Its increases in

administrative expenditure funding are in recognition of the general running costs and standard operation of elected members.

A member interjected.

Tom McINTOSH: I thought that was a good zinger.

It includes costs related to auditing returns and statements and managing funding and disclosure obligations under the act. It cannot be used for political or electoral expenditure. The rates will increase by 21 per cent for the first elected member and independents, 15 per cent for the second elected member and 26 per cent for the third to 45th member. Public funding will be reinstated to elected members and recontesting candidates who receive 4 per cent of the first-preference votes at the previous election.

I am going to leave my contribution there, but I will just finish by saying is nothing short of a disgrace that the coalition are not supporting this legislation, and it is true to form of decades of them looking for big money in politics.

Sonja TERPSTRA (North-Eastern Metropolitan) (17:48): I also rise to make a contribution on this bill, the Electoral Further Amendment Bill 2026, and we have been debating this bill for the better part of the day today. Before I move on to some comments that other people have spoken about in here today, I just want to underscore my contribution by starting with this comment: in Australian political history, the single largest private foreign political donation to the Liberal Party came from the British billionaire and Conservative Party peer Lord Michael Ashcroft. In September 2004, just before the federal election, the Australian Electoral Commission recorded that Lord Ashcroft, who listed his address as the House of Lords, Westminster, London, donated $1 million to the Liberal Party. At the time, it was the largest single private donation from an individual in Australian political history. So, there you go: this is why we need electoral donation reform and legislation that protects who is actually donating to political parties, because what we have talked about in here today, and what is very important, is that there does need to be transparency about who is donating to political parties, for obvious reasons.

There are lots of organisations or entities who have an interest in political outcomes, and we only have to look to America to see the sorts of organisations over there. I am going to get to America and Trump in a minute, and I know a number of my colleagues have touched on this as well. But look at what happens with the NRA over there, the National Rifle Association, and who they donate to. There needs to be transparency. People want to know who is donating to political parties because if it looks like a duck and quacks like a duck and sounds like a duck, it is a duck. The bottom line is people are rightfully then making a conclusion that if somebody is making a donation like Lord Ashcroft did to the Liberal Party in the order of a million dollars, he may have an interest in the outcome, for example, or the Liberal Party at that time was going to deliver an outcome to that person that for whatever reason was favourable to them. This is why it is important that we have transparency in political donations, so that whoever is donating, there is transparency about it.

Again, we see today, and Mr McIntosh commented on this, that those opposite are going to vote against this bill. I have listened to the debate all day and the contributions from those opposite. I have heard lots of contributions that actually have nothing to do with this bill but a lot about their complete excitement – their utter excitement, they cannot contain themselves; they are measuring the curtains as we stand here right now – about how they think they are going to win. But what I have heard is nothing more than nasty attacking of government members and ministers and just a constant stream of 'You guys are hopeless, you're corrupt' – all the usual tropes that get brought out – but very little on the substance of this bill and certainly what their proposal or policy is. What is their proposal or policy to do anything about this? Oh, wait, there is not one, because we know they do not want electoral reform and controls or transparency for the reason I just mentioned. Let me mention it again: the largest donation to the Liberal Party in political history was by Lord Ashcroft of the House of Lords – a

million dollars to you guys over there on the opposition benches. No wonder you do not want to vote for this bill, and no wonder you do not want political transparency in donation reform, because it would be a very interesting trail of breadcrumbs, wouldn't it, about who is donating and what they are donating. It would be a very interesting trail of breadcrumbs, absolutely.

We talk about funding bodies. Well, we can talk about what the Liberal Party does with the Cormack Foundation. But let us have a little look at the National Party for a moment. The National Party's funding network seems to be slightly different and operates a little bit less centrally, but they have the National Building Foundation. Apparently this operates at a federal and New South Wales level as a primary vehicle for funneling commercial revenue investments and targeted contributions back into the party's campaign apparatus. Isn't that very interesting? Let us talk about the National Club, another longstanding fundraising entity used by the party to host corporate networking events and manage direct political donations. And then there are state-specific foundations. There is a very interesting and sophisticated network of ways that those opposite have to funnel political donations into their parties, and that is why they are voting against this bill. They do not want that. They do not want transparency. They want to hide where the dark money comes from.

At least I am making my contribution on the substance of the bill, about political donations. Over there for the whole day we have heard about everything other than what is in the bill. The usual tropes have come out – just a whole lot of absolute garbage – and it just shows that they could not manage anything. They could not govern, because they do not know how to. All they know how to do is be angry. It is just constant anger and rhetoric that comes from over there.

Members interjecting.

Sonja TERPSTRA: Even as I am speaking I am getting yelled at from across the chamber, when I sat in silence today and listened to the contributions without yelling. So again, those opposite cannot handle any contribution that actually shines a light on them and how absolutely woeful they would be if they were ever given the gift of government.

The other thing I just want to comment on in terms of this bill – and this is lost on those opposite, because like I said, they are measuring the curtains; they think they are going to be in here in government – is this. Our electoral landscape is changing. If they have not noticed, there are lots of different political parties that are being registered and there will be lots of different political parties that will be running at the next election. The two-party system is actually coming to an end. I do not know whether you have realised it over there, but the fact is a lot of you will not be here because there will be a lot of One Nation seats over on that side of the aisle. There will be a lot of One Nation seats. The point is the two-party system is in decline, and we will see – whether they like it or not – lots of other parties coming in here. Look at the diversity we already have on the crossbench. The crossbench is getting bigger. We have the Greens, we have One Nation and the Shooters, Fishers and Farmers Party. There is going to be more of that – there is going to be absolutely more of that. That is why it absolutely makes sense to make sure that we have transparency in political donations.

I was actually just reading in the paper today – I did not get a full chance to read it, but I think it was in the *Age* – an article where Pauline Hanson was actually commenting and saying she had to fight off absolute weirdos and zealots coming into her party. I look at that statement and I think, wow, that just tells you – but if you are going to dog-whistle to extremists, you are going to get them knocking at your door. Nevertheless, what this shows is that people are viewing this as an opportunity to infiltrate politics and come into this place to get the particular outcomes that they want. That is why I keep repeating myself – we need to make sure that there is transparency in political donations. You only have to look at what the member for Caulfield was saying yesterday in the other place. He said:

> This government should not be allowed to rig an election by taking union money to ensure that they can steal an election come November.

That is a direct quote of Trumpian language, and I wonder why the Liberal Party and its members are watching Trumpian politics and thinking that it is appropriate to make those comments here in Australia – that somehow that emboldens them and that somehow that is going to make people vote for them. It is actually a really weird and alternative universe that they must be living in, because people in Australia reject that kind of extremism. People here in Australia are mainstream, moderate people and they are centrists. Whether we like it or not, most people sit in the centre of the political spectrum. There are people who have different and diverse views, whether it is the far left, the left or the far right and everything in between. But the bottom line is when you are in this place making comments like that, which dog-whistle to extremists, that is always very, very concerning.

Again I go back to the point about why we need these sorts of reforms. The High Court case – yes, we have talked about that and the consequences of that decision, *Hopper v Victoria*. The decision was handed down on 15 April. Yes, it has put everything into a state of flux. But that is why we are doing this. That is why this is being treated as an urgent bill, because we have an election coming and Victorians want to know who is making donations to political parties. It is important, and those opposite will dismiss it. Again, the sum of the debate today that I have heard over there is all just about directing anger and criticism at the government, but I have heard nothing about what they would do, if they were ever in government, about this issue. There has been no policy response on this issue at all other than just complete rhetoric and anger. I did get the wind-up from the whip before I started my contribution. I think I will leave it there. I commend the bill to the house.

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (17:58): I want to thank all members for their contributions today. It has been a fascinating debate to follow, and I thank in particular the government members, who were a bit of a tonic at the end of the day as we heard them bring things back to what we are actually here about. And what we are here about is ensuring that Victoria's elections are decided by Victorians, not by those who have the deepest pockets. That is what this bill will deliver. When the High Court struck down Victoria's electoral integrity laws in April, it left our state exposed, with no limits, no disclosure and no oversight – an open door for dark money to flood into political campaigns. And we acted on the same day. We put every political participant on notice that every dollar raised from 15 April would be accounted for, and this bill makes good on that commitment. The Premier was unambiguous. She said:

> The High Court's decision to strike down Victoria's long-standing electoral integrity laws leaves our state exposed to dark money in politics.
>
> Right now, money could be flowing from foreign billionaires into political party bank accounts – with no limits, no disclosure, and no oversight.

Our legislation will make sure that every party and candidate is accountable for every dollar that they receive from this day forward, and that is why we are so determined to get this bill through.

I want to thank members of the Greens and the crossbench for recognising the urgency of this bill and the need to restore a regime for the disclosure of political donations. Their input has been vital to ensuring that we can move speedily but also to seeing that we have a comprehensive expert review of the act after the next state election. Integrity experts have also welcomed the fact that this bill will address the immediate problem of getting transparency back into our donation system. I am pleased that Transparency International Australia's chief executive officer Clancy Moore welcomed the bill and the increase in public funding, and I am also glad to acknowledge that Catherine Williams of the Centre for Public Integrity said that the bill responds to the pressing issues of needing a disclosure system following the High Court decision. We have heeded the calls for a comprehensive expert review of the act after the election. There has been a lot of misinformation in the chamber today about this bill. It is very important to clear that up. That misinformation has been spread by those opposite, those who oppose the bill and very wealthy people, frankly, who want to give uncapped amounts to their own candidates.

There is no loophole in the bill for associated entities and third-party campaigners. Associated entities such as think tanks and trade unions and third-party campaigners are bound by the general donation cap, which we will strike at $7500 after the November election and $5030 between 15 April and 28 November this year. That means they cannot make uncapped political donations. Associated entities are permitted to pay subscriptions or affiliation fees to registered political parties, and that has been the case since 2018 and it is not specific to Labor. Other parties have associated entities, and it is a matter for those parties whether their associated entities pay such fees. I would like to also highlight that those affiliation fees cannot be paid into parties' state campaign accounts and used for political campaigning; they can only be used for administrative expenses. There has been a lot of talk in here today about trade unions and their links to Labor. It is important to note that the entities connected to the Liberal Party have not been spoken about much at all today. The hypocrisy has been quite breathtaking, I have got to say. We have the big end of town – we have the Cormack Foundation with $90 million and with $40 million paid into their accounts, respectively – but somehow they want to take issue with working people through their trade unions participating in the political process. It is quite staggering. What this does show is the true colours of those opposite and their anti-union contempt for the rights of working people to participate fully in the political process, and they need to be called out for that.

Clause 12 of the bill includes a broad-ranging post-election review of the entire act by an expert panel. To ensure that review is informed by experts the bill provides that the review must not include more than one former member of the Council or the Assembly. After productive and constructive discussions with the Greens and others, we recognise that this should be amended to include 'or a former member of the Parliament of the Commonwealth or the Parliament of another state or territory', and I ask that that particular amendment in my name be circulated now.

I will keep going while that is being distributed. As I said, there has also been a lot of misinformation about the bill put out in the second-reading debate today and yesterday in the other place. The coalition has circulated amendments to change the date regarding the refund mechanism in section 277 introduced by the bill. This currently provides an obligation in the bill on political parties to return money transferred from a nominated entity to a political party between 1 July 2023 and 14 April 2026 that was in a party's state campaign account on 15 April 2026.

Those opposite have said there is something nefarious about this date of 1 July 2023, and a lot of accusations have been made, completely unfounded. In the interests of demonstrating that this is not the case, we are moving an amendment to provide that the specified period in the section commences from the day after the 2018 election. Accordingly, this will amend section 277(3)(a) to change the beginning of the specified period from 1 July 2023 to 25 November 2018. I ask that my amendments be circulated.

If I can talk now about the general donations cap, the bill provides that a higher amount can be prescribed for the general cap by regulations. Concerns have been raised with the government about the use of this regulation-making power and whether the government would seek to increase the general cap. We have no plans to increase the general donations cap after exhaustive negotiations to come up with a cap that everybody can live with – well, most people. Nonetheless, in the interests of assuaging any concerns, we will move amendments to amend the definition of 'general cap' in section 206(1), remove the ability to prescribe a higher amount and make any consequential changes, including to the table in section 267 and to section 288(1)(b) to remove the ability to prescribe a higher amount for the election period for the 2026 general election. I think those amendments are included in the amendments that have already been circulated.

This bill caps donations, it bans foreign money and it requires full, real-time transparency so no-one can buy an unfair advantage at the ballot box. There is a $7500 cap on political donations over four years – no more stacking funds from big vested interests – and an interim cap of $5030 for the 2026 election period, noting that that is a shorter timeframe. All donations are to be disclosed since 15 April 2026 and returned if above the cap. All foreign donations are banned, full stop. Anonymous donations

above $1250 are banned; dark money has no place in Victorian elections. Real-time disclosure of donations of $1250 or more – Victorians have a right to know about that. New candidates and parties can receive double the cap, which gives them a genuine foothold without the big party machine behind them. Labor, the Liberals and the Nationals will each be required to return money transferred to their nominated entities between 25 November 2018 and 14 April 2026 above the interim cap of $5030 that remained in their state campaign accounts on 15 April 2026. The new refund provisions introduced as part of the bill are part of a suite of measures designed to ensure an electoral system that is as fair as possible for all electoral participants.

To reduce the barriers for new entrants, the bill introduces a new entrant general cap, recognising those who are ineligible for state public funding. Eligible participants include first-time independent candidates, recontesting independents who received less than 4 per cent of first preference votes at the previous election and newly registered political parties. Public funding is core to free and fair elections. That is why we are restoring it. Without public funding, elections become a contest between the biggest donors. Labor will not allow that. State funding is reinstated for eligible electoral participants, with increased administrative funding flowing to independents and smaller parties. The bill ends nominated entities. They will be regulated in the same way as any other associated entity, subject to the same donation caps and disclosure obligations as everyone else.

The Electoral Act 2002 is fundamental to the operation of our democracy in Victoria. Noting that significance, there will be a broad-ranging post-election review of the entire act. On that point, I would like to thank members from across the Parliament, including Mr Ettershank and Ms Payne, Ms Purcell, Mr Limbrick, Mr Bourman and the Greens, for working with us on a set of terms for the review that will be truly independent.

The terms of reference reflect input from stakeholders, including the Centre for Public Integrity. The government will also be moving an amendment to that component to confirm the intention that no former politician, state or federal, can be appointed to the panel, and those amendments have already been circulated.

The government will not be supporting the opposition's amendments in relation to associated entities. The Electoral Act 2002 has always allowed parties to receive affiliation fees from associated entities. This is not specific to unions or Labor. Associated entities are still required to follow the donations cap. Specifically excluding certain organisations from being associated entities may risk the bill constitutionally.

The government will be moving the three amendments that I have already had circulated.

In conclusion, Victorians deserve elections that are fair, transparent and free from undue influence. These changes make sure the outcome is determined by voters, not big money. We know that the Liberal Party are perfectly comfortable having big money flowing into politics – they have made that abundantly clear today during this debate – but we are not. I commend the bill to the house.

Council divided on motion:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Noes (12): Melina Bath, Gaelle Broad, Georgie Crozier, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (18:21)

Bev McARTHUR: Minister, the bill's stated purpose includes limiting reliance on private donations and promoting fairness. Can the minister point to a single substantiated finding by IBAC, a court or this Parliament that a lawful disclosed political donation in Victoria actually changed a government policy, or is the bill built on an assumption of corruption that has never been demonstrated?

Ingrid STITT: Your question is not within the scope of the bill. Do you want to give me a reference to which part of the bill you are referring to? The objectives of the bill are quite clear. I am happy to go through them.

Bev McARTHUR: Minister, go to clause 1, page 1, and you will find the reference. I repeat: can you point to a single substantiated finding by IBAC, a court or this Parliament that a lawful disclosed political donation in Victoria actually changed a government policy, or is this bill built on an assumption of corruption that has never been demonstrated?

Ingrid STITT: I completely reject the premise of your question. This bill is about making sure that we have a transparent electoral donations system in Victoria restored.

Bev McARTHUR: Minister, you have introduced a bill. You need to be able to demonstrate exactly why the bill has been introduced. You cannot just say it is all about transparency or integrity. You have got to be able to point to a substantiated finding by, as I said, IBAC, a court or this Parliament that a lawful disclosed political donation in Victoria has actually changed government policy. That is what you have to demonstrate, or else this bill is hopeless. You have got to be able to demonstrate that there is a reason for producing the bill.

Ingrid STITT: It is a matter of public record that the bill is being introduced to the Parliament to deal with the fact that the High Court decision invalidated a whole section of our electoral donation framework. That is the purpose of this bill: to restore that framework and restore integrity in our donation system and transparency, including the requirements around disclosing donations above a certain threshold.

There are many important reasons why this bill needs to be dealt with. I do not accept that any of the proposed motives that you are putting forward are even relevant. This is about reinstating a section of our donations act that the High Court invalidated.

Bev McARTHUR: Minister, is this bill built on an assumption of corruption?

Ingrid STITT: It is just a ridiculous proposition, and I completely reject it.

Bev McARTHUR: Well, what evidence base, what modelling, what data, what consultation did the government rely on in setting the figures and thresholds in this bill, and will that material be tabled?

Ingrid STITT: Mrs McArthur, you know that there have been ongoing discussions with all political parties, members of the Victorian Parliament across both chambers and also registered political parties about these matters for weeks. Those discussions were held in good faith by the government, and we have arrived at what we think is the right balance in bringing forward the bill before the house today.

Bev McARTHUR: The so-called consultations that you are referring to were totally disingenuous, from our point of view. None of us have had a bill briefing on this matter, for a start. But you must have modelling or data that sets the figures and the thresholds in this bill. How else can you arrive at them?

Ingrid STITT: We sought to have significant engagement with the Liberal Party, Mrs McArthur. It is a matter for you how much and how genuine your engagement in that process was. The government was certainly very consciously wanting to get bipartisanship for this bill. We had a number of very productive conversations with members of the Greens and the crossbench, who we have been able to negotiate a number of important amendments with. The total package that is before the house today represents those good-faith discussions, and you had every opportunity to be involved in them.

Bev McARTHUR: That is totally disingenuous, Minister. The Liberal Party negotiated absolutely in good faith. You did not. But you have arrived at some figures and you have arrived at thresholds in the bill, so inform this Parliament and inform the Victorian people exactly what modelling or what data you relied on to arrive at the figures within the bill.

Ingrid STITT: That is a fairly imprecise way to conduct this, so we might be here quite late, I think. Can I just point out to you that there are large elements of the old part 12 that are being reinstated without any change, and there are some elements of the bill that are being slightly changed, including the general cap for donations, which has increased modestly. For the election period post 2026 it will be capped at $7500. That is a pretty modest donation cap, and that is a good thing because that means that big money cannot buy election results.

Bev McARTHUR: Minister, you still cannot tell us how you got to $7500. Why not $7000? Why not $5000? How did you arrive at these figures and the thresholds? Surely you must have some information, data or research that has brought you to these conclusions about the figures and the thresholds that you are landing on us.

Ingrid STITT: Well, I could be cheeky and ask you how you came up with the $50,000 cap figure that you put to the government. But in good faith, we have landed on $7500 as a figure that represents a modest increase from the previous caps that were in the bill before the High Court invalidated section 12 of the act. We think that $7500 is the right balance and an appropriate cap to set going forward. I will note also that the election period, which is between 15 April and the election in November this year, has a slightly lower cap because of the shorter period of time.

Sitting suspended 6:31 pm until 7:32 pm.

Evan MULHOLLAND: I am just seeking leave to make a minor amendment to my amendment in good faith, given the government's amendment, which we would like to support, backdating to 25 November 2018. We are just changing our amendment 3 to backdate the disclosure from the original date of 2022 to 25 November 2018. It also changes the section 280 disclosure of a nominated entity that gave an amount to a registered political party during the period beginning 25 November 2018 and ending on the day in which the Electoral Further Amendment Act 2026 receives royal assent. It is simply changing dates to align with the government amendments.

The DEPUTY PRESIDENT: Is leave granted?

Ingrid STITT: No.

Bev McARTHUR: We were trying to establish on what basis the government had come up with all their figures and thresholds. I do not know whether the minister might have had an epiphany over the dinner break. We were hoping you might have been able to find the material on which it is all based and perhaps even table it for us.

Ingrid STITT: If I had an epiphany in the dinner break, Mrs McArthur, it was not about the bill. I cannot really add to much more to what I have already said to your previous questions about the cap other than to say that we have introduced the cap to restrict the potential influence and perception of influence of personal donations, and that is why it is set at a low threshold of $7500.

Bev McARTHUR: Well, we will just have to take it that it was based on no evidence at all. Will the minister now concede that not one dollar figure in this bill – not the $7500 cap, not the per vote funding rates or the administrative funding tiers – is supported by any published modelling tabled in this Parliament?

Ingrid STITT: No, I do not accept the premise of that question at all.

Bev McARTHUR: Well, then, minister, tell us on what basis you have arrived at it, if you do not accept the premise. Tell us how you have arrived at it.

Ingrid STITT: Thank you for your question, which I believe is the same question that you have been asking a number of times now, and I would refer you to my previous answer just now.

Bev McARTHUR: It is very unhelpful – not constructive at all, Minister – in this new era of transparency and integrity that you will not actually supply any published modelling to this Parliament that has caused you to arrive at these figures, per-vote funding rates or the administrative funding tiers. Why won't you allow transparency in this operation so the Victorian public can be very clear exactly what is behind this bill and how you have come to these conclusions that these are the figures and the funding tiers that you feel appropriate but are not prepared to alert anybody – the public, this Parliament and the opposition particularly, because of course we did not have a bill briefing so we were not able to ask any questions in this regard. I will give you another chance, Minister, to please tell us how you have arrived at these figures, what modelling might have been used and on what basis you are doing this.

Ingrid STITT: I know the Liberals were advocating for a much higher cap, and we have been very up-front about the fact that we believe that the donation system should be one that has modest caps across the four-year electoral cycle each year. That is because big money should not dictate the outcome of elections in our state. The Victorian voters should be dictating the outcome of the election, so there is no secret to how our views have been formed. There is no secret to the discussions that we were having across all political parties in the development of this bill, and many conversations with the opposition were had. I cannot control what the Leader of the Opposition's office did or did not share with you at the time, but we are satisfied that the bill strikes the right balance, including with the donations caps that have been set.

Bev McARTHUR: Let me inform you and this chamber that the opposition negotiated in very good faith and agreed on a number of aspects, none of which have now appeared in this bill, so your assertion that consultation and discussion with the leader's office, or whatever, was done in good faith is disingenuous, and it is actually factually incorrect. There might have been a difference in the negotiation or the consultation between our party and the Labor Party office, but there seems to be a different approach from the Premier's office to even your own administration. So you cannot claim that you negotiated in good faith, because you rejected absolutely everything that was put forward in good faith. Do you accept that?

Evan Mulholland interjected.

Bev McARTHUR: Yes.

Ingrid STITT: I am not sure there is a question in that download, Mrs McArthur. That is a statement.

Bev McARTHUR: Thank you, Minister, for no answer whatsoever. The previous part 12 was struck down weeks ago as an impermissible burden on the implied freedom of political communication. What legal advice does the government rely on that this replacement, this new bill, is valid, and will the minister table that advice or its conclusions?

Ingrid STITT: Obviously the government has had regard to legal advice in the development of this bill. We will not be releasing that advice to maintain legal professional privilege.

Bev McARTHUR: Minister, you have just told us that you are the upholders of transparency and integrity. This is critical information for not only this Parliament and the opposition but the people of Victoria. If you have had legal advice on this matter and the conclusions of it, you should in all honesty, transparency and good faith, Minister, table that advice. Can you consider releasing that advice in the best interests of this legislation?

Ingrid STITT: You know that it is not the practice to table solicitor-general advice, and we have taken careful advice throughout the process of developing this bill for obvious reasons, given the need to make sure that we are introducing a bill that is legally sound. I have made it very clear what our position is on that.

Evan MULHOLLAND: To counter some of the claims you have made, the government was very happy to share advice from the solicitor-general on why certain proposals in consultation could not be pursued. Why would the government not be willing to table advice that the government is relying on for things like the third-party limit retrospective provisions?

Ingrid STITT: I understand that there was some advice provided in order for there to be discussions around why certain provisions would no longer be able to be part of the bill, including nominated entities. That is not the question that Mrs McArthur was asking me. She was asking me to table the legal advice provided to the government, and I have been clear in my answer on that.

Evan MULHOLLAND: Minister, it is only fair that if the government is willing to disclose and has set a principle to disclose solicitor-general advice as part of consultations in regard to this bill, the government publicly disclose. It is in the public interest to disclose the advice it is relying on in the formulation of this bill.

Ingrid STITT: I have been pretty clear that we will not be releasing the advice. We need to maintain legal professional privilege.

Georgie CROZIER: Just following on from Mrs McArthur's and Mr Mulholland's questioning, Minister, given the so-called urgency of this bill and given your commentary around what you have said – big money should not dictate the outcomes of elections – what legal advice did you get regarding so-called 'big money'? What is the definition of 'big money'?

Ingrid STITT: The legal advice went to the way in which the government has carefully developed the bill. We have set the caps as we have gone – I have gone to this question with Mrs McArthur a couple of times already – at a modest level, a slight increase on what the cap was in the previous part 12. The principles in the act clearly spell out the priorities for the donation transparency and framework, so I would point you to the principles in the bill.

Georgie CROZIER: No, Minister, I would like you to define what 'big money' is, please. You have said it multiple times, and I think the Victorian public deserves to understand that definition around what big money constitutes.

Ingrid STITT: Let us just call this for what it is. You do not agree with the caps that the government is bringing forward in the bill, so you are obviously trying to put an argument to me that your preferred approach and your preferred model is not big money. I think we just need to agree to disagree on that point. That is why we have come up with the caps that we have. It is about making sure that everybody has the opportunity to participate in the political process.

Georgie CROZIER: The minister has failed to fully articulate what 'big money' means. Does 'big money' mean 1 cent over the cap? What does the government mean by 'big money'?

Ingrid STITT: Well, there are obviously caps set at a particular threshold for a reason, and if you go over that cap, then you are not complying with the legislation. But really, the question for you is: how high do you want the cap to be, Ms Crozier?

Georgie CROZIER: Minister, I am not the minister at the table, you are, and this is a house of review. Your own minister, in her contribution, Ms Shing, said this is a house of review. You have a responsibility to answer the questions that we put to you. I ask you, what does 'big money' mean? Is it 1 cent over the cap that this legislation is referring to? Just answer the question. I want to understand. You said it:

> Big money should not dictate the outcome of elections …

You said it 10 minutes ago. The Victorian public want to understand what the definition of 'big money' is.

Ingrid STITT: I think this is a strange line of questioning from you, Ms Crozier. I am going to answer it is this way: currently there are no laws in place to dictate the way in which donations are made in our state. There are absolutely no rules of engagement when it comes to actors, whether they are overseas or in Australia, having influence on our political process in the absence of any kind of framework or legislation to ensure that we have transparency and integrity. So the caps are in there to maintain that transparency and integrity and to ensure that our electoral system is fit for purpose. It is very similar to the previous part 12. It is a very modest increase from that cap. We could go round and round in circles about what big money is, but the reality is that we do not know at the moment what money is coming in to political parties. We do not know.

Georgie CROZIER: So, Minister, what is big money from a union?

Ingrid STITT: Well, there we go – that is what it was about. That was where we were going with this, because –

Georgie CROZIER: Don't the Victorian public need to understand? Because the unions are exempt.

Ingrid STITT: I will take you, again, to what we have clearly said about associated entities and how this bill operates for associated entities. They must have separate state campaign accounts and submit annual returns to the Victorian Electoral Commission (VEC) on their political donations and the money they pay to political parties. Political donations made by associated entities are subject to the general cap, so they cannot go over the $7500. Affiliation fees, which you have been conflating all day in the second-reading debate, are actually only used for administrative funding. They are not used for campaign funding. So our associated entities, whether they are unions or think tanks or other associated entities allowed for under the act, are restricted in the same way as any other donor when it comes to the general cap. Your whole line of questioning is based on your view about unions, basically.

Georgie CROZIER: Minister, this bill that we are debating and reviewing in the house tonight is a result of your rorting of the system through the red shirts campaigning. That is why we are doing it. You do not like it, but that is why we are doing it.

Ingrid Stitt: On a point of order, Deputy President, I would ask that Ms Crozier withdraw that. It has got nothing to do with this bill before the house, and it is absolutely nonsense and inflammatory.

The DEPUTY PRESIDENT: Is there further on the point of order?

Georgie CROZIER: On the point of order, Deputy President, the reason this bill is flawed and has been thrown out by the High Court is because of what the government brought in because of the red shirt rorts. That is the whole purpose. So my question to the minister is –

The DEPUTY PRESIDENT: Ms Crozier, I need to rule on the point of order. You did say 'you', as in the minister; I think you might have meant the government in that scenario. I do ask you to withdraw an allegation against the actual minister.

Georgie CROZIER: I withdraw any allegations against the minister, but certainly not against the Labor Party.

The DEPUTY PRESIDENT: Move on.

Georgie CROZIER: Minister, how many people working on the campaign for the Labor Party are paid for by big union money?

Ingrid STITT: Ms Crozier, it is nothing to do with the bill, but further to that –

Georgie Crozier: You said 'big money', and you just said 'unions'.

Ingrid STITT: I know why you are going to use that phrase. We can go all night, really, but all it reveals is your views about working people having the right to participate in the political process. It exposes your bias.

Georgie Crozier interjected.

The DEPUTY PRESIDENT: Ms Crozier, the minister has the call. Let the minister answer.

Ingrid STITT: It says to me a couple of things. It says that you are quite unhappy with the fact that the cap is low – you are quite unhappy with that as a political outfit; that is clear to everyone in this place. It also says to me that at every opportunity you want to imply that working people through their unions are somehow not participating –

The DEPUTY PRESIDENT: Minister, you are to answer the question.

Ingrid STITT: I am answering the question.

The DEPUTY PRESIDENT: No, you are interpreting what the member might be inferring, and that is not answering the question. It is not for you to put words in the mouths of the people asking the questions.

Ingrid STITT: Maybe the questions ought to be about the bill then.

Georgie CROZIER: If I can take up that ridiculous statement by the minister. We have this bill before us because of the mistakes made by the government. You have made the mistakes, not us. We have not done it, you have done it. Your government has done it, and that is why we are here. I would like to understand: can any other donor who is not a union give an uncapped donation for administrative purposes?

Ingrid STITT: A union cannot do that under this bill either – nobody can.

Georgie CROZIER: Can an everyday Victorian give a donation to any other party for administrative purposes?

Ingrid STITT: There are a couple of things that I need to say. Obviously you have a misunderstanding about not just the bill in the house today but how the previous part 12 of the act operated, because associated entities have been part of the donation legislation since 2018.

Georgie Crozier interjected.

Ingrid STITT: Sorry, you are misunderstanding the bill we are dealing with. Nominated entities are no longer part of the framework. Associated entities have always been part of the framework and will continue to be. It is open for any registered political party to have an associated entity arrangement – think tanks, club 500s. It is not just unions that are associated entities.

Georgie CROZIER: You still have not answered the question, Minister, or you have said that Victorians cannot give a donation to any other party for administrative purposes. Can you confirm therefore that unions are capped to at providing only the capped amount through their affiliation fees?

Ingrid STITT: Affiliation fees are not able to be utilised for political campaigning. This is the whole point. They are only allowed to go towards administrative funding. Your question is based on a false understanding of the bill before the house. No associated entity or any individual Victorian or

any business, for that matter – I know you know all about that – can go over the $7500 cap, the end, full stop.

Bev McARTHUR: Minister, can you tell us: is there any limit on the affiliation fee to a political party or to the union movement? I mean, an affiliation fee could be $10,000 or it could be $100,000, an affiliation fee as a membership. Is there any limit on that?

Ingrid STITT: It is open to any registered political party to set the fees that they see fit, whether that is the Liberal Party or the Labor Party or the National Party or any party. You know, one day we might see another arrangement in place with other parties. The point is that that is a matter for the Australian Labor Party – the question you are directly asking me, how they set affiliation fees. But having been a union secretary for a number of years before coming to this place, I can tell you it is a very brave state secretary of the ALP that tries to increase affiliation fees.

Georgie CROZIER: We know you are all union members. That is the problem with this Parliament. Minister, why can't an everyday Victorian provide administration funds in the same way a union can?

Ingrid STITT: I am sorry. Can you repeat that please?

Georgie CROZIER: I can. Why can't an everyday Victorian provide administration funds in the same way a union can?

Ingrid STITT: I think I have already answered that in explaining how associated entities operate under this bill.

Georgie CROZIER: But it is in the context of the union movement and the way they are able to provide with their affiliations and what this bill allows them to do. You have got to admit there is a mismatch around what the bill is achieving with that. It is a very unlevel playing field in relation to what an everyday Victorian can actually provide as opposed to what a union and a union membership can provide.

Ingrid STITT: I think you are just demonstrating again that you either do not understand the bill – that is the best-case scenario – or worst-case scenario, you have got an absolute bias and you do not think that working people should participate in the political process but you are all okay with your Cormack Foundation.

The DEPUTY PRESIDENT: Minister, I think you should withdraw that.

Georgie CROZIER: Deputy President, please, I am not fussed if that is on the record, because it actually says everything about this minister and everything about this government. And this is the problem with this bill, because this bill is biased. It is actually not giving the everyday Victorian the same opportunity as what the minister just said. So Minister, how are affiliation fees set, and what does a union get for their fees?

Ingrid STITT: There is a long and proud history as to why unions are affiliated to the Australian Labor Party, and there are of course a number of reasons why unions are associated entities, including that they get voting rights in the party at conferences and the like. Affiliation fees – I will say it again for the 10th time – are not allowed under the legislation to be used for anything other than administrative funding. They are not allowed to be for the purposes of political campaigning. Unions are probably some of the most scrutinised and audited organisations in that they are required every year to provide a return, not just under this legislation but under other legislation as well, which must include details of affiliation fees that they pay to not just political parties but other organisations as well.

Georgie CROZIER: Minister, I made the point in my second-reading speech around the influence and power of the unions at conferences, what they do, who they put in this place, how they choose

ministries and leaders. So are unions paying for voting rights to control the Labor Party in ways that others cannot, because you have just admitted that in what you just said then.

Ingrid STITT: You are conflating these issues, and I understand why you are, because you have a certain ideological view, but the reality is that the things that you are raising have got nothing to do with the government seeking to bring to the Parliament a donations framework that restores integrity and transparency to our state.

Georgie CROZIER: $4.92 million was provided to the Labor Party since the 2022–23 financial year. Is this big money?

Ingrid STITT: I am not going to be drawn on figures that you are quoting me. I do not know where you are pulling those numbers from.

Georgie CROZIER: How much did the Labor Party receive, if you will not provide that? Surely the Victorian public have a right to know, given you have been talking about big money and, I quote again, 'big money should not dictate the outcome of elections'. That is what you said, Minister. So how much have they received?

Ingrid STITT: I do believe the figure that you might be quoting is from the Labor Services & Holdings nominated entity, which of course will no longer be a feature of our legislation, given the High Court decision. I do note that the equivalent nominated entity for the Liberal Party holds $40 million. Again, you are asking questions to conflate and that are not relevant to the bill before us, and the fact is that every registered political party, as you well know, is required to report to the VEC annually, including all of the income received and from whom.

Georgie CROZIER: Minister, I would have thought that you would have been briefed enough to know that was from the VEC figures. I will ask another question: as a former union secretary, which you have admitted to, what did your union get from the affiliation fee, and how much did the union provide in that affiliation fee?

Ingrid STITT: Well, yes, it is not a state secret that I was a union official – proud of it. My union, which was and is dominated by women in low-paid industries, had the ability to participate in formulating the policies that the Australian Labor Party in Victoria took to successive elections. You can choose to present that as something untoward. I prefer to see that for what it is: working people having the right to be involved in their political party.

Georgie CROZIER: No-one is denying anybody the right to work; in fact we want people to be able to be employed in this state. I fear that too many people will sadly lose their jobs under your regime. Minister, what date did the Labor Party last receive a payment from Labor Services & Holdings?

Ingrid STITT: That is a matter for the party, Ms Crozier.

Georgie CROZIER: Minister, that is a cop-out. The very reason we are debating this bill is around these issues. I will ask again. If you do not know, could you please find out and provide it to the committee? I think the Victorian public deserves to understand that.

Ingrid STITT: I could ask you the same question about the Cormack Foundation, but I think the –

Georgie Crozier: On a point of order, Deputy President, I say again: this is the government's bill. This is the government's stuff-up. This legislation stuff-up is because of the government that the minister is representing. We are here to ask questions of her, not for her to be asking questions back to me. I would ask that the minister provide that information in the interest of transparency, given that you are talking about transparency. I say again: big money should not dictate the outcome of elections. You have talked about transparency and integrity, and I think Victorians need to understand exactly the date when the Labor Party last received a payment from Labor Services & Holdings, because if you do not, then it tells the Victorian public you are not fair dinkum about integrity and transparency.

The DEPUTY PRESIDENT: We seem to have moved on from the point of order, but I will call the minister.

Ingrid STITT: Again, it is a matter for the party in terms of your question, but I would also point you to the fact that the government has brought a house amendment to ensure that any moneys received since 2018 are paid back.

Georgie CROZIER: Minister, are you aware of that information, yes or no?

Ingrid STITT: It is a matter for the party.

Georgie CROZIER: Minister, we are here debating this legislation around these very issues, and you are unwilling to provide transparency around this detail. You are bringing amendments in, you are talking about dates around entities, and you will not even tell the Victorian public when that last was. When was your last discussion with the state secretary in regard to this bill and the last time they took funding from Labor Services & Holdings? Is that a matter for the organisation, or have you had nothing to do with it?

Ingrid STITT: Ms Crozier, I think it is probably important to remind you that annual returns from registered political parties state the total amounts received and total debts of the party, and they will also cover donations and debts above $1250 that have been received after the election. The reason I raise this is because this is information that is provided on the public record as part of the bill before the house and indeed was the case before the High Court decision invalidated part 12.

Georgie CROZIER: Minister, could I ask again: when was your last discussion with the state secretary in regard to this bill?

Ingrid STITT: I need to point out to you, Ms Crozier, that I have not been involved in the negotiations around this bill. If you go to the general order, you will see that the VEC and associated legislation sits with the Premier.

Georgie CROZIER: So when did the Premier last have a discussion with the state secretary regarding this bill? You are at the table; surely you would be aware of what is going on, given the Premier was doing the negotiations and you have got carriage of this bill.

Ingrid STITT: Ms Crozier, as you well know, this is a government bill. The government has been, in good faith, holding discussions with all registered political parties and all members of the Parliament in terms of the opposition, the crossbench, the Greens and also the political parties of course in formulating this bill. There is no secret about that. There have been discussions across the board to try to reach an agreement about the bill being brought forward. For reasons that are yours to make and own, you did not agree with the approach that the government chose to take in relation to this, and so we have worked with the crossbench and the Greens in a constructive way, because I think they are very committed to making sure that we have a donation law legislative framework in this state that reinstates transparency and reinstates integrity.

Georgie CROZIER: Are you completely sure of that, Minister? Because I had a discussion with one of the crossbenchers just after lunchtime, sometime around 12 or 1 o'clock. They said they had had no discussion with the government – nothing – so I do not know what you are saying. They are not here. I do not want to put words into their mouth, but that is the discussion I had out in the corridor.

Ingrid STITT: I do not know who you are referring to.

Georgie CROZIER: Well, I am just a bit concerned. I would actually believe the member that spoke to me over the government's spin here, I must say. Nevertheless, as I said, I am not putting words in anyone's mouth. But I am concerned regarding what you are saying, given we have only had this bill for a few hours and the level of discussion and what has gone on. You have had to amend the bill. It has not been a fulsome process, you would have to admit that.

Ingrid STITT: That is your opinion, and I do not agree with your opinion. Every step of the way we have sought to be constructive about the development of this bill. And I will note that every single party and independent member of this chamber voted for the second reading, other than yourselves.

Bev McARTHUR: Minister, you have mentioned several times that affiliation fees can only be used for administrative purposes. Can you define 'administrative purposes'?

Ingrid STITT: The definitions are contained in the bill. I would draw your attention to the definitions in the bill.

Sarah MANSFIELD: Will these laws and the regulations that sit under them prevent nominated entities registering as third-party campaigners and transferring the balance of their funds above the cap to run electoral advertising for candidates?

Ingrid STITT: The definition of 'third-party campaigners' does not include associated entities. Entities that were nominated entities under the old part 12 will be regulated in the new part 12 in the same manner as associated entities, and they will be subject to the same limitations and restrictions. The bill also includes an anti-circumvention offence, which is in the new section 272, which prohibits a person or corporate entity from entering into or carrying out a scheme with the intention of circumventing a prohibition or requirement under the new part 12.

Sarah MANSFIELD: Will these laws require nominated entities to pay back any money they took from nominated entities after 14 April, even if it has already been spent?

Ingrid STITT: Yes. Funds received by a registered political party from a nominated entity from 15 April 2026 will need to be returned if they are above the general cap, even if they have already been spent, and returns must occur within 30 days after the day on which the bill receives royal assent. If a registered political party receives a transfer, including a specified gift from a nominated entity, between 15 April 2026 and the day this bill receives royal assent that is above the general cap, the bill requires the registered political party to disclose to the VEC under section 279 and return the amount to the nominated entity – and that provision is in section 282(1). And if the registered political party receives a specified gift that is not a monetary transfer, they must return an amount equal to the monetary value of a specified gift.

Sarah MANSFIELD: Thank you, Minister, for that answer. Will these laws prevent nominated entities from donating above the general cap to major political parties?

Ingrid STITT: Yes. Under the bill, former nominated entities will, as we have been discussing, fall into the definition of 'associated entities'. New part 12 of the bill prohibits all donors, natural persons and corporate entities, from donating above the general cap, including donations made to major political parties.

Sarah MANSFIELD: I have just one final question on this clause: can you confirm that all political parties, candidates and third-party campaigners, except new entrants, are subject to the same general cap, with no exceptions, so that all candidates are treated equally?

Ingrid STITT: Yes, Dr Mansfield. With the exception of new entrants, which is a different provision, all registered political parties, candidates, independent elected members, groups, third-party campaigners and associated entities will be subject to the same general cap.

Georgie CROZIER: Minister, can you provide to the committee when the government met with all crossbench members on this bill?

Ingrid STITT: There have been discussions happening with various parties and MPs since 15 April – all parties, including your party, Ms Crozier.

Georgie CROZIER: That was not the question, Minister. The question was: when did the government meet with MPs regarding this bill that we are debating today?

Ingrid STITT: My answer is that we have been meeting constantly with members across the Parliament since the High Court decision came down.

Georgie CROZIER: Minister, I do not know if you are struggling because you are sick, but you are actually not hearing the questions properly.

Ingrid STITT: No, I am hearing them.

Georgie CROZIER: I think you have misled the Parliament.

Ingrid STITT: Pardon?

Georgie CROZIER: Yes, pardon, because you have not met with all members of Parliament on this bill like you said you did. You might have said you have had discussions, but this is about this bill we are debating today. I would like a confirmation about when the government met with all MPs regarding this bill.

Ingrid STITT: Asked and answered.

The DEPUTY PRESIDENT: If it assists the committee, I think what Ms Crozier might be asking is: since the bill has become public and members of the crossbench and opposition have had the chance to see the bill, when have you met with them to brief them? Is that right, Ms Crozier?

Georgie CROZIER: It is pretty obvious, yes. I said the bill has only been in. We have not had it for very long. It was not about the discussions after the High Court decision. It was: when did the government meet with all MPs regarding this bill? I am completely unsatisfied with the minister's answer. In fact I am very concerned about the minister's answer, given it is not the truth.

The DEPUTY PRESIDENT: Now we have had a clarification, perhaps the minister might be able to give a better answer.

Ingrid STITT: Ask Ms Crozier to withdraw that statement, Deputy President.

Georgie CROZIER: I will withdraw about the truth, but I would like the truth, please, Minister. Could you please answer the question and provide to the committee when the government met with all MPs regarding this bill we are debating tonight?

Ingrid STITT: I do not know how many different ways you want me to say it, but we have been in constant conversations with the crossbench and the opposition about this bill – no different to any other bill.

Georgie CROZIER: I am going to move on, and other members can speak for themselves, but I think what you are providing to the house is very unsatisfactory, given this bill was provided to MPs with very little time to look at it in its entirety. I am not talking about the discussion since the High Court's decision, which you keep twisting. It is about this bill we are debating today. I know you did not meet with all MPs like you said you did. Minister, I am going to ask you: did you only engage with the crossbench when you realised you could not explain the handpicked date of July 2023?

Ingrid STITT: We have been talking with both the opposition and other members of the Parliament, including the Greens and the crossbench, about all aspects of the bill. I do not know if you were around when I was doing my summing up, but the Premier has made it very clear from the day that the High Court decision came down that she wanted to work quickly across the Parliament to come up with legislation that could replace the fact that we have been in a vacuum for the last six or seven weeks and have had no integrity or transparency when it comes to our donation system here in Victoria.

Georgie CROZIER: Minister, you just said the Premier wanted to work across the Parliament on this bill. You did not even meet with the crossbench on this very bill. You might have discussed it in general, but –

Tom McIntosh interjected.

The DEPUTY PRESIDENT: Mr McIntosh, you will get thrown out if you do not control yourself. You are not part of this questioning between the minister and the member, and your outburst was disorderly.

Georgie CROZIER: It is important because this bill has been rushed in as an urgent bill. We have had very little time to look at the bill in its entirety as presented by the government, and therefore that is what this is about. It is about what the government is saying and doing as well as the answers we are getting in here. Minister, what instructions did you receive from the Premier in relation to the handpicked date of July 2023?

Ingrid STITT: I have already indicated to you that I am representing the Premier in bringing the bill to the upper house, to the Legislative Council. The reality is, Ms Crozier, over there on the opposition benches you have spent all day carrying on about this date and trying to present some conspiracy theory about why the date was chosen. We have now brought a house amendment to the Council which backdates this provision to 2018. I just think your line of questioning – frankly, the world has moved on – is irrelevant.

Georgie CROZIER: Minister, that answer is extraordinary. We quite rightly raised this issue according to the bill and the date backdating to July 2023, and it was only after the debate in this house that you then brought in house amendments to backdate it. For you to say that we have been carrying on about that date shows you do not seem to understand exactly what the purpose of this place is. It is about debate and questioning what you are doing, and you are now amending this bill because of what we said in debate around a date. You might smirk and you might laugh. But the Victorian public deserve better from this government, and this demonstrates that you have rushed this bill. You are putting house amendments in only after we put to you through debate how flawed this bill is.

Ingrid STITT: Thank you for that speech, Ms Crozier. You did spend all day trying to conflate issues, trying to imply that there was something to hide. We have nothing to hide, which is why we have brought the amendment to bring it back to 2018. You are the ones that are upset with this bill. Everybody else in this place voted for the second reading.

Members interjecting.

The DEPUTY PRESIDENT: I think the committee stage is becoming a little bit unedifying. I would remind people that we already know this is going to go to a court challenge, and the judiciary are going to have to read all of this. I think it would be more edifying if we could get to having questions that are specific and answers that relate to the questions, not interpretation of what other people may think.

Tom McINTOSH: On a point of order, Deputy President, the minister was speaking and Ms Crozier was yelling comments and abuse from where she was sitting, not through the Chair.

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

Tom McINTOSH: You are asking me to respect the Chair and respect the chamber. I would ask you to ask Ms Crozier to do the same.

The DEPUTY PRESIDENT: I have asked everybody to make this more edifying.

David ETTERSHANK: Deputy President, I would endorse your comments about edification. It would be a highly desirable thing for the taxpayers, I am sure. Minister, I want to ask you a few questions. Obviously we have had the benefit of multiple meetings with the government, both individually and collectively. I cannot say why Ms Tyrrell did not attend, whether she was not invited or otherwise, nor do I seek that information from the minister. In asking these questions I would just like to confirm, Minister, that we are appreciative of the extent of the consultation that has occurred. Could I ask you about fundraising tickets, please. The bill retains the existing definition of 'political

donation' in section 206, including the longstanding uncertainty surrounding fundraising events. It remains unclear whether the purchase price of a fundraising ticket is itself a political donation or whether only amounts donated at or beyond the event are captured. I think greater clarity would assist participants and improve compliance. Could you share your thoughts on that, please?

Ingrid STITT: A ticket to a fundraising event will be assessed against the definition of a political donation and treated accordingly; a ticket that simply covers the cost of an event would not be considered a donation. Cost recovery does not amount to a donation, but if the cost of a ticket does represent more than the cost of the event but is less than a hundred dollars, it will be considered a small contribution and exempt from the cap and real-time disclosure requirements. But if the cost of a ticket does represent more than the cost of the event and is more than a hundred dollars, the amount over cost recovery is likely to be a political donation and subject to the disclosure threshold. For tickets over $1250, that is the general cap.

David ETTERSHANK: I appreciate that response. I would also like to pick up on the question of affiliation fees as per section 206. The bill retains the existing treatment of affiliation fees within the definition of 'political donation'. Affiliation fees are not appropriately accommodated within the political finance framework, and that their treatment continues to raise questions regarding consistency and transparency is obviously a concern. A preferable approach would be perhaps that of New South Wales, where fees are exempt from the definition of 'donation' up to a threshold. Could you share your thoughts on that question, please?

Ingrid STITT: The Electoral Act 2022 – I think we were talking about this earlier – has always allowed parties to receive affiliation fees from associated entities, and this is not specific to unions or Labor, and this can form part of the legislated post-election review, as can other terms of the legislation.

David ETTERSHANK: We do love the review provision. Could I ask, in terms of the low threshold for third-party campaigner registration, part 11. The bill retains the existing threshold for registration as a third-party campaigner. This threshold is set at a level that may capture relatively modest civic participation and advocacy activities. This issue clearly predates the present bill but remains unresolved. What is the government's position in terms of clarifying this?

Ingrid STITT: Any not-for-profit or for-profit entity that incurs more than $10,000 of political expenditure in a financial year will be considered a third-party campaigner and therefore covered by the regime. This will mean the third-party campaigner will have to provide certain reports and avoid breaching the prohibitions on certain donations. An entity that is not associated with a political party that only spends money to raise awareness around an issue and the profile of issues and that does not spend more than $10,000 in a financial year on political expenditure will not be required to report under the regime. If a not-for-profit is associated with a political party or is incurring political expenditure of over $10,000 in a financial year, it will reasonably be required to report on its political spending but not on other expenditure.

David ETTERSHANK: If I could just move to the subject of wealthy, self-funded candidates, section 212(5) retains the existing exception that effectively permits candidates and elected members to spend effectively unlimited personal wealth on their own campaigns. This undermines the objective of promoting political equality and can create significant advantages for wealthy participants – perhaps an issue that Ms Crozier would be concerned about in terms of the relative financial power of different participants in the democratic process. I am wondering if you could clarify this for us, please.

Ingrid STITT: Obviously it was not possible to rewrite the entire part 12 of the act, but again, I think this can form part of the legislated post-election review.

David ETTERSHANK: It is good to know that that can fall within the terms of reference for the review. I would like to move on to policy development funding only being available to parties. Section 242 continues to provide policy development funding to registered political parties whilst

excluding independent members and candidates. Given the High Court's concerns regarding unequal treatment within Victoria's political finance regime, the rationale for continuing this distinction is not immediately apparent. I am wondering if you could elaborate upon the rationale behind that, please?

Ingrid STITT: The bill, as you know, provides benefits for new entrants. A new entrant can receive donations which are double the general donation cap. Eligible electoral participants will include those that have not received state funding before, recontesting independent candidates who received less than 4 per cent of first preference votes in the previous election, and first-time independent candidates and registered political parties who have not been registered for a whole calendar year. I guess those are the opportunities there.

David ETTERSHANK: Thank you, Minister, I appreciate that. I would actually like to talk a little bit about regulation-making powers and disclosure thresholds – sections 206(1) and 288(1)(b). 206(1) introduces a power for the disclosure threshold amount to be prescribed by regulation. Similarly, 288(1)(b) permits the applicable donation cap for the transitional period to be prescribed by regulation. Could you explain that to us, please?

Ingrid STITT: Actually, I think one of the house amendments goes to this issue. We brought an amendment, noting that there have been some concerns raised about the use of regulation-making power and whether the government would seek to increase any of the caps. We have got no plans to do that. In the interests of allaying any concerns that there might have been, we have moved an amendment to amend the definition of 'general cap' to remove the ability to prescribe a higher amount and make any consequential changes in the bill, which includes a couple of the sections and tables. So we have committed to not increasing the cap.

David ETTERSHANK: In terms of the question of the caps, I get that, and yes, you are quite right – I should have picked that up before. I appreciate the government's sensitivity in recognising the inappropriateness of making changes here by regulation. I am wondering if you could comment on the degree to which that reticence to use regulation applies equally to disclosure thresholds, which are obviously, I think, not contained within that amendment but are probably equally politically sensitive.

Ingrid STITT: I am sorry for that. I just wanted to double-check that I have this right. Yes, the regulations do have that ability, but we have committed that we will not be increasing the caps.

David ETTERSHANK: I take that to mean by regulation, obviously?

Ingrid STITT: Yes, that is right.

David ETTERSHANK: Just one final question. I would just like to talk briefly about clause 206(3) in terms of expenditure benefiting others excluded from definitions of gifts. Clause 206(3) provides that a gift does not include electoral expenditure or political expenditure incurred by a person or entity for the benefit of another person or entity. This provision may create a pathway through which wealthy individuals or organisations can incur substantial expenditure benefiting candidates or parties without that support being treated as a political donation and therefore without being subject to the donation caps. This appears to extend to the logic of the existing self-funding exception beyond candidates themselves and, I would suggest, warrants further scrutiny, or at least some explanation, if you could assist.

Ingrid STITT: The purpose of this was to clarify that smaller NGOs will not be disadvantaged by the donations and disclosure regimes, and the examples make that clear.

Georgie CROZIER: Minister, can you explain the distinction between political expenditure and electoral expenditure?

Ingrid STITT: That is already clearly articulated in the bill, Ms Crozier. Just bear with me one sec. Political expenditure is money spent:

> for the dominant purpose of directing how a person should vote at an election, by promoting or opposing –

the election of any candidate; or

a registered political party; or

an elected member …

Political expenditure will include the cost of items that promote a specific candidate or political party, such as political party internet and TV ads, telephone banks on behalf of political parties, how-to-vote cards and other material that tells people how to direct their preferences, including material that suggests that people should put certain political parties or candidates last. Money spent on general issues, advertising and awareness raising that does not promote or oppose a particular candidate or party will not be considered political expenditure, and this is to maintain the right of people and organisations to be active in political life and have a say and a position on issues that matter to them. Expenditure that promotes policy positions, including points of difference between parties, would not be considered political expenditure if it does not include a direction of who to vote for or not to vote for.

Georgie CROZIER: Does the minister accept that neither political expenditure nor electoral expenditure can be included in a claim for administrative expenditure?

Ingrid STITT: I can take you through what is claimable as administrative expenditure. It includes expenditure that is incurred directly or indirectly by a registered political party or an independent elected member for the administration or management of the activities of the electoral participant; conferences, meetings, seminars or similar functions at which the policies of an electoral participant are discussed or formulated; the audit of the financial accounts of or claims for payment or disclosures under the principal act of an electoral participant; remuneration of staff who engaged in the above activities; equipment or vehicles used by staff engaged in the above activities; expenditure on office accommodation for the staff and equipment in the above activities; and expenditure on interest payments on loans.

I can clarify what is not included as a claimable administrative expenditure: political expenditure, electoral expenditure, expenditure which an elected member has claimed as a parliamentary allowance as a member, expenditure incurred substantially in respect of operations or activities relating to the election of a member of a registered political party to a Parliament other than the Parliament of Victoria or an expenditure where the electoral participant is entitled to any credit, rebate, refund reimbursement or other kind of reduction in tax liability under any law.

Georgie CROZIER: Sure. Polling or research does not direct how a person should vote by promoting or opposing the election of any candidate or a registered political party or an elected member but is defined as electoral expenditure in paragraph (h) of the definition. Minister, are you aware that only political expenditure is required to be paid for out of the state campaign account and that electoral expenditure is not required to be paid for from that state campaign account? Is that correct?

Ingrid STITT: That is correct.

Georgie CROZIER: Minister, are you aware that this means that affiliation fees can in fact be used to fund electoral expenditure?

Ingrid STITT: Affiliation fees from associated entities can only be used for administrative funding, so the answer is no. I think I went through the list with you just a moment ago of what constitutes claimable administrative expenditure under the act.

Georgie CROZIER: Okay. I am just trying to think it through because there is a lot from the various aspects, from the administrative and electoral expenditure. Do you accept that by claiming that affiliation fees or levies and membership fees can only be spent on administrative expenditure you may have misled the Parliament, given that is the purpose these fees and levies can be used for?

Ingrid STITT: The VEC applies the act and oversees whether registered political parties as candidates and anybody participating in the political process have complied with the act, Ms Crozier.

Bev McARTHUR: Since we are talking about administrative funding here, let us go to the staff, the apportionment problem, para (a)(iv). A party's state director spends an estimated 60 per cent of their time on internal administration and 40 per cent on campaign strategy. The bill funds their salary to the extent it relates to administrative matters. Who calculates that 60–40 split and what substantiates it? What stops a party simply asserting the administrative share is higher?

Ingrid STITT: It is a matter for the VEC, again, in similar terms to what I just answered Ms Crozier on.

Bev McARTHUR: Minister, you are saying the VEC is the arbiter of this. Is that what you are saying, or did I mishear you?

Ingrid STITT: The VEC has responsibility for monitoring and enforcement powers when it comes to this legislation and the disclosure and reporting regime.

Bev McARTHUR: So you are saying that the VEC will now be looking at time sheets of every staff member in a political party. But the time sheet of the state director, is there such a thing?

Ingrid STITT: The best way for me to answer this is that none of this has changed since 2018. The role of the VEC is exactly the same as it was under the previous act and the previous division 12. It does this work already.

Bev McARTHUR: We have learned that the union affiliation fees can fund administration, but you cannot define exactly what administration is when we are looking at salaries. A single staffer spends the morning processing membership renewals, which is administrative, and the afternoon writing campaign advertising material, which is electoral. Is their salary apportioned hour by hour or day by day? And are you saying the VEC is to administer that time sheet? What happens if there is no time sheet?

Ingrid STITT: Well, I do not know whether you mean to, but you are misrepresenting what I said in answer to Ms Crozier's question, because I said that claimable administrative expenditure includes the remuneration of staff who are engaged in those activities that are defined as claimable administrative activities. I have gone through them, but for the purposes of clarifying your misunderstanding, I will do it again: the administration of management of the activities of the electoral participant; conferences, meetings, seminars or similar functions at which the policies of an electoral participant are discussed and formulated; the audit of the financial accounts of or claims for payment or disclosures under the principal act of an electoral participant; and as I indicated, remuneration of staff when engaged in those activities – those activities.

Bev McARTHUR: Minister, what we are concluding from this is it is a very grey area. A party employs a policy officer whose work feeds directly into the party's election platform. Conferences where policies are discussed or formulated are expressly claimable under paragraph (a)(ii). Is that officer's salary administrative funding or political expenditure, and does the answer change in the six months before an election?

Ingrid STITT: I am not going to answer your hypotheticals. These are matters for parties who are required under legislation to comply, and I have already outlined to you what the VEC's compliance and enforcement activities are.

Bev McARTHUR: Minister, this goes to the very heart of the problem of this legislation, because you cannot define these areas. It is a very grey area, what a staff member, what a policy adviser, what a state director might be doing which can be claimed under administration but in effect could be construed as electoral work. So that is where there is a lack of transparency in your whole proposal today, with affiliation fees being able to be used for administration but not campaigning. Yet what can

we really define as 'administration'? And you are saying that the VEC police officer is going to be on deck checking every time sheet, every activity of somebody working in head office. Is that how you propose for this to work?

Ingrid STITT: I just do not accept the premise of those many questions. These definitions have been in place since 2018 in the act. They are not being changed in this bill, and I do not accept the proposition that you are putting to me.

Bev McARTHUR: But these are critical matters. A party's head office is used for both day-to-day administration and to run its election campaign. Administrative funding can pay for office accommodation for administrative staff. If the same building houses the campaign war room, what proportion of the rent is claimable, and who decides?

Ingrid STITT: I am not sure that I can add any more to what I have already said to you. Mrs McArthur, I am curious: how has the Liberal Party been managing these issues since 2018?

Bev McARTHUR: I think, as Ms Crozier said, you are here to answer our questions, not to direct questions to us. You are saying that you are producing legislation that is going to make the election process fairer, transparent and full of integrity, yet these detailed questions go to the heart of what affiliation fees could be spent on. They can be spent on administration, but what is administration? How do you define it? You are leaving it, you suggest, to the policeman of the VEC. We have got a situation where a vehicle is used by a staffer for administrative travel during the year and to ferry the leader, perhaps, between campaign events during the election. The bill funds the vehicle to the extent used for administrative matters. How is that extent measured – a logbook? Or is it audited? How do you propose to clarify this?

Ingrid STITT: Mrs McArthur, you are making all sorts of claims about, in your words, the grey areas, and what I would put to you is that there is nothing grey about the definition of what is claimable administrative expenditure either in the previous act or in this bill. Really, it is up to individual parties and candidates to make sure that they are complying with the regime and with the provisions in the legislation. I have already outlined in detail what is included in admin funding and what can be claimed. You keep going around in circles and trying to imply that it is not clear. It is absolutely clear in the legislation and has been for some time – since 2018 in fact.

Bev McARTHUR: Minister, there is also a degree of hypocrisy in this whole area, because you claim not to have had any discussions about the bill. You are the minister, but you claim not to have had any discussions about the bill. Yet you also seem to claim that you are abreast of the negotiations between the parties. You cannot have it both ways. Either you were involved in the negotiations, and therefore you should know what parties were discussing, or you were not.

Ingrid STITT: As is the practice in our chamber, we often, as ministers, represent other ministers in bringing bills to the Parliament. If you care to check the general order, you will see that the Premier is responsible for this bill. Again, I can only say to you that if parties are trying to get around the regime, there are strong penalties associated with trying to do so.

Bev McARTHUR: Since you did allude to the fact that you seem to know what the Leader of the Opposition had been proposing, how many of the proposals put by the Liberal Party to satisfy the issues around constitutionality have been adopted?

Ingrid STITT: We have had good faith discussions with all political parties and all members of parties and individual independent members of Parliament in formulating this bill, and we are satisfied that the bill before the house is the right balance when it comes to not only the appropriate donation caps but the transparency measures that are contained in the bill.

Bev McARTHUR: Well, that is completely untrue, because the Liberal Party agreed in principle on a number of things for this bill, none of which are in the bill. So you cannot claim that you had

negotiations in good faith with the Liberal Party or the Leader of the Opposition or any of the opposition that were involved in the negotiations, including our state director, can you?

Ingrid STITT: I just explained to you that I am representing the Premier in bringing this bill to the chamber.

Bev McARTHUR: But you did concede you knew how the negotiations had gone – you clearly did not. But let us find out. Has the government sought a constitutional opinion from the solicitor-general on the bill in its entirety – that is, the cap, the third-party limit, the foreign donations ban and the retrospective provisions? And will you table that constitutional advice promptly?

Ingrid STITT: I have already answered this question, Mrs McArthur, but for the avoidance of any doubt, the government has had regard to legal advice in the development of this bill.

Bev McARTHUR: I think we are entitled to know what opinion the solicitor-general might have given on this bill. The solicitor-general – not other ancillary legal advice, but the solicitor-general.

Ingrid STITT: I have got nothing to add to my previous answers.

Bev McARTHUR: It is good that you put on the record that you are refusing to ensure that the Parliament and the people of Victoria are –

Ingrid Stitt: On a point of order, Deputy President, I think I have been accused of all sorts of things this evening, but I do not appreciate being verballed immediately after I have just made it clear that we –

Bev McArthur: But you're refusing to answer.

Ingrid Stitt: No, I did not say that. I said I have already answered that question, Mrs McArthur. I ask you to withdraw that statement. Deputy President, I would ask you to ask Mrs McArthur to withdraw.

The DEPUTY PRESIDENT: The minister is offended, Mrs McArthur. Will you withdraw?

Bev McARTHUR: If the minister is offended, I will withdraw. But again, we place on record the fact that the people of Victoria and this Parliament are not entitled to know any –

The DEPUTY PRESIDENT: I am just going to leave the chair for 2 minutes. I will be back.

Bev McARTHUR: Minister, are you confident that if this bill was to be struck down in likely legal proceedings – that is, in relation to foreign donations that would be left in abeyance – of course Victoria would once again be subject to this free-for-all, potentially in mid-cycle?

Ingrid STITT: I am not clear what the question is, Deputy President. There was a bit of a preamble.

The DEPUTY PRESIDENT: Mrs McArthur, could you repeat the question?

Bev McARTHUR: I am terribly sorry, Minister, not to be clear. I can put it in a more technical way: why has the government not built a severability or fallback mechanism into the bill, given that that is exactly what has just happened, so that foreign donations, for example, which we all agree on, would not once again be left in abeyance?

Ingrid STITT: I think you are asking me to speculate on hypotheticals. I am certainly not in a position to predict what might be in the minds of other people who may seek to take legal proceedings. But I can only repeat that we have drafted the laws with regard to legal advice and drafted them in a way that best places them to withstand a challenge.

Evan MULHOLLAND: Minister, just on that specific question – I will try to ask it so it is not hypothetical – was there a particular reason the government did not build a fallback mechanism into the bill?

Ingrid STITT: You would need to explain what you mean by fallback, but I assume what you mean is 'should any part of the act be invalidated' – is that what you mean? As I said, we have drafted the laws taking careful regard of the legal advice that we have received about how to put them in the best place possible to withstand any challenge.

Bev McARTHUR: The problem you have got, Minister, is if you did not build in a fallback mechanism or a severability mechanism, you are leaving the door open to the exact problem we have had and why the High Court ruled that previous bill unconstitutional. You have not covered off on matters – for instance, foreign donations would be left exposed again. Why didn't you do that? That was a simple thing that could have been done.

Ingrid STITT: We believe that it was important to deal with the whole of the. bill and the implications of the High Court case. Mrs McArthur, I think this is a classic example of why the government sought to bring this bill as an urgent bill today, something that I note you opposed.

Bev McARTHUR: Urgent, Minister? You knew of the High Court case months ago. It was ruled on in April. You have had a very long time to produce legislation. You could have been doing it while the High Court was actually in operation in anticipation of what could have been the outcome. You cannot claim urgency in this matter. That is totally disingenuous. For how long was this bill open for public consultation? Which stakeholders were consulted? And will the minister table the consultation record or concede there was effectively none?

Ingrid STITT: Can I take you back to my summing-up and remind you of the government's position on this from day one. It was certainly a complex decision, and we have worked quickly to get a piece of legislation that will stand up to any further challenge and address the court's decision. We have consulted with the electoral commission, but I do want to just remind you that the Premier has been unambiguous from the day the High Court decision came down that we could not allow a situation where our longstanding electoral integrity laws were exposing the state to dark money in politics. We have taken into account the views of stakeholders, including the views of stakeholders on the need for a further independent review.

Bev McARTHUR: Minister, what stakeholders?

Ingrid STITT: I have already indicated that we have had discussions with and consulted with the VEC, which is appropriate as the entity charged with overseeing this legislation. We also consulted with the Centre for Public Integrity, for one, who were seeking an independent review, and the proposed terms of reference reflect their views. And of course, as we have touched on a number of times this evening, we talked with political parties and members of the Parliament across both chambers.

Bev McARTHUR: Was the bill referred to any committee for inquiry before reaching this Council? If not, why is the Parliament being asked to pass a rewrite of electoral law of this length without any committee scrutiny?

Ingrid STITT: Well, that is clearly not the case, because we have already committed to an independent review of the legislation after the next election. I think we have clearly articulated publicly and in this place the reasons why it is urgent to reinstate our donation laws in this state. We had to get a system back in place to ensure that donations that would fall foul of legislation were not flowing into registered political parties' and candidates' coffers.

Bev McARTHUR: Now, your review is post the election; it is post this legislation. There has been no review prior to you introducing the bill yesterday. So the review post all this is irrelevant to this particular bill, isn't it?

Ingrid STITT: Don't you think it is important to have a donations framework in place well ahead of our state election in November? We need to have a system in place, is the simple answer to your strange line of questioning. I have got to say it is interesting that we are largely replacing what

previously existed but you seem very exercised about these laws being put back in place, Mrs McArthur.

Bev McARTHUR: No, Minister, I just wanted you to correct the record. You said you have instituted a review, but it is not a review into this piece of legislation; it is a review into how the system might work post an election. That is not relevant to this piece of legislation. It is totally disingenuous to even suggest it is, isn't it, Minister?

Ingrid STITT: I mean, you have seen the amendment in respect to the proposed review – the amendments have been circulated to the chamber. The bill requires an independent review of the proposed regime to be conducted by an expert panel, commencing within one month after the November 2026 election. What is so complicated for you to understand about that?

The DEPUTY PRESIDENT: Answering questions with questions is not going to be helpful to anyone trying to interpret the government's intent in this legislation, so I ask the minister to actually answer questions, not to pose questions back.

Bev McARTHUR: Minister, yes, it would be far more helpful if you just answered the questions, not posed questions.

The DEPUTY PRESIDENT: Mrs McArthur, no editorialising, please.

Bev McARTHUR: Okay. Thank you, Deputy President. Can I just say a review post this legislation might be a nice thing to think about and might be a cop-out to the general public, but there was no review or proper consultation with the wider public, let alone actually major political parties, to be fair, prior to this legislation being brought into this house. The review needed to be done prior to yesterday. It is nice having one post the election, but prior to yesterday is what is important if you want to be transparent and honest about how you are developing this legislation, which does seem to present to people an idea that you may well be developing the legislation in your own best interests. Isn't that the case, Minister?

Ingrid STITT: No.

Bev McARTHUR: Minister, will you agree that trade unions, which hold voting rights in the governing party, are associated entities under this bill and that their affiliation fees are exempt from the cap, so the bodies that help control the party may fund it without limit while ordinary Victorians cannot?

Ingrid STITT: I have already gone through in some detail this evening that, yes, unions are associated entities and they operate in the same way as any other associated entity. There are other examples of associated entities, including think tanks and fundraising entities, as well as those organisations that were previously nominated entities such as the Cormack Foundation, Pilliwinks and Labor Services & Holdings.

Bev McARTHUR: Minister, will you concede that this bill punishes circumventing a donation rule with up to 10 years imprisonment, the same maximum Victoria sets for a threat to kill, and a corporate fine of $1.22 million, double the ceiling reserved for manslaughter, rape and armed robbery?

Ingrid STITT: Those are the penalties contained in the bill, Mrs McArthur. I am not sure that it is helpful to draw comparisons with other legislation, but these are penalties contained in the bill before the house. We will be dealing with them one way or another this evening.

Bev McARTHUR: I wonder if the Victorian public know that you think – because you have put this into the bill, that 10 years imprisonment, which is the same maximum, as I said, that Victoria sets for a threat to kill – these are equivalent. These crimes are extraordinary, and yet somebody circumventing a donation rule can hardly be comparable to a threat to kill or manslaughter or rape or armed robbery. Yet you countenanced that these penalties for somebody circumventing this bill will be treated like rapists, murderers and armed robbers – serious criminals, in fact.

Ingrid STITT: Are you arguing – I am not allowed to ask a question in response to a question, am I? There is no change to the penalties. They have been the same penalties since 2018. It is important that we have a robust scheme in place. We believe the penalties contained in the bill are appropriate.

Bev McARTHUR: That does not mean it is proportionate or right. Who set these penalties? You were just cutting and pasting from the last bill – is that what you are saying? You did not review them in any way, shape or form?

Ingrid STITT: They are the same penalties that were contained in the previous part 12 of the act, and we think they are appropriate. That is why we have brought them unchanged in this bill.

Bev McARTHUR: Would you be suggesting that this is the sort of aspect that this expert review panel should look at in the future, that we are comparing probably common-day political volunteers circumventing a donation rule – they may do it inadvertently – as being the same as common criminals? Is that something this expert review panel should be looking at right now?

Georgie Crozier interjected.

Bev McARTHUR: And why weren't they reviewed? Quite right.

Ingrid STITT: It is one of the things that the panel could look at, yes. Assuming the amendment is passed and forms part of the bill, yes, it is certainly something that the independent review panel could include as part of their work.

Bev McARTHUR: Minister, that goes to exactly why there should have been proper consultation and proper involvement of people long before yesterday, when this bill was introduced, so that a number of people and experts outside this Parliament could actually review these aspects. Just because it was there does not mean it was right in a previous piece of legislation, but it is there now because you have not bothered to change it and you have not consulted properly and allowed people the time to properly review this aspect of it. Minister, do you concede that an ordinary Victorian cannot read the definition of 'third-party campaigner' and know whether their own advocacy is lawful because the answer depends on an unreviewable VEC determination?

Ingrid STITT: We are getting into a bit of a pattern here where you make a long statement, make a number of assertions, leave them uncontested and then move on to the next question. Nobody for a minute should think that on this side of the chamber we agree with the assertions that you are making. When it comes to the penalties that are contained in the bill, they are the same as the previous act, because we say they are appropriate. It may or may not be the case that the independent review goes to these issues. When the independent reviewers look at the legislation, I think that it is up to any participant in the political process to make sure that they are cognisant of the laws that apply to political donations, and no-one is any different in that regard.

Georgie CROZIER: Can I just follow on from the line of questioning from Mrs McArthur. Did the government get any legal advice around this issue, around penalties regarding this bill? I mean, was it reviewed at all through that legal advice that was sought by the government?

Ingrid STITT: The government has had regard to the legal advice received in the development of the bill, all aspects of the bill, as a total package before the Parliament.

Georgie CROZIER: I take it, therefore, that – well, I am just curious about this. Was there any concern raised by the government, given the disproportionate penalties around this? If you say that the legal aspects of the bill were looked at in their entirety, were there any concerns raised by anyone from the Labor Party entities or the government in relation to those penalties?

Ingrid STITT: I just reiterate that the penalties are not changing from the previous act. The government has had regard to legal advice in the development of the bill, and the bill is the bill before the house.

Georgie CROZIER: Minister, did the Labor Party provide legal advice to the Premier on this bill?

Ingrid STITT: The government has had regard to legal advice. The answer to that question is no.

Georgie CROZIER: So you are not aware that the Labor Party obtained independent legal advice that was provided to the Premier's office?

Ingrid STITT: The advice I have is no, Ms Crozier.

Georgie CROZIER: So you are saying that no independent legal advice was received by the Premier's office. Is that correct, Minister?

Ingrid STITT: I am sorry, you just changed the question.

Georgie CROZIER: Well, I will ask it again. Are you aware, or the advisers in the box or the government – is the government aware that the Labor Party obtained independent legal advice to the Premier's office?

Ingrid STITT: Ms Crozier, advice received by the party is a matter for the party. I have been very clear with you that the government has had regard to their legal advice – our own legal advice – in the development of the bill.

Georgie CROZIER: Minister, has the Premier received legal advice from the Labor Party regarding this bill?

Ingrid STITT: I have already answered that. This will be the third time that I say no.

Georgie CROZIER: Minister, you have got responsibility of carriage of this bill. What discussions have you had with the Premier's office regarding legal advice?

Ingrid STITT: Ms Crozier, I do not know where you think you are going with this, but I have been very clear. You have asked four times now, and I have answered very clearly that the advice I have is that the answer to your question is no. Advice received by the party is a matter for the party.

Georgie CROZIER: No, that's not what I asked.

Ingrid STITT: I might have carriage of this bill in the upper house. I have been briefed by the department in relation to the contents of the bill in order for me to be able to bring the bill through the upper house.

Georgie CROZIER: That is not what I asked, Minister. The question was: did the Premier receive legal advice from the Labor Party?

Ingrid STITT: I have answered already.

Georgie CROZIER: You are the responsible minister in relation to this bill. I need to get this because it is very important. Are you seriously saying that –

Ingrid Stitt: On a point of order, Deputy President, if you check the general order, I am not the responsible minister for this legislation.

Georgie Crozier: You are here in this house. You've got carriage.

Ingrid Stitt: I am representing the Premier in bringing this bill to the upper house. Be accurate. If you are going to ask me these questions, be accurate.

The DEPUTY PRESIDENT: I do not think that is a point of order. You are the responsible minister in this house and should be briefed on the bill. If you are not fully briefed, we could always postpone the committee stage until you can get there.

Georgie CROZIER: I just find it incredible that you, as the responsible minister having carriage of this bill in this place, are not aware of any legal advice the Labor Party has obtained. Is that correct?

Ingrid STITT: You have just changed the question again, Ms Crozier. I have said very clearly that legal advice sought by the Labor Party is a matter for the Labor Party, and I have told you – you have asked me five times now whether legal advice was provided by the party to the Premier, and I have clearly and unequivocally said no.

Georgie CROZIER: It is an important issue that I am raising, Minister.

Ingrid Stitt: I have answered it.

Georgie CROZIER: Well, I am not satisfied with your answers actually, because I am really concerned about the briefing that you have got and what happened in the Premier's office. Did you ever ask your department or the Premier's office if there was any advice sought by other legal entities from the Labor Party? Was that not a consideration, given we are talking about all of the entities here? We do not know the legal advice and you will not provide who has given that legal advice and how the government has come to form this bill, so I think it is very relevant that we ask. You as the representative, surely, would have that understanding.

Ingrid STITT: If it is easier for you to follow along: the Premier received advice from her department, which you would expect, and through the solicitor-general, advice was provided to the government.

Georgie CROZIER: Minister, can you confirm: is that the only advice the Premier got – from the solicitor-general?

Ingrid STITT: I have already answered that question very clearly.

Georgie Crozier: Is it a yes?

Ingrid STITT: Sorry?

Georgie Crozier: Is it a yes?

Ingrid STITT: I have answered the question six times now, Ms Crozier. Move on.

Georgie CROZIER: No, I am not going to move on, Minister, because we know the Premier's office did get legal advice.

Ingrid STITT: The advice I have is that she did not receive –

The DEPUTY PRESIDENT: Minister, can you stand – it is easier for Hansard, sorry.

Ingrid STITT: The bill has had regard to the legal advice received by the government in its development. Any legal advice sought by the Labor Party is a matter for the party.

Georgie CROZIER: It is regarding the Premier, the Labor Party and the government – that is the point of these questions, Minister. The Labor Party sought independent legal advice, given to the Premier, and you are saying it has got nothing to do with this bill. Is that correct?

Michael Galea: On a point of order, Deputy President, I think we are bordering on tedious repetition. I was watching this debate and seeing repeated questions – the same question asked – and in the time it has taken me to come here, we are still asking the same question. This is tedious repetition and an abuse of the committee process.

Georgie Crozier: Further on the point of order, Deputy President, this is a really important part of this process. I am sorry if Mr Galea does not like the line of questioning, but it is regarding this bill, and I think I have got every right to ask these questions to get some clarity out of the minister as she is representing the Premier in this house.

The DEPUTY PRESIDENT: Thank you, Ms Crozier. I think we probably need to progress the committee.

PROOF

Georgie CROZIER: I am happy to progress, but I do want to ask another question to the minister. Minister, did Labor's legal advice go directly to the solicitor-general?

Ryan Batchelor: On a point of order, Deputy President, there are considerable rulings that matters of party administration are not matters for which ministers are responsible. The member cannot ask questions about what the Labor Party did.

The DEPUTY PRESIDENT: Ms Crozier, I advise you to just focus on the government's legal advice, not the party, so I do uphold that point of order.

Georgie CROZIER: Minister, are you aware of the Premier receiving any briefing on the bill from the Labor Party?

Ingrid STITT: She did not.

Georgie CROZIER: Minister, was the legal advice able to be paid as administrative expenditure? Could it have been paid for by affiliation fees that came from unions?

Ryan Batchelor: On a point of order, Deputy President, if the member is asking about legal advice the Labor Party received, it is not within the competence of the minister to answer as a matter of government administration.

The DEPUTY PRESIDENT: I uphold the point of order. The minister is not responsible for the administration within the Labor Party, so can we move on to the next question, please.

Georgie CROZIER: There seems to be a lot of concern regarding Labor MPs, and I understand why, because we are debating this bill, and what we are trying to ascertain is what happened to get to the legal advice and how this bill has come about.

Ryan Batchelor interjected.

Georgie CROZIER: No, it is not that, Mr Batchelor; it is actually a line of questioning that I think is important for the Victorian public, given where we are at. I think it is within the scope of this bill, given the Premier has carriage of this and you are responsible. What I am trying to ascertain is what was known by the Premier and what we are debating here in relation to the legal advice that was received in the Premier's office and what the government has put forward here today. Can you confirm that affiliation fees paid for by unions could have funded legal advice given to the Premier's office to help with this bill?

Ingrid Stitt: On a point of order, Deputy President, **this is the same** question that you just ruled out. In addition, Ms Crozier is seeking to reprosecute something that I have already answered clearly in my previous answers.

The DEPUTY PRESIDENT: I do think that the question goes to matters of party administration, so that is not within the scope of the bill.

Bev McARTHUR: Let us see if we can manage this one, Minister. The Australia Institute's own figures suggest that the governing party – that is, the Labor Party – raises more from levies on its MPs and staff than from the entire Victorian public, and this bill exempts exactly that money from the cap it imposes on everyone else.

Ingrid STITT: That is not a matter that is within the scope of this bill. Every party is covered by the same rules when it comes to the legislation, but that particular matter is a matter for individual political parties.

Bev McARTHUR: Do you concede, Minister, that the Victorian public would be interested to know that you can basically subvert the cap, because the Labor Party – the Victorian Labor Party, the governing party in this state, the party bringing in this legislation – raises more from levies on its own

MP, such as you, and staff than from the entire Victorian public? Do you agree that is subverting this whole issue?

Ingrid STITT: I have already addressed this, but I will repeat that every party is covered by the same rules, Mrs McArthur.

Bev McARTHUR: Do you concede that this bill creates a taxpayer-funded per-vote payment worth tens of millions of dollars each election before annual administrative and policy funding, and that this will be charged to the Consolidated Fund and will add to Victoria's debt?

Ingrid STITT: Yes, there is public funding in the bill – there was public funding in the previous bill – the rates of which are clearly outlined in part 12. I am unclear what difficulty you have with that, Mrs McArthur.

Bev McARTHUR: Well, everybody in Victoria is concerned about your debt. After all, how many hours have we been here? We are paying over $1 million an hour for every hour we stay here. What are we up to, Ms Crozier? I do not know, we started about 6 o'clock – do the maths – so $4 million has gone down the gurgler in interest, and you want to add to the burden of taxpayers and debt by increasing the amount we are going to pay out of the public purse for political activity. Are you not concerned about the increase in the debt and the increased burden on taxpayers and future generations by adding to this burden?

Ingrid STITT: Again, I will make the point that public funding is not a new concept. It has been part of our system since 2018. I guess in some ways I am not surprised – I know that the Liberal Party has a very different philosophical view about how elections and donations ought to operate. The government takes the view that administrative funding, public funding, is an important part of the democratic process and helps ensure that it is not the deepest pockets that determine the outcome of elections, Mrs McArthur.

Bev McARTHUR: We on this side of the house are totally concerned about the pockets of Victorians, which are becoming emptier by the hour because of your waste and mismanagement and your $15 million abuse, given to the CFMEU. What on earth would their affiliation fees be if they could possibly join your political party? So we are concerned on this side of the house for how you abuse taxpayers, and we will stand up for them every day, every hour in this place and elsewhere. You are reaching into the pockets of Victorians with this piece of legislation. You have admitted you are not the least bit concerned about how this might add to the debt and the burden of taxpayers. Do you seriously want the taxpayers of Victoria to understand how little concern you have for them, hour by hour, day by day, in this place?

Ingrid STITT: This has nothing to do with the scope of the bill, Deputy President, and Mrs McArthur is really just giving a speech. The time for that was in the second-reading debate.

The DEPUTY PRESIDENT: Mrs McArthur, if we can move on to the next question. Thank you.

Bev McARTHUR: Minister, given the High Court struck down the predecessor scheme weeks ago as an impermissible burden on political communication, on what basis can the government maintain this near identical architecture is compatible with the charter's freedom of expression?

Ingrid STITT: The new laws have been developed with a mind to the rights contained in the constitution, the Victorian Charter of Human Rights and Responsibilities and of course the concerns raised with other similar legislation. The new laws seek to strike the right balance between the rights of people to fund political parties and political campaigning and the desire to minimise the risk or perception of improper financial influence in decision-making. The new laws also address the unfair advantage of unequal financial resources between electoral participants, including new entrants, and seek to address some of the preferential risks by ensuring the bill does not introduce any nominated entity arrangements, including the former nominated entity exception. The new laws require registered political parties and nominated entities to disclose and return funds made and received between the

Hopper judgement and the day the bill receives royal assent if those funds exceed the new general cap. The new laws also, as we have been discussing this evening, will require registered political parties to return to their former nominated entities any transfer of funds, noting of course that the government has introduced a house amendment to extend that period back to 2018.

Sitting suspended 9:48 pm until 9:53 pm.

Bev McARTHUR: Minister, 'claimable administrative expenditure' is whatever the commission determines it will be. Will the minister confirm that no figure in this scheme is fixed by the act, that the VEC decides case by case what 'taxpayer-funded administration' means and that there is no merits review of these determinations?

Ingrid STITT: I am advised that the VEC determines the expenses and that parties have to put in the appropriate paperwork, including receipts. But I have already taken you, during committee stage, through what 'claimable administrative expenditure' covers in terms of what is in the bill.

Bev McARTHUR: Minister, if two parties claim identically and the commission allows one and refuses the other, what is the avenue of challenge and how is consistency guaranteed across the major parties, minor parties and independents? What avenue of challenge is there?

Ingrid STITT: The VEC has the power to monitor compliance against the donation laws, Mrs McArthur, but that is a very operational question that you are asking. That is something that would be a matter for the VEC to determine. You are giving me a bit of a hypothetical example of what might be presented to the VEC.

Bev McARTHUR: The point of this is surely in this bill you should have thought of the fact that if the commission appears to or is deemed to unfairly treat one party against the other, one independent against the other, what avenues are there to appeal the commission's decision? What legal avenues are available?

Ingrid STITT: Leaving aside some of the assertions you are making, these provisions have been in place since 2018, but all VEC decisions can be reviewed by the courts.

Bev McARTHUR: Misuse of administrative funding carries a penalty of 200 per cent of the amount misused. Who detects misuse, given the apportionment judgements are made by the recipient in the first instance? Has the government estimated how many of these apportionment claims the VEC has the resources to actually audit each year?

Ingrid STITT: These are matters for the VEC, but I can indicate that they have powers to monitor and investigate possible contraventions of the disclosure and reporting regime. They monitor donations by reconciling the disclosures by donors and recipients so that they can compare that data. The VEC also has a range of other monitoring and enforcement powers, including issuing a notice requiring the production of evidence, documents or appearance of a person before a compliance officer of the commission to give evidence either orally or in writing and produce documents.

Bev McARTHUR: Going back to the charter, which provides for freedom of expression. Has the Scrutiny of Acts and Regulations Committee (SARC) reported on this bill under section 30?

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 hour.

Ingrid STITT: Obviously, this bill came to the house as an urgent bill, but it is open to SARC to consider the bill when it is passed. Or indeed SARC may consider any act that was not considered when it was a bill under certain circumstances, so it is certainly open for SARC to look at these issues.

Bev McARTHUR: Minister, you would be aware that this is very unusual. The Scrutiny of Acts and Regulations Committee provides to report on legislation, not after it is passed but beforehand, to

advise all members of Parliament whether it is compatible with human rights et cetera and how the regulations affect Victorians.

If SARC has not had time to report on this bill, that is a real breach of how we conduct legislative programs in this place. How is it that you can justify progressing a bill without the mandatory scrutiny that is normally the case before we deal with legislation?

Ingrid STITT: I think I indicated to an earlier question that the bill is charter compliant. I have already indicated to you that by virtue of the government bringing in this bill as an urgent bill it has not been reviewed by SARC. However, SARC may consider any act that was not considered when it was a bill within whichever is the later – 10 sitting days after the act receives royal assent or 30 days immediately after the first appointment of members of the committee after the commencement of each Parliament. It is a matter for SARC as to whether they seek to undergo any of those options.

Bev McARTHUR: Minister, this is extraordinary. You have just said this bill is charter compliant, yet you admit the Scrutiny of Acts and Regulations Committee has not met to review the bill. You cannot have it both ways. It cannot be charter compliant if SARC have not met to review the bill. Whether they review it after the event is a completely different matter. You have totally breached this process in this Parliament in regard to legislation. The Scrutiny of Acts and Regulations Committee have not met, yet you are telling us it is compliant. How can this be?

Ingrid STITT: Mrs McArthur, I draw your attention to the statement of compatibility against the Charter of Human Rights and Responsibilities that was tabled.

Sarah MANSFIELD: Minister, how will the public know about moneys relevant to the refund mechanism for nominated entities in section 277 before 15 April and the money that may have gone from nominated entities to parties since 15 April in subsections 279 and 280?

Ingrid STITT: The VEC will monitor compliance with these provisions, and we commit to making transitional regulations to require public disclosure of these amounts.

Sarah MANSFIELD: If I can, I am just going to ask a question about the disclosure threshold. In clause 5 there is a description of the disclosure threshold, which means:

> $1250 or, if a higher amount is prescribed by the regulations, the prescribed amount …

What assurances can you provide that this amount will not be increased from $1250?

Ingrid STITT: We can give a commitment that we will not be changing those thresholds, and we are happy to give that undertaking.

Georgie CROZIER: I just want to follow on from one question from Dr Mansfield, if I may, and then Dr Heath – I have got some other questions. Could I just seek some clarification, Minister. Dr Mansfield spoke of the monitoring compliance, and I think your answer to Dr Mansfield was that the VEC would be undertaking that monitoring compliance since the High Court decision in April. Has the VEC had to put on additional staff to undertake all of that compliance, and have there been any issues raised during this time period?

Ingrid STITT: Just one moment.

Ms Crozier, I am advised that the VEC have not asked for any additional staffing allocation or resourcing, but if they were to, we would give that consideration.

Georgie CROZIER: Could I move to back to where I was questioning earlier. Given you say that unions are exempt from the other requirements under the law, could a union give to any other political party?

Ingrid STITT: Yes, they could. Obviously they would need to comply with the various donation caps, but there would be nothing to stop them.

Georgie CROZIER: Thank you for that clarification. I think we are aware that unions have given to some of the minor parties as well as the Labor Party. Is it the case that associated entities can only pay affiliation fees to the party with which they are associated and no other party?

Ingrid STITT: I think the answer would be: if they were an associated entity. But I will seek some clarification.

The advice I have from the box, Ms Crozier, is that they would only be able to be an associated entity of one political party.

Georgie CROZIER: Minister, how is that fair and not a differential burden, about which the High Court noted its concern when it struck out the former laws put forward by the government?

Ingrid STITT: I think I have said a number of times that we have given careful regard to the legal advice in the development of the bill, and we have gone to those sorts of questions in a bit of detail this evening.

Renee HEATH: Minister, section 15 of the charter of rights and responsibilities protects freedom of expression. The cap, the third-party regime and the broadened political expenditure each restrict political communication. So how does the statement of compatibility justify each limit as reasonable under section 7(2), and what evidence is cited?

Ingrid STITT: We think we have the balance right with the bill before the house.

Renee HEATH: Section 16 protects freedom of association. New section 211 of this bill bars supporting more than six third-party campaigners. How is a numerical cap on whom a citizen can support compatible with section 16?

Ingrid STITT: The government believes, Dr Heath, that the number balances Victorians' rights to engage in political life by giving to third-party campaigners with the need to prevent donors from subverting the regime through multiple third-party campaigners. We think we have got the balance right in restricting that number to six.

Renee HEATH: I do not know if that does answer the question, though, about how that protects freedom of expression.

Ingrid STITT: We want to make sure that we prevent donors from subverting the regime, as we have seen in other international examples, where you can give donations to multiple third-party campaigners. We believe we have got this number balanced right.

Renee HEATH: Thank you for your response, but I do not think you are really understanding my question. It is not about whether you have got the balance right. It is about whether or not people's ability to express is inhibited. Why aren't unions limited to the same caps?

Ingrid STITT: I already answered this question earlier.

Renee HEATH: You have not answered it, so could you please walk me through it again?

Ingrid STITT: I have, and we have gone through associated entities and their position within the regime at great length this evening.

Renee HEATH: So people associated with unions have more rights of expression than those that are just individual citizens. Is that correct?

Ingrid STITT: No, you are putting words in my mouth. That is not what I have said at all.

Renee HEATH: The government wants balance as long as it can continue to provide funds solely to the Labor Party. Minister, please detail and explain why you believe you have this balance right. I want to hear about your version of this balance.

Ingrid STITT: I will draw you to the statement of compatibility, for a start. I am assuming you have read it if you are asking me questions about it. Dr Heath, it would be more helpful if you were specific about what provisions of the bill you were asking me about over and above just general statements about thoughts and feelings about the bill.

Renee HEATH: I am not sure what you mean by that. Particularly given the union movement has provided more than $4.5 million solely to the Labor Party, how is this balanced by other political participants?

Ingrid STITT: Because, like some of your colleagues, you are conflating the rights and provisions of this bill that certain political players hold. I will go over it again for your benefit. Maybe you were not in the chamber or maybe you were not following along from home. Associated entities must have separate state campaign accounts. They must submit annual returns to the VEC on their political donations and the money they pay to political parties. Political donations made by associated entities are subject to the general cap. I do not accept the assertions you are making about certain – you say unions, but I do not accept your assertion that different political players have one advantage or another. It is also important to reiterate that affiliation fees from associated entities can only be used for administrative funding. They cannot be used for campaign funding.

I also want to just make it really clear again that associated entities do not just include trade unions; they include think tanks and fundraising entities as well as of course those entities that were previously nominated entities under the former part 12, including the Cormack Foundation, Pilliwinks and Labor Services & Holdings. This is not something that is just associated with trade unions, and there are a range of provisions in both the previous act and the bill before the house that set out quite clearly what the responsibilities are of associated entities to disclose their political activities.

Renee HEATH: Just for the record, I was listening along with that, because that is when Ms Crozier said you needed a lozenge and one materialised. So I have been following along very closely. An individual cannot provide $4.5 million to a political party. So can you explain to me how it is okay for a union to provide that amount to a political party?

Ingrid STITT: Thank you for the lozenges. I did appreciate it, and everyone has been very kind with my germs this evening. You are conflating different sections of the bill. You are implying that trade unions are able to donate to a greater extent than any other political player. That is not the case. I will again repeat that political donations made by associated entities, which includes unions but does not only cover unions, are subject to the general cap, the general cap in the bill for the election period after the state election being $7500 over the four-year term and of course a lesser amount for the period between the High Court decision on 15 April and the state election in November.

Renee HEATH: To me it still seems that unions have more rights, and you must concede that under this bill unions will be able to donate a lot more money to the political party of their choice or to whom they are affiliated with, aka the Labor Party, than an individual or a business could to the political party of their choice – correct?

Ingrid STITT: No, Dr Heath. Incorrect. I do not know how much clearer I can be. Associated entities, including unions, are covered by the same donation caps as any other donor. I think if you were watching along, and I have got no reason to believe otherwise, then you know I have been answering these questions at length for – how long have we been going? – 4 hours. They have been answered. You are incorrect. I do not know how many times I have to say that, and I am not going to say it too many more.

Renee HEATH: So is there a cap on affiliation fees?

Ingrid STITT: Affiliation fees are set. It is a matter for any party to set those affiliation fees. But importantly, what you continue to, I think deliberately, conflate is that affiliation fees can only be used for administrative funding. I have already taken Mrs McArthur and Ms Crozier through the list of

things that qualify for a claim of administrative funding. They are absolutely separate to campaign donations.

Renee HEATH: Is it the government's view that funds provided outside of the campaign accounts cannot have a corrupting or undue influence on political parties?

Ingrid STITT: I am not sure what you are suggesting, Dr Heath. Do you want to be clear?

Renee HEATH: Unions have more rights, Minister. Please explain how this is conflating.

Ingrid STITT: I do not agree with your assertion. There is nothing in this bill that gives your assertion any credibility. I have answered these questions again and again, and I will not be answering any more of the same questions.

Renee HEATH: New section 265 is called 'Payments into State campaign account'. Paragraph (3) prohibits membership fees, affiliation fees and levies from being paid into a state campaign account. New section 266 is called 'Payments from State campaign account'. It requires participants to ensure no political expenditure is paid for unless the amount is paid for from the state campaign account. That provision does not mention electoral expenditure. So which provision prevents affiliation fees and levies from being used for electoral expenditure?

Ingrid STITT: I have answered this question.

Bev McARTHUR: Minister, section 8 protects equality before the law. The bill caps an individual's donation at $7500 while exempting salary levies, affiliation fees and volunteer labour. How is treating a citizen's cash differently from a union's affiliation fee compatible with section 8?

Ingrid STITT: I have answered these questions, Mrs McArthur. Affiliation fees have been covered in the committee stage exhaustively.

Bev McARTHUR: Minister, you have not answered those questions; this is completely separate. We will go to section 8, which protects equality before the law. The bill caps an individual's donation while exempting salary levies, affiliation fees and volunteers. How is treating a citizen's cash differently from a union's affiliation fee compatible with section 8?

Ingrid STITT: Again, you are conflating the issues between associated entities and donors, and we have gone through this.

Renee HEATH: Just one more question, Minister, on the amount, the six numbers that you are allowed to support: why six? Why not five or why not 60? The High Court struck down the last version of this scheme eight weeks ago on the implied freedom of political communication, and now you have made it a crime for Victorians to back a seventh charity. I really do want you to communicate to us – and it is not about conflating things; I am just trying to understand. Can you tell us here: what is the evidence that supporting six community campaigns is democracy but supporting a seventh is corruption?

Ingrid STITT: I have already answered this to you. I will do it again. The government believes that this number balances Victorians' right to engage in political life by giving to third-party campaigners with the need to prevent donors from subverting the regime through potentially giving to multiple third-party campaigners. This was in the previous act. These are not new provisions. We believe we have got the balance right.

Bev McARTHUR: Minister, we have talked a lot about affiliation fees. Perhaps you could give us your definition of an affiliation fee.

Ingrid STITT: The definition is in the bill.

Bev McARTHUR: For the committee's sake here perhaps you could give us your definition.

Ingrid STITT: It is not for me to give my definition. The definitions are in the bill.

Bev McARTHUR: Section 24 protects the right to a fair hearing. The bill makes obligations turn on unreviewable VEC determinations and provides only internal review. How is the absence of independent merits review compatible with section 24?

Ingrid STITT: I have answered this as well, Mrs McArthur. The statement of compatibility – I draw you to that. But I have also indicated that courts can always review VEC decisions.

Bev McARTHUR: Minister, I am advised that it is difficult to find this definition of 'affiliation fee'. Perhaps you could help us by directing us to the clause or the page.

Ingrid STITT: Thanks to all of this I forgot to put my footy tips in. I am just getting the answer for you. Can we come back to that one?

The VEC provides guidance on coverage of the definitions. That is publicly available. By 'affiliation fees' if you are asking about political party affiliation fees, can you clarify?

Bev McARTHUR: Minister, you clearly said it is in the bill. Please point to the exact page or clause where the definition of 'affiliation fees' is described in the bill – the exact definition, please, not on some VEC website or somewhere else, but in the bill.

Ingrid STITT: We will come back to that, Mrs McArthur.

Georgie CROZIER: On a point of order, Deputy President. Why do we have to come back, Minister, given –

Ingrid Stitt: In a minute.

Georgie CROZIER: But why? We have got the bill in front of us –

Ingrid Stitt: Because I have asked for clarity on it from the box, and I am getting it.

Georgie CROZIER: But I am concerned that you were very definitive in your answer a couple of times, and basically when Dr Heath was asking, you said it was in the bill. I mean, you were –

Renee Heath: Patronising.

Georgie CROZIER: Well, yes, it was actually rather patronising, Dr Heath. I think it is a real problem, given you have claimed that definition is in the bill – you were very firm about it – and clearly it is not. I think the committee deserves to have an explanation as to why –

Ingrid Stitt: And I am getting you the answer.

Georgie CROZIER: Well, from you, given that you have misled the Parliament on this one.

Ingrid STITT: Oh, turn it up.

Okay. The definition is in the bill because it is contained in the definition of a gift. That is section 265, and this has not changed from the previous act. Sorry –

Georgie Crozier interjected.

Ingrid STITT: But there is a definition of 'gift' in the bill. Affiliation fees fall under that definition. This is section 206. And the clarification that the payments cannot go into a state campaign account is in section 265.

Renee HEATH: Given that it is under 'gift' and we can find that now, can you please explain the difference between a donation and an affiliation fee?

Ingrid STITT: Yes, I can. A donation is for the purposes of political campaigning, and I have already gone to the fact that associated entities are subject to the general cap, so it could not be above

$7500 for a term post the November election. Affiliation fees can only be used for administrative funding, and I have also, on more than one occasion – on almost three occasions now – gone through all the administrative expenditures that can be claimable administrative expenditures that can be included by a registered political party.

Renee HEATH: Just for the record, will you confirm that an affiliation fee is a gift?

Ingrid STITT: It falls under the definition of a gift in the bill. That is no different to the previous act.

Georgie CROZIER: Minister, the definition in the bill says gift:

> means any disposition of property, otherwise than by a will, made by a person to another person or an entity without consideration in money or money's worth or with inadequate consideration, including the following –
>
> the provision of a service;
>
> the payment of an amount in respect of a guarantee;
>
> the making of a payment or contribution at a fundraising function;
>
> the disposition of property from a registered political party, a branch of a registered political party or an associated entity …

So that is where the affiliation fee falls under in that definition within the bill, correct?

Ingrid STITT: Yes.

Georgie CROZIER: Thank you.

Bev McARTHUR: Section 27 prohibits retrospective criminal laws. The bill carefully excludes retrospective criminal liability in sections 272(2) and 289. Is the government conceding by those carve outs that without them the bill would breach section 27?

Ingrid STITT: I think I have said on a number of occasions now that the government has had regard to not only legal advice but charter requirements in development of the bill.

Bev McARTHUR: Minister, we cannot be confident about anything you are telling us, because you will not provide any legal advice. We have to take you on face value that this stands up. Clearly the bill carefully excludes retrospective criminal liability, but without those carve outs the bill would breach section 27. What sort of legal advice has qualified that?

Ingrid STITT: Mrs McArthur, the bill imposes prospective duties to disclose and repay. I am not sure where you are going with this.

Evan MULHOLLAND: I have got a couple of questions for the minister just in response to Dr Mansfield's question. You said that you would commit, by regulation, to having the VEC disclose payments from nominated entities to political parties. Can you confirm what date you will make that regulation from?

Ingrid STITT: Mr Mulholland, the advice I have is that, subject to the bill passing and royal assent being received, we would be consulting with the VEC, but we would be seeking to be able to do this as quickly as possible.

Evan MULHOLLAND: That was not the question, Minister. Will it be the same dates as your amendment of the clawback period, or at least from the last election, so that the Victorian public can publicly see transparently what amounts have been donated from the nominated entities to registered political parties?

Ingrid STITT: I will just get some advice on that for you. One moment.

Mr Mulholland, as soon as the regulations are made.

Proof

Evan MULHOLLAND: Again, that was not my question, Minister. When you say, 'As soon as the regulations are made,' do you mean from when the regulations are made onwards?

Ingrid STITT: The VEC will publish on their website the disclosures and repayments details, but they will also be in the regs, and we will make the regs. As soon as the bill gets royal assent, that work will commence. Does that make sense?

Evan MULHOLLAND: What I am trying to specify is: from what date will the VEC disclose transparently the payments from nominated entities to registered political parties?

Ingrid STITT: Mr Mulholland, apologies for that. I think we might have misunderstood what your original question was. Should the bill go through as the amendments propose, then all of the information that would be caught up in that disclosure and refund provision would be published on the VEC website back to 2018 if there were instances of that being in the returns.

Evan MULHOLLAND: Would that also include if that expenditure was already spent?

Ingrid STITT: Mr Mulholland, it would only be what was in the state campaign account on 15 April.

Evan MULHOLLAND: What was in the state campaign account from 15 April to royal assent?

Ingrid STITT: No, only what was in the state campaign account on 15 April.

Evan MULHOLLAND: So if the funds were already expended, the public will have no clarity over donations to registered political parties from nominated entities?

Ingrid STITT: The answer is no.

Evan MULHOLLAND: Minister, is it not the case that all disclosure provisions for payments from nominated entities only require disclosure of payments received during the applicable period, which is the period from 15 April to royal assent, not any longer specified period?

Ingrid STITT: I think that you might be misunderstanding that provision.

Evan MULHOLLAND: I am not misunderstanding the act provision. We have gone through that we might know what is in the state campaign account up until the day of the High Court decision. What I am asking is: is it not a fact that all the disclosure provisions for payments from nominated entities only require disclosure payments received during the applicable period, which is, again, 15 April to royal assent, not the specified period which you have now amended?

Ingrid STITT: I think what you are not taking account of is that associated entities are required to provide an annual return, which goes to –

Evan Mulholland: On a point of order, Deputy President, I did not go to associated entities in my question. I went to nominated entities.

Ingrid STITT: Can you repeat the question?

Evan MULHOLLAND: Is it not the case that all disclosure provisions for payments from nominated entities only require disclosure of payments received during the applicable period, which is from 15 April to royal assent, not the specified period which you have now amended to be from 2018?

Ingrid STITT: The amounts refunded will be disclosed and the amounts provided from the nominated entity to the registered political parties after 15 April will be disclosed.

Evan MULHOLLAND: Minister, I just want to get back to the regulation, given that we have asked what the difference is between state expenditure and electoral expenditure.

If there has already been money expended, will those specific differences be disclosed?

Ingrid STITT: Yes, it will be disclosed.

Evan MULHOLLAND: So the differences for both state expenditure and campaign expenditure will be disclosed separately?

Ingrid STITT: That is a different question. The term 'state expenditure' is not a term that is in the bill. Can you provide some clarity to me about what you are specifically referring to?

Evan MULHOLLAND: Electoral expenditure versus administration expenditure.

Ingrid STITT: Mr Mulholland, thank you for your patience. The advice I have is that what was in the state campaign account on 15 April will be disclosed and other forms of expenditure since 15 April will be disclosed. This is section 279 to 280.

Evan MULHOLLAND: When you say other forms of campaign expenditure will be disclosed, in what form does that take? Does that take into account the amounts and the dates on which they were received by registered political parties?

Ingrid STITT: The advice I have is that those matters will be dealt with in the transitional regulations.

Evan MULHOLLAND: So there is no guarantee that we will ever see the dates and the amount disclosed from the two registered political parties from nominated entities prior to that?

Ingrid STITT: The disclosures will need to be made in accordance with the bill. I have already addressed this issue in previous answers.

Evan MULHOLLAND: Is it the government's position that this bill will not force political parties to separately disclose payments received from nominated entities into the state campaign account received prior to 15 April this year?

Ingrid STITT: I have already addressed these matters, Mr Mulholland. I refer you to my previous answers.

Evan MULHOLLAND: Minister, let me try in a different way. Will you separately disclose the payments received from nominated entities to registered political parties prior to 15 April in a way that differentiates dates and amounts and expenditure?

Ingrid STITT: It is actually the same question, and I have already addressed this. I have been very clear about the provisions in the bill and the fact that political parties will have to comply with those provisions.

Evan MULHOLLAND: Minister, you have said that it will be enacted by regulations but have given no specificity and no guarantee on what will be disclosed and how it will be disclosed, at least back to 2022 or perhaps 2018, when you want the clawback period to go back to. We have no qualms with that, but there are a lot of people in this chamber, including the crossbench, that are very confused by your answer on the disclosure amounts and what the government will seek to enact in regulation. Our amendment, for example, goes to some transparency about what was received. I could not be more confused about the government's response, whether it is from the date of royal assent onwards, whether the VEC will monitor it and whether that disclosure will date back and how far it will date back. I will ask a different question: what date will those disclosures from two registered political parties from nominated entities be set from?

Ingrid STITT: These are, whether you want to accept it or not, questions that we have already dealt with this evening on more than one occasion, and I have been clear that they will be addressed in the regulations and, importantly, all disclosures since 15 April, including foreign donations, will be disclosed, not just from nominated entities but from all participants. The VEC will have an ongoing role in monitoring these things, and they will be in the regulations.

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 further hour.

Evan MULHOLLAND: How will parties assess what is in the state account on 15 April 2026?

Ingrid STITT: That will be a matter for parties, and they will need to ensure they are complying with the provisions.

Evan MULHOLLAND: I understand the government has an amendment; given it is currently in the bill, I just want to go to the reasoning why the government chose a July 2023 date. Are you aware that the Labor Party received significant funds – millions of dollars – from its nominated entity in April of 2023?

Ingrid STITT: I have been clear about this, both in my summing-up in the second-reading debate and also in speaking briefly in that contribution to the government amendment: we have addressed this matter several times. I have got nothing further to add to the answers I gave earlier.

Evan MULHOLLAND: Are you aware of consultation between the Victorian branch of the Australian Labor Party and the Liberal Party of Australia's Victorian division openly discussing the fact that Labor had received millions of dollars in April of 2023, and is this why the government came to the position of the July 2023 date?

Ingrid Stitt: On a point of order, Deputy President, these are questions that I cannot be expected to be able to answer. These are matters that relate to political parties outside of my responsibilities as a minister.

The DEPUTY PRESIDENT: I am sorry, could you just repeat the question, Mr Mulholland?

Evan MULHOLLAND: Minister, the government set this date. We did not set this date. The government's date in legislation is in this current bill. I understand there is an amendment, but the date the government has picked in the current bill is July 2023. I want to ask the minister and ascertain why this date in particular was chosen.

Ingrid STITT: As I said in my summing-up contribution and in committee stage a number of times, the opposition have spent most of today trying to offer up conspiracy theories about one thing or another. It is an irrelevant question, Mr Mulholland. It is also a question that you would be better to put to the political parties, although you appear to be saying that you know all about it anyway. We have put an amendment forward which actually takes the date back to the day after the 2018 election.

Evan MULHOLLAND: Minister, it is hardly a conspiracy theory when it was freely offered up by the Victorian branch of the Labor Party. They received, I believe, $4 million in April 2023 from Labour's nominated entity. I want to ask: in the regulations that you say the VEC will disclose, will it disclose the time and date that was received?

Ingrid STITT: I have answered these questions already. In addition to re-asking me similar questions and the same questions over and over again, you are now also asking me to speak for political parties, which I am not in a position to do. They are matters for the parties, and I am not commenting on those conversations you claim to know about.

Evan MULHOLLAND: Minister, I am going to the reasoning of the government for settling on a July 2023 date. I am of the belief – and in fact we know it is a fact – that the government chose this date because in April 2023 the Labor Party received millions of dollars from its associated entity to the Labor Party state campaign account.

Harriet Shing: On a point of order, Deputy President, I, like many others, have been following this line of questioning, which is at the very least circular but more appropriately described as tedious.

Renee Heath: What's the point of order?

Harriet Shing: For someone with such an intimate knowledge of the standing orders, Dr Heath, have a listen.

Members interjecting.

The DEPUTY PRESIDENT: Can we just keep to the point of order, please?

Harriet Shing: We are heading into the territory – in fact I think we are already there – of tedious repetition. The question has been asked and answered, and I have listened at least a dozen times in respect of the scope of the bill. I would seek that you draw the questions back to the substance of the matters at hand without a vulnerability to the sort of repetition that we are hearing now and have been hearing all afternoon.

Renee Heath: Further to the point of order, Deputy President, the minister is debating.

Bev McArthur: Deputy President, further to Ms Shing's point of order, if the minister answered the questions, we would not have to repeat them.

The DEPUTY PRESIDENT: I do not think that was quite helpful.

Michael Galea: On the point of order, we have been here repeatedly with tedious repetition, and members opposite have been repeatedly defying your rulings, Deputy President. We are now seeing the same pattern that we were seeing around an hour or two ago of tedious repetition of questions. The minister is giving an answer, explaining where it sits within or outside her responsibilities, and when it falls outside those responsibilities, members opposite are continuing to ask the same questions. It is tedious repetition.

The DEPUTY PRESIDENT: We could have actually saved those 5 minutes of the point of order, because I was actually about to draw the member back to the substance of the bill, because I think he was straying into administration of party matters, which are not a matter for the minister. Could we just continue and come back to the bill, please.

Evan MULHOLLAND: Minister, will you, in your so-called regulations, have the VEC disclose when the Labor Party last received a payment from its nominated entity? There will be claims of a conspiracy theory, Minister, but it is quite a clear question. Through your regulations, will the VEC disclose when the Labor Party last received a payment from its nominated entity?

Ingrid STITT: I refer you to my previous answer.

Evan MULHOLLAND: That was not actually answered in the previous answer, Minister.

Ingrid STITT: Yes, it was.

Evan MULHOLLAND: I am trying to ascertain whether that transfer to the registered political party from the Labor Party's nominated entity in April 2023 will be disclosed and published by the VEC.

Ingrid STITT: I did answer it, and I refer you to my previous answer to the question.

Evan MULHOLLAND: Minister, I heard earlier that you were representing the Premier, yet you do not seem to have knowledge of the discussions with the political parties, while at the same time getting advice from a person in the advisers box who was in such discussions. Can you advise me on the donation received in April 2023 and donations received prior by the Australian Labor Party from its nominated entity, which you as the representative of the Premier and people in this chamber, with knowledge of discussions between parties, are fully aware of? Can you explain how and if they will be disclosed?

Ingrid STITT: All registered political parties will be required to comply with the new legislation.

Evan MULHOLLAND: Would I be correct in the belief that the transitional arrangements that you refer to and that the disclosures will work to do not allow those disclosures to go backwards?

Ingrid STITT: I do not know what you mean by 'backwards'. Do you want to be a little bit more precise, Mr Mulholland? If it is what I think it is, I refer you to my previous answers about these questions. We have been going for about an hour and a half on the one topic.

Evan MULHOLLAND: I am just looking at the definitions of transitional regulations, and the definitions of transitional regulations point to:

> Regulations made under this section may –
>
> (a) have a retrospective effect to a day on or after a date that is not earlier than 15 April 2026 …

Would I be correct that what was received by the Australian Labor Party from its nominated entity will not be disclosed because you have pointed to the transitional regulations?

Ingrid STITT: The regulations will provide for this in accordance with the bill and when the legislation is passed.

Evan MULHOLLAND: When you say the regulations will provide for this, section 286(2) says:

> Regulations made under this section may –
>
> (a) have a retrospective effect to a day on or after a date that is not earlier than 15 April 2026 …

So what you are confirming in fact is that under your regulations we will not see that disclosure prior to 15 April 2026 because the bill literally says you cannot.

Ingrid STITT: No, I am not saying that, and I have answered this question.

Evan MULHOLLAND: Sorry, Minister, you are the one that said that those arrangements will be made under regulation, under the transitional arrangements, which do not actually allow them to go backwards. They may have a retrospective effect, but only to a date that is not earlier than 15 April. What we are getting to is disclosure. What we are getting to is why the Labor Party is not keen to disclose the fact that it did receive money from its nominated entity in April.

Minister, you said earlier that parties will have to determine, themselves, what was remaining in the state campaign account from nominated entity payments on 15 April, and there is currently nothing requiring the disclosure of those payments prior to 15 April. How will we know whether parties have accurately self-assessed whether any amount remained in the state campaign account?

Ingrid STITT: It is a matter for the parties, and their responsibility is to comply with the legislation.

Evan MULHOLLAND: Again, Minister, how will we know whether parties have accurately self-assessed whether any amount remained in the state campaign account in accordance with the bill?

Ingrid STITT: Consistent with the circular nature of this committee, as I have already said on countless occasions the VEC has the ability to require compliance actions, including requiring documents, and these matters will be addressed in the transitional regulations.

Evan MULHOLLAND: Minister, those are the same transitional arrangements which, literally in the transitional regulations in the bill, state that it cannot be retrospective prior to 15 April – that is what I am getting to. How will the parties know what their obligations are and what they are supposed to comply with in accordance with the bill?

Ingrid STITT: Asked and answered, multiple times.

Evan MULHOLLAND: Minister, these questions have not been answered. We have gone to the transitional arrangements, and my colleague Ms Mansfield asked some sensible questions on this topic. And you went to the transitional regulations in regard to disclosure, and did, I think, make it seem like all those will be disclosed within the transitional arrangements, when we know that cannot

be prior to 15 April. The crossbench were led to believe that the applicable period was the same as the specified period, which we know are completely different. The specified period, you have now changed back to 2018, and the applicable period is only from the High Court date to the date of royal assent. The minister might have liked to state and lead to a vibe that we are showing transparency through this bill, but the regulations that you are pointing to themselves do not point to that. Is the minister denying the existence of section 286(2)(a), and what does the minister believe is the effect of section 286(2)(a)?

Ingrid STITT: I refer you to the answer that I gave to Dr Mansfield, and I stand by that answer.

Evan MULHOLLAND: It was a good question from Dr Mansfield, because it went to some confusion within the non-government members in this place as to what the government was saying was in the bill and what was not. What we have since found out is the transitional arrangements are not actually the same as the clawback dates, which the government had claimed. So confusion seems to be running rife. I want to know under this bill how parties – all parties, Labor, Liberal, National and any other registered political party – will know what their obligations are and what they are supposed to comply with, given the transitional arrangements do not apply that retrospectivity prior to 15 April?

Ingrid STITT: I can understand why you would want to try and conflate and confuse, but I again draw you to the answer that I gave Dr Mansfield that the VEC will monitor compliance with these provisions and we have given a commitment that the making of transitional regulations will require public disclosure of these amounts.

Evan MULHOLLAND: Minister, when you say that under the transitional arrangements you will require public disclosure of the amounts, given that we know that it cannot go backwards from 15 April I assume you are correct to mean under the transitional arrangements the VEC will ensure public disclosure of the amounts from 15 April onwards. Does that include past royal assent?

Ingrid STITT: Asked and answered, Mr Mulholland.

Evan MULHOLLAND: It is going to a good point, because the government was seeking to deflect with the non-government members about our amendments, which seek to guide some transparency, at least backdating to 27 November 2022. Is the minister suggesting the VEC will violate regulations made under section 286(2)(a) in the bill to have that disclosure?

Ingrid STITT: No, I am not suggesting that.

Evan MULHOLLAND: How will the VEC ensure that disclosure of the payments received by political parties from nominated entities given that particular section 286(2)(a) under regulations that you have said that will happen under the transitional arrangements prevents them from doing so?

Ingrid STITT: Asked and answered.

Sonja Terpstra: On a point of order, Deputy President, I have had the benefit of listening to much of the questioning from Mr Mulholland on these matters this evening, and I am concerned that there is a lot of tedious repetition of the same questions. They have been asked multiple times by different members in this chamber. I would suggest that unless there is a new line of questioning, perhaps we could move on.

Bev McARTHUR: Minister, can you just confirm an answer you gave previously –

The DEPUTY PRESIDENT: I am sorry; I thought that was further to the point of order. Obviously I do not need to rule on the point of order because we are moving on, but I was going to suggest that I thought that that line of questioning had exhausted itself and we needed to move on.

Bev McARTHUR: I just want you to confirm that you previously said that the Premier received no legal advice on this matter. Do you want to just confirm that again?

Ingrid STITT: That is not actually what I said.

Bev McARTHUR: Did the Premier receive legal advice on this bill?

Ingrid STITT: We have been here. The government received legal advice, and we had regard to that legal advice in the development of the bill. This is something I have answered at least a dozen times, and I do not intend to answer it again.

Sonja Terpstra: On a point of order, Deputy President, again I am listening to the questions coming from the opposition benches, and I am listening carefully to the minister's responses. The minister is stating that she has answered the line of questioning that Mrs McArthur has raised multiple times this evening. I suggest that line of questioning is tedious and repetitive, and perhaps we should move on to a new line of questioning.

The DEPUTY PRESIDENT: I think that the minister has made it clear that she answered these questions earlier. I think we should move on, and I will call Mr Mulholland.

Evan MULHOLLAND: The question I will try to ask you, as the Premier's representative: did the Premier receive legal advice from the Australian Labor Party?

Ryan Batchelor: On a point of order, Deputy President, this question was asked by Ms Crozier earlier today. This is tedious and repetitive.

The DEPUTY PRESIDENT: We have been down this line of questioning earlier, so I think we should move on to a new line of questioning.

Evan MULHOLLAND: Does the bill require parties to disclose gifts in kind or services provided by their nominated entities on behalf of their party at any point in the past?

Ingrid STITT: Parties must disclose political donations and specified gifts in accordance with the bill.

Evan MULHOLLAND: In accordance with the bill would be from 15 April onwards?

Ingrid STITT: In accordance with the bill, Mr Mulholland.

Evan MULHOLLAND: For those reading this committee stage – I know many will – I am just confirming that parties will only have to disclose gifts in kind or services provided by their nominated entities on behalf of their party from 15 April onwards, but not prior to that. Is that correct?

Ingrid STITT: I do not know that you get to provide my answers for me, but it is the same line of questioning that I have had almost all night, and I have asked and answered.

Melina BATH: In the statement of treaty compatibility at point 5, 'Consultation with the First Peoples' Assembly', it says the First Peoples' Assembly of Gellung Warl was not given an opportunity to advise on the bill and the assembly did not otherwise make representations about the bill's effect on the First Peoples. Why, Minister, was the First Peoples' Assembly not consulted in accordance with the Statewide Treaty Act 2025?

Ingrid STITT: Thank you, Ms Bath, for what is a new question. As the statement indicates, the bill may affect the equal enjoyment of rights and freedoms by First Peoples. Where in its express terms or practical effect it has a differential effect on First Peoples as compared to non-First Peoples, as the bill does not in its terms deal with First Peoples and does not directly or indirectly in its practical effect engage the human rights or fundamental freedoms of First Peoples, the bill is compatible with this object. If I can turn to the substance of your question around consulting with the First Peoples' Assembly, it was not possible to do so because, as section 66 of the Statewide Treaty Act 2025 commenced on 1 May 2026 and the assembly only became operational on 4 May, considering that timeframe, there was insufficient time to seek advice from the assembly prior to the introduction of the bill into Parliament.

Melina BATH: What steps were taken in that time period by the government to seek urgent or even preliminary input from the First Peoples' Assembly once the bill had become operational? Indeed you would have had a draft of this bill prior to it coming into the house.

Sonja Terpstra: On a point of order, Deputy President, I would like to perhaps draw your attention to the standing orders and standing order 15.06, 'Rules of debate in Committee of the whole', particularly subsections (1), 'Debate on clause 1 of the bill will be limited to the purposes of the bill', and (2), 'Debate will be strictly relevant to any other clause, schedule, preamble, amendment or new clause which is under consideration and no general debate will be permitted'. Whilst it is refreshing that we have had a new line of questioning, I cannot see that the matters that Ms Bath is raising are actually in accordance with the standing orders.

Ingrid STITT: What was the question again?

Melina BATH: The question went to the statement of treaty compatibility that is delivered with the bill, which is supposed to be on every bill forthwith, and the fact that there was no consultation with the First Peoples' Assembly.

Sonja Terpstra: On a point of order, Deputy President, I dispute Ms Bath's recollection. The question was around why there was no consultation with the First Peoples' Assembly. That was what the question was. You did not mention anything regarding –

A member interjected.

Sonja Terpstra: I am talking about the question that was just asked, not the one beforehand.

The DEPUTY PRESIDENT: I think Ms Bath has now clarified what her question is.

Sonja Terpstra: The question I was relating to was the question that Ms Bath asked about why there was no consultation with the First Peoples' Assembly. That was the question.

The DEPUTY PRESIDENT: Ms Bath has now clarified what her question is, and we will move on.

Ingrid STITT: I have answered as to the reasons why there was insufficient time to seek advice directly from the assembly. I have given the reasons why – the timeframe being quite difficult when you consider the timing of the treaty act commencing, the new assembly being elected and the timing of this bill.

Melina BATH: In relation to this bill, has the First Peoples' Assembly made any representations to the government about their concerns with the bill, as they are now established and have in the treaty legislation the very intent of active participation in legislation that comes before the house?

Ingrid STITT: Not to our knowledge, Ms Bath.

Melina BATH: Has the offer been made by the government for further discussion on this bill with the First Peoples' Assembly, as is the intent of the treaty act?

Ingrid STITT: We are always happy to meet with the assembly, Ms Bath, but I refer you to the statement and the answer I have already given.

Melina BATH: Will the government commit to undertaking a post-introduction or an ongoing consultation as a direct result of this bill, if it passes through, and indeed the new amendments, the amendments that are now before the house that the government has put that were not in play until this morning?

Ingrid STITT: I have given the explanation as to why it was not possible to consult with the First People's Assembly.

Bev McARTHUR: Minister, Aboriginal community controlled organisations could be captured as third-party campaigners if their advocacy is deemed political expenditure over the threshold. Did the government assess that effect? And was Gellung Warl asked for its view?

Ingrid STITT: I refer you to the statement.

Bev McARTHUR: Minister, could you answer the question?

Ingrid STITT: It is not a question, it is a hypothetical, and I refer you to the statement.

Bev McARTHUR: Minister, the new entrant and cap rules affect the ability of First People candidates and emerging Aboriginal-led movements to raise funds and compete. Did the government model that impact and seek Gellung Warl's input?

Ingrid STITT: Asked and answered.

Bev McARTHUR: What do you mean, Minister, by 'asked and answered'? Where was your answer?

Ingrid STITT: I have answered the principal question of why it was not possible on this occasion for this particular bill to consult with the First Peoples' Assembly, so it is asked and answered.

Bev McARTHUR: Minister, that is better. Well done. So because you rushed this bill –

Ingrid STITT: On a point of order, Deputy President – what do you mean by that? And do we have to do this? We have been going for about 6 hours.

Bev McARTHUR: Minister, as we have said before, it is up to us to ask you the questions, not you to ask us. Gellung Warl includes an accountability mechanism and Nginma Ngainga Wara to hold government to account on behalf of First Peoples. Has it been engaged in the bill? And will the government respond to any view it expresses?

Ingrid STITT: Again I refer you to the statement of treaty compatibility.

Bev McARTHUR: Minister, it seems that there is one rule for everybody else and one rule when you want to declare something urgent, and therefore nobody should be consulted or involved. Will the minister commit to pausing the bill to allow Gellung Warl a proper opportunity to consider and respond, consistent with the government's treaty obligations?

Ingrid STITT: I think the will of the chamber today has demonstrated that the vast majority of the chamber believe that this is an urgent bill and needs to be dealt with forthwith.

Bev McARTHUR: Minister, why do you preference corrupt Labor officials over our First Nations people?

Ingrid STITT: I ask that you ask Mrs McArthur to withdraw that outrageous slur.

The DEPUTY PRESIDENT: Mrs McArthur, can you please withdraw and rephrase?

Bev McARTHUR: Well, I withdraw, but we are getting very sensitive, I would have thought here –

The DEPUTY PRESIDENT: No, without editorial.

Bev McARTHUR: Without qualification.

Evan MULHOLLAND: Isn't it the case that you had ample time to consult with the Labor Party secretary but not enough time to consult with the First People's Assembly?

Ingrid STITT: I have already given the reasons why, and I refer you to the statement.

Evan MULHOLLAND: Is the Labor Party more important to the government than the First People's Assembly, and can you explain the difference between why you had time for some and not for others?

Ingrid STITT: This is a ridiculous line of questioning. Deputy President, I would ask that you ask the opposition to ask me some new questions, if they see fit, about the substance of the bill.

The DEPUTY PRESIDENT: I would draw the members back to the substance of the bill, please.

Bev McARTHUR: Will the minister confirm that an annual levy paid to a party by its elected members and their staff is excluded from the definition of gift and therefore falls entirely outside the $7500 general cap?

Ryan Batchelor: On a point of order, Deputy President, there were questions in the committee stage earlier this evening about levies, maybe at about 8:30. Further questions on this topic are tedious and repetitious.

The DEPUTY PRESIDENT: It depends if there is new questioning or whether they are repetitive questions, so I just ask Mrs McArthur to repeat her question, please.

Bev McARTHUR: Minister, will you confirm that an annual levy paid to a party by its elected members and their staff is excluded from the definition of gift and therefore falls entirely outside the $7500 general cap?

A member interjected.

The DEPUTY PRESIDENT: I am sorry – if we can do this without editorial.

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: Minister, if I could go back to your response to Ms Mansfield – and thankfully I have got a transcript – Ms Mansfield asks:

> … how will the public know about moneys relevant to the refund mechanism for nominated entities in section 277 before 15 April and the money that may have gone from nominated entities to parties since 15 April in subsections 279 and 280?

Minister, you said:

> The VEC will monitor compliance with these provisions, and we commit to making transitional regulations to require public disclosure of these amounts.

When you said that, Minister, isn't it a fact that these transitional arrangements can only occur from 15 April onwards?

Ingrid STITT: Asked and answered,

Evan MULHOLLAND: I want to ask a couple of questions. How many affiliated unions will be able to affiliate to the Victorian Labor Party?

Lizzie Blandthorn: On a point of order, Deputy President, we are here to ask genuine questions about the bill. The Labor Party conference was a few weekends ago, and those sorts of questions are questions for that forum, not this one.

A member: It has been asked and answered. It is ridiculous.

The DEPUTY PRESIDENT: I do not think it has actually been answered, but I am going to rule that it is a matter for the organisation, not a matter for the bill.

Evan MULHOLLAND: How many powers in the bill allow regulations, commission determinations or approved forms to change how the act operates?

Ingrid STITT: Sorry, can you repeat that question?

PROOF

Evan MULHOLLAND: Minister, how many powers in this bill allow regulations, commission determinations or approved forms to change how the act operates?

Ingrid STITT: Mr Mulholland, regulations cannot change how the act operates.

Evan MULHOLLAND: Why has so much of the electoral finance scheme been left to regulations and regulation after the bill passes?

Ingrid STITT: I do not accept the premise of your question. It has not.

Evan MULHOLLAND: Does the minister accept that electoral law should be made by the Parliament, not by regulation after the bill passes?

Ingrid STITT: There is a bill before the Parliament now.

Evan MULHOLLAND: Will the minister agree to a schedule identifying each delegated power, its purpose, expected use and safeguards?

Ingrid STITT: There is a bill before the house now.

Evan MULHOLLAND: Can the minister identify any precedent in Victorian electoral law for a transitional regulation power as broad as presented in new section 286?

Ingrid STITT: That is outside the scope of the bill, that question.

Evan MULHOLLAND: It is not outside the scope of the bill. I am going to a section literally in the bill. What safeguards protect minor parties, independents and new entrants from executive-made changes after a campaign period has begun?

Ingrid STITT: We went through questions about new entrants earlier this evening, Mr Mulholland. I am not sure if you were in the chamber at that time, but the bill clearly sets out what the arrangements are for new entrants and the requirements to meet the new entrant definitions.

Evan MULHOLLAND: That was not really my question, but I will ask a different question. Why should participants plan their campaigns when key rules can be altered by regulation?

Ingrid STITT: You are seeking to muddy the waters, which I know you love to do. Regulations have got to accord with the act, and regulations can be disallowed by the Parliament. There are a number of safeguards in place, and the bill clearly sets out what provisions apply to political participants, whether they are new entrants, whether they are donors or whether they are associated entities – the list goes on. It is all contained in the bill, very clearly. Most of the provisions are elements from the old part 12 reinstated into this bill, and I think that the opposition ought to just get on with the business of actually passing the bill so that we can have integrity and disclosure and transparency back in our donation system in Victoria, because right now there is a vacuum, the government is seeking to fill that, and all you have been about is frustrating that.

Evan MULHOLLAND: Minister, is the government aware of how many parties in Victoria received affiliation fees or levies under the equivalent provisions of the old part 12?

Ingrid STITT: No. I would point you to the fact that that is a matter for the VEC but also a matter for registered political parties and associated entities to comply with their reporting requirements.

Evan MULHOLLAND: Minister, you said you are here representing the Premier, and as you said, the Premier is responsible for the VEC. Is the government aware of how many parties in Victoria received affiliation fees or levies under the old part 12? Is the government aware?

Ingrid STITT: That is a question you ought to put to the VEC.

Evan MULHOLLAND: Minister, I am asking you to tell us what they are and who they are. How many parties have received affiliation fees? I can guarantee it is only one, isn't it?

Ingrid STITT: Asked and answered, Mr Mulholland.

Evan MULHOLLAND: You have not answered it, and it is, quite clearly, one. Minister, does a registered political party have to provide voting rights to an associated entity in order for that associated entity to pay an affiliation fee under the act?

Ryan Batchelor: On a point of order, Deputy President, questions about the administration of political parties are not matters of government administration and are not in the scope of the minister's responsibilities.

The DEPUTY PRESIDENT: The question actually goes to the definition of 'associated entity', so I think it is fair enough that Mr Mulholland asked that question.

Ingrid STITT: I can go to what constitutes an associated entity but I will, in doing so, note that I have answered these questions earlier this evening in relation to questions from both Mrs McArthur and Ms Crozier. These can include organisations that operate wholly or to a significant extent for the benefit of a political party, which are associated by financial membership, voting rights, control or purpose. Associated entities include trade unions, think tanks and fundraising entities, as well as what were previously the nominated entities: the Cormack Foundation, Pilliwinks and Labor Services & Holdings.

Let us, just for the record, go over for probably the 20th time that associated entities must have a separate state campaign account and submit annual returns to the VEC on their political donations and the money they pay to political parties. Probably for the last 2 or 3 hours you have been trying to muddy the waters and conflate issues, but the fact is that I went through this detail with you at about 7:30 pm and again at about 8:30 pm.

Georgie Crozier interjected.

Ingrid STITT: That is outrageous.

Lizzie Blandthorn: On a point of order, Deputy President, members of this chamber know full well that they are not meant to refer to advisers in the box or anyone within the gallery either.

The DEPUTY PRESIDENT: I uphold the point of order.

Ingrid STITT: That concludes my answer about what constitutes an associated entity, something that those opposite will have to become very familiar with very soon when their nominated entity transitions into an associated entity.

Evan MULHOLLAND: With that last statement, are you suggesting that the Victorian government drafted this bill in a way that only an associated entity is allowed to affiliate to a political party?

Ingrid STITT: This has been asked and answered, but I think it is important to reiterate that these provisions have existed in the previous act.

Evan MULHOLLAND: Minister, what does the bill require a political party to give an associated entity in order to receive an affiliation fee?

Ingrid STITT: Asked and answered.

Sonja Terpstra: On a point of order, Deputy President, I have been listening to the line of questioning that Mr Mulholland has been pursuing as well as the answers that the minister has been providing, and it is very clear that the line of questioning that Mr Mulholland is pursuing is tedious and repetitious. These questions have been asked on a number of occasions throughout the course of the evening. I suggest that if Mr Mulholland does not have any other questions in regard to these matters, he should move on.

Georgie Crozier: On the point of order, Deputy President, Mr Mulholland's questions and the other questions are around the application of the law, and he has every right to be asking these questions to the minister.

The DEPUTY PRESIDENT: I just think it is getting a bit tedious. I was going to rule on it. I was going to rule that I think the question has been asked before. That is the ruling you want, isn't it?

Sonja Terpstra: Further to the point of order, Deputy President, I was going to point out that Ms Crozier is debating the point of order.

The DEPUTY PRESIDENT: We can go on all night with points of order if we like, but let us move on to the next question.

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I move:

That the sitting be extended.

Motion agreed to.

Evan MULHOLLAND: Minister, based on your answers, would I be of the understanding that your new laws were made without an understanding as to who received affiliation fees or levies?

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: This question was not asked and answered. It goes to the heart of the bill and what we are trying to get to. How could you possibly understand the differential burden if it is the case that the government gave no consideration to or has no understanding of who receives affiliation fees or who receives levies? I will ask the minister to define it for me. Under the act, what is an affiliation fee?

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: This was not answered.

The DEPUTY PRESIDENT: Mr Mulholland, this question was actually answered earlier. The minister got advice from the box and said that an affiliation fee is defined by the definition of a gift.

Evan MULHOLLAND: To be clear, what is the requirement of a political party for an entity to be considered an associated entity? This has not been answered.

Ingrid Stitt: On a point of order, this has been answered on multiple occasions, Deputy President. I ask you to ask the opposition to cease wasting the chamber's time. I know what they want to do here. They do not want to pass this bill. It is an outrageous abuse of the processes of our Parliament.

The DEPUTY PRESIDENT: We do need to move on.

Evan MULHOLLAND: What is it that allows them to pay a fee?

Ingrid STITT: Asked and answered. Deputy President, I ask that you rule on my point of order earlier.

The DEPUTY PRESIDENT: Sorry, what was your point of order? I thought that I ruled on that by asking them to move on.

Nick McGowan: On a point of order, Deputy President, it is a long-held convention and tradition in this place that certainly for workplace practice reasons, and certainly when it comes to workplace safety, there is usually a supper at midnight. This has long been the case in this place. I would call upon you now to take that into consideration, notwithstanding that those opposite wish to expedite the process – I appreciate that. But workplace safety is a predominant concern from my perspective and for the staff. It is not just for members of Parliament. It is a long-term convention.

A member: We'll make you a cup of tea.

Nick McGowan: It is not about a cup of tea. You can be as snide and sarcastic as you like, but if you were taking workplace safety seriously, you would agree with me that we should take a 30-minute break for supper, which has always been the practice in this place for a good part of three decades or four decades.

Ingrid STITT: Further to Mr McGowan's point of order, if that was truly people's motive, I would be home under my doona, having taken as many drugs as I could find in the cupboard – so please.

Nick McGowan: Further to the point of order, Deputy President, then we would be only too happy on this side to adjourn until tomorrow.

The DEPUTY PRESIDENT: We no longer have a designated supper break. It is a thing that can be decided by the President. I did ask the minister if she needed a break just a few minutes ago, and she said that she will soldier on. So I think we just press ahead with the committee stage.

Nick McGowan: On a point of order, Deputy President, notwithstanding that your point of order is based on one minister alone and their preparedness, there are many more people to consider in this place, not just that single minister, including the workforce. It is a reasonable request that we take a supper break in the order of 15 to 30 minutes, which has been the long-term custom and tradition in this place. For those opposite to sit there and for some very important ministers to argue otherwise, that we should not be having a break for our own mental health and fitness and to take the opportunity –

Members interjecting.

Nick McGowan: I have been watching you on television, Minister – watching you on television with glee, listening to every question. I will be back later on to ask further questions, but it is a reasonable request I make of this place in respect of workplace safety.

Sonja Terpstra: On the point of order, Deputy President, perhaps, Mr McGowan, if you would like to assist the chamber, could you point to where in the standing orders that it actually says that we need a supper break?

The DEPUTY PRESIDENT: I do not think that that was helpful. There is no-one who has been in this chamber longer than the minister and me and Mrs McArthur and perhaps Ms Crozier.

Sonja Terpstra interjected.

The DEPUTY PRESIDENT: The clerks have been in and out during the evening; they filter through. There are opportunities for people like you, Mr McGowan, or other members who are asking questions to have breaks. You have not been in here all evening, so I think that if those of us who have been in here all evening are willing to push on, we will push on.

Members interjecting.

The DEPUTY PRESIDENT: I have ruled, so no further debate on it, please.

Nick McGowan interjected.

The DEPUTY PRESIDENT: I have ruled on it. Mr McGowan, I have ruled on the supper break. We are not having a supper break.

Nick McGowan: It is a new point of order.

The DEPUTY PRESIDENT: It had better be a new a new topic then, Mr McGowan.

Nick McGowan: On a point of order, Deputy President, further to your remarks, I have been watching this debate from beginning to end in my office, notwithstanding that I have not been

physically here, and the request is not just for me but for the staff who do not have the choice or the luxury of being able to exit and come back in the chamber.

The DEPUTY PRESIDENT: Mr McGowan, you can have a 10-minute break.

Nick McGowan withdrew from chamber.

Evan MULHOLLAND: Minister, Legalise Cannabis received $28,000 in public funding after the 2022 state election, equal to $1500 per candidate. The Animal Justice Party received $80,000 in public funding, equal to $770 per candidate. One Nation received $90,000, equal to $4300 per candidate. Because they received these small contributions, they are now banned from receiving the new entrant double donation cap. How is this imbalance justified?

Ingrid STITT: Thank you for that question; it is good to get a new one. There are particular criteria for whether you qualify as a new entrant, and of course the VEC has a role in assessing any applications from candidates seeking new entrant public funding. You have to have been a new candidate or, if you have run in a previous election, received less than 4 per cent of the primary vote, or be a member of a newly formed political party. But the bill is a total package, so it should be read as a total package. There are obviously public funding levels for elected MPs and registered political parties, and those amounts are set out in the bill.

Evan MULHOLLAND: With the example I just stated, would you not agree that this goes to the very differential treatment that was called out by the High Court?

Ingrid STITT: As I have said on a number of occasions, we have had careful regard to the legal advice that we received in developing the bill. It was important to ensure that new entrants were not disadvantaged, and that is why the new entrant funding is double the general cap in recognition of the fact that they are new entrants. Of course in developing the bill as a package we had careful regard to the High Court decision.

Evan MULHOLLAND: It still seems like it goes exactly to what the High Court took issue with. For a party to receive the public funding to which they are entitled, they must be able to demonstrate that they spent that amount of money on the previous election. How does the government justify the differential burden this requirement places on minor parties in light of the low donation caps, which prevent participants from fundraising?

Ingrid STITT: The bill is a package, and you cannot just cherrypick elements of the bill.

Evan MULHOLLAND: Minister, I am not cherrypicking elements of the bill, because it goes to specific differential burdens. Again, you have set different new entrant funding, you have set this, but in a way, going to the example I said before, parties like Legalise Cannabis and Animal Justice Party and even One Nation are at a massive disadvantage, because they are neither a new entrant or a major political party. Don't you agree that parties caught in the middle that might have members in this place, that might have received a very small amount, are now heavily burdened by the fact that they are tied to low donation amounts?

Ingrid STITT: You are presenting me with a number of opinions that you hold, and I stand by the answer I gave you that as a total package we have considered these matters carefully. We believe we have got the balance right.

Evan MULHOLLAND: Okay. Which element of the bill does the government believe alleviates this differential burden?

Ingrid STITT: Every political participant has the ability to fundraise within the caps that apply to them and also have access to public funding under the bill.

Evan MULHOLLAND: But in the example I used they have a very small amount of public funding, and they also are limited to lower caps to new entrants, which are able to fundraise

significantly more than them. I am still trying to find which element of the bill alleviates this differential burden that is placed on parties like the Legalise Cannabis Party, the One Nation party and the Animal Justice Party.

Ingrid STITT: I would have thought they could speak for themselves, Mr Mulholland. But in relation to your question, asked and answered.

Evan MULHOLLAND: Minister, a candidate who runs as an independent for the first time can receive $15,000 in donations, while a candidate who runs for a minor party like Legalise Cannabis or Animal Justice must share a cap of $7500 after this term or the $5000 before this term with up to 128 candidates, equivalent to $58 per candidate. Why do some candidates get a $15,000 cap while others get effectively a $58 cap?

Ingrid STITT: I have already answered this question.

Evan MULHOLLAND: That was a completely different question.

Ingrid STITT: No, it was not.

The DEPUTY PRESIDENT: I cannot direct her how to answer a question.

Bev McARTHUR: Minister, let us go to third-party campaigners. A community Facebook group spends $11,000 boosting posts criticising a council's planning decisions, naming no candidate. Yes or no: is that a third-party campaigner?

Ingrid STITT: A third-party campaigner captures any person or entity other than a registered political party, candidate, group, elected member or associated entity – are you listening to the answer so I do not have to say 'Asked and answered' 10 times? – that incurs political expenditure in a financial year that exceeds $7500. A third-party campaigner could include a range of large or small activists or public groups or an individual. However, third-party campaigners, like associated entities, will have exemptions whereby if funds received are not used for political expenditure they will not be captured under the definition of a political donation. For example, if a gift is used to fund administrative costs, raising awareness on an issue or political campaigns in other states or nationally, the gift will not be a political donation. The recipient will be responsible for determining how the gift will be used. However, in practice we expect that third-party campaigners will make it clear when receiving a gift as to whether it will be used for political expenditure and therefore whether it will be a political donation. I hope that gives you some clarity around what is considered to be a third-party campaigner.

Bev McARTHUR: Well, no, Minister, it is not clear at all, because a local football club could spend $12,000, for example, opposing a freeway that some candidates support and some oppose. Could they be caught in the third-party campaigner scenario? How would a club know in advance that they could be caught up in this regulation?

Ingrid STITT: It will come down to whether or not it is a political campaign.

Bev McARTHUR: Minister, who is going to decide? The VEC?

Ingrid STITT: Yes.

Bev McARTHUR: So this unelected body is totally responsible for the whole determination of this bill, in effect. You have told the committee the VEC will decide. It will determine what is administrative. It will police the cap. It will judge what is political. But the VEC did not write this bill, you did. So I will ask you – not the VEC, I will ask you; I repeat, not the VEC: is there a single question about your own bill that you are prepared to answer in this chamber today, or is the VEC going to govern Victoria while you simply hand them the bill?

Ingrid STITT: That is another one of your speeches, Mrs McArthur. It has got nothing to do with the bill before us. It is a ridiculous question. I do think you are reflecting on the VEC, who are an independent organisation. I will just leave it at that, unless you want to ask me a serious question. I

have been answering questions since 6 pm, so to suggest that somehow I have not been forthcoming and answering your questions in relation to this bill is pretty rich. Perhaps you ought to think more carefully about how you construct your questions so that they relate to something in the bill.

Bev McARTHUR: Minister, I think that is quite insulting. We are here to try and explore the bill in its entirety, having had it for about 24 hours, and you are refusing to answer most of the questions. We are really trying to explore what is a third party, what is a designated entity, what is a cap –

Ingrid STITT: On a point of order, Deputy President, I think it is uncalled for, for Mrs McArthur to suggest that I have not been answering questions. She might not like the way in which I have answered them, but I have been answering questions and also pointing out when they are questions that I have already answered. I would ask you to ask her to come back to the bill.

The DEPUTY PRESIDENT: Mrs McArthur, come back to the bill.

Bev McARTHUR: I will. This goes to pages 20 to 22 in the bill. A church spends $20,000 advertising its position on assisted dying, an issue candidates are debating. Is the church a third-party campaigner, and does the answer change if it names a candidate?

Ingrid STITT: I was answering questions about this matter earlier today, Mrs McArthur. I have answered it. It is all contained in the bill, with respect to whether or not it constitutes political campaigning. But it has been asked and answered.

Bev McARTHUR: Minister, these are very important examples that go to exactly how this bill operates. So many people, individuals, groups will be caught up in this. A union, for example, might spend $500,000 attacking one party's industrial relations policy. Is that a third-party campaign, an associated entity or both? If it is an associated entity, does it escape the third-party regime entirely?

Ingrid STITT: Aside from being asked and answered earlier, you are just making up hypothetical questions now without any clarity around what it is you are actually asking.

Bev McARTHUR: Minister, these are worked examples of where this whole bill could fall down. Given that third-party campaigners could be any group and could end up in jail with criminal offences worse than if they attempted to murder somebody or rape somebody or whatever, we want to make sure exactly what is a third-party campaign. How are we going to define third-party campaigns?

Sonja Terpstra: On a point of order, Deputy President, I have been listening to the questions that Mrs McArthur has been asking. It is the same question just with a different organisation or entity inserted, whether it is a church, a football club or a union. It is the same question where the minister has referred to her answer earlier and consistently has said she has answered the question, and it is tedious and repetitious. I would suggest that if Mrs McArthur does not have any further questions to ask she should move on to a new line of questioning. This is tedious and repetitious, and it is abuse of the committee process.

The DEPUTY PRESIDENT: I was of the opinion that the minister was getting some advice from the box. Is that right?

Ingrid STITT: I was just going for a wander actually.

The DEPUTY PRESIDENT: Okay. All right. Sorry, I thought you had gone to the box. Mrs McArthur, I do not think that we are going to get any further with this line of questioning, so I think we should perhaps move on to a new question.

Bev McARTHUR: It is extremely hard to get definitions of how we are going to determine what a third-party campaigner or campaign is if we do not give examples to the house here, because all these entities could get caught up in it. A publisher might run editorials and paid content favouring one side – is the media commentary political expenditure? Where is the line between journalism and a regulated campaign, and who draws it? Is the media going to be caught up in this, Minister?

Harriet Shing: On a point of order, Deputy President, we did cover this in really granular detail for about 50 minutes at about 7 pm this evening. We have been in this almost race-track circuit of questions that appear to be put, then put down, then come back to a hypothetical set of practical examples and are then put down again. I am not sure which ChatGPT or equivalent AI program is spewing out hundreds of pages of questions for you, but you might want to see if it can program some new material, because again, these questions have been asked so many times and answered so many times, and we are not getting anywhere by way of new material, as the Deputy President has repeatedly ruled.

The DEPUTY PRESIDENT: Mrs McArthur, I did ask you to move on, and I think we got a question on the same subject. Perhaps we will go to Dr Heath.

Renee HEATH: Minister, my question is about the new section 227(3) around the 4 per cent threshold. Why is the funding threshold 4 per cent for election to Parliament?

Ingrid STITT: Are you referring to the new entrant provisions, Dr Heath?

Renee HEATH: New section 227(3).

Ingrid STITT: The 4 per cent threshold is a commonly used figure. It is also used in other jurisdictions.

Renee HEATH: Can you explain more, though? Why is it a 4 per cent threshold?

Ingrid STITT: It has been in place since 2018, Dr Heath.

Renee HEATH: Actually I will go with an application of this. Minister, Melissa Lowe received 8851 first preference votes in Hawthorn in 2022 – above 4 per cent. Under this section, does that produce a theoretical public funding entitlement of about $66,028 before the expenditure cap and audit proof?

Ingrid STITT: I am not going to answer hypotheticals, Dr Heath, but there are requirements for new entrants to make application to the VEC, and the VEC will determine that application. The provisions that pertain to new entrants are clearly spelt out in the bill.

Renee HEATH: We are asking these questions because it is about the application of these proposed laws and what it means to the state of Victoria. There is another one: Kate Lardner received 9432 first preference votes in Mornington in 2022. That, again, is above the threshold. Would that produce a theoretical entitlement of about $70,000, subject to proof of expenditure?

Ingrid STITT: I am not going to be answering your hypothetical case studies.

Bev McArthur: Minister, hypotheticals are actually very important, because it is quite clear from your answers that the government has not fully considered the application of the bill. The only way we can demonstrate –

Lizzie Blandthorn: On a point of order, Deputy President, it is very clear in *Rulings from the Chair* that the committee stage is not an opportunity to further the second-reading debate, and that is what Mrs McArthur is doing right now. She either asks the question or she passes the call to someone else.

The DEPUTY PRESIDENT: Members are able to make a statement during the committee stage, so I do not uphold the point of order.

Bev McArthur: Minister, we have rushed this bill through the chamber. We were not entitled to a briefing. We have had 24 hours to deal with this.

Lizzie Blandthorn: On a point of order, Deputy President, I refer to:

> **Clause 1 debate not a continuation of second reading**
>
> Consideration of the purposes clause (typically clause 1) is not an opportunity to continue the second reading debate. While there is some latitude to canvass general matters, debate should be focused on the detail of the bill.

Several deputy presidents before you, Deputy President, have made that ruling.

The DEPUTY PRESIDENT: I understand that, but members are able to make a statement in framing their question. If we can just let Mrs McArthur get to her question, that would be good.

Bev McARTHUR: Thank you to everybody who has wanted to interject in this. Minister, can a church provide an affiliation fee?

Ingrid STITT: Asked and answered.

Members interjecting.

The DEPUTY PRESIDENT: I did not hear the minister's answer either for all the chatter on the benches. Minister, if you could repeat that answer, please.

Ingrid STITT: My answer was: asked and answered.

Bev McARTHUR: With great respect, Minister, I do not believe you did answer the question whether a church could provide an affiliation fee. Please point me to where you answered the question about that specific example.

Ingrid STITT: I have given extensive answers in relation to associated entities.

Renee HEATH: Just further to my line of questioning before, Minister, is the entitlement for an independent candidate capped by actual political and electoral expenditure incurred, even where the voter-based entitlement is higher?

The DEPUTY PRESIDENT: Did you hear that, Minister? Could you repeat it a little bit louder? We could not hear it over here.

Renee HEATH: Is the entitlement for an independent candidate capped by actual political and electoral expenditure incurred, even where the voter-based entitlement is higher?

The DEPUTY PRESIDENT: Can we have some quiet in the chamber? Dr Heath, could you repeat that again, because it is really hard to hear you.

Renee HEATH: Is the entitlement for an independent candidate capped by actual political and electoral expenditure incurred, even when the voter-based entitlement is higher?

The DEPUTY PRESIDENT: Sorry, Dr Heath, can you explain what you mean?

Renee HEATH: If, for instance, a Teal independent's voter entitlement is $70,000 but audited expenditure is $50,000, does the candidate receive $50,000? If the candidate spends $120,000, does the candidate receive only the vote-based amount?

Ingrid STITT: I am sorry, Dr Heath, your question makes absolutely no sense. What I would say is that any political candidate would need to ensure they were complying with the legislation.

Evan MULHOLLAND: Just going on to a different strand of questions, the minister said earlier that the definition of an affiliation fee was included in the definition of a gift. I refer you to the definition of a gift referred to on pages 13 and 14 of the bill. Aren't affiliation fees explicitly ruled out in this definition?

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: Again, I refer you to this specific part in paragraph (b)(iv):

> an annual affiliation fee paid to a registered political party by an associated entity …

Paragraph (b) is 'does not include the following'. Isn't it a fact that an affiliation fee cannot be a gift?

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: Does the government acknowledge that the bill as currently drafted fails to rectify the risk identified in several submissions and the final report of the 2023 Electoral Review Expert Panel's inquiry into the Victorian donation laws that fundraising tickets purchased before an event are unlikely to be captured in the definition of a gift used in this bill and are therefore, if the law applied to the latter, not captured in the donation cap?

Ingrid STITT: I went to these questions with Mr Ettershank earlier. Asked and answered.

Sonja Terpstra: On a point of order, Deputy President, again I urge you to please direct the chamber to cease this circular line of questioning. Questions have been asked and answered multiple times in this committee stage. Unless members opposite have any new lines of questioning, we should move on to other clauses of the bill, because this is an abuse of this committee stage.

Nick McGowan: On the point of order, Deputy President, Mr Mulholland is well within his rights to ask questions, and he is genuinely attempting to understand the consequences that flow from this bill. He has put a specific question to the minister, and he is entitled to do so.

Harriet Shing: On the point of order, it might assist, Deputy President, if perhaps we can turn our minds to the fact that members of the opposition are flouting repeated rulings of the Chair as they relate –

The DEPUTY PRESIDENT: I am ready to rule on the point of order.

Harriet Shing: Can I just finish, please, Deputy President?

The DEPUTY PRESIDENT: I am ready to rule on it. There have been a number of questions that have been repetitive, and a number of times I have asked for people to move on. The question that Mr Mulholland has just asked and the one he asked before I have not found repetitive, but we do need to move on to new areas of the bill.

Harriet Shing: On a point of order, Deputy President, might it assist the chamber if we were to table *Hansard* from earlier this evening, which indicates very clearly that the minister has answered questions to Mr Ettershank, to Dr Mansfield, to Mr Mulholland, to Mrs McArthur, to Ms Bath, to Ms Crozier and to Dr Heath already, because, again, these are already on the record.

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

Evan MULHOLLAND: As the Deputy President was saying, my question went to a clarification. I would be very happy for *Hansard* to be tabled where the minister did point out that the definition of an affiliation fee was included in the definition of a gift.

In that specific section it says that a payment does not include the following, and then it says an affiliation fee paid to a registered political party by an associated entity must not be under the definition of a gift. This goes to the very heart of the application of the bill. The minister said something earlier. I attempted to clarify it. The minister said that she had answered it, but what the minister was saying went directly against what is in the actual bill. I think it is fair to seek clarifications on those questions without the minister saying that she has already answered it because she has not.

Ingrid STITT: Well, you might not like it, but it has been answered. You have actually just gone back two questions, because your last question to me was about fundraising and tickets, and I asked and answered that earlier as well.

Evan MULHOLLAND: Minister, is the new entrant benefit only a double donation cap rather than any additional funding?

Ingrid STITT: Asked and answered, Mr Mulholland.

Evan MULHOLLAND: Minister, does the government accept that the new entrant still needs donors while incumbents and parties with elected members may receive public money before or during the term?

Ingrid STITT: The bill has been developed as a package.

Evan MULHOLLAND: Minister, if the West Party is registered as a new entrant, then later found ineligible, will it have to repay donations above the ordinary cap?

Ingrid STITT: You will have to clarify what you mean by 'later deemed ineligible'.

Evan MULHOLLAND: If the new entrant has been deemed ineligible as a new entrant under the act.

Ingrid STITT: You mean by the VEC? That is a question that only the VEC would be able to answer in accordance with the processes that they need to go through when considering a new entrant application.

Evan MULHOLLAND: Minister, a registered political party is not eligible as a new entrant if it has received previous public funding, administrative funding or policy development funding. Does this mean a small party can lose new entrant status after receiving relatively minor support?

Ingrid STITT: I think the additional criteria is if they are a political party that has been registered in the previous 12 months.

Evan MULHOLLAND: Does that mean a party could receive modest policy development funding and then be denied a double cap at the election?

Ingrid STITT: That is a matter that would be determined by the VEC.

Nick McGOWAN: Just to clarify on that point, Minister, would that mean that a party that lapsed in terms of its registration and then re-entered after 12 months in a by-election would therefore be eligible?

Ingrid STITT: I have just got to remember who asked me. It was Mr McGowan. Thanks for your patience. I am going to break my golden rule, because that was a bit of a hypothetical, but essentially it would depend on whether they had already received public funding. But in any event, if the scenario that you have outlined occurred and they wanted to, they would have to apply to the VEC, if they left a political party to become an independent, to clarify and have the VEC confirm whether they were eligible or not. It would depend on the criteria in the bill around what percentage of the primary vote they received at the last election, whether they had received new entrant funding before and so on. So the ultimate answer is the VEC would determine that on a case-by-case basis.

Nick McGOWAN: I thank the minister for her answer. It is welcome, because as much as it is hypothetical, as you rightly say, the court would be looking to the conversation perhaps we are having now, if this is the only conversation we have about this matter, to try and determine. It is funny in politics, the unlikely suddenly occurs, and I can see a scenario where one of two things might occur – one was a member of a party, as we have described, and whether that person would qualify as someone who is new if they left that party or they left after a period of 12 months. I suppose that is two different scenarios. But the scenario I was envisaging was a scenario where a registered political party – and this happens perhaps more commonly – is no longer registered for a period of 12 months and then re-registers as the same party. Would they be eligible as a new entrant?

Ingrid STITT: That would depend on a number of things, including how long the party had been registered, but they cannot re-register for a period of 10 years. The act restricts re-registration.

Nick McGOWAN: My mind went there too. We have seen this a little bit in Australia at least; I cannot recall the last time in Victoria. But it is not unusual for parties to re-register as separate and new parties, notwithstanding the members may be the same. I do not have further questions on this, but would that party as a new party – which qualifies, notwithstanding it is some 12 months and one day after the previous registration, though it is a new party name, but it could contain the same members and structure and so forth – and those members nonetheless still qualify as a new entrant under this legislation?

Ingrid STITT: I have already answered in relation to the restrictions that would apply for any attempt to re-register. But if you are talking about a new party, then they would have to go through the processes required, and then, again, if they wanted new entrant funding, they would have to apply and the VEC would determine whether they were eligible or not.

Nick McGOWAN: I thank the minister for that answer, because I think that does perhaps illuminate it for the courts. I do not want to verbal the minister, but it sounded like, should they meet those criteria the minister just outlined for the house, that new party may well be considered a new entrant, notwithstanding it has to go through the VEC and other processes. Would that be a fair summation, Minister?

Ingrid STITT: Again, I am loath to step into the shoes of the VEC. They will ultimately determine these matters for each case by case or for individuals and parties as to whether they are eligible for new entrant funding.

Nick McGOWAN: I can well appreciate the minister would be loath, as would I, particularly given the record of the VEC in this state, to go into their shoes – or sandals or flip-flops, I think they wear. But if they are looking at this discussion in a year's time and trying to look for guidance, they may not be very satisfied with the last answer, because they might have sought that guidance. I am just wondering whether the minister can provide any further guidance, because I took from the previous answer that, if a new entrant party looks very similar if not the same as the previous but is deregistered, then it has gone through a process of re-registering – and this is not an unusual scenario. We have seen similar things happen with the Australian Democrats previously. Family First have gone through several iterations, and the United Australia Party. So it is actually commonplace in Australia. There will be parties who maybe are not the major parties but other parties, minor parties, who will look at this as a prospect of gaming the system, if you like, because they know that the thresholds and the money they perhaps could earn warrants them going through this process. It is important to me that this place is clear about what we think of that and whether that is acceptable and permissible, more to the point, under the new legislation as it is currently drafted.

Ingrid STITT: Mr McGowan, I refer you to my previous answer.

Bev McARTHUR: Minister, how does the bill govern the ability of associated entities and nominated entities to make loans to registered political parties?

Ingrid STITT: We have gone to this at great length. It has been asked and answered.

Bev McARTHUR: Minister, does the bill restrict how parties may use loans?

Ingrid STITT: Asked and answered.

Bev McARTHUR: We will keep going here because I cannot recall your answer in these matters. Does the bill restrict how parties may repay loans?

Ingrid STITT: It does not change any of these matters. But are you referring to public funding or something else in the bill?

Bev McARTHUR: It goes to associated entities – loans from them. If they have given a loan to a political party, how does the bill restrict that repayment?

Ingrid STITT: The bill does not change these matters at all. They have been in the act.

Bev McARTHUR: So is it the case that there is nothing in the bill which would prevent a registered political party borrowing money and placing the funds from that loan into their state campaign account, and then repaying those loans using administrative funds?

Ingrid STITT: We have been through this at great length, Mrs McArthur, and I am not going to repeat the very long and detailed answers that I gave earlier about associated entities and how the bill operates in respect to them.

Evan MULHOLLAND: Minister, I understand that you gave very long and detailed answers about associated entities, but it is not correct that you gave answers on the mechanics of the loans and whether the bill restricts the use of these loans, and if the bill even restricts how parties may repay those particular loans. What we want to ascertain, which has not been answered, is: does the bill itself restrict how parties might repay loans to associated entities?

Ingrid STITT: No. And these matters are not changing.

Evan MULHOLLAND: Under the act, would interest-free loans be considered a gift?

Ingrid STITT: The advice I have, Mr Mulholland, is that this is a matter that ultimately would be for the VEC to determine. It would depend on the character of the loan. Again, I am loath to get into your hypotheticals, because the VEC, as you know, has a role to play in determining these matters ultimately.

Evan MULHOLLAND: Minister, the bill is creating laws under which guidance is created for the VEC. How can the VEC know how to apply this bill if you do not?

Ingrid STITT: I reject the premise of that question.

Evan MULHOLLAND: Minister, can you explain at least what you mean by 'the character of the loan'?

Ingrid STITT: You gave me a hypothetical scenario which talked about an interest-free loan. The advice that I have is that ultimately this would be a matter for the VEC to determine as to whether this would be considered a gift.

Evan MULHOLLAND: Minister, the VEC administers the law. The government creates the law. All we are asking is for the government to clarify how a loan would work. How would the VEC make the determination if the government does not even know the answer to our question? Would loans provided below market rate be considered a gift?

Ingrid STITT: I have already gone through the details of what monitoring and enforcement activities and powers the VEC has. It is not appropriate for me to answer these hypothetical questions.

Evan MULHOLLAND: Minister, is it the case that the government are unable to point to any provision in the bill which characterises an interest-free loan as a gift?

Ingrid STITT: I reject the premise of that question.

Evan MULHOLLAND: What I am getting to, Minister, is that an associated entity could provide a loan to a registered political party. If a loan were to be given from an associated entity, how would we know the purpose of that loan in its use by a registered political party between administration funding and state campaign funding?

Ingrid STITT: Again, Mr Mulholland, the definition of a gift is in new section 206 of the bill. You are giving me hypothetical scenarios, and the guidance would have to be sought from the VEC.

Evan MULHOLLAND: Minister, you are saying guidance would have to be sought from the VEC, but both the minister and the bill are silent as to how this particular example would be treated, which seems to create a differential burden that advantages one party that has an associated entity that affiliates to it. Does this not create a differential burden?

Ingrid STITT: No, I reject that assertion. We have gone through these matters previously in the committee stage, and I am not about to go into them again ad nauseam.

Evan MULHOLLAND: Minister, it is also the case that the government cannot point to any provision which would prevent a party from taking out a loan, using that money to incur political expenditure and then repaying that loan from funds other than the donation and public funding. Isn't it the case that the repayment of the loan could come from a different account to the stated purpose of the loan itself?

Ingrid STITT: I have already gone to these matters when we talked at length about the provisions around associated entities and the division between what are considered political campaigns and what are considered administrative costs. I have been asked and answered them, and all you are seeking to do is to conflate and muddy the waters. Mr Mulholland, these questions are not genuine questions from you. We need to move on and deal with other clauses in the bill.

Nick McGOWAN: If it may assist, Minister, I think I understand where Mr Mulholland is trying to go, and I do not think he is trying to ask the same question a number of times. I think he is genuinely concerned perhaps that, in the absence of any guidance either in the bill itself or in the discourse through the committee stage, the VEC will be directionless, which actually is their preferred state of affairs. Nonetheless, we would prefer they not be directionless; we would prefer to have the direction from the government in terms of what the government intended, because in addition to the matters that Mr Mulholland raises there is the aspect that, should an entity provide a loan to a party, that party therefore is able to claim, as part of the administration of that loan, the administrative costs. It also speaks to the definition of what is claimable in respect of the administration costs. Would it be that in administering those affairs – that is, the loan – they could legitimately claim those as well?

Ingrid STITT: We have already covered in great length the definitions around political expenditure and the differences with administrative costs.

Nick McGOWAN: I thank the minister for answering, and I was observing throughout the evening the answers to those questions. I have some more actually, because there were some questions that were not answered. I have watched and listened to them all, and no-one asked the question I just asked. I know you would prefer to refer to the answers given previously. No-one has asked that question, and I am not sure it provides any guidance to anyone that there is no answer now. I will put the question again whether those costs are claimable administrative activities for the purposes of the act.

Ingrid STITT: I have already taken the chamber through what is claimable administrative expenditure at great length earlier, more than once actually.

Nick McGOWAN: Minister, your answer seems to repeat the last one, and I think I indicated just now that that was not an answer; it is just a reiteration of previous discussions, including with member McArthur. I was listening to member McArthur's questioning at that time, so I recall it with some detail. I will try this last time, then I will move on to other questions. But I do think it is important, both the line of questioning that Mr Mulholland was pursuing and the line that I have taken, in terms of whether these are claimable administrative activities. While there is a list here in terms of the definitions and the aspects that are covered, specific details like this are not. Mr Mulholland points out rightly that advantage could be drawn from one party over another by these matters, and if they are able to make sizeable claims in respect of administrative activities of this nature, then that does make a significant difference and a disadvantage or an advantage to one party or another.

Ingrid STITT: Asked and answered.

Evan MULHOLLAND: This is not a specific question on associated entities. But does the minister understand that there are types of expenditure relating to a campaign that are not required to be paid from their state campaign account?

Ingrid STITT: We have gone through those matters at great length this evening as well. Yes, I do understand.

Evan MULHOLLAND: So you do understand; that is quite important that you do understand that there are types of expenditure relating to a campaign that are not required to be paid from a campaign account, because it goes directly to the associated entity and affiliation. That does create, I think and believe strongly, a differential burden that advantages one political party in relation to expenditure. It is a fact, as the minister said, as I believe as well, that there are different types of expenditure that are not required to be paid from the state campaign account. Given you acknowledge that, don't you also agree that one party having an associated entity that is affiliated to it – just one – creates a differential burden?

Ingrid STITT: I have been asked this, and I have answered it. We have been over these matters repeatedly.

Nick McGowan: On a point of order, Deputy President, I would like to put to you a previous ruling of President Atkinson, to be specific, on 6 April 2011, *Hansard*, volume 496, pages 873 to 874. I would like your consideration of this, perhaps in consultation with the President himself. The President there made a ruling that in the case of a late-night or extended sitting there would be an interruption to proceedings and that that interruption would be at 11:30 pm. We are well past that point here. That would allow staff and members a break. I would ask for your guidance in respect to whether that ruling of this house still stands or whether a new ruling should be made, and I appreciate that it may have to be made by the President. I will repeat those details just to assist: 6 April 2011, *Hansard*, volume 496, pages 873 to 874, President Atkinson.

Michael Galea: On the point of order, Deputy President, the member Mr McGowan is now openly defying your previous ruling from about an hour ago.

The DEPUTY PRESIDENT: We are just considering the example he has given. There are a number of things to do with this. This ruling goes back to 2011, when we had different sitting hours and different rules which do not apply now. But it also says 'after a series of late nights', not just one late night, and we have not had a series of late nights this week. This is our first late night. The ruling is that after a series of late nights we can have a break, but it still precedes the sitting hours and the rulings that we have in place now.

Evan MULHOLLAND: I just want to go to the questions we were going to before. Given that you have accepted there are types of expenditure relating to a campaign that are not required to be paid by the state campaign account, do you accept that it is also similarly the case that funds outside of the state campaign account can be used for purposes other than the expenditure that can be included in a statement of administrative expenditure?

Ingrid STITT: I have already gone to the different types of expenditure under the act, and they all have to be accounted for.

Evan MULHOLLAND: Minister, you said they all have to be accounted for, but you have also said that you are of the understanding that there are types of expenditure related to a campaign that are not required to be paid from that state campaign account. It is not making sense to me.

Tom McIntosh: ChatGPT is not making sense of it.

Evan MULHOLLAND: No, it is not making sense to me that the minister can say one thing and another thing and say that it has to be accounted for. Under what order does that have to be accounted for?

Ingrid STITT: These are not new matters, Mr Mulholland. I have already acknowledged that there are different types of expenditure under the act. I think that you would agree, I am sure, with that, that they all have to be accounted for, and there are different types and different accounts. This is well settled. It is not anything different to what it was previously.

Evan MULHOLLAND: Given the minister understands there are types of expenditure relating to the campaign that are not required to be paid from a state campaign account, do you accept that funds outside of the state campaign account can be used to pay for polling and research?

Ingrid STITT: I have already taken you through, in great length, what is claimable against different elements of the bill. It has been asked and answered.

Nick McGOWAN: Just to recap here, because I was listening to member McArthur's question some time ago and I was keen to understand, because I do not think the answer was given then – I know it was not: how did you determine the rates at which political parties will be reimbursed for their political expenditure?

Ingrid STITT: I am sorry, I missed that.

Nick McGOWAN: Sorry. How did you determine or the government determine the rates at which political parties will be reimbursed for their political expenditure?

Ingrid STITT: Mr McGowan, I think I have answered this on multiple occasions as well. The bill before you is a package that has been considered carefully, but your question does not actually make sense.

Evan MULHOLLAND: Minister, I want to go to my question that I asked before about funds outside of the campaign account and the example in which we believe that can be used to pay for polling and research. The legal position –

Ingrid Stitt: On a point of order, Deputy President, I do not appreciate Mr Mulholland presenting things as I have said and verballing me. If you want to put a question to me, put a question but do not seek to quote me and particularly not inaccurately.

The DEPUTY PRESIDENT: Mr Mulholland, if you can just restrain from verballing the minister and just ask the question.

Evan MULHOLLAND: It is important to ask these questions because the legal position is the old part 12, which never applied, so these are new concepts. It is therefore important to seek clarification on the kinds of things that can be spent outside of campaign accounts that in fact, as *Hansard* will show, the minister suggested. There are different types of expenditure that might go towards a campaign that are not paid by the state campaign account. I would refer to *Hansard* rather than verbal the minister. Minister, do you understand that we are not talking about claimable expenditure, we are talking about the right of parties to expend and not the right of parties to seek reimbursement?

Ingrid STITT: Mr Mulholland, this regime has been in place since 2018, and this matter has been asked and answered.

Georgie CROZIER: Minister, can I just refer you to the area in the bill – I raised it earlier – around the meaning of 'gift'. It talks about a number of areas, but it does not include:

> an annual affiliation fee paid to a registered political party by an associate entity;
>
> an annual levy paid to a registered political party by –
>
> > an elected member or a member of staff of an elected member (including an electoral officer); or
> >
> > an employee or elected official of the registered political party …

Minister, I understand that your ministerial staff are obliged to pay a proportion of their salary as a levy, but it is not a donation. The levy is not captured as a donation – that is correct under this law? Am I reading that correctly? I am just wondering how many –

Lizzie Blandthorn: On a point of order, Deputy President, this question was absolutely asked maybe an hour or so ago, maybe two now, when I first came into the chamber for some chamber duty. It is being asked again, and I would refer you, Deputy President, to the *Rulings from the Chair* that say that this is not an opportunity for either relitigating the second-reading debate or indeed repetitious questions. I note that you did not earlier uphold my point of order, Deputy President, but I would suggest that in not upholding my point of order you are in fact defying a ruling from the Chair from 13 September 2006, when a minister had raised a point of order in relation to Mr Davis to limit his questions and comments to the purpose clause:

> It is not another second-reading speech and unless they facilitate the expeditious movement through the bill before the committee I ask him to keep them to the purpose clause and we will address the issues that he has indicated he wants to raise in more detail later on …

I can keep quoting from *Hansard* in 2005 and again in 2011, where various deputy presidents in the committee of the whole have ensured that, one, the second-reading debate is not relitigated through the stage of committee of the whole and that it is not repetitious.

Georgie Crozier: On the point of order, Deputy President, I do not think Minister Blandthorn has any idea what she is talking about. I am not reprosecuting a second-reading speech. You were not in the chamber.

Lizzie Blandthorn: It is here in *Hansard*.

Georgie Crozier: No. Excuse me, Deputy President, through you. Through the Chair.

The DEPUTY PRESIDENT: Yes, Ms Crozier has the call.

Georgie CROZIER: This line of questioning has not been asked. I am talking about –

Lizzie Blandthorn: I was sitting with her, and it has.

The DEPUTY PRESIDENT: I have been sitting here all night, and I believe that Ms Crozier's question was going to a completely different point to what has been asked on the gift definition before. I would ask Ms Crozier to complete her question, and then we can see if it is the same as what has been asked before.

Georgie CROZIER: I referenced the point that I said previously to give context around this new line of questioning. Ministerial staff are obliged to pay a levy. I want to understand why that is not captured as a donation. I understand that the Labor Party is structured a bit differently, but given those ministerial staff are obliged to pay that levy, how is that different from a donation?

Ingrid STITT: Aside from the fact that this has nothing to do with the bill, I have answered this question. I have a strong recollection that we went over this ground in some detail, and I know that many of my colleagues agree. Asked and answered.

Georgie CROZIER: For the *Hansard* record, the minister is waving her hand around furiously. I do not believe this has been answered. Minister, how many ministerial staff do you have then, and how many of those ministerial staff pay a levy?

The DEPUTY PRESIDENT: Ms Crozier, I do not think the number of ministerial staff actually goes to the heart of this bill. Can we come back to the substance of the bill?

Georgie CROZIER: It is important. This is an important part of what we are doing here in relation to this bill. Ministerial staff pay a levy. How is that different to a donation? That is my question.

The DEPUTY PRESIDENT: I think that is a fair question.

Ingrid STITT: I have been asked this question, and it has been answered.

Georgie CROZIER: You have not. Excuse me, Minister. For the sake of clarity, Deputy President, I have been sitting in here for 6½, nearly 7 hours – not as long as you, Minister.

Members interjecting.

Georgie CROZIER: I have been. I have been out for the last half an hour.

Members interjecting.

The DEPUTY PRESIDENT: I do not think we need to debate whether people have been in the chamber all the time. If we can just have Ms Crozier finish what she was saying without assistance so that it does not get into a squabble across the chamber.

Georgie CROZIER: I do not believe that this question has been asked or answered around ministerial staff being obliged to pay a levy and how that is not different from one of my staffers paying the Liberal Party a donation. Maybe I will rephrase it that way. Could the minister explain the difference?

Ingrid STITT: Ms Crozier, this has been asked of me, and the answer I gave a few hours back was that this is not in the scope of the bill.

Georgie CROZIER: No-one asked this.

Ingrid STITT: Well, I am sorry if you missed it, but I got asked it.

Georgie CROZIER: Well, if you cannot tell me who asked it, I do not believe you did.

The DEPUTY PRESIDENT: Next question, please.

Ingrid STITT: I think it got ruled out because it had nothing to do with the bill.

Georgie CROZIER: It does. It is here, page 11 of the memorandum – 'an annual levy paid to a registered political party by an elected member, the elected member's staff (including an electoral officer) or an employee or elected official of the registered political party'. That is what I am talking about. This talks about affiliation fees, levies and gifts and other things, and I am trying to get to the issue around that donation. But you will not provide an answer, and I find that extraordinary given what we are trying to prosecute here.

I am going to start again on another area. I will take up Mr Mulholland's message to me – and he is quite right.

Members interjecting.

Georgie CROZIER: No, it is not ChatGPT, Mr Tarlamis. You are just ridiculous with the way you keep doing this. This bill is about integrity and transparency. You have said this. How on earth, if ministerial staff are being paid a levy, is that –

Lizzie Blandthorn: On a point of order, Deputy President, I just wanted to pick up on Ms Crozier's comment then, because it is important that we are factual, and there has been a lot of talk in here tonight about whether or not the opposition might be using AI to indeed further their questions. To test it I just put a little search into ChatGPT – well, one of the AI channels – and it says, 'I can help you prepare a thorough set of scrutiny questions for committee of the whole, but I cannot assist with strategies to obstruct.' Then it goes through 10 sets of questions – limbs as Mr Mulholland has been calling them.

Members interjecting.

Lizzie Blandthorn: Definitions and scope, donation caps and thresholds –

Members interjecting.

The DEPUTY PRESIDENT: Order! Order! Minister Blandthorn, sit down. Sit down and desist. This is not a point of order. You are debating and you are actually enticing the opposition to attack you. If we can please desist from this and get back to asking sensible questions.

Lizzie Blandthorn: Not AI questions.

The DEPUTY PRESIDENT: Well, they are not –

Lizzie Blandthorn: They are.

The DEPUTY PRESIDENT: They have said they are not AI. You are the one that has searched AI for questions, not the opposition. Can we please get back –

Members interjecting.

The DEPUTY PRESIDENT: Order! Can we have some quiet from the government benches to allow the committee process to progress? The committee process is a very important part of this bill. We know this will be going to the High Court, and we know that the judiciary will be looking at what has happened in committee. It will be looking at the answers that have been given in committee to interpret the government's intention of the bill, and I do not think that this has been a very edifying example of committee – of the interpretation of the legislation being actually put on record. I do not think the judiciary is going to be very impressed with this chamber's performance tonight, so can we please have some decorum from now on.

Georgie CROZIER: Thank you very much, Deputy President, and I could not agree with you more, because this is an important part of our process. Minister, what mechanism is there to determine the difference between a levy and a donation?

Ingrid STITT: The definitions are contained in the bill, Ms Crozier.

Georgie CROZIER: Minister, I would like you to explain to the committee what that mechanism is.

Ingrid STITT: The definitions are clearly outlined in the bill, and we have gone through this a number of times, Ms Crozier. I need to ask the Deputy President if I can take a comfort break.

The DEPUTY PRESIDENT: We will just have a 5-minute comfort break.

Sitting suspended 1:33 am until 1:40 am.

Georgie CROZIER: I am still not satisfied with the minister's answer given it is in the legislation, it talks about electoral staff and elected members and it is a fact that the Labor Party oblige their ministerial staff and other staffers to provide a levy and there are clear definitions of a levy and a donation. That is all I was asking for. But I want to go on. If a sporting club, Minister, donates to my campaign $1000 and donates to your campaign $1000 and a union provides the Labor Party campaign with an affiliated fee – maybe this is going slightly over old ground.

Ingrid STITT: Sorry, I just need you to repeat the element of this question.

Georgie CROZIER: I am saying: if a sporting club is donating money and a union is providing an affiliated fee, why are those two bodies not equal given the High Court determined that the legislation be knocked out because of that very differentiation point? I think that is possibly the crux of why we are here so late. It is because we cannot get that differentiation point. The unions have an affiliated fee, but an organisation like a football club does not. They provide a donation, and there is the difference. I understand that they are structured very differently, but the sporting club can only do the cap; the union cannot. Why is it so different between these organisations?

Ryan Batchelor: On a point of order, Deputy President, I think Ms Crozier gave it away in the question when she said, 'I think I may be going over old ground.' The questioning is tedious and repetitive, and Ms Crozier admitted it in the question itself.

Richard Welch: Just further to the point of order, Deputy President, it may be in the vicinity of previous questions, but the question has been clearly rephrased to bring further clarity to the question, which provides new context.

The DEPUTY PRESIDENT: I think that Mr Welch is correct. I will allow Ms Crozier to continue, but I do caution people about repetitive questions.

Georgie CROZIER: If we can get a clear answer, I think that would solve it. Minister, what is the definition of an affiliation fee which means that the unions can pay that fee but no other Victorian can? In the example that I gave of the sporting club, they cannot; they are capped, whereas the union affiliation fee is not. Could you provide that definition and put that into some context around the difference here between the two different groups of Victorians?

Ingrid STITT: It is a bit disingenuous of you to say that this has not been explained. It has been the subject of extensive questioning, and I have given fulsome answers this evening about associated entities and affiliation fees and how they can only be used for administrative funding. I have attempted to get through to you the difference between that and the donation provisions in the bill. It has been asked, Ms Crozier. It has been fully answered.

Georgie CROZIER: For the record, the minister may have answered the question in her terms, but I do not believe, on behalf of the Victorian people, she has actually provided a fulsome answer.

The DEPUTY PRESIDENT: I cannot direct the minister how to answer a question.

Nick McGOWAN: Just referencing the explanatory memorandum, I just want to go through this because it relates to the question I am going to ask. It says on page 7:

> ***claimable administrative expenditure*** – this is defined to mean expenditure for administrative expenses as determined by the Commission, subject to the following –

Ingrid STITT: I am sorry, I did not hear that properly.

Nick McGOWAN: That is okay. This is obviously from the explanatory memorandum, and I will go through this because it relates to the question I want to ask. Just so it is clear for the record:

> ***claimable administrative expenditure*** – this is defined to mean expenditure for administrative expenses as determined by the Commission, subject to the following –

There are the following dot points, and I will read them:

> the following expenditure is included –
>
> - expenditure for the administration or management of the activities of a registered political party –

Ingrid Stitt: On a point of order, Deputy President, I admire your research skills, Mr McGowan, but if you go back over *Hansard*, I have literally gone through that list already on more than one occasion.

The DEPUTY PRESIDENT: What was the list you were asking for?

Nick McGOWAN: I have not asked a question yet; I am explaining. I understand what the minister is saying, but it relates to the question. It is important I cover this, otherwise it might not make sense. So:

> - expenditure for the administration or management of the activities of a registered political party or an independent elected member;
> - expenditure for conferences, seminars, meetings or similar functions at which the policies of a registered political party or an independent elected member are discussed or formulated;

- expenditure in respect of the audit of the financial accounts of, or claims for payment or disclosures under the Act of, a registered political party or an independent elected member;
- expenditure on the remuneration of staff engaged in the matters referred to in subparagraphs (i) to (iii) for the registered political party or independent elected member to the extent that that expenditure relates to the time that the staff are engaged in those matters;
- expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in subparagraphs (i) to (iii) for the registered political party –

I am almost finished, Minister. I have almost got there –

> or independent elected member to the extent that the expenditure relates to the use of the equipment or vehicles by the staff whilst engaged in those matters …

And the last one:

- expenditure on office accommodation for the staff and equipment referred to in subparagraphs …

and I do not need to go into those. But in the last point:

- expenditure on interest payments on loans …

My question is in respect to the claimable administrative activities, and this helps, certainly, give some vision to the court in respect to this. Having read that, importantly, I think that unless I reflect upon that and make sure we are clear about what it is I am talking about, it is not clear from that list. Does a claimable administrative activity include the distribution of materials like – for example, this could be considered an administrative activity – the delivery of how-to-vote cards?

Ingrid STITT: I have already gone to these issues. I have given exactly the same explanation as you have just repeated, Mr McGowan, on what is claimable administrative expenditure. In answer to other members' questions about these matters I have said that ultimately determinations rest with the VEC. But I have also gone through, on a number of occasions, the definitions around political activity. Again, I am not going to continue to just repeat the same answers to questions that have been put to me. This is very much material that we covered earlier this evening.

Nick McGOWAN: I thank the minister for her answer, and can I also assure her that, as I have said previously, I was listening to member McArthur's questions in regard to this specifically. No-one, including member McArthur, member Mulholland, member Welch, member Crozier or member Heath before, has asked in respect to how-to-vote cards. I asked very specifically about that because I know the VEC are going to have to look at the proceedings of today. It is a serious point, because we all know that how-to-vote cards are perhaps considered one of the most political products you can produce, because in the absence of those, let us face it, many electors may not be sure what they are going to do and how they are going to follow or gain the understanding of what they need to do in order to follow their preferred party or candidate.

That being said, the following paragraph goes on, and I will not read it all, but it does say the following expenditure is not included – and I know you are aware of this, Minister – in political expenditure, and that is what you have just alluded to there in terms of the VEC having to decide. But I would suggest, Minister, that this is a very rudimentary question, because although it could be considered an administrative task, what guidance can the VEC possibly take from this evening if they cannot be given a very clear answer on whether the distribution of those political materials – that is, how-to-vote cards, and in our system it does not get more central than that – is something that is a claimable administrative activity or a political expenditure? Surely guidance from this house or from the government or you, Minister, would assist the VEC.

Ingrid STITT: Thank you for that opinion that you have provided to me, but I have to say, Mr McGowan, that these provisions have applied in the act since 2018. Your contention about how the VEC will know and what guidance they will get from this committee stage – the reality is that these provisions have been applied and the VEC has been overseeing them since 2018.

Nick McGOWAN: I suppose an abundance of caution is needed, given that we find ourselves in this position of having to now resubmit a bill because the last one the High Court found was somewhat lacking. I am being kind because it is early in the morning, but they certainly found that that was the case. So I think it is important, now that we are doing this all over again, that we have distinctions and clarity for the VEC, and not just for the VEC but for the parties – plural – and for the candidates, because it is a very basic concept. The distribution of how-to-vote cards, one might claim, is a highly political expenditure, but under this act, would the staffing related to the distribution of those how-to-vote cards but also the vehicle and the time the vehicle uses to administer – and that is really where the contention is – be claimable administrative activity? Minister, I am not offering you an opinion, I am asking the question: is the distribution of how-to-vote cards a claimable administrative activity under this bill proposed by the government?

Ingrid STITT: I have gone to these matters and already answered that question.

Bev McARTHUR: Minister, is it the case that any payment made to a registered political party outside of the state campaign account by an associated entity is an affiliation fee?

Ingrid STITT: We have already gone to these matters, and I have attempted to explain, Mrs McArthur, how affiliation fees from associated entities can only be used on administrative funding.

Bev McARTHUR: No, you have not explained it. Could you please try again? We just need to know that any payment made to a registered political party outside the state campaign account by an associated entity is an affiliation fee.

Ryan Batchelor: On a point of order, Deputy President, there have been repeated exchanges tonight about the definitions of affiliation fees and gifts, and further questions about them I think are being repetitive.

The DEPUTY PRESIDENT: Mrs McArthur, I think that you do need to ask a different question. Just because you did not like the minister's answer does not allow you to just ask the same question but in a few different words. So, yes, if you have a new question, that would be good.

Bev McARTHUR: I guess if they do not answer the question, they do not answer the question. Minister, is it the case that any payment by an MP or a staff member which is not paid into the state campaign account will be characterised as a levy?

Ingrid STITT: Asked and answered.

Richard WELCH: Minister, Dr Joe Garra received 2712 first preferences in Point Cook in 2022 as an independent. He is now endorsed by the West Party for Western Metropolitan Region. Under this bill, does his previous independent public funding history affect him personally only, or can it affect the West Party's new entrant status?

Ingrid STITT: Obviously there are provisions in the bill and criteria that will be assessed by the VEC about whether candidates or political parties are eligible for new entrant funding, but in the scenario that you have put I have actually gone over this previously and given an explanation about the matters that the VEC takes into consideration when determining whether some one individual or party is eligible for funding.

Richard WELCH: Does that mean that a potential candidate or a potential party would only know their eligibility retrospectively once the VEC has ruled?

Ingrid STITT: That is not what I said. It has got to depend on whether or not the independent candidate or registered party is eligible for new entrant funding in the VEC. Individuals and parties are required to apply to the VEC for new entrant status, and they will determine those matters.

Richard WELCH: I will just explore that one step further, if I may. Yes, the VEC would consider this, but this would only occur post event. So a citizen wanting to enter politics or join with a party or run as an independent would not have clarity about their funding eligibility until after the election. Wouldn't that put them at quite a disadvantage or quite a level of uncertainty?

Ingrid STITT: The premise of your question is incorrect, but I would again point out that there are definitions in the act, and I have gone over this at least half a dozen times.

Nick McGOWAN: Just a question in respect to, and following on further from, Mr Welch's questions: I understand that remuneration of staff costs with administrative duties or roles can be a claimable administrative activity. Does the bill envisage that when volunteers donate their time, those volunteers' time and hours – notwithstanding that they are not actually remunerated – could be claimed as an expense?

Ingrid STITT: That will depend on the nature of the campaigning, whether the activities are considered political activity and whether or not they meet certain thresholds, as to whether they are required to treat those donations, or that time in in-kind donations, as donations that are reportable under the act.

Nick McGOWAN: I appreciate that answer. That is helpful. Is the minister able to share with us those thresholds?

Ingrid STITT: I have already gone over this material. I am not sure if you were here or awake or somewhere else. But I have actually gone to these issues in detail, and I would rely on the answers I have already given.

Nick McGOWAN: I appreciate that, and I would not be wasting your time asking a question that has already been asked, I can assure you of that, because I have written each of these questions as I have listened in my office this evening. That is why I have asked that question, because although there were questions asked around these aspects, although not specifically about non-remunerated volunteers and whether that remuneration or lack of remuneration could be then claimed, as you say rightly, whether it is an administrative task or other – I accept that – all I was asking was, in response to the answer you provided, what those thresholds are. That would give some guidance, certainly to the parties, of what it is you meant by saying that, because it was not provided earlier this evening, I can assure you.

Ingrid STITT: But the fact is I have already gone to these matters – asked and answered.

Lizzie Blandthorn: On a point of order, Deputy President, as you have pointed out, this is a very important debate that may well end up in the consideration of the High Court, and it makes an absolute mockery of it that those opposite continue to pepper the minister with repetitive questions that go to material she has gone through before. We know why they are doing it. I just explained that to the chamber before. It is because they are using AI search engines. And I have again –

The DEPUTY PRESIDENT: Minister Blandthorn!

Lizzie Blandthorn: This time we have put the bill in, and the very questions Dr Heath, Mr Mulholland and Mr McGowan are asking are here.

The DEPUTY PRESIDENT: Minister Blandthorn, 15 minutes.

Lizzie Blandthorn withdrew from chamber.

Bev McARTHUR: Minister, in the Hopper case – the reason why we are here tonight – Justice Steward observed that the nominated entity exception, if anything, enhanced the capacity for political communication, but it was the caps that burdened it. If the High Court's own reasoning identifies the donation caps as the burden on political communication, what is the government's basis for believing a $7500 cap survives that implied freedom?

Ryan Batchelor: On a point of order, Deputy President, I am concerned that Mrs McArthur's question is asking the minister to give a legal opinion and therefore should be ruled out of order.

The DEPUTY PRESIDENT: What was the information you required?

Bev McARTHUR: Do you want me to repeat the question?

The DEPUTY PRESIDENT: Yes, can you repeat the question.

Bev McARTHUR: Justice Steward observed that the nominated entity exception, if anything, enhanced the capacity for political communication, but it was the caps that burdened it. If the High Court's own reasoning identifies the donation caps as the burden on political communication, what is the government's basis for believing a $7500 cap survives that implied freedom?

Ingrid STITT: The way I will choose to answer this is by saying again – and this has come up – that you have to view the bill as a whole package and of course the government has given careful regard to the legal advice that it has sought in developing the bill.

Bev McARTHUR: Minister, the plaintiffs in Hopper won on the argument that the scheme denied a level playing field between candidates. This bill gives advance funding only to parties that contested the last election, section 232, and per-member administrative funding that scales with incumbency, section 235. How does the government say this bill delivers the level playing field the High Court found the last one lacked, rather than recreating the very inequality that was struck down?

Ingrid STITT: As I have indicated, the bill needs to be looked at as a whole. It is a package, and it has been carefully constructed and considered as such.

Bev McARTHUR: Minister, you are obviously happy to leave this whole legislation open to further legal action, because you have not dealt with the issues that the court proceedings were brought about, which is the reason why we are all here.

Ryan Batchelor: On a point of order, Deputy President, I think now the member is canvassing the minister to provide a legal opinion about a possible future court action, and it should be ruled out of order.

The DEPUTY PRESIDENT: I just caution the member on seeking anything that could be a legal opinion.

Bev McARTHUR: We are pretty sure the Labor Party and the Premier got plenty of legal opinions, so we would have thought that this bill would be hole proof.

The DEPUTY PRESIDENT: Mrs McArthur, I do not think that is helpful to the committee.

Bev McARTHUR: Okay. Minister, who looked at this bill as a whole, as you have just referred to it? We have got to take it as a whole instrument. So who looked at it as a whole and gave that opinion?

Ryan Batchelor: On a point of order, Deputy President, the topic of the legal advice the government received on the bill as a whole has been previously canvassed extensively in the course of the committee stage, and I ask that you rule this question out of order for being repetitive.

Nick McGowan: On the point of order, Deputy President, I have a quite extensive list here too of similar questions because that specific question was not asked, as were some other questions in respect to –

Ingrid Stitt: That is nonsense.

Nick McGowan: They were not answered. That is why we are continuing to ask them in different forms. Because if a question is not answered, you cannot help but –

The DEPUTY PRESIDENT: Sorry, Mr McGowan, just because you do not like the answer or do not get the answer that you wanted does not give you licence to continue to ask the same question.

Bev McArthur: No, no. That was not asked. These questions have never been asked.

Ryan Batchelor: Further to the point of order, Deputy President, I think Mr McGowan just admitted that they had asked the questions before, because he said they did not like the answers and that is why they had to ask them again. The only reason you have got to ask them again is you did not like the answers.

The DEPUTY PRESIDENT: Thank you, Mr Batchelor. Mr McGowan did say that about his questions. Mrs McArthur says her question is not in that batch of questions.

Nick McGowan: On a point of order, Deputy President, I just do not want the house being misled about or to mischaracterise the way I have asked the questions. What I said was, in respect to the way I have had to ask questions or others have had to ask questions repeatedly but with different nuances, it was because there was never an answer actually provided.

The DEPUTY PRESIDENT: Mr McGowan, what you actually said was 'that is why we continue to ask them'. You did. You check *Hansard*.

Nick McGowan: That is taken out of context, because I was referring to myself not member McArthur.

The DEPUTY PRESIDENT: I am sorry. You may have misspoken when you said it, but you did say, 'that is why we have to continue to ask them'. I just ask that people do not repeat questions that they have asked before and do not ask questions that require a legal opinion, and perhaps we can move forward.

Evan MULHOLLAND: I have just got a couple of questions, and I am hoping they will be answered, because I am hoping to finish our questions very soon.

Ingrid Stitt: I would love to believe that.

Evan MULHOLLAND: I am a man of my word. Minister, *Hansard* states that you said the bill needs to be considered as a whole package to understand the $7500 threshold. Why was that chosen given the government, through its sources, briefed newspapers that it was going to be a $10,000 threshold the day before introducing the bill?

Harriet Shing: On a point of order, Deputy President – there are a couple of elements to my point of order this evening. Firstly, this has been asked and answered on at least a dozen occasions. Secondly, there is a ruling from President Chamberlain that says that if the source of a document used in debate is an organisation, that organisation should be identified. To that end, the source of the documents and questions being asked tonight is an AI platform, and on that basis, given what we have put into search engines that you keep –

The DEPUTY PRESIDENT: Minister Shing, sit down.

Harriet Shing: throwing into the ether because you have got no sense of your own thinking in relation to this bill because you just do not care. Hundreds of pages –

The DEPUTY PRESIDENT: Minister Shing, 15 minutes. Your point of order is not upheld because –

Harriet Shing: There is a ruling from the President.

The DEPUTY PRESIDENT: You need to leave.

Harriet Shing: I will get someone else to come in.

The DEPUTY PRESIDENT: Well, if we get to the stage that I have to throw out every member of the government for refusing to obey the Chair, I will. I just caution the government whip that he needs to be in control of his members.

Harriet Shing withdrew from chamber.

Evan MULHOLLAND: I am happy to just simply restate my question. I am sure the minister heard it. *Hansard* states that the minister said the bill needs to be considered as a whole package to understand the $7500 threshold. Why was that chosen, given the government briefed newspapers that it was going to be a $10,000 threshold the day before introducing the bill?

Ryan Batchelor: On a point of order, Deputy President, media reports are not part of the bill. Media reports are not part of the purposes of the bill, and I ask you to rule the question out of order.

The DEPUTY PRESIDENT: Mr Mulholland, you are just using this is an example – what was the question? Can I just ask you to please –

Evan MULHOLLAND: I am happy to ask the question for the third time. *Hansard* states that the minister said the bill needs to be considered as a whole package to understand the $7500 threshold. Why was that chosen, given the government briefed newspapers that it was going to be a $10,000 threshold the day before introducing the bill?

The DEPUTY PRESIDENT: I think that is a fair enough question.

Ingrid STITT: We are now getting to the farcical point of this committee stage where the opposition are now quoting answers that I gave to their questions earlier this evening and asking me the same questions by quoting from *Hansard*. This has been asked and answered.

Evan MULHOLLAND: Is it true the Labor Party state secretary, Steve Staikos, was asking the government for a $25,000 cap?

Ryan Batchelor: On a point of order, Deputy President, the minister is not responsible for the actions of the state secretary of the Labor Party and cannot be asked about what the state secretary of the Labor Party has said or done.

The DEPUTY PRESIDENT: I will uphold that point of order. The operations of the Labor Party are outside the scope of the bill.

Evan MULHOLLAND: As a representative of the Premier, did the Premier receive any correspondence or approaches from the Labor Party state secretary asking for a $25,000 cap?

Ingrid STITT: No.

Evan MULHOLLAND: I want to ask a question about the Nepean by-election. Which provisions of the bill allow parties who ran in the Nepean by-election to apply for public funding and empower the VEC to pay that funding?

Ingrid STITT: Mr Mulholland, the relevant section is section 227. This has not changed from the previous act. A candidate would need 4 per cent of first-preference votes, and as soon as we pass this legislation, the public funding can be paid.

Renee HEATH: Minister, my question is in relation to section 233. Why can the VEC waive repayment of overdue advance public funding?

Ingrid STITT: There are some provisions, Dr Heath, in the bill that the VEC will also have discretionary power to waive or enter into a payment-by-instalment plan for overpayments of advance public funding. In deciding whether to exercise this power the VEC may take into account whether the repayment requirement would cause the party or the independent member to suffer serious financial hardship or any other matter that the commission considers relevant.

Renee HEATH: Why must applications for waivers or payment plans be in the form approved by the commission?

Ingrid STITT: Because the amendment contained in the bill gives this as a discretionary power to the VEC. It is, again, a pretty operational-type issue that you are asking about, and ultimately it would be determined on a case-by-case basis by the VEC.

Renee HEATH: This discretionary power, Minister: does that mean that the commission has the ability to demand information that is not specified in the act?

Ingrid STITT: No.

Renee HEATH: And will these decisions of any waivers become public?

Ingrid STITT: I just want to, again, make the point that these are pretty operational issues. The commission would have to act within their powers in exercising this discretion, and technically, I guess, they would be FOI-able.

Renee HEATH: So what limits apply to the discretionary powers of the commission?

Ingrid STITT: I have already given you an answer in respect to the discretionary power to waive or enter into payments by instalment, and it is in that provision – it is spelt out in the provision – with serious financial hardship being the criteria that needs to be considered.

Nick McGOWAN: Just further to Dr Heath's question there, you said no in respect to the information in the form required. On what basis is that? Because if an applicant is required to use the form as specified under the act, the VEC may reasonably ask for simple information like, for example, name, address, contact details et cetera. How is it workable that it does not also include specified information?

Ingrid STITT: It is an operational matter, and there are lots of forms that are required in the legislation.

Nick McGOWAN: I appreciate the answer, Minister, but having worked in a tribunal for eight years, we would often deal with pieces of legislation and regulation from the federal government. It was rare that it was not specified in a form and also the information was not spelt out because of the legal nature of these documents and the fact that leaving it wide open like that leaves it somewhat ambiguous, if that is the intention – I am guessing that is. But it seems highly unusual that the answer to the question, Minister, that Dr Heath asked was that they were not able to ask for certain information, because if they fail to provide the information in the form as specified under the act, they may not then be deemed by the VEC to have complied with lodging a form as specified under the act.

Ingrid STITT: I think we have just kind of flipped over to a parallel universe, because I have given a very clear explanation about the provision that gives the VEC the discretionary power to waive a repayment, and it must be that any form that they design to give effect to the legislation has to basically be consistent with the legislation. They have a lot of experience with operationalising changes to the legislative framework that they operate under, which is no different to any other agency for any other bill that we might pass in this place. Entities and departments and organisations have to operationalise and develop guidelines to implement legislative change all the time.

Renee HEATH: You mentioned the provision that gives discretionary powers, but under new subsection (3)(a) it says:

> whether the requirement to deduct or repay would cause the party or independent candidate to suffer serious financial hardship …

But then underneath it – and this is the part that is very broad – it says:

> (b) any other matter the Commission considers relevant.

Are there limits to this?

Ingrid STITT: This is a very common provision, Dr Heath.

Nick McGOWAN: It is really a question of clarity, because I was listening earlier this evening, and the minister was asked whether she in fact had had discussions with all members. The minister answered in the affirmative. Minister, I am not verballing you here; I listened to it. What I am putting to you is that you have said that the government has consulted with all members. Does that include Mr Somyurek?

Ingrid STITT: Yes, actually.

Evan MULHOLLAND: I was genuinely concerned there for a bit with how long the minister took to seek advice on the Nepean by-election public funding, but I am glad there could be clarity. I am just, for assurity, confirming, Minister, that new section 227 in part 2 has a commencement date of 15 April 2026.

Ingrid STITT: Yes, that is correct.

Evan MULHOLLAND: When did the minister see a final draft of the bill that we are debating today?

Ingrid STITT: Mr Mulholland, I was briefed by the Department of Premier and Cabinet about the bill late last week. Because this is not a bill that I am directly responsible for, that is not unusual when a minister is taking a bill through this chamber for another minister. That is when I received a briefing from the department on the bill that was being prepared for the Parliament.

Evan MULHOLLAND: Can the minister explain why an alternate bill was provided on Monday to the opposition, with the excuse provided that the incorrect version was provided by accident?

Ryan Batchelor: On a point of order, Deputy President, the debate needs to be limited to the purposes of this bill, not possible alternative scenarios of alternative bills that are not before the chamber. I think that, on the basis that the question is about something that is not before the chamber, it is out of order.

The DEPUTY PRESIDENT: I uphold the point of order. You do need to confine your questions to the bill that is before the house.

Evan MULHOLLAND: We have gone to questions of consultation, and my question went to a matter of consultation – consultation of the opposition – and why an alternate bill, a different bill, was provided on Monday to the opposition.

The DEPUTY PRESIDENT: Mr Mulholland, that bill is not before the house. It is the bill that we have before the house that we need to confine our questions to.

Evan MULHOLLAND: In its consultation, was this a deliberate act or due to the fact that the government was still rewriting the bill at the time?

The DEPUTY PRESIDENT: Mr Mulholland, move on. I have made a ruling.

Evan MULHOLLAND: Can expenditure incurred before 15 April be included in a statement of expenditure for the purpose of a public funding claim on the basis that it relates to a by-election after 15 April?

Ingrid STITT: Mr Mulholland, it will be from the 15th, which is when that element of the bill will commence.

Evan MULHOLLAND: Are you confirming that expenditure incurred before 15 April cannot be included in a statement of expenditure for the purposes of a public funding claim?

Ingrid STITT: What I am confirming is that part 2 commences on 15 April.

Evan MULHOLLAND: Does this not prove that the minister did not seek to clarify this in the bill because it did not relate to the Labor Party, because they did not run in the Nepean by-election and therefore it did not affect them?

Ingrid STITT: No, not at all. The bill has been considered as a total package, as I have already stated on a number of occasions. 15 April was the decision the High Court handed down.

Evan MULHOLLAND: So, because the government did not consider the fact that many, or in fact all, other political parties, as this affects the Greens as well, were in the middle of a by-election, now expenditure incurred before 15 April – again, the tail end of a by-election – cannot be included in a statement of expenditure for the purposes of public funding because the government did not think about it, did not take advice on it, did not seem to notice that there was a by-election going on?

Ingrid STITT: I would point out, for your benefit, that the Premier put out a statement that day, and that has been consistent in every single conversation the government has had since then. It is a consequence of the Hopper decision. We always said that the matters would be retrospective to Hopper.

Evan MULHOLLAND: Minister, this is genuinely an important point, and I did not want to ask this many questions. Will expenditure incurred prior to 15 April be able to be included in either an expenditure claim for the Nepean by-election or the general election?

Ingrid STITT: It has been asked, and I have answered it.

Evan MULHOLLAND: For the general election – it has not been answered.

Ingrid STITT: Yes, it has.

The DEPUTY PRESIDENT: I cannot instruct the minister how to answer questions.

Evan MULHOLLAND: Is the government ruling expenditure incurred before 15 April out of general election public funding claims?

Ingrid STITT: Asked and answered.

Bev McARTHUR: Minister, one of the reasons the High Court struck down the last scheme was because it gave the major parties a funding channel through the nominated entity that others could not match. This bill abolishes nominated entities but replaces them with three new exemptions the major parties can use and others cannot – that is, salary levies, union affiliation fees and the associated entity carve-out. Has the government simply swapped one differential advantage for three?

Ingrid STITT: Mrs McArthur, that is a complete misrepresentation of the bill before the house.

Bev McARTHUR: Minister, in Hopper the state did not even defend the offending provision – it conceded that section 222F(3) was invalid. The government has known since April that structural advantages for incumbents do not survive the implied freedom. Why has it written new ones into this bill?

Ingrid STITT: I have already, on a number of occasions, confirmed that the bill before the house today was carefully considered as a package.

Renee HEATH: Minister, how many trade union officials did the minister consult with on this bill?

Ingrid STITT: None. Are you referring to me? None.

Renee HEATH: Were trade union officials consulted on this bill?

Ingrid STITT: No.

Evan MULHOLLAND: I am going to try in a different way, because we have just learned something that is genuinely concerning to me. I am sure it is probably genuinely concerning to my friends in the Greens, to One Nation, to Animal Justice Party and to other parties that ran in the Nepean by-election. Will expenditure incurred before 15 April be able to be used in this coming general election, which is this year, in those funding claims?

Ingrid STITT: It has been asked and answered.

Evan MULHOLLAND: The minister can say it has been asked and answered, but I still do not have a genuine answer. It does sound like the minister is saying anything prior to 15 April cannot be claimed. I do want to finish – I genuinely do want to finish – but this is quite a serious issue. It genuinely looks like, because the government was not a participant in that by-election, there was no thought to how the legislation would be drafted, and I think that also goes to the associated entity provision. Because the unions can affiliate through the Labor Party, that is fine – for everyone else it is not. I believe this bill was drafted in the self-interest of the Labor Party, rather than creating an equal treatment of all political parties and entrants, as was talked about in the Hopper decision. Can the minister assist the chamber by providing a clear answer on the public expenditure claims prior to 15 April, or could the minister perhaps provide advice from government advisers to one of us or party officials on the official advice, or seek to take on notice official advice with the government's view and interpretation of what this legislation means for that specific public expenditure?

Ingrid STITT: I have already answered this question. Part 2 commences from 15 April. Mr Mulholland, you and your colleagues have spent the best part of the day and into the night trying to misrepresent the intent of this bill and trying to create confusion and, frankly, mischief about what you say are the motives of the government in bringing this bill to the house. I want to be very clear that the government, in bringing this bill, an urgent bill, to the house, is doing so so that we can safeguard the transparency and the integrity of Victoria's electoral system. You can keep asking me the same questions over and over again, but you do not actually get to misrepresent the motives of the government in every question and every little embedded inference in your questions.

We have all sat here for hours listening to it. It is a nonsense tactic designed to just drag this debate out. Part 2 commences from 15 April – I cannot be clearer than that.

Renee HEATH: Minister, the more we learn, the worse it gets. The High Court struck out the old system on 15 April. That means that we now have been without donation laws in the state of Victoria for seven weeks, and we do not have an election until November. You have sat on this for seven weeks, despite having the biggest public service that we have ever had in Victoria, and I feel that we are just being met with contempt. Can you please explain to this committee what is so unique about the next two weeks that will cause the state to collapse that has not existed for the past seven? Is it the truth that the one thing that your government cannot actually afford right now is the two weeks it would have taken at SARC for the bill to be read by an independent body to tell us what you will not tell us here in the committee? That is, based on that reaction, that it exempts your own union movement, that affiliation fees are apparently gifts, that a seventh donation is criminal –

Ingrid Stitt: On a point of order, Deputy Speaker, Dr Heath gave her second-reading contribution in the second-reading debate. This is a speech. You are going over old ground and silly assertions, and it is a waste of the chamber's time.

Richard Welch: Further to the point of order, Deputy President, I think the government's response on that struggles because the abuse of process is treating this as an urgent bill in the first place – a bill that we have seen for less than 24 hours. It cannot be a surprise to anyone that we have deep questions about the nature of the bill, and this is our only opportunity to do ask them.

Ingrid Stitt: Further to the point of order, Deputy President, we settled the question of whether this is an urgent bill at about 9:30 this morning.

The DEPUTY PRESIDENT: Dr Heath, you cannot reprosecute the second-reading speech. You are entitled to make a short statement, but you must frame your question soon, please. Do you have a question?

Renee HEATH: I asked it. It is: is that why the minister has not put it to SARC?

The DEPUTY PRESIDENT: You are asking why the bill did not go to SARC?

Renee HEATH: Yes.

Ingrid STITT: Asked and answered a couple of hours back.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5 (02:43)

Evan MULHOLLAND: I move:

1. Clause 5, page 7, lines 27 to 30 and page 8, lines 1 to 15, omit all words and expression on these lines and insert –

"***associated entity*** means –

(a) an entity that is controlled by one or more registered political parties; or

(b) an entity that operates wholly, or to a significant extent, for the benefit of one or more registered political parties; or

(c) an entity that is a financial member of a registered political party; or

(d) an entity on whose behalf another person is a financial member of a registered political party; or

(e) an entity that has voting rights in a registered political party; or

(f) an entity on whose behalf another person has voting rights in a registered political party –

but does not include a trade union;".

Our amendment 1 seeks to exclude trade unions from the definition of an associated entity in new section 206 and now applies to the whole of the definition. This is to ensure that trade unions are not considered to be an associated entity. The principle of this amendment is about whether unions should be the only high-value donors allowed into the system. If you think that unions should be the only high-value donors that can enter the system, then you can vote against my amendment. A few people have referenced the Unions NSW case. In fact when I was at the Institute of Public Affairs I publicly supported Unions NSW in their case. I thought it was an important case for freedom of association and freedom of speech. But there are a few differences, I think. The problem with your laws is that you have made unions the only high-value donors.

In the Unions NSW case, the then government – I think the O'Farrell government or the Baird government – had quite a liberal donation scheme that just targeted unions. Here we have the exact opposite, where it is a high-value donor that is singularly the only high-value donor – new entrant, the high-value entrant – into the system. Unions NSW – a very liberal donation scheme where unions were specifically targeted, so there is a huge, huge difference between the two. I think this amendment should be supported so that the trade unions are not able to continuously be the paymasters of the Australian Labor Party and obviously have an undue influence over the government.

Ingrid STITT: The government will not be supporting this amendment. Throughout the second-reading debate and throughout the committee stage those opposite have made abundantly clear their views and their bias when it comes to opposing working people having the opportunity to participate in the political process. I note that they do not apply the same logic to any other kind of associated entity, such as think tanks and other organisations, having a say in participating in the democratic process. As I have indicated very clearly in both my summing-up in the second-reading debate and also throughout this committee stage, excluding trade unions from the definition of 'associated entity'

is fundamentally undemocratic and highly likely to be unconstitutional. It is important that we note that associated entities, whether they are unions or other types of associated entities, can only make political donations up to the general cap limit and that affiliation fees, which the opposition have spent many, many hours trying to misrepresent this evening, can only go towards administrative costs. The government will be voting against this amendment.

Council divided on amendment:

Ayes (13): Melina Bath, Gaelle Broad, Georgie Crozier, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Nick McGowan: On a point of order, Deputy President, I will make this very brief. Before minister Blandthorn left, as was requested, she did cast aspersions upon a number of people. I was one of those, and I did take offence to that. I do not usually take offence to things, but when it is in respect to a claim of copying other work or plagiarism, even if it is using technology, I absolutely do not. I would ask the minister to withdraw that.

The DEPUTY PRESIDENT: Minister, the member has indicated he is offended, and he has asked you to withdraw.

Lizzie BLANDTHORN: I am very sorry for my assertion that Mr McGowan may have used AI. If he indeed did not, I withdraw that.

The DEPUTY PRESIDENT: Minister, it is not an editorial. I asked you to withdraw.

Lizzie BLANDTHORN: I did.

The DEPUTY PRESIDENT: Yes – without commentary.

Members interjecting.

The DEPUTY PRESIDENT: Order! Can we just have order? It is getting very late, and the government wants to do another bill when we finish this one.

Members interjecting.

The DEPUTY PRESIDENT: You are all contributing to making it an even later night with your carry-on. Can we have some quiet, please. Can the minister now move her amendments 1, 2 and 4 on her sheet IS31C.

Ingrid STITT: I move:

1. Clause 5, page 13, lines 21 to 23, omit "or, if a higher amount is prescribed by the regulations, the prescribed amount".
2. Clause 5, page 92, in the Table, in Column 2 of Item 2, omit "or the prescribed amount".
4. Clause 5, page 107, lines 33 to 35, omit "or, if a higher amount is prescribed by the regulations, the prescribed amount".

This is an amendment regarding the bill providing that a higher amount can be prescribed for the general cap by regulations. As I indicated much earlier, concerns have been raised about the use of this regulation-making power and whether the government would seek to increase the general cap. We have indicated that we have got no plans to increase the general caps. Nonetheless, in the interests of

allaying any concerns, we have moved this amendment to remove the ability to prescribe higher amounts and make any consequential changes.

The DEPUTY PRESIDENT: Are there any other comments on the minister's amendments?

Evan MULHOLLAND: Just that the Liberals and Nationals support transparency and support accountability, and we think that this is a sensible amendment.

Sarah MANSFIELD: The Greens will also be supporting this amendment. I think it is really important that the cap is clear and that there is not any uncertainty about what the cap may or may not be, and I do not think it should be left to the discretion of the minister. I think this is a good amendment.

The DEPUTY PRESIDENT: The question is that the minister's amendments be agreed to.

Amendments agreed to.

The DEPUTY PRESIDENT: I now ask minister Stitt to move her amendment 3 on the same sheet.

Ingrid STITT: I move:

3. Clause 5, page 101, line 7, omit "1 July 2023" and insert "25 November 2018".

The DEPUTY PRESIDENT: Are there any comments on this amendment?

Evan MULHOLLAND: Is this the date change of the clawback? Is that the one you were talking to? Perfect. The Liberals and Nationals are very happy to support this amendment, because as the government knows, you can only claw back funds that have not been expended, which is why the government was likely very happy to do it. Of course this does not excuse the government of transparency measures to publicly disclose amounts from nominated entities to registered political parties. That is what my later amendment does. But in the interest of transparency and accountability, we would be very happy to support the change of date as moved by the minister.

Amendment agreed to.

Evan MULHOLLAND: I move:

3. Clause 5, page 102, lines 9 to 33 and page 103, lines 1 to 25, omit all words and expression on these lines and insert –

"**279 Disclosure of amounts received by registered political parties from nominated entities since 2022 general election**

(1) A registered political party that received an amount from a nominated entity during the period beginning on 27 November 2022 and ending on the day on which the **Electoral Further Amendment Act 2026** receives the Royal Assent must disclose to the Commission, within 30 days after the end of that period the details specified under subsection (2) in respect of that amount.

Penalty: 200 penalty units.

(2) For the purposes of subsection (1), the following details are specified –

(a) the name of the registered political party;

(b) the name of the nominated entity;

(c) the date on which the amount was received;

(d) the size of the amount.

280 Disclosure of amounts given to registered political parties by nominated entities since 2022 general election

(1) A nominated entity that gave an amount to a registered political party during the period beginning on 27 November 2022 and ending on the day on which the **Electoral Further Amendment Act 2026** receives the Royal Assent must disclose to the Commission, within

30 days after the end of that period the details specified under subsection (2) in respect of that amount.

Penalty: 200 penalty units.

(2) For the purposes of subsection (1), the following details are specified –

(a) the name of the registered political party;

(b) the name of the nominated entity;

(c) the date on which the amount was given;

(d) the size of the amount.".

4. Clause 5, page 105, line 2, omit "**specified gift**" and insert "**other**".

5. Clause 5, page 105, line 10, omit "a specified gift" and insert "an amount".

This amends the disclosure time periods that I was only just speaking to. It is important that I speak to the specifics in relation to what our amendments actually do, which is provide transparency and disclosure within 30 days of royal assent on the name of the registered political party, the name of the nominated entity, the date on which the amount was given and the size of the amount – none of which the government has any interest in doing. I know for a fact that in response to Dr Mansfield's questions, when asked if that would apply to payments before 15 April 2026, the minister said, 'We commit to making transitional regulations to require public disclosure of these amounts,' but when you go to transitional regulations in the bill, new section 286(2)(a), regulations made under this section may:

(a) have a retrospective effect to a day on or after a date that is not earlier than 15 April 2026 …

I did try to seek leave to align it with the government's new-found date of the clawback, but I was not allowed to do that. What I would like to do is put that transparency from the last election, so November 2022. This is a transparency measure, and it is of generally high public interest for the public to know the amounts received from two registered political parties from nominated entities. The minister says they will try to commit to making these regulations under the transitional regulations. The transitional regulations in the bill particularly state that they cannot do that prior to 15 April. My amendments make sure that we are fully transparent with the Victorian people in this section of quite high public interest.

Ingrid STITT: Just for clarity, the government will not be supporting these amendments. They are unnecessary given the government's successful amendments around the specified period.

Council divided on amendments:

Ayes (14): Melina Bath, Gaelle Broad, Georgie Crozier, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendments negatived.

Amended clause agreed to; clauses 6 to 11 agreed to.

Clause 12 (03:10)

Ingrid STITT: I move:

1. Clause 12, page 115, line 7, after "Assembly" insert "or former member, however described, of the Parliament of the Commonwealth or the Parliament of another State or a Territory".

We have gone to this issue in both the second-reading debate and through the committee stage. The government has agreed to an independent expert panel review.

Evan MULHOLLAND: This is the amendment excluding former members of Parliament – is that right? Or is this a different one?

The DEPUTY PRESIDENT: This one amends membership of the expert panel.

Ingrid STITT: That is right. It is in respect to the membership of the expert panel. There were discussions around the appropriate membership of that expert panel, and that is what this amendment goes to.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting this amendment, and this is, I think, from the Greens, a 'get David Feeney' clause. They still have not repaired the relationship with David Feeney after he beat the Greens a couple of times, so they probably do not want him back on another committee. But I think former politicians actually add quite a bit to this discussion, as a general principle. If we look at some former politicians, Gavin Jennings, for example, obviously massively stuffed up this one, which is why we are back here – thanks a lot, Gavin Jennings. I should not have used that example. But there are a lot of others. Former Senate President Scott Ryan is very much an electoral expert on this kind of stuff. He rewrote the Liberal Party constitution. And there are plenty of those on the Labor side that would actually add an element of practical reality to this kind of review. So I am quite interested in this expert panel. Experts can also be former members of Parliament with very much lived experience.

Members interjecting.

Evan MULHOLLAND: Yes, it is running through my ear. Members of Parliament that have consistently dealt with legislation of this kind of nature can very much have that really practical lived experience. This brings me back to when I was a Senate adviser in Canberra. We spent 44 hours passing a version of group voting tickets, Senate reform that the Labor Party opposed – much longer than this debate is going for. But there are plenty of people, for example, from that debate, on both sides, who would be actually pretty well equipped to join an expert panel. So we will not be supporting this 'get David Feeney' clause. I tend to think he is a good guy. Some others might have different opinions of David Feeney, but I think someone needs to stand up for him.

Sarah MANSFIELD: The Greens will be supporting this amendment. I think we have had ample demonstration of why it is a bad idea for expert advice around the design of our electoral laws to be obtained from politicians who potentially have a vested interest in what those laws should look like. I think the other thing to note is that it is the minister who will appoint that expert panel. Although Mr Mulholland, maybe, was able to identify a number of former members of Parliament who might have been very good at doing that job, there is no guarantee they will pick a good one –

Members interjecting.

Sarah MANSFIELD: Perhaps. But I think the really important thing is that we take the politics out of this as much as possible and have an objective expert independent panel determine what the appropriate settings should be to ensure fair and democratic arrangements for our donations laws.

David LIMBRICK: I do have a question for the minister on this amendment. What is the motivation or reason for this amendment? Is this because the government has decided it is a bad idea, or is this because the government has decided that this makes it a risk of failing a High Court challenge?

Ingrid STITT: Thank you for your question, Mr Limbrick. I think it was your only question about this bill, which makes you very unique in this chamber. There was a series of discussions with members of the Greens and the crossbench in particular around who should be on the expert panel. The government was happy to accommodate their request – that we make it clear in the amendment

that is before us and under consideration now that we do not appoint members from any particular Parliament, and that it is a truly independent expert review. It is really to do with having those discussions in good faith with the Greens and the crossbench and agreeing to their proposal.

David ETTERSHANK: This is not just a Greens proposal. This was a –

Ingrid STITT: I said the crossbench as well.

David ETTERSHANK: Yes. I was not criticising you, Minister. That was entirely for Mr Mulholland's purposes. This was actually an issue that was raised specifically by the Centre for Public Integrity. It has drawn on lessons in previous reviews, and as we said previously, this is not simply about having a genuinely independent panel, it is about having a panel that can be seen as such by the public and actually have the credibility that is so desperately needed. If you cannot see that, you really need to get out a bit more.

Aiv PUGLIELLI: If it is possible, I would like to ask a few questions to the minister on this particular provision.

Harriet Shing: Do it in Italian.

Aiv PUGLIELLI: Not in Italian – I am a little bit too tired for that one, I am afraid, Ms Shing. Can the minister speak a little bit more broadly to specific consultation that was undertaken with respect to this particular amendment?

Ingrid STITT: There were discussions – which are ongoing – about this, as I understand it, with the Greens and members of the crossbench. But I think I went to these questions in the committee stage about, beyond the MPs represented in the Parliament and the political parties, there being other organisations that were consulted with, including a couple of the organisations with a keen interest in these integrity matters.

Aiv PUGLIELLI: Can the minister speak more broadly to the government's intended conduct of the expert panel and any specifics it can further provide as to its undertakings and intentions of the panel?

Ingrid STITT: I am sorry. I did not catch that last bit.

Aiv PUGLIELLI: Can you, Minister, speak to the intentions of what the panel will be undertaking and, in particular, further specifics you can provide to the chamber?

Ingrid STITT: The bill, by virtue of the provisions in the bill and this amendment, should it pass, will require an independent review of the proposed regime that will be conducted by an expert panel commencing within one month after the November 2026 election. The expert panel will comprise three appointed members, and they will examine and make recommendations in relation to the reforms contained in the bill, including the effectiveness of the act in addressing risks of undue influence and promoting fairness in electoral participation. The review will be completed within 12 months after the 2026 election, and the report of the review will be laid before both houses of Parliament within 10 sitting days after the review is completed.

Aiv PUGLIELLI: Minister, is there further context that you can provide to the chamber as to why the panel is comprised of three members?

Ingrid STITT: I think that, based on the conversations that have been had in the development of the bill, that is a good number of experts to have on such a panel given the fairly quick work they need to do straight after the election period.

Aiv PUGLIELLI: Just to seek further clarity on the answer you have provided, are you putting to the chamber that were that panel to be a larger body, perhaps containing more members, it would affect the efficacy and the efficiency of that panel to undertake its work? Is that what you are stating?

Ingrid STITT: No, I am not. I am merely commenting, I guess, on the proposed composition of the review panel.

Aiv PUGLIELLI: Can I understand, were that panel to be larger than three members – four members, five members – what the proposed impact would be with respect to this particular provision?

Ingrid STITT: The proposition contained in the bill and the amendment that we are also dealing with right now set out clearly what the panel composition would be.

Aiv PUGLIELLI: I do not seek to be tedious here but just to fully understand with respect to why three specifically was chosen. Could you provide further answers in this regard to the chamber?

Ingrid STITT: It is not an unusual number of experts to be on such a review panel of legislation of this nature. We think that obviously it is not ideal to have an even number – an odd number is probably more appropriate – and for this type of review of quite complex legislation, we think a group of three experts would be appropriate.

Aiv PUGLIELLI: You have referred to it being not unusual for this panel composition to be of this size. Are there some particular examples perhaps you could cite for the chamber to understand why you are saying this?

Ingrid STITT: I will have to take that on notice and see whether we can give you a couple of recent examples. But I am not sure that having a larger expert panel would be terribly efficient when reviewing legislation of this nature and the donation scheme post the election. Sure, we can see if there are other examples of expert panel size and composition, but this will be a pretty specific skill set of experts that I guess we will be requiring.

Aiv PUGLIELLI: Can I understand just a bit further with respect to this panel: will there be a secretariat for the review?

Ingrid STITT: It is very common for an expert panel of this nature to get secretariat support from the relevant department. I cannot see why that would not be the case on this occasion. They are nodding at me from the box. I think that you can be confident that we would provide the expert panel with that kind of support so that they could do their important work, Mr Puglielli. It would be the Department of Premier and Cabinet (DPC) that would be the department that would support the review panel.

Aiv PUGLIELLI: Thank you for that clarification with respect to the Department of Premier and Cabinet. Were there any further departments that we would expect to provide any support to this panel or just that department?

Ingrid STITT: DPC is the department responsible for this particular act and Victorian Electoral Commission matters.

Aiv PUGLIELLI: Just further on this matter, will the panel be able to engage external research support for the review process? Can you perhaps walk the chamber through what that might look like?

Ingrid STITT: Yes.

Aiv PUGLIELLI: If possible, can you provide us more insight as to what that would entail?

Ingrid STITT: What would that entail? Sorry, I lost my train of thought suddenly.

Aiv PUGLIELLI: That is all right. It is very late in the evening. This is with regard to engaging external research support for the review process.

Ingrid STITT: I am sure that the department would be happy to support any such requests that may come from the expert panel for that kind of external research. Obviously the time period for the review needs to be completed within 12 months after the 2026 election and then tabled in both houses

of Parliament. I believe there would be ample opportunity for the expert panel to build their work plan and investigate those options with the department once it is established.

Aiv PUGLIELLI: Staying on matters of external research with respect to supporting the review process, are you able to indicate in any way to the chamber what types of undertakings, what particular research might be engaged through this external manner?

Ingrid STITT: I would not want to pre-empt the wishes of the expert panel. I think that I would defer to their views about whether they would be requesting such support and research. Obviously we want to make sure that the independent review has what they need to do their important work.

Aiv PUGLIELLI: On a slightly different matter, will the review undertake a public submission process? What would that look like?

Ingrid STITT: Yes.

Aiv PUGLIELLI: Are you able to expand perhaps? Envisaging that submission process, in what ways would people be making submissions? Is there any further guidance you can provide to the chamber?

Ingrid STITT: I know that we all want to hear about the Engage Victoria processes of the Victorian government at, what are we now, 3:30 am, on – what day is it – Friday. There will be the opportunity for public submissions to be made, Mr Puglielli. Again, I would not want to pre-empt any decisions or requests that the expert panel might wish to make, but there are a number of different ways that those public consultations could be undertaken, including through calling for submissions, including through the Engage Victoria platforms. The panel may may seek to do round tables or to meet with experts. It is really going to be a matter for them to determine and to talk through that with the department, and I would expect that if we get the right people on the panel they are going to have some pretty strong views about how they undertake their work in the most effective way possible.

Aiv PUGLIELLI: To my recollection, although I was not on the committee, there was an inquiry through this Parliament with regard to community consultation practices. Are you able, Minister, to inform the house on any ways findings, recommendations or insights from that inquiry process might inform the public submission process with respect to this panel?

Ingrid STITT: That is not a committee report that I am familiar with or have been briefed on, although I have heard about that work being undertaken. But I would have to take some advice about whether or not the government response has already been provided to that report. I will check that for you.

I can confirm, Mr Puglielli, that that particular inquiry was tabled in the Parliament on 3 March this year. Under the Parliamentary Committees Act 2003, the government has six months to respond to that inquiry report, so we will be giving careful consideration to the excellent work of that committee and their recommendations around consultation.

Aiv PUGLIELLI: Noting, of course, the comments you have just made regarding timelines for government responses with respect to inquiry work. Nonetheless, from submissions into that inquiry process, hearings that were undertaken, insights that were provided from the community and elsewhere through that process, to your awareness, Minister, are there any learnings or insights that were gleaned through that period of inquiry work that perhaps will inform processes of submission with respect to this panel?

Ingrid STITT: As I said, I am not wholly familiar with the committee's report, although I was aware that there was an inquiry occurring, and now we have had it confirmed that the inquiry's report has been tabled. I think it is a really important issue, making sure that we continue to make sure that we are using the best methods possible to get the maximum community feedback when it comes to a range of things that the government is responsible for, whether that is reviewing legislation or whether

that is looking at engaging particular communities in Victoria over particular policy questions. I know that in many of my portfolios some of the best policy work we get to do is the policy work that is informed by very deep and wide engagement with the Victorian community. I mean, it is a bit of a niche topic, donation laws – sure, not everyone is going to want to participate in a public consultation about the effectiveness of the donation law regime in Victoria. But there will certainly be some that do, and I suppose we would want to make sure that they get every opportunity to do so.

Aiv PUGLIELLI: In highlighting just now that this, to some, would appear a niche topic to be seeking submissions on, are you able to share with the chamber if there is any expectation as to the scale of public submission or receipt of submissions that would be expected through the panel, given that it has three members and the resources afforded to it?

Ingrid STITT: I think we touched on this a little earlier, and I would not want to sort of step into the important work that the independent reviewers will undertake. They will have views about how they want to conduct their work. I am very keen for the Department of Premier and Cabinet, which is the appropriate department to support them, to work with them on those particular requests and needs in order to give them the best chance possible to run a very effective review of these reforms. I think we have already placed on record that we will have that review completed within 12 months. It will commence one month after the election period concludes, so the November 2026 election.

We want to make sure that included in the review are questions around the effectiveness of the act in addressing the risk of undue influence and promoting fairness for electoral participants. As I have already said, we have agreed that the review will be laid before both houses of Parliament within 10 sitting days after the review is completed. I hope that gives you lots of reassurance that this is going to be a process that will result in a quality piece of work, I am sure, and a review of the effectiveness of these reforms.

Aiv PUGLIELLI: On the report of the expert panel itself, you have stated for the chamber that it would be tabled in the Parliament. Is there a timeframe by which the government is required to respond to that review report?

Ingrid STITT: The advice that I have got is within 10 sitting days after the review is complete. Noting that the review will be completed within 12 months after the 2026 election, the report of the review needs to be laid before both houses within 10 sitting days after the review is complete. I would imagine that it is similar to the timelines of other reports the government is required to respond to, but I will just double-check that for you.

Mr Puglielli, just in answer to that question about the government responding to the expert panel's report that is going to be tabled in the timeframes that we have discussed, new section 182A(8) of the bill indicates:

> (8) If the review recommends that this Act be amended, the Minister must use the Minister's best endeavours to ensure that legislation to give effect to the recommendation is introduced into Parliament as soon as practicable.".

To further clarify that point, because it is not a committee report those timeframes of the government being required to respond within six months do not quite apply in the circumstances of an expert panel review of the act, but I think that provision of the bill may answer somewhat your question about what happens next.

Aiv PUGLIELLI: Noting it will be brought to Parliament 10 sitting days after the review is completed, can I understand just for context – perhaps my own ignorance – how has the 10–sitting day allotment of time been arrived at? Is there a rationale you can provide for this?

Ingrid STITT: The honest answer is I am not entirely sure how the 10 days was arrived at, but I know that everybody was comfortable with that arrangement. I think that the timeframes that are contained in the bill and the house amendments that we have brought to clarify the membership of the

panel are a good balance, if you like, to address some of the questions that have been put to us about that process.

Aiv PUGLIELLI: Just to clarify your response, when you say 'everybody was comfortable', who is 'everybody' that you are referring to?

Ingrid STITT: I think we have had an indication from the opposition that they do not want to support it. They have indicated that they will not be supporting the amendment that the government has brought about who can or cannot be part of the expert panel. I do believe that the conversations about this review that have occurred with members of the crossbench and the Greens – my understanding is that there is strong support for this process and for where we have arrived at in the course of discussions around this bill before the house today.

Aiv PUGLIELLI: Apologies if this next question has actually been covered and I have just missed it, but I do not seek to be tedious. With respect to the expert panel and its composition of the three members, have you yet taken the chamber through the skills contained within that panel and under what basis those skills are being sought? Are there any prerequisites that you can speak to with respect to skills requirements for the people on the panel that you could inform the chamber about?

Ingrid STITT: I will just have to get some advice on what conversations have already occurred in relation to –

Bev McArthur interjected.

Ingrid STITT: I am not going to take up your interjection, Mrs McArthur. Just let me consult with my friends.

Mr Puglielli, in terms of your question about the potential skills required of the expert panel, helpfully the bill goes to these matters, including that at least one must have substantial expertise in electoral law or electoral administration, at least one must have substantial expertise in constitutional law or public law and at least one must have substantial expertise in public policy, political finance, economics or democratic institutions. We have already gone to the house amendment around who is ineligible to be part of the expert panel.

Aiv PUGLIELLI: Just to expand a bit further on this line of questioning, with respect to 'substantial expertise in electoral law', as stated in the relevant clause, can you highlight in this area of law what particular criteria the government would be looking for?

Ingrid STITT: Sorry, Mr Puglielli. You had two things going on at once there, but if I understand your question correctly – do you want to repeat the question?

Aiv PUGLIELLI: Just to assist: when you are highlighting expertise in electoral law, with respect to the skills line of questioning for this panel that I am embarking on this morning, what particular criteria with respect to electoral law would be sought by government for this panel?

Ingrid STITT: Constitutional law, public law, electoral law and admin law.

Aiv PUGLIELLI: Just picking up that point around constitutional law: can you expand? Is there any clarity within the realms of constitutional law? Are there any particular aspects or criteria within the past expertise of that individual that would be keenly sought after for the undertakings of this panel?

Ingrid STITT: Probably federal constitutional law might be appropriate, given where things are at.

Aiv PUGLIELLI: Again, with respect to skills sought for the composition of the three-person panel, you highlighted public policy as one of the points which you sought for coverage of skill sets within the team of three. Can you highlight any particular areas of public policy that, again, would be keenly sought for this panel to do its work?

Ingrid STITT: Well, I was referencing provisions of the bill which indicate that at least one must have substantial expertise in public policy, political finance, economics or democratic institutions.

Sarah MANSFIELD: I was hoping to ask the minister a clarifying question. There have been significant concerns raised about public funding for election expenses that occurred before 15 April. Can the minister clarify that the expenditure can be claimed?

Ingrid STITT: Consistent with new section 287(2), the act does deem various matters done under the old part 12 to be lawful under the new regime. The intention of the act is that parties and candidates will not be disadvantaged, and transitional regulations can also deal with this issue. We will undertake to consult with the parties and candidates about this issue.

Sarah MANSFIELD: Just for absolute clarity, can you confirm that all parties and candidates will be able to claim election expenses that were incurred before 15 April?

The DEPUTY PRESIDENT: Is that in clause 12? Because we are on clause 12 now.

Ingrid STITT: The answer is yes, Dr Mansfield.

Bev McARTHUR: I am very grateful to Mr Puglielli for raising the issue of this august body. I might be forgiven for suffering under the illusion that this expert panel might have been doing it for altruistic reasons. But I am now getting the message, I think, that this expert panel are going to cost our taxpayers a whopping amount of money, because the minister has confirmed they are going to be there for 12 months, they are going to have a secretariat and no doubt there will be extensive expenses. They are going to be able to employ outside consultants.

I would have thought they have probably got to travel overseas to work out what happens in other jurisdictions – no doubt interstate and certainly intrastate. They will be taking submissions from every voter and constituent known to man. Minister, how much is this august expert panel going to cost the taxpayers of Victoria?

Ingrid STITT: That will be determined. It will be disclosed in the ordinary way, but I would not anticipate that it would be a significant output.

Bev McARTHUR: Minister, what do you mean 'the ordinary way'? A monitor, for instance, costs $1500 a day plus expenses for local government. I cannot imagine these people will be any cheaper, will they? Or are they doing it out of the goodness of their heart?

Ingrid STITT: Mrs McArthur, it will be funded internally by DPC.

Bev McARTHUR: This has not been budgeted for separately? This is a whole lot of new expenditure, but not separately budgeted for?

Ingrid STITT: This is not a new provision. It was in the previous act. There are many pieces of legislation that require departments to fund or to support complying with the legislative requirements under multiple sets of legislation. This is no different.

Council divided on amendment:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Noes (13): Melina Bath, Gaelle Broad, Georgie Crozier, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Amendment agreed to.

Amended clause agreed to; clause 13 agreed to.

Reported to house with amendments.

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (04:11): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Government Services, Special Minister of State, Minister for Ageing, Minister for Mental Health, Minister for Multicultural and Multifaith Victoria) (04:11): I move:

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

Council divided on motion:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Noes (12): Melina Bath, Gaelle Broad, Georgie Crozier, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Legislative Council have agreed to the bill with amendment.

Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026

Introduction and first reading

The PRESIDENT: 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 amend the **Building Act 1993** in relation to places of public entertainment, emergency orders, building notices, building orders, decennial insurance, flood-prone areas and minor matters, the **Building and Construction Industry Security of Payment Act 2002** in relation to adjudicators, authorised nominating authorities and reviews of that Act, the **Building Legislation Amendment (Buyer Protections) Act 2025** in relation to the statutory insurance scheme, minimum financial requirements and minor matters, the **Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Act 2025** in relation to minor matters, the **Building and Plumbing Administration and Enforcement Act 2026** in relation to Ministerial guidelines, flood-prone areas and minor matters, the **Cladding Safety Victoria Repeal Act 2026** in relation to a minor matter, the Sale of Land Act 1962 in relation to off-the-plan contracts and section 32 statements, the **Water Act 1989** in relation to floodplain management, the **Emergency Services and Volunteers Fund Act 2012** in relation to exemptions and offsets and the fixed charge on residential land and the **Land Tax Act 2005** in relation to the principal place of residence exemption and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:20): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:20): 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* (**Charter**), I make this Statement of Compatibility with respect to the Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 (**Bill**).

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

Overview of the Bill

This Bill makes amendments to the *Building Act 1993* (**Building Act**) in relation to places of public entertainment, emergency orders, building notices and building orders, decennial insurance and designated flood-prone areas; to the *Building and Construction Industry Security of Payment Act 2002* (**SOP Act**) in relation to the liability of authorised nominating authorities; to the *Building Legislation Amendment (Buyer Protections) Act 2025* (**Buyer Protections Act**) in relation to the statutory insurance scheme and minimum financial requirements for building practitioner registration; to the *Building and Plumbing Administration and Enforcement Act 2026* (**BPAE Act**) in relation to designated flood-prone areas; to the *Sale of Land Act 1962* in relation to matters to be disclosed in section 32 statements and to the *Water Act 1989* (**Water Act**) in relation to floodplain management relevant to the determination of designated flood-prone areas.

Throughout this document, there are references to the Victorian Building Authority (**Authority**) which is currently trading as the "Building and Plumbing Commission". The Authority is established by Division 2 of Part 12 of the Building Act but will be replaced by the Building and Plumbing Commission (**Commission**) established under Part 3.1 of the BPAE Act when that Act commences in 2027.

Where clauses in the Bill will commence before the BPAE Act and thus before the Commission replaces the Authority as the building regulator, the document makes reference to the Authority. Where clauses in the Bill are intended to commence after the Commission replaces the Authority, this document makes reference to the Commission.

Human rights

This Statement of Compatibility provides an outline of the rights generally engaged by the Bill and then discusses the compatibility of the relevant Parts of the Bill with those rights.

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

Right to privacy (section 13(a))

Section 13(a) of the Charter provides that a person has the 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 encompasses rights to physical and psychological integrity, individual identity, informational privacy and the right to establish and develop meaningful social relations.

Right to freedom of expression (section 15(2))

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.

Cultural rights (section 19)

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The rights in s 19 are intended to protect and promote the cultural, religious, racial and linguistic diversity of Victorian society. The rights are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development.

Right to property (section 20)

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.

Right to a fair hearing (section 24(1))

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 concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests.

The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

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.

Human rights issues

Place of public entertainment permits

Place of public entertainment permits are to be required for certain public events or meetings that fall under the definition of public entertainment, held in temporary or permanent places, to ensure appropriate safety standards are in place to protect attendees. The permits are event-specific and issued for temporary public entertainment events, including sports events, business events and live music events. The place of public entertainment permit may cover public entertainment that is held over a single day or multiple days (consecutive or non-consecutive). Clause 4(3) of the Bill substitutes the definition of 'public entertainment' in section 3(1) of the Building Act to mean 'an entertainment event, including a meeting, that is accessible by members of the public and meets any prescribed criteria'.

Division 1 of Part 2 of the Bill amends the provisions of the Building Act that regulate place of public entertainment permits. Clause 17 of the Bill substitutes sections 49, 50, 51 and 52 of the Building Act. Section 49 provides that a person must not provide public entertainment in a place of public entertainment unless the required permits have been obtained. Section 50 provides that the owner or occupier of a place of public entertainment must not permit the place to be used for the purpose of providing public entertainment unless the required permits have been obtained. Sections 51 and 52 require that the use of a place of public entertainment or a prescribed temporary structure complies with the relevant permit.

The Bill substitutes sections 49 and 50 of the Building Act to reflect the repeal of the definition of 'conduct' in section 3(1) of the Building Act. Currently, 'conduct', in relation to public entertainment, means 'to have a direct pecuniary interest in the proceeds or profits of the entertainment'. The intention behind the repeal of this definition is to remove the concept of financial gain from the regulation of places of public entertainment. This allows for the adoption of a risk-based criteria to determine whether a place of public entertainment permit is required, instead of relying on whether financial gain is being obtained. Clause 17, therefore, amends, among other things, the reference to 'conduct' in section 49 of the Building Act and the reference to 'fee or reward' in section 50 of the Building Act.

Freedom of thought, conscience, religion and belief (section 14), right to freedom of expression (section 15(2)) and cultural rights (section 19)

These changes, particularly the repeal of the definition of 'conduct' and the substitution of the definition of 'public entertainment', are likely to broaden the circumstances in which a place of public entertainment permit may be required for public entertainment. For instance, a free concert held at a public park may be captured by the new provisions, thus requiring a place of public entertainment permit. The changes may also capture free, publicly accessible community events or meetings such as church services. Currently, regulation 206(1)(b)(i) of the Building Regulations 2018 exempts places used for the purposes of conducting an event or activity which is organised and controlled by a community-based organisation. 'Community-based organisation' includes a body that is not established primarily for the purposes of profit or gain and operates in a community wholly for a philanthropic or benevolent purpose, which includes the promotion of, amongst other things, culture or religion (regulation 206(2)). This likely captures many churches and community groups who conduct religious or cultural events and activities. However, the changes introduced by the Bill will likely require that the exemptions under the Building Regulations 2018 are given fresh consideration based on the amended permit scheme.

To the extent that the amendments may prohibit public entertainment from being provided without a permit which would otherwise be permitted, the right to freedom of expression may be interfered with, in terms of both the right of persons to receive and impart information and ideas of all kinds, including by way of art or another medium. To the extent that 'public entertainment' involves religious or cultural beliefs, it may interfere with the right to freedom of thought, conscience, religion and belief in section 14 of the Charter. It may also interfere with cultural rights in section 19 of the Charter to the extent that it denies persons with a particular cultural, religious, racial or linguistic background the right to enjoy their culture, to declare and practice their religion and to use their language in community with other persons of that background.

The exact extent and nature of this interference will be determined by the content of any future regulations and, in particular, the risk-based criteria that is adopted in the regulations. The policy intent behind the changes is to move from a profit-based approach to a risk-based approach to better support public safety at public entertainment. This shift means that public entertainment events and meetings may be captured that were not previously captured. The exact thresholds and exemptions that will determine whether a particular activity is subject to the permit requirement will be determined by regulation. That regulation will be subject to an ordinary process under the *Subordinate Legislation Act 1994* involving a Regulatory Impact Statement, public consultation and the preparation of a Human Rights Certificate certifying the compatibility of the regulations with the Charter.

I otherwise consider that any interference with the above rights, to be ultimately determined by regulation, is reasonable and justified for the following reasons:

- the nature and extent of the limit – the amendments are limited to places of public entertainment, and will not affect the freedom of expression, religious or cultural rights in private or in other places;
- the importance of the limitation – being to improve the places of public entertainment scheme to better support public safety at public entertainment and to reflect the growing diversity and complexity of public events, to which public safety risks may be just as significant with regards to a community-based event as a commercial one;
- the relationship between the limitation and its purpose – the purpose is supported by establishing clear criteria for determining whether a place of public entertainment permit is required, which includes defined triggers and exemptions that are based on the risk level of the public entertainment;
- any less restrictive means – subject to any exemptions, the risk-based criteria will ensure that no single consideration, such as financial gain, is determinative of whether a place of public entertainment permit is required, rather, the focus is shifted to the risk posed to the public by the proposed public entertainment; and
- the criteria for determining whether the public entertainment requires a public entertainment permit is to be prescribed by regulation (see clause 4(3), definition of 'place of public entertainment'), which will require the Minister to produce a Human Rights Certificate certifying the compatibility of the regulations with the Charter. The same applies for any regulation made exempting places of public entertainment from the provisions of the Act and the regulations.

For these reasons, I consider that clause 17 is compatible with these Charter rights.

Powers of inspection

Clause 15 inserts new section 48A into the Building Act, which provides that the municipal building surveyor of a municipal district or the Commission may cause any place of public entertainment, for which an occupancy permit has been issued, to be inspected from time to time to determine whether the permit is being complied with. The municipal building surveyor may only inspect a place within the relevant municipal district.

Clause 18 inserts new sections 52A and 52B, which permit persons to apply for early certification of a prescribed temporary structure prior to the prescribed temporary structure being erected. The early certification will detail how the prescribed temporary structure must be erected and may contain a condition which requires the verification of the prescribed temporary structure after it is installed through an inspection process. After the prescribed temporary structure is installed, section 52B provides that the verification must be undertaken by a prescribed person or person in a prescribed class of person which will be specified in regulations.

Right to privacy (section 13(a))

While powers of inspection are generally considered to interfere with the right to privacy, in my view this provision is unlikely to impact privacy in a material way. There would be a low to negligible expectation of privacy in relation to a place of public entertainment, particularly in the context where a person has applied for an occupancy permit with conditions of inspection. In these circumstances, the person has voluntarily assumed special obligations which attach to the permit or the early certification.

To the extent that it constitutes an interference, I consider it would not be arbitrary. The provisions are precise and appropriately circumscribed and are proportionate to the legitimate aim of ensuring compliance with the permit scheme to support public safety in public spaces. The inspection powers are limited to circumstances where the relevant person is ensuring compliance with an occupancy permit, or with the conditions of an early certification of a prescribed temporary structure. I am thus satisfied these provisions are compatible with the Charter.

Immunities for building surveyors

Clause 38 of the Bill inserts new sections 128B and 128C into the Building Act to provide for statutory immunities for certain building surveyors. New section 128B(1) provides that a municipal building surveyor or private building surveyor is not personally liable for acts or omissions done in good faith in reliance on certain certifications and verifications given in relation to a prescribed temporary structure. Subsections (1) and (2) of new section 128C provide that, where a building surveyor (the 'original building surveyor') issues an occupancy permit and another building surveyor (the 'subsequent building surveyor') decides an application to amend the occupancy permit, the subsequent building surveyor, in issuing any amended occupancy permit, is not personally liable for anything done or omitted to be done in reliance on the matters which the original building surveyor was satisfied of in issuing the original occupancy permit.

New sections 128B(2) and 128C(3) provide that these liabilities instead attach to the certifier, verifier or original building surveyor (as applicable), which, in effect, provides for an indemnity for building surveyors in the specified circumstances.

Right to a fair hearing (section 24) and right to property (section 20)

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 for determination of a civil claim. Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, clause 38 may also engage this right by depriving a claimant's ability to obtain effective relief.

Clause 38 will not interfere with the right to a fair hearing or property because parties seeking redress are instead able to bring a claim against the specified parties to which the provision attaches that liability to (new sections 128B(2) and 128C(3)). Additionally, in relation to new section 128B, the building surveyor remains liable for any conduct not performed in good faith. Accordingly, this provision does not limit the right to property or a fair hearing under the Charter.

Emergency orders, building notices and building orders

Division 2 of Part 2 of the Bill amends the provisions of the Building Act that relate to emergency orders, building notices and building orders. The Bill proposes to expand the scope of the existing powers to enable emergency orders, building notices and building orders to be issued in relation to 'condition-altered land'. Clause 45 of the Bill defines 'condition-altered land' as land on which a building is situated and the condition of which has been impacted by a condition-altering event. 'Condition-altering event', as defined, means an event or activity that fundamentally compromises the integrity and stability of the land.

Division 1 of Part 8 of the Building Act is concerned with the making of emergency orders for the enforcement of safety and building standards. Section 103(1) provides that an emergency order may direct an owner or occupier to evacuate a building or land or a place of public entertainment, and if an order is given, to direct any person to vacate the building, land or place. Section 103(2) provides that an emergency order may prohibit any person from entering, using or occupying the building, land or place for a specified period unless permitted by the municipal building surveyor. Clause 47 of the Bill proposes to expand the scope of the powers in section 103 to include 'condition-altered land'.

Section 104(1)(a) of the Building Act provides that an emergency order may require the owner or occupier of a building or land or a place of public entertainment not to conduct, or not to allow the conduct, of public entertainment or immediately cease to conduct public entertainment. Section 104(1)(b) provides that an emergency order may require the owner or occupier to stop building work or other work necessary to make the building, land or place safe or to secure the building, land or place from access. Clause 48 of the Bill amends section 104 to include 'condition-altered land'.

Division 2 of Part 8 of the Building Act is concerned with the making of building notices and building orders. Section 111(3) provides that a building order made in accordance with this section may direct an owner or occupier to evacuate a building or land or a place of public entertainment within a specified time or times and if an order is given, direct any person to vacate a building or land or a place of public entertainment within a specified time or times. Section 111(4) provides that a building order may prohibit a person from entering, using or occupying a building, land or a place of public entertainment for a specified period unless permitted by the municipal building surveyor. Clause 52 of the Bill amends section 111 to include 'condition-altered land'.

Section 112 of the Building Act provides that a municipal building surveyor or a private building surveyor may make a building order in accordance with that section that requires an owner or other person to stop building work. Clause 53 of the Bill amends section 112 to include 'condition-altered land'.

Section 113 of the Building Act provides that a municipal building surveyor or a private building surveyor may make a building order in accordance with that provision that requires an owner of the building, land or place to carry out work that is of a minor nature. Clause 54 of the Bill amends section 113 to include 'condition-altered land'.

Clause 55 amends section 118(2) of the Building Act, which provides that a person must not occupy a building, land or place in contravention of an emergency order, to extend that offence to occupation of condition-altered land in contravention of such orders, consequential to the inclusion of that land in the powers outlined above.

Right to property (s 20) and right to privacy (section 13(a))

Emergency orders, building notices and building orders made in relation to 'condition-altered land' may interfere with the following rights under the Charter:

- the right to property under section 20 of the Charter, to the extent that a decision under these provisions deprives a person of their property because it interferes with a person's enjoyment of their property and restricts how a person may use their property; and
- the right to privacy under section 13(a) of the Charter, to the extent that 'condition-altered land' encompasses a person's private property or private residence.

However, I consider that these rights are not limited. First, any deprivation of property must be in accordance with the law because the legal authorisation for the deprivation is publicly accessible and governed by a clear and accessible process. Second, the clauses of the Bill serve the important purpose of enabling building surveyors to make emergency orders and serve building notices and building orders in respect of land on which a building is situated and the condition of which has been impacted by a 'condition-altering event', such as a landslide. Finally, building surveyors can only make orders for the clear purposes provided for in the Building Act, and in accordance with the provisions in Part 8 of the Building Act, which supports public safety in emergency and endangering scenarios. Ultimately, these clauses promote the right to life by enabling building surveyors to make orders in circumstances where they form the opinion that the order is necessary because of a danger to life or property (section 102 of the Building Act). For these reasons, I consider that any limitation on these rights is lawful and not arbitrary.

Directions to provide information to the Commission

Clause 65 of the Bill inserts new section 137ZZZI into the Building Act, which provides that the Commission may direct a designated insurer offering an approved decennial insurance product to provide information prescribed under new section 137ZZZI(1), which relevantly includes:

- details of contraventions by a developer in relation to a decennial insurance policy;

- the name of the developer of the residential apartment building to which the policy relates;
- identifying details of the residential apartment building to which each policy relates, including the name of the insured owners corporation; and
- prescribed information.

Right to privacy (section 13(a))

To the extent that information obtained by the Commission includes personal information, new section 137ZZZI will engage the right to privacy. This is especially relevant to new section 137ZZZI(1), where the Commission may direct a designated insurer to provide the details of any contravention by a developer of a provision of the *Insurance Contracts Act 1984 (Cth)* in relation to a decennial insurance policy or proposed decennial insurance policy. While a developer will generally be a body corporate, it may extend to information about a natural person.

In my opinion, any limit on the right to privacy is lawful and not arbitrary. The information that can be requested by the Commission is limited to information that is relevant to the performance of the Commission's functions. The functions of the Commission, as discussed above, relate to protecting consumers of domestic building work by administering the statutory insurance scheme effectively and ensuring compliance with building legislation, including the decennial insurance scheme under Division 9 of Part 9B of the Building Act.

Under section 137ZZZI the Commission is required to issue a written notice to a designated insurer. New section 137ZZZI(1) limits the type of information the Commission can request from a designated insurer in these circumstances. These provisions are precise and appropriately circumscribed to their purpose.

Under Part 10.1 of the BPAE Act (specifically, section 461 of that Act), the Commission is prohibited from using or disclosing to another person any building and plumbing information which the Commission holds or obtains in performing a function under the building legislation. Also, under Part 10.1 of the BPAE Act, use and disclosure of such information may only be done in the circumstances specified in Part 10.1.

These provisions establish an appropriate balance between enabling the Commission to perform its functions and achieve its statutory objectives, by ensuring the Commission can access the information needed to understand the issues faced by insurers and by developers arranging for the issue of decennial insurance policies for the residential apartments they construct, while protecting the rights of individuals to have their privacy and reputation protected.

Consequently, I consider that these provisions under the Bill are compatible with the right to privacy under section 13 of the Charter.

VCAT power to make orders to access a property in relation to decennial insurance

Clause 65 inserts new section 137ZZZR into the Building Act, which provides that a prescribed person ('the applicant') may apply to VCAT for an order requiring the occupier of a lot in a residential apartment building to grant access to the lot to the applicant for a prescribed purpose.

Right to privacy (section 13(a))

If VCAT grants the order, the power to enter and inspect a lot in a residential apartment building may interfere with the right to privacy, to the extent that the lot is private property or a private residence.

However, powers of entry are generally compatible with the Charter where the power is appropriately confined and subject to independent oversight. Here, a person must apply to VCAT for an order to grant access. VCAT will be a public authority when determining the application and will be obliged to consider privacy rights when granting access. The order can only be granted for the purposes of inspecting the property in accordance with the terms of the relevant decennial insurance policy, to determine if there is a relevant defect, or to carry out work under the decennial insurance policy. This serves the important purpose of protecting the interests of other persons in circumstances where there is a relevant defect in the residential apartment building. Further, under new section 13ZZZR(4), VCAT may grant the order only if it is satisfied that:

- there is a defect that can only be reasonably inspected, determined or rectified by accessing the lot;
- the applicant has given written notice to the occupier of the lot advising that access is needed for a prescribed purpose and requesting the occupier consent to the applicant being given access to the lot for the prescribed purpose; and
- not less than 14 days after the notice is given, the occupier has not consented to giving access to the applicant for the prescribed purpose.

I therefore consider that any interference with the right to privacy will be in circumstances which are neither unlawful or arbitrary. Accordingly, I consider that the provisions are compatible with the right to privacy in section 13(a) of the Charter.

Property rights (section 20)

Powers of entry for the purpose of undertaking rectification work may amount to a deprivation of property if they substantially restrict a person's exclusive possession, use or enjoyment of their property, particularly if such work is prolonged or poses a significant interference with a person's ability to use and enjoy the building, land or lot.

However, I consider that any interferences with these rights would be neither unlawful nor arbitrary and would be 'in accordance with the law'. This is because the powers are subject to appropriate safeguards. For example, as discussed above, VCAT may only grant an order under new section 137ZZZR if VCAT is satisfied of the requirements prescribed under new section 137ZZZR(4). Further, these powers serve the important purpose of enabling rectification work to be carried out. As such, they are aimed at ensuring the safety and compliance of the building and land pursuant to the relevant decennial insurance policy, thereby protecting the safety of the occupier, other land users and the general public.

Protection from liability for authorised nominating authorities

Clause 79(2) amends section 46 of the SOP Act to extend the protection from civil liability already afforded to adjudicators to authorised nominating authorities (**ANA**) for the duties and functions they perform under the SOP Act in good faith. ANAs are persons authorised by the Authority under section 42 of the SOP Act to nominate persons to determine adjudication applications (see definition in section 4 of the SOP Act). Their functions are set out in sections 43A and 43B of the SOP Act and include the function of nominating adjudicators for the purposes of the SOP Act, to receive and refer adjudication applications to adjudicators, to serve copies of adjudication determinations on certain persons, to provide adjudication certificates and to provide certain information to the Authority. These functions may be altered by requirements imposed by the Authority as conditions of authorisation under its powers in sections 43 of the SOP Act.

Right to fair hearing (section 24) and right to property (section 20)

As above, where an immunity clause restricts a person's ability to access a court by effectively removing their ability to bring an action in court and depriving them of their ability to obtain effective relief due to the absence of an appropriate defendant, the right to a fair hearing and right to property may be engaged. As the immunity for ANAs in clause 79(2) acts as a complete bar to bringing a civil claim in certain circumstances, the fair hearing right and property right will be limited by this clause. However, for the reasons that follow, I consider that this clause is compatible with these rights.

In relation to fair hearing, such immunities are commonly provided for persons who perform quasi-judicial roles requiring fast, impartial and independent decisions. Immunity from personal liability allows decisions to be made in the good faith discharge of the person's functions without fear of litigation from a party subject to an unfavourable decision. Without such immunity, the capacity for ANAs, who manage and oversee adjudicators' performance under the SOP Act, to discharge their functions could be compromised. This clause will also bring Victoria's SOP Act into alignment with other states' and territories' security of payment legislation, which confers such immunity on their ANAs. The clause also implements a recommendation made by the Legislative Council's Environment and Planning Committee in its November 2023 report, concluding its 'Inquiry into Employers and Contractors Who Refuse to Pay Their Subcontractors for Completed Works'. This recommendation was also widely supported by stakeholders during subsequent consultation undertaken by the Department during 2025. The immunity conferred deviates from the State-approved model immunity clause in that it does not transfer ANAs' liability to another appropriate person. However, this is justified because ANAs remain subject to regulatory oversight by the Authority, which can alter or revoke their authorisation if they fail to properly perform their functions. The scope of the immunity conferred is also limited to good faith actions and omissions such that it is proportionate to the legitimate aim sought. As such, there are no less restrictive means of achieving the Bill's objectives.

In relation to proprietary rights, any deprivation of the ability to bring an action will be 'in accordance with law' as these provisions are drafted in clear and precise terms and are reasonably necessary to achieve the important objective. Accordingly, the protection from liability provision in clause 79(2) is appropriately granted and so, compatible with the rights to fair hearing and property.

Declaration of flood-prone areas

Division 4 of Part 2 of the Bill will insert new section 188B of the Building Act, to enable the Minister to determine that specific areas of land are 'designated flood-prone areas' where, in the Minister's opinion, there exists a 1% or higher risk of the land flooding in any 12-month period.

Section 188B of the Building Act will be inserted into the Building Act by clause 67 of the Bill and will be repealed and replaced by section 20A of the BPAE Act (to be inserted by clause 84 of the Bill) when the BPAE Act commences (see clause 95 of the Bill and section 775 of the BPAE Act for the repeals and clause 94 for transitional arrangements).

Under both section 188B and section 20A of each Act respectively, a determination of the Minister that land is a designated flood-prone area must be described by reference to a plan or plans of those areas that will be lodged in the Central Plan Office (new sections 188B(3) / 20A(3)) and must be made publicly available (sections 188B(7), (8) and (9) / 20A(7), (8) and (9)). Once made, a determination of the Minister will become relevant in a number of ways, including in the assessment of applications for building permits by building surveyors and the relevant local councils. It must also be disclosed by a vendor in a section 32 statement (clauses 130 and 131) for the sale of the land.

The Minister's new power is intended to provide a centralised, state-based method for declaring areas of land that are flood-prone (see also clause 94 and amendments to the Water Act in Part 9 of the Bill). It will replace the current methods of determining the areas of land that are 'liable to flooding' by the Minister administering the Water Act under section 205 of that Act (see clause 134 of the Bill) and by local councils under regulation 5(2) of the *Building Regulations 2018*. A Minister's determination is to be based on the advice of the floodplain management Authorities who will be required to prepare and give their advice about flooding and controls on development to the Minister administering the BPAE Act and the Minister administering the *Planning and Environment Act 1987* (in addition to local councils, the Secretary to the Department and the local community) (see clause 133 of the Bill which amends section 202 of the Water Act).

The new scheme is designed to ensure that the determination of flood-prone areas of land is carried out as comprehensively and promptly as possible, and then consistently applied to applications for building permits.

Right to property (section 20)

Although the precise impact of the Minister making a determination will vary according to the circumstances of each area in question, this power is likely to affect a person's use or enjoyment of their property, including residential property. For example, the making of a determination may contribute to the imposition of restrictions on building permits or to an application for a permit being refused. It may also have a consequential impact on the value of the land.

Noting that a person's property rights may be impacted by clauses 67 and 84, and that the impact may constitute a deprivation of property, I consider that any such interference would be 'in accordance with the law' and so would not limit the right to property. Any interference will be authorised under legislation and drafted in clear and precise terms and is reasonably necessary to achieve the important objective of ensuring that areas of land that have a 1% or higher risk flooding in any 12-month period are identified in an accurate and timely manner and so will be subject to appropriate building controls. This ultimately mitigates against risks to public safety and buildings on the land, and ensures all parties, including for example, a land owner and a potential purchaser of a property, are aware of the risk of flooding on that land. Accordingly, I do not consider that clauses 67 or 84 limit the Charter right to property.

Disclosure of information in relation to minimum financial requirements

Clause 101 inserts new section 41A into the Buyer Protections Act, which inserts new section 316A into the Building Act. New section 316A deals with the determination of minimum financial requirements for registration under Part 11 of the Building Act, and the determination of whether an applicant for registration as a building practitioner or registered building practitioner meets those requirements. The minimum financial requirements may differ according to the class or classes of applicant or registered building practitioner or any other circumstance relating to the application for registration or the building practitioner. Section 316A(4)(a) provides that, for the purposes of determining whether an applicant for registration or a registered building practitioner meets the minimum financial requirements, the Authority may request the applicant or practitioner to provide any information or document that the Authority considers relevant.

Right to privacy (section 13(a))

To the extent that the information requested by the Authority includes personal information, the Bill will engage the right to privacy. While the provision, which gives the Authority the power to request *any information or document that it considers relevant*, is broad in scope, the information or documents that may be requested is nevertheless limited to such information or documents the Authority considers relevant for purpose of determining whether the applicant or practitioner meets the minimum financial requirements for the purpose of supporting the Authority's statutory insurance scheme functions and enabling the identification and mitigation of risks associated with a registered building practitioner's financial insecurity.

Although this provision allows the Authority to gather and analyse what may be personal identifying information, I do not consider the power to be unlawful or arbitrary, as it is for the limited purpose of

determining whether an applicant or practitioner meets the minimum financial requirements. The Authority being able to ascertain whether an applicant or practitioner meets the minimum financial requirements ultimately serves the purpose of providing for appropriate regulation of the building industry and enhancing consumer protection and will impact builders who have voluntarily undertaken to practise in a regulated industry where special duties and responsibilities attach. Further, the Authority is a public authority under the Charter and is required to comply with relevant privacy laws in the handling of any personal information collected, ensuring that any interference with the right to privacy will be lawful and not arbitrary.

Accordingly, in my opinion, any limit on the right to privacy imposed by new section 316A(4)(a) inserted by clause 101 of the Bill is reasonable and justified.

Strict liability provision – payment of statutory insurance scheme premium

Clause 108 amends section 56 of the Buyer Protections Act to insert new section 137OA into the Building Act. New section 137OA provides that a building owner who enters into a prescribed insurable domestic building contract must pay the applicable statutory insurance scheme premium to the Authority before the building owner enters into a contract for the sale of the land on which the domestic building work under the insurable domestic building contract is carried out. This is a strict liability provision, imposing 500 penalty units for contravention by a natural person and 2,500 penalty units in the case of a body corporate.

Presumption of innocence (section 25(1))

By imposing a strict liability offence, new section 137OA engages the right to be presumed innocent under s 25(1) of the Charter. This being so, strict liability provisions will generally be compatible with the presumption of innocence where they are reasonable, necessary and proportionate and in pursuit of a legitimate objective. Strict liability offences are considered legitimate where directed at preventing loss in particular contexts. This provision will enhance compliance with regulatory requirements and support the Authority to provide assistance to subsequent building owners by strongly incentivising a building owner who enters a contract of sale for land on which domestic building work is carried out under a prescribed insurable domestic building contract, to pay the insurance premium associated with that that domestic building work. Where the applicable insurance premium is not paid by the building owner when required, the Authority may incur financial loss in providing assistance to subsequent building owners who are entitled to make a claim under the statutory insurance scheme. This may lead to an increase in insurance premiums more broadly to cover that cost and therefore may financially impact other consumers entering insurable domestic building contracts. Further, the strict liability provision is reasonable in that it does not exclude the common law defence of honest and reasonable mistake of fact.

New section 137OA provides that a failure to pay the applicable insurance premium will attract a penalty of up to 500 penalty units for a natural person. While this is at the high end of the liability spectrum for what a strict liability offence would generally attract, this is reasonable and proportionate, noting the very large values of contractual commitments by parties to domestic building contracts. It is also reasonable and proportionate considering the significant costs to the community where buildings with major faults are sold to subsequent building owners. Accordingly, this maximum penalty provides a significant incentive to comply with the requirements of the statutory insurance scheme, in order to support the Authority to provide assistance to address identified practices of undertaking defective, non-compliant or incomplete domestic building work.

For these reasons, to the extent there is any limitation to s 25(1) of the Charter imposed by this strict liability offence, these limitations are reasonable and justifiable within the meaning of s 7(2) of the Charter.

Protection of expressions associated with the statutory insurance scheme

Clause 117 amends section 56 of the Buyer Protections Act by substituting proposed section 137ZG(1) and (2) of the Building Act. New sections 137ZG(1) and (2) provide that a person must not use a prescribed expression, or any variation of a prescribed expression or word similar in sight or sound to a prescribed expression, in connection with selling insurance cover or any kind of warranty under a scheme relating to domestic building work to which the statutory insurance scheme applies unless the scheme is the statutory insurance scheme and the person does so on behalf of the Authority.

Right to freedom of expression (section 15(2))

While the prohibition in new sections 137ZG(1) and (2) on the use of prescribed expressions, or any variation of a prescribed expression or word similar in sight or sound to a prescribed expression, may restrict the right to freedom of expression in section 15(2) of the Charter, I consider that any such restriction is a lawful restriction reasonably necessary to protect public order and the rights of others within the meaning of section 15(3) of the Charter.

'Public order' is a wide and flexible concept which extends to laws that enable the public to engage in their personal and business affairs free from unlawful interference to their person or property. Respecting the rights

of others is a similarly broad concept and would include restrictions reasonably necessary to protect the property rights of others.

Further, any restriction on the right to freedom of expression caused by the prevention of the use of prescribed expressions, or variations thereof, is confined to the very limited circumstance of using the prescribed expression, or variation thereof, in connection with selling insurance cover or any kind of warranty under a scheme relating to domestic building work to which the statutory insurance scheme applies. I consider that this restriction is closely tailored to its purpose of deterring and preventing fraud or other misleading behaviour which may undermine the integrity of the statutory insurance scheme and risk consumers and builders being without the proper insurance. I consider there are no less restrictive means of achieving the purpose of protecting consumers and builders from purchasing insurance covers that renders them at risk.

Finally, I note that any expression to be prescribed will be assessed for compatibility with the Charter through the requirement for the Minister to certify a Human Rights Certificate.

For these reasons, I consider proposed new sections 137ZG(1) and (2) of the Building Act to fall within the ambit of section 15(3) of the Charter as it is reasonably necessary to protect public order and the rights of others. As such, this provision imposes no limitation on the freedom of expression.

The Hon Harriet Shing MP
Minister for Ambulance Services
Minister for Health
Minister for Water

Statement of treaty compatibility

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:20): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Building Legislation and Treasury Legislation (Tax Relief) Amendment Bill 2026 (the Bill) is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

2. The Bill is proposed to make miscellaneous reforms to building legislation, related amendments to the *Water Act 1989* (Water Act) and the *Sale of Land Act 1963* (Sale of Land Act) and separate amendments to the *Emergency Services and Volunteers Fund Act* 2012 (ESVF Act) and the *Land Tax Act 2005* (Land Tax Act).

Building legislation and other related amendments

3. The amendments to the *Building Act 1993* (Building Act) in the Bill include amendments to –

   3.1 clarify and streamline processes relating to applications for permits to use a building or place for the provision of public entertainment and relating to prescribed temporary structures;

   3.2 ensure that emergency orders and building notices and orders can be issued in appropriate circumstances relating to land the condition of which has been fundamentally altered by a natural hazard or human impact;

   3.3 introduce a decennial insurance scheme for certain new residential apartment buildings;

   3.4 expand the power to apply, adopt or incorporate documents by reference in any regulations under the Building Act to allow incorporation of any document, including the Building Code of Australia and other documents unrelated to building standards.

4. The Bill also amends the Building Act to give the Minister for Housing and Building power to designate land that is at one percent or higher risk of flooding in any twelve-month period as a flood-prone area, based on assessment of the land prepared by the relevant floodplain management authority, and makes related amendments to the Water Act.

5. The Bill amends the Sale of Land Act to require the fact that land is in a designated flood-prone area, and the particulars of any applicable cover under the statutory insurance scheme, to be communicated at the point of sale of land.

6. The Bill also amends the *Building Legislation (Buyers Protection) Act 2025* (Buyers Protection Act) to ensure that the amendments in that Act to the Building Act operate as intended. These include amendments to enable regulations to be made allowing a limited exemption from, or the delay of, the payment of insurance premiums under the statutory insurance scheme and to require the Building and

Plumbing Commission to consider issue of rectification orders prior to deciding a claim under the statutory insurance scheme.

7. It also amends the Buyers Protection Act to provide for transitional arrangements during the first two years of the statutory insurance scheme in relation to the scope of premiums orders for the calculation of insurance premiums, the determination of the minimum financial requirements for building practitioner registration and guidelines for assessing whether those minimum financial requirements are met.

8. The Bill also makes amendments to the *Building and Construction Industry Security of Payment Act 2002* to improve the operation of that Act by requiring the Minister to complete three yearly reviews of the Act's operation and to expand an immunity from civil liability held by adjudicators to authorised nominating authorities.

9. The Bill also corrects two technical drafting issues contained in unproclaimed amendments to the *Building and Construction Industry Security of Payment Act 2002* made by the *Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Act 2025*.

10. The Bill also makes a number of consequential and technical amendments to the *Building and Plumbing Administration and Enforcement Act 2026* and the *Cladding Safety Victoria Repeal Act 2026* (which are both currently Bills before Parliament).

11. The amendments with respect to the issue of emergency orders or building notices or orders in relation to condition-altered land and enabling the designation of flood-prone areas may directly impact First Peoples who are owners of the land, hold native title over the land or are a party to a Traditional Owner Settlement Agreement in respect of the land. However, the powers may affect all owners (and where applicable lessees) of land equally.

12. The amendments to requirements for places of public entertainment permits may impact First Peoples involved in the organisation of cultural events or events held by First Peoples organisations but the reforms seek to better support such events and their safety by improving flexibility and providing for clearer and more proportionate regulation.

ESVF Act amendments

13. The amendments to the ESVF Act in the Bill provide for the deferral of an increase in the emergency services and volunteers funding levy fixed charge for residential land, an exemption for Homes Victoria and a levy offset for community housing organisations. First Peoples are not directly impacted by the operation of the ESVF Act amendments, but as a broader class of people may be positively indirectly impacted.

Land Tax Act amendments

14. The Land Tax Act amendments correct anomalies in and improve the operation of the principal place of residence land tax exemption in cases of construction delay. First Peoples are not directly impacted by the operation of the Land Tax Act amendments, but as a broader class of people may be positively indirectly impacted.

Consultation with the First Peoples' Assembly of Gellung Warl

15. Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for the Assembly to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

16. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025* of:

    16.1 advancing the inherent rights and self-determination of First Peoples; and

    16.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

    16.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

17. In my opinion the Bill does not affect any of the objects specified in section 66(3)(d)(i) to (iii) of the *Statewide Treaty Act 2025* and is therefore compatible with each of those objects.

The Hon Harriet Shing MP
Minister for Ambulance Services
Minister for Health
Minister for Water

Second reading

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:20): I move:

That the bill be now read a second time.

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

The Bill amends the *Building Act 1993* (Building Act), the *Building Legislation Amendment (Buyer Protections) Act 2025* (Buyer Protections Act); the *Building and Plumbing Administration Enforcement Act 2026* (BPAE Act), the *Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Act 2025* (Fairer Payments Act); the *Building and Construction Security of Payment Act 2002* (SOP Act), the *Cladding Safety Victoria Repeal Act 2026* (CSV Repeal Act), *Water Act 1989* (Water Act), the *Sale of Land Act 1962* (Sale of Land Act), the *Emergency Services and Volunteers Fund Act 2012* (ESVF Act) and the *Land Tax Act 2005* (LT Act).

The main purposes of the Bill are to:

- modernise legislation to reflect current industry practices and support improved regulation by:
  - resolving key challenges with the Place of Public Entertainment scheme;
  - making further amendments to the SOP Act to enable its effective function; and
  - enabling any regulations made under the Building Act to incorporate any documents by reference;
- improve protections for consumers in Victoria for housing and building matters by:
  - establishing a scheme for the private market to provide 10 years of insurance cover in relation to relevant building elements of new residential apartment buildings;
  - enabling building surveyors to issue emergency orders and building notices and orders in relation to land the condition of which has been altered due to natural or human impacts, including if it presents risks to life, safety or property; and
  - supporting the risk-mitigation of flood-prone areas through designation powers for the Minister of Housing and Building;
- enabling regulations to be made which allow for limited exemptions from, or delay of the payment of, insurance premiums under the Statutory Insurance Scheme;
- providing transitional arrangements over two years during the establishment period of the Statutory Insurance Scheme, including by:
  - enabling the Building and Plumbing Commission to specify, in a Premiums Order, the method, process or approach for calculating insurance premiums and any other amounts payable under Statutory Insurance Scheme;
  - enabling a transition to minimum financial requirements in a way that minimises disruption while continuing to control risks; and
  - enabling the Premiums Order to be exempt from the requirement to prepare a regulatory impact statement for a period of 12 months;
- expanding exemptions and rebates for the emergency services and volunteers funding levy; and
- resolving various issues relating to the land tax exemption for an owner's principal place of residence that is unoccupied due to construction or renovation.

Reforms to the Place of Public Entertainment permit scheme

Events and festivals are an important part of Victoria's cultural, social and economic fabric. The Bill will help to reduce the administrative burden on both event organisers and regulators by enabling a new framework for approvals required under the Building Act and Regulations. This supports a vibrant events industry while continuing to ensure attendee safety.

Under the Better Approvals for Business Program, the then Department of Jobs, Skills, Industry and Regions conducted an Events and Festivals Approval Review in June 2023. The review was conducted as part of the Victorian Government's broader regulatory review program which aimed to identify obstacles for event and festival business approvals in Victoria. The review identified key challenges from stakeholders that included event organisers, industry groups, regulators and government agencies.

PROOF

One of the key challenges identified was for event and festival approvals under the Building Act. These approvals are intended to ensure public safety at events and gatherings, cover both permanent venues and temporary spaces and focus on risks such as crowd-safety, emergency access and the safe use of structures including stages and marquees.

The Bill addresses key challenges related to uncertainty about when approvals are required, inconsistency in how requirements are interpreted and applied, duplication with other event approval processes, and late-stage uncertainty around whether approvals will be granted. It enables a risk-based framework, supporting proportionate regulation and giving event organisers and regulators certainty and clarity for event approvals under the Building Act.

The amendments to the Building Act will be supported by detailed reform to the Building Regulations. This approach will support more flexible and responsive management to the fast-paced and changing events and festival industry.

The Bill enables the definitions of "place of public entertainment" (POPE) and "public entertainment" to be detailed in the Building Regulations. This will clarify when permits are required for public entertainment events and promote the consistent interpretation of permit requirements. Event organisers face limited ability to secure early assurance of structural compliance. The Bill establishes an optional early certification pathway for prescribed temporary structures, reducing the risk of late-stage rejection of structures and delays in approvals due to unforeseen approval conditions, and easing the burden on the permit issuer.

The Bill enables a report and consent process to reduce duplication where decision-makers within the POPE approvals framework may consider matters already assessed by other authorities. This process will streamline application processes and better connect requirements under the building framework with other agencies and processes involved in event approvals.

Applications for permits in the scheme are often assessed through the professional judgement of individual approvers, without statewide guidance. This has led to inconsistent decision-making across local government, uncertainty for event organisers and varying levels of attention to safety risks. The Bill will enable the Minister for Housing and Building to issue binding Guidelines setting out the matters that must be considered when assessing permit applications. The Bill also enables the Minister for Housing and Building to prescribe requirements and include prescribed conditions that may be imposed by the prescribed approver. These may be tailored for factors including but not limited to event type, scale, location or season and can be updated as new risks emerge.

The Bill enables timeframe notifications for permits to be prescribed through the Building Regulations, ensuring the adaptability to the fast-changing events industry.

The existing approvals framework can result in overlap between occupancy permits issued under Division 1 of Part 5 of the Building Act and those related to public entertainment. This overlap can create duplication, inconsistent enforcement and confusion – particularly when organisers must seek multiple, disconnected permits for a single event. The Bill enables flexibility for existing buildings to be used for public entertainment where they are in a prescribed class of building by retrospectively having an occupancy permit approved or allowing amendments to be made to an existing occupancy permit.

Security of Payment Act Tranche 2 Reforms

The Bill continues reforms to the Security of Payments Act, which helps ensure that building contractors, subcontractors, workers and suppliers get paid on time and in full.

Two of the 12 'Tranche 2' reforms recommended in the Legislative Assembly Environment and Planning Committee Inquiry Report, *'Employers and contractors who refuse to pay their subcontractors for completed works'* are being implemented in this Bill.

To implement recommendation 14, the Bill amends the SOP Act to add a new section requiring that the responsible Minister conducts regular reviews of the SOP Act's effectiveness in improving financial conditions for those working in the construction industry. The new provision also enables the responsible Minister to consider reforms in other jurisdictions, including internationally, that might be adopted in Victoria to improve the SOP Act's operation. These reviews will be conducted every three years, with a report on the review's findings and any recommendations to be tabled in Parliament. This amendment will put Victoria at the forefront of Australian states and territories, none of which require regular reviews of their security of payment legislation. Victoria will be the leading jurisdiction in ensuring that security of payment laws maintain their effectiveness in an evolving construction industry.

To implement recommendation 23, the Bill amends section 46 of the SOP Act to extend to authorised nominating authorities (ANAs), the immunity from personal liability that is currently conferred on adjudicators who discharge their functions in good faith. ANAs play a critical role in security of payment legislation, managing the process for adjudicating disputed claims and overseeing the adjudicators who

resolve those disputes. Victoria is the only state that does not confer immunity on its ANAs. The amendment will ensure ANAs are better supported when performing their critical role, by removing the financial and operational burdens they face as a result of not being covered by section 46's immunity.

The Bill also makes minor amendments to resolve technical issues with two provisions of the Fairer Payments Act, which were to amend the SOP Act but have not yet commenced. The Bill amends section 23 of the SOP Act to ensure that adjudicators properly consider all relevant matters in determining a dispute involving a performance security claim and section 45 of the SOP Act to ensure that an adjudicator can recover fees in appropriate circumstances. These amendments ensure that adjudicators are incentivised to accept and resolve disputed claims and further, that all relevant materials related to those claims are considered in making their determinations. The Bill repeals the two provisions of the Fairer Payments Act that are inconsistent with these amendments and are no longer required.

Expansion of incorporation by reference powers for building regulations

The Bill makes minor amendments to the Building Act to expand the regulation-making power to enable all regulations made under the Act to incorporate any document by reference.

Decennial Insurance for residential apartments will be introduced

The Bill further delivers the Government's commitment to strengthen financial protections for apartment owners by introducing a decennial insurance scheme. Buying an apartment is often the single largest purchase a Victorian will make in their entire life, and they deserve to move into the safe and high-quality home they paid for, without the burden of self-rectifying costly defects. Historically, some off-the-plan and other apartment purchases represented a greater consumer risk than buildings with a rise of 3 storeys or less, and the introduction of this decennial insurance scheme is part of the Government's consumer-focused building reforms to reinforce confidence in Victoria's apartment market.

The Government has already introduced a mandatory developer bond scheme for newly constructed residential apartment buildings (of four or more storeys) to strengthen protections for these homeowners. This Bill takes it a step further by introducing a decennial insurance scheme for these buildings. Decennial insurance is a private market insurance policy taken out by a developer for the benefit of an owners corporation and will provide cover for any relevant defects in a relevant building element of a residential apartment building for a 10-year period after an occupancy permit is issued for the building. Decennial insurance will help to lift the quality of building work on new apartments in Victoria, will help reinforce consumer and investor confidence in these apartments, and will reduce the need for complex and costly litigation to resolve disputes. While consumer protection is the focus of this reform, decennial insurance will also encourage and assist developers and builders to identify and rectify defects early, when they are easiest and most cost-effective to fix.

When the decennial insurance scheme commences, developers will be able to arrange for a decennial insurance policy to be issued, as an alternative to arranging for the issuing of a developer bond. This will give the building industry more flexibility without compromising on consumer protections. Introduced by the Buyer Protections Act, the developer bond scheme requires developers to issue a bond prior to applying for an occupancy permit with the money secured used to cover the cost of rectifying defective work. In the long term, when the decennial insurance market in Australia matures, the Government proposes that the developer bond scheme will be wound down in favour of a mandatory decennial insurance scheme to reinforce Victoria's consumer protections framework in the building industry.

To the extent possible, the decennial insurance scheme has been modelled on the decennial insurance scheme introduced in New South Wales in 2022 to support the development of a competitive and affordable decennial insurance market for residential apartment buildings in Australia.

The Bill requires that a designated insurer must first obtain approval from the Building and Plumbing Commission of a decennial insurance product before it can be marketed to developers.

The 10-year period of cover, commencing from the issuing of an occupancy permit for the building, will apply to major building elements of the common property of a residential apartment building and any relevant building elements in private lots that are prescribed as a relevant building element. It is a first resort, no-fault policy, meaning that an owners corporation may make a claim for a relevant defect without having to prove who is liable for the defect.

If the claim is accepted, the insurer will arrange for or pay for rectification of the relevant defect. Payouts will be permitted in prescribed circumstances, and the insurer may recover its costs from at-fault parties. If the insurer refuses a claim, the Bill allows regulations to be made that will prescribe a consistent dispute resolution process.

To support robust regulatory oversight of the decennial insurance scheme, the Bill introduces certain requirements for developers to notify the Building and Plumbing Commission when they have arranged for

the issuing of a policy, and if the insurer has cancelled a policy. A designated insurer is also required to notify the Building and Plumbing Commission if it cancels an insurance policy in accordance with Commonwealth legislation regulating insurance contracts. The Building and Plumbing Commission will also be able to direct developers and insurers to provide certain information about issued decennial insurance policies.

Amendments to the Buyer Protections Act to allow for regulations to be made with respect to the insurance premium payable under the Statutory Insurance Scheme

The Bill amends the Buyer Protections Act so that, once it amends the Building Act, it will be possible to make regulations under the Building Act that delay or remove the requirement to pay the insurance premium under the Statutory Insurance Scheme (SIS) in appropriate cases, such as where entities like Homes Victoria or other social housing providers act as a developer but retain ownership of the homes they build. Such entities are not eligible to make a claim under the SIS because they are subject to exclusions aimed at preventing developers from benefitting from the SIS. The amendment to the Buyer Protections Act will permits regulations to be made under the Building Act that will enable prescribed entities to only pay the relevant premium for the SIS if they sell an applicable property within the warranty period, which will allow subsequent owners to benefit from the protections provided by the SIS. This ensures homeowners remain protected, without unnecessarily adding to the cost of delivering these homes.

The Bill will also amend the Sale of Land Act to ensure particulars of any applicable cover under the SIS are referenced in statements under section 32 of that Act.

Premiums order

The Bill will also amend the Buyer Protections Act to enable the BPC to specify a method, methodology, process or approach to calculate premiums under the SIS for the first two financial years. The amendment is an interim arrangement while the SIS is being established and will give the BPC the flexibility to ensure premiums structures reflect the claims activity in a first resort insurance product. The amendment will exempt the premiums order from the requirement to complete a regulatory impact statement under the *Subordinate Legislation Act 1994* for 12 months. This approach is consistent with the setting premiums for Workcover and the Transport Accident Commission in Victoria.

Amendment in relation to minimum financial requirements

The Bill includes provisions for a transition into minimum financial requirements. The purpose of the amendment is to enable the minimum financial requirements to broadly replicate the process the Building and Plumbing Commission currently follows to determine if a builder is eligible to take out domestic building insurance cover. For an initial period of two years, the minimum financial requirements determined under this provision will serve as the financial probity requirements under the Building Act. The Bill also enables guidelines to be issued to support the Building and Plumbing Commission's administration of the minimum financial requirements, following consultation with stakeholders on the proposed minimum financial requirements regulations in early 2026, and this amendment is an interim measure until 1 July 2028 to ensure consumers are protected by Rectification Order powers and first-resort domestic building insurance as smoothly as possible, and to reduce uncertainty for the building industry at a time of global economic disruption.

Issuing a rectification order

The Bill clarifies that the Building and Plumbing Commission must consider whether to issue a rectification order before deciding a claim under the SIS. The rectification order is critical to the financial sustainability of the SIS.

Minor and technical amendments resulting from the Buyer Protections Act

The Bill makes several minor and technical amendments to provisions in the Building Act.

Emergency orders, building notices and building orders

The Bill will improve community and environmental safety by enhancing the regulatory tools available to municipal building surveyors where condition altered land, such as a landslide, undermines the stability of private property.

The Bill makes amendments to the power to issue building orders, emergency orders and building notices to deliver recommendation 30 from the Report of the Board of Inquiry into the McCrae Landslide (McCrae Inquiry). These amendments will improve how local government and private landowners manage risks to the community and the environment on and from private land susceptible to landslides and other natural hazards, or which is fundamentally affected by human impacts.

Both the McCrae Inquiry and a 2025 Building Appeals Board decision in relation to it highlighted a gap in the current legislation. Currently a building surveyor cannot require landowners to undertake rectification, or

stabilisation works when condition altering events – such as landslides, erosion, floods or owner or occupier activity – compromise the integrity of land and pose risks to occupants or the wider community.

The Bill amends the Building Act to close this gap by creating a new category of "condition-altered land". This will give building surveyors the power to issue emergency orders, building notices or building orders in circumstances where the condition of the land is fundamentally altered but a building on said land is not affected. This will include circumstances where land on which a building is situated has been affected by a condition-altering event and the condition of the land poses a danger to life or property.

Designated Flood-prone Areas

Poor quality or out of date information about flood risk has severe impacts on building design requirements during the land development process. In some cases, this has resulted in development being subject to delay due to the need to undertake redesign work to meet flood risk mitigation requirements or due to costly or time-consuming appeals to the Building Appeals Board.

In October 2025, the Government announced a package of planning and building reforms to better manage flood risk. These reforms will implement a hazard-based state-led approach to provide better flood risk information and enable faster decision-making during development. To ensure land development decisions will account for new information about flood risk, the Government will use new modelling data to inform amendments to the planning schemes through its new streamlined planning scheme amendment process and is amending the Building Act to introduce a new ministerial power to determine which land is in a flood-prone area.

The Bill gives the Minister for Housing and Building the power to declare areas of land that have a 1 per cent or higher risk of flooding in any 12-month period as being designated flood-prone areas. The Minister's decision is to be based on the advice of floodplain management authorities about which land is in a flood-prone area. The Bill amends the Water Act to require floodplain management authorities to provide their advice about flooding and controls on development to the Minister for Housing and Building and to the Minister for Planning.

Land that is determined to be at a lower level of risk is generally safe for vehicles, people and buildings, provided any development of the land accounts for the risk of flooding. Under a flood-prone area designation for a parcel of land, the Australian Building Code Board's building and construction standards are to be applied under a building permit, to mitigate the risk of flooding. For developments requiring a planning permit, planning schemes will continue to be used to regulate land use and development in areas that have a moderate to very high-risk of flooding. This new state-led approach will also reduce the costs and administrative burden for councils.

The Bill also amends the Sale of Land Act to require that a vendor's section 32 statement must state if the land is in a designated flood-prone area, so that a purchaser of the land will be informed of this.

The new power to determine flood-prone areas of land and improved vendors statements will ensure that land owners, developers, building surveyors and councils will have the most up-to-date information on flood risk, and that appropriate construction standards are applied to new builds at the start of the development process.

Emergency services and volunteers fund

The Bill amends the ESVF Act to expand exemptions and rebates for the emergency services and volunteers funding levy (ESVF). The ESVF is an annual property levy collected by local councils via rates notices to fund a range of Victoria's emergency services.

As part of reforms to the ESVF Act in 2025, the Eligible Volunteers Rebate Scheme was introduced allowing eligible emergency services volunteers or life members to access an annual payment to offset the ESVF on their principal place of residence (PPR) or farmland. The reforms also legislated an increase in the fixed charge component of the ESVF for residential land not used and occupied as the owner's PPR, which is scheduled to commence from 1 July 2026.

As part of the 2025–26 Budget Update, it was announced that the increase in the fixed charge component for residential land not used and occupied as the owner's PPR would be delayed by 12 months to 1 July 2027. The Bill gives effect to this delay and provides for the Treasurer to determine the date that the increased fixed charge applies, through notice published in the Victoria Government Gazette. This will provide flexibility for the change to be delayed beyond 1 July 2027 should further time be necessary to finalise and test information-sharing arrangements.

The Bill also introduces a partial ESVF offset for community housing organisations, which will operate similarly to the Eligible Volunteers Rebate Scheme. Community housing organisations will be eligible for an offset of 50% of the ESVF fixed charge for residential land owned or managed by the organisation, in recognition of their role in providing not-for-profit housing to Victorians on a low income or with special

needs. The Treasurer will also be able to determine the date that the community housing organisation offset commences through notice published in the Victoria Government Gazette, allowing the new scheme to commence in conjunction with the fixed charge changes.

The Bill will also expand access to existing ESVF exemptions and offsets from 1 July 2026. The Bill broadens the existing ESVF exemption for Homes Victoria so that all land owned by Homes Victoria is exempt: currently, land owned by Homes Victoria is only exempt if leased to an individual or registered agency for the purpose of public housing. This will simplify administration by councils as most land owned by Homes Victoria is used for public housing. The Bill further enables authorised representatives of eligible volunteers to apply for and receive a rebate under the Eligible Volunteers Rebate Scheme, so that an executor, administrator, assignee or agent may apply on behalf of a deceased volunteer. Finally, the amendments extend the Eligible Volunteers Rebate Scheme to volunteers who hold a right to occupy premises in a retirement village who are liable to pay the ESVF under an arrangement with the retirement village owner or for any other reason.

Land tax

The Bill amends the LT Act to resolve various issues relating to the land tax exemption for an owner's principal place of residence (PPR) that is unoccupied due to construction or renovation. The amendments simplify the exemption and addresses areas where it is not operating as intended and will commence from 1 January 2027.

It provides that an owner may nominate the date of issue of a planning or building permit as the start of works for determining when the exemption begins to apply. This amendment will provide landowners more control and flexibility over the timing of the exemption, especially in cases where there is a delay between issue of a planning or building permit and the actual start of construction or renovation. If no nomination is made, the exemption period will start from actual construction, which is the latest possible commencement date.

The Bill also simplifies the exemption's intention requirement, which currently requires owners to intend to use and occupy the land as a PPR within 4 years of the start of construction or renovation. The exemption was previously available for a maximum of 4 assessment years, but since 2024 the exemption may be extended for up to 2 additional years where additional time is required to complete construction due to builder insolvency. The Bill amends the occupation requirement to be timed within 6 months of completion of construction or renovation to cater for cases where the exemption period lasts longer than 4 years.

The Bill also relaxes the existing requirement that owners are required to start use and occupation of their PPR by 31 December where construction started and completed in the same year, so that owners will have until 1 July in the following year to start occupation. The amendment will support homeowners who undertake quicker constructions or renovations.

Finally, the Bill amends the 'dual' land tax PPR exemption so that a joint owner who has departed their former PPR and obtained the exemption to construct or renovate their new PPR will not be able to obtain the exemption for their interest in the former PPR in the second year after they ceased to occupy it. This amendment ensures that a dual PPR exemption is only available for a second year if the person is not benefiting from a PPR exemption for other land.

Commencement

The Government's intention is that some provisions of the Bill will commence on the day after Royal Assent and others upon proclamation when certain supporting regulations have been made.

The default commencement date is approximately 18 months after the Bill is introduced into Parliament, to provide sufficient time to manage the interaction with the BPAE Act and to develop the required complex supporting regulations. Supporting regulations are to be developed for the POPE reform amendments and decennial insurance amendments, which will be technically complex, require extensive stakeholder consultation and involve a number of critical matters to be prescribed under the Bill's enabling provisions. POPE reform amendments will also involve a high volume of matters to be prescribed in regulations under the Bill's enabling provisions.

The Bill modernises legislation to reflect current industry practices, supports improved regulation, and improves protections for consumers in Victoria's housing and building system.

The Bill will also expand exemptions and rebates for the emergency services and volunteers funding levy and resolve various issues relating to the land tax exemption for an owner's principal place of residence that is unoccupied due to construction or renovation.

I commend the Bill to the house.

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:21): I advise the house that amendments to the Building Legislation and Treasury Legislation Tax Relief Amendment Bill 2026 were passed in the Legislative Assembly. The amendment extends the temporary off-the-plan land transfer duty concession for apartments, units and townhouses for an additional six months, from 21 October 2026 until 21 April 2027, as announced in the 2026–27 budget. This amendment simply extends an existing government policy, and I commend the amended bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (04:21): On behalf of my colleagues Mr Davis and Mr Welch, I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Outdoor Recreation Victoria Bill 2026

Introduction and first reading

The PRESIDENT (04:22): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to establish Outdoor Recreation Victoria, to establish the Land Access Panel, to repeal the **Game Management Authority Act 2014** and the **Victorian Fisheries Authority Act 2016**, to make consequential amendments to other Acts and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:22): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:22): 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 Outdoor Recreation Victoria Bill 2026 (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 purposes of the Bill include establishing Outdoor Recreation Victoria, whose objects include:

- promoting sustainability and responsibility in game hunting, recreational fishing and boating, and commercial fishing and aquaculture;
- optimising the social, cultural and economic benefits of outdoor recreation in Victoria in a sustainable manner; and
- supporting the development of the outdoor recreation sector, the commercial fishing and aquaculture sector, and the aquaculture sector.

The purposes of the Bill also include repealing the *Game Management Authority Act 2014* and the *Victorian Fisheries Authority Act 2016*.

Human rights issues

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

- the right to equality before the law (section 8(2) and (3) of the Charter);
- the right to privacy (section 13(a));
- the right to freedom of expression (section 15(2));
- the right to take part in public life (section 18);
- property rights (section 20);
- the right to a fair hearing (section 24(1));
- the right to be presumed innocent until proved guilty (section 25(1)); and
- the right not to be tried or punished more than once (section 26).

Principles to which Outdoor Recreation Victoria must have regard

Clause 10 requires Outdoor Recreation Victoria to have regard to the principles set out in Division 3 of Part 2 of the Bill when exercising its powers or performing its functions. One of these principles is the principle of equity, defined in clause 15(a)(i) to include equity between persons irrespective of their personal attributes including age, physical ability, ethnicity, culture, gender and financial situation.

Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. Section 8(3) provides that every person is equal before the law and is entitled to its equal protection without discrimination. Section 8(3) also provides that every person has the right to equal and effective protection against discrimination.

Consideration of the principle of equity by Outdoor Recreation Victoria will promote the right of everyone to equality before the law under section 8 of the Charter.

Appointment of directors to the Outdoor Recreation Victoria Board

Under section 8(2) and (3) of the Charter, discrimination relevantly includes indirect discrimination, which occurs if a person imposes an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a protected attribute including, relevantly, profession, trade or occupation, or race.

Section 18(2)(b) of the Charter provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to the Victorian public service and public office.

Clause 21(2) of the Bill provides that, in appointing a director to the Outdoor Recreation Victoria Board, the Minister must ensure, as far as practicable, that the directors of the Board collectively have the skills, experience and knowledge specified in that subclause, including governance skills, legal or regulatory experience, experience in outdoor recreation, commercial fishing or aquaculture, and knowledge of First Peoples culture, community leadership and perspectives.

While clause 21(2) may affect the potential for people who do not belong to particular professions, trades or occupations, or who are not First Peoples, to be appointed as directors, I do not consider that this would constitute indirect discrimination under the Charter. This is because such requirements are reasonable. The skills and experience specified in clause 21(2) are directly related to the responsibilities of the Board and they ensure that the Board has the specialist skills and experience to acquit its responsibilities.

Further, clause 21(3) provides that the Minister must not appoint a person to the Board if satisfied that the person has a conflict of interest specified in clause 25(1) (eg, because they hold a commercial fishery or aquaculture licence), or is in a position or role that is not specified but that would otherwise conflict with the role of director. I also do not consider that excluding people of certain professions, trades or occupations would constitute indirect discrimination. This is because clauses 21(3) and 25(1) are reasonable and serve the important purpose of ensuring the independence of directors and ensuring they make impartial decisions.

Section 18(2)(b) of the Charter is principally concerned with affording access to public office on general terms of equality. Given that I do not consider that clauses 21 and 25 constitute

discrimination, and that the qualifications they impose on eligibility for appointment to the Board (and exclusion from the Board because of conflicts of interest) are otherwise reasonably justified, I consider that clauses 21 and 25 are compatible with the right to take part in public life under the Charter.

Vacancies in the office of a director and removal from office

Under clause 23(1) of the Bill, the office of a director of the Outdoor Recreation Victoria Board becomes vacant if the director is convicted or found guilty of an indictable offence, or an offence that, if committed in

Victoria, would be an indictable offence, or is removed from office, among other circumstances. Under clause 23(2), the Minister may remove a director from office if the director is convicted or found guilty of an offence against a relevant law, or engages in improper conduct, or if the Minister considers that the director is no longer suitable to hold office, among other circumstances.

The nexus between a criminal conviction and the vacation of, or removal from, office engages:

- the right not to be tried or punished more than once (section 26 of the Charter);
- the right to a fair hearing (section 24(1));
- the right to be presumed innocent until proved guilty (section 25(1)); and
- the right to take part in public life (section 18).

Rights not to be punished more than once and to have a criminal charge decided by a court

Section 26 of the Charter will be relevant if the vacation of the office of a director or the removal of a director from office under clause 23(1)(b) and (2)(f) of the Bill constitutes an additional 'punishment' for an offence for which the person has been finally convicted. This right may also be relevant to clause 23(2)(c), which allows for the possibility that a criminal charge could be considered by the Minister as relevant to the assessment of suitability to hold office, or to clause 23(2)(d), which allows for removal if the director engages in improper conduct. Relevant to the concept of punishment, and following recent decisions of the High Court concerning the constitutional validity of schemes involving 'legislated punishment' in the Commonwealth sphere, it may be suggested that the right in section 24(1) to have a criminal charge decided by a court implies a principle that a person may only be punished as a result of a charge being proven in a criminal proceeding.

In my view, clause 23 does not engage sections 24(1) or 26 of the Charter because the vacation of, or removal from, office of a director by reference to a criminal charge (as part of an assessment of suitability to hold office, or of improper conduct), or to a conviction or guilty finding of criminal conduct is not to be characterised as imposing a form of punishment for the following reasons:

- The mere fact that a law operates to directly impose a detriment on a person does not make it punitive. Rather, the criteria by reference to which the detriment is imposed, and also the purpose for which it is imposed, are central to determining whether the imposition of a particular detriment is properly characterised as punitive. Clause 23 serves a protective purpose, being to ensure the integrity and good governance of the Outdoor Recreation Victoria Board, and to safeguard the public's trust and confidence in it. Consistent with this purpose, a criminal charge will not result in automatic removal from office. Rather, pursuant to clause 23(2)(c) and (d), a criminal charge may be a factor in the Minister's consideration of a person's suitability for office or as part of the Minister's determination of what constitutes improper conduct.
- The effect of being removed from office under clause 23(2), is to prevent a person whose eligibility has come into question from undertaking the responsibilities of the Outdoor Recreation Victoria Board.
- Finally, the nature of the detriment being imposed (ie, vacation of or removal from office) is not associated with a criminal sanction. A person would not be liable for subsequent sanctions of a criminal nature, such as a fine or imprisonment.

Accordingly, clause 23 does not amount to double punishment for the purpose of section 26, or engage the determination of a criminal charge pursuant to section 24(1), and these rights are therefore not limited.

Right to be presumed innocent

The Supreme Court has found that the right to be presumed innocent until proved guilty according to law in section 25(1) of the Charter appears to apply only in criminal proceedings, which would not include the vacation of, or removal from, office of a director under clause 23.

In the event that section 25(1) was found to have application beyond criminal proceedings, then if the Minister were to take a criminal charge into account in considering whether a director was no longer suitable to hold office under clause 23(2)(c), or had engaged in improper conduct under clause 23(2)(d), section 25(1) may be limited. However, I consider that any such limitation would be reasonably justified. As noted above, the purpose of clause 23 is to safeguard the integrity of these offices, which is legitimate and important.

Further, as a public authority under the Charter, in making this assessment the Minister must act compatibility with the Charter, including giving proper consideration to the right to be presumed innocent. Accordingly, I consider that any potential limitation would be in proportion to its aim and that clause 23(2)(c) and (d) would be compatible with section 25(1) of the Charter, if it were found to have application beyond criminal proceedings.

Right to take part in public life

As noted above, section 18(2)(b) is principally concerned with affording access to public office on general terms of equality. As being convicted of a criminal offence is not a protected attribute for the purposes of discrimination under the Charter, it follows that the right to take part in public life is not limited by clause 23.

Disclosure of interests by a director and information

Section 13(a) of the Charter prohibits unlawful or arbitrary interferences with a person's privacy. 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.

Clause 29 of the Bill requires a director who has a pecuniary interest in a matter being considered by the Board to declare the nature of that interest at a Board meeting. In addition to pecuniary interests, clause 30(1) requires a director who has an interest in a matter being considered by the Board to disclose the nature of the interest to the chairperson. Clause 30(2) requires the chairperson, if they have an interest in a matter being considered by the Board, to disclose the nature of the interest to the Minister.

Right to privacy

To the extent that the disclosures required by clauses 29 and 30 contain personal information, the Bill will engage the right to privacy in section 13(a) of the Charter. In my opinion, any limit on the right to privacy imposed by these clauses is reasonable and justified. The information disclosed is limited to a relevant interest, being either a pecuniary interest or a type of interest specified in guidelines made by the Board pursuant to clause 30(3). These clauses are aimed at ensuring the independence of the Board and only apply to directors and the Chairperson who have all voluntarily assumed roles to which special obligations apply, including these obligations to disclose matters that are within the public interest to declare. Accordingly, I consider that any interference with the right to privacy would be lawful and not arbitrary.

Clause 32 of the Bill prohibits a person who is, or has been, a director, authorised officer, officer or employee of Outdoor Recreation Victoria from disclosing any information obtained during the course of the person's duties, except as authorised under clause 32.

Freedom of expression

In respect of section 15(2) of the Charter, by prohibiting disclosures of information, clause 32 may impose a limitation on the right to freedom of expression. In my view, this is a lawful restriction which is reasonably necessary to protect public order within the meaning of the internal limitation in section 15(3), which has been interpreted broadly. Further, this restriction is limited to information obtained during the course of a person's duties and is subject to the exceptions specified in clause 32(2), including where the person reasonably believes that the disclosure is necessary in certain circumstances. Accordingly, I am of the view that clause 32 imposes no limitation on the right to freedom of expression.

Transfer of property and liabilities from the Game Management Authority and Victorian Fisheries Authority to Outdoor Recreation Victoria

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. While the Victorian courts have not determined whether the right to bring a claim against the State constitutes 'property' for the purposes of section 20 of the Charter, the Supreme Court has indicated that the term should be 'interpreted liberally and beneficially to encompass economic interests'. This could include contractual rights and accrued causes of action. Section 20 requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Additionally, 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. Part of the right to a fair hearing, protected in section 24(1), is the common law right to unimpeded access to the courts.

Clause 53 of the Bill provides that, on commencement day, the Game Management Authority is abolished and all of its rights, property and liabilities are transferred to Outdoor Recreation Victoria. Clause 53 also provides that Outdoor Recreation Victoria is substituted as a party in any proceeding to which the Game Management Authority was party immediately before commencement day, and is substituted as a party to any contract or arrangement entered into by or on behalf of the Game Management Authority. Clause 62 provides for the same transfer of rights, property and liabilities from the Victorian Fisheries Authority to Outdoor Recreation Victoria, and the same substitution of Outdoor Recreation Victoria for Victorian Fisheries Authority in any proceeding, contract or arrangement.

Right to property

The transfer of property, rights and liabilities from both the Game Management Authority and the Victorian Fisheries Authority to Outdoor Recreation Victoria is relevant to the property rights of natural persons who hold an interest in the liability transferred. However, this transfer of liabilities will not limit the property rights of persons holding the interest as they are not being deprived of their interest in the liability. Rather, the liability is transferred from one statutory entity to another without altering the substantive content of that right.

Insofar as a cause of action in relation to any potential liability held by the Game Management Authority or the Victorian Fisheries Authority may be considered 'property' within the meaning of section 20 of the Charter, clauses 53 and 62 may engage this right. However, in my opinion, these new provisions do not effect a deprivation of property as they do not extinguish any cause of action which a person may have against the Game Management Authority or the Victorian Fisheries Authority. Rather, liability is transferred to Outdoor Recreation Victoria.

Right to a fair hearing

For the same reasons outlined in the paragraph above, a person would not be prevented from bringing an action concerning matters in relation to the Game Management Authority or the Victorian Fisheries Authority because that person could commence the action against Outdoor Recreation Victoria, which would also be substituted for either Authority in any existing proceedings. Accordingly, in my view, clauses 53 and 62 would not limit section 24(1) of the Charter.

Transfer of staff from the Game Management Authority and Victorian Fisheries Authority to Outdoor Recreation Victoria

Section 11 of the Charter provides that a person must not be made to perform forced work or compulsory labour. The right to privacy in section 13(a) of the Charter is broad and encompasses rights to physical and psychological integrity, and individual identity. It has been interpreted to extend to matters relating to the right to seek employment, and may be interfered with where employment restrictions impact sufficiently on the personal relationships of the individual and otherwise upon the person's capacity to experience a private life.

The Bill provides that a person who, immediately before the commencement day, was employed by the Game Management Authority (clause 58) and the Victorian Fisheries Authority (clause 67) is taken to be an employee of Outdoor Recreation Victoria on the same terms and conditions and with the same accrued entitlements as applied before the commencement day. The transfer of staff occasioned by these amendments is relevant to the Charter rights to freedom from forced work (section 11) and the right to privacy (section 13(a)). However, for the reasons below, I consider that neither right is limited by these clauses.

Freedom from forced work

While clauses 58 and 67 effecting the transfer of staff will automatically alter a person's employer without their consent, the person's ongoing employment is of their own volition. Accordingly, the right to freedom from forced work is not limited by clauses 58 and 67.

Right to privacy

While the right to privacy has been interpreted as being relevant to matters of employment, it would generally only be considered limited by restrictions on employment that have consequential effects on an individual's capacity to experience a private life. Given an employee is not denied the capacity to seek alternative employment on similar terms, in my view, clauses 58 and 67 do not constitute an interference with private life of sufficient gravity so as to limit the right to privacy. Further, the proposed transfer will not result in any material detriment to a staff member's employment terms, conditions or entitlements, so I am satisfied that the right to privacy is not limited by clauses 58 and 67.

The Hon. Enver Erdogan MP
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Second reading

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:22): I move:

That the bill be now read a second time.

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

The Outdoor Recreation Victoria Bill 2026 delivers the government's vision to enable and strengthen outdoor recreation in Victoria by consolidating the Victorian Fisheries Authority (VFA) and the Game Management Authority (GMA) into a new statutory authority, Outdoor Recreation Victoria (ORV), with an expanded scope.

ORV will continue the strong regulatory responsibilities for game hunting and fisheries currently managed by the VFA and GMA, while expanding their functions to play a critical role in promoting broader participation in outdoor recreation, supporting sector development and promoting and supporting access to public land for outdoor recreation. Additionally, ORV will continue the role that VFA currently plays in supporting commercial fisheries and aquaculture.

The establishment of ORV was announced in December 2025 in the government's response to the Silver Review and aligns to the 2024 Economic Growth Statement commitment to consolidate regulators. However, it is not driven by efficiencies – rather, it is about increasing opportunities for Victorians and improving the services that support them.

We have heard from Victorians that they want more opportunity to get out and about in nature, and this government is committed to making that happen. Whether it's fishing, four-wheel driving, camping, hunting, bushwalking or any other outdoor activity, Victoria has some of the best parkland, waterways and natural resources in the country. ORV will help more locals and visitors experience the full range of outdoor opportunities in Victoria by working across government to create a digital hub that brings together outdoor recreation information in one place – giving people a single jumping off point for all the information they need about outdoor recreation in our State.

The Premier has made clear her support for Victorians getting out into the great outdoors. The Outdoor Recreation Portfolio is central to making sure Victorians can enjoy the great outdoors with free and low-cost activities.

ORV will also play a critical role promoting access to public land for outdoor recreation by working directly with the outdoor recreation community, public land and waterway managers and key government departments to overcome barriers to public access. In this capacity it will advise the Minister for Outdoor Recreation on opportunities to make it easier for Victorians to access the incredible outdoor recreation activities available on public land in Victoria.

Alongside the extensive physical and mental health benefits outdoor recreation activities provide, they are also key economic drivers for our state and in particular for our regional communities. In 2019 recreational fishing and boating contributed $5.82 billion to the Victorian economy and supported 56,000 jobs, while game hunting contributed $356 million and supported 3,138 jobs. We expect these numbers to be significantly higher today. Alongside that, the visitor contribution from nature-based tourism is increasing year on year and was estimated at $5.3 billion last year. The important role ORV will have in growing participation in outdoor recreation, and supporting sector development, will help foster regional economic development and provide growth and employment opportunities for communities transitioning away from native timber harvest.

In recognition of Traditional Owners' unique connection to Country, ORV will engage with First Peoples and Traditional owners in a culturally respectful and inclusive way that supports Treaty and self-determination. In doing so ORV will embed Traditional Owner knowledge and expertise in its strategic and operational planning. This will be achieved through the requirements of this Bill, which supports representation of First Peoples' cultural knowledge and community leadership on its Board, and by fostering strong partnerships with Traditional Owners across Victoria.

The VFA and GMA have achieved a huge amount since their establishments in 2016 and 2013 respectively.

The VFA has increased fish stocking to 10 million fish per year, expanded hatchery infrastructure at Arcadia and Snobs Creek, and delivered more than $60 million in investment to maintain, enhance or develop new recreational boating infrastructure through Better Boating Victoria. Meanwhile, the GMA has supported the implementation of adaptive harvest management framework for Victorian game duck hunting, expanded compliance operations and strengthened partnerships with Victoria Police.

ORV is about taking the work the VFA and GMA have done and building upon it, with expanded objectives and functions and a strengthened governance framework. As I will stress later, all staff from the VFA and GMA, including authorised officers, will transition across to ORV on day 1 enabling ORV to maintain regulatory continuity across game hunting and fishing.

Stakeholders, particularly hunters and fishers, have been overwhelmingly supportive of the proposal to establish ORV, rightly seeing it as a statement of government's intent to enable the outdoor recreation sector

to thrive in Victoria. VRFish, the State's recreational fishing peak body, welcomed ORV and the ways it will make it easier for more Victorians to enjoy our great outdoors. Similarly, Sporting Shooters Association of Australia's Victorian division has expressed its support, highlighting the benefits ORV's ability to support growth, education and participation will bring to Victorians, along with the positive impact to regional communities.

Provisions of the Bill

Speaker, I now turn to the provisions of the Bill.

Commencement will be by proclamation, but my intention is for Outdoor Recreation Victoria to begin operation on 1 July 2026, subject to passage of this Bill.

Objectives and Functions

This Bill takes the combined objectives and functions of the VFA and GMA as its starting point. Importantly, this means that, amongst other things, it will retain the strong regulatory role for recreational fishing, commercial fishing and aquaculture and game hunting through its provision of information and education, as well as its monitoring, compliance and enforcement functions. To that end ORV will have the identical regulatory footprint of the VFA and GMA. It will also retain a strong focus on research and maintaining operational plans, including relating to the humane treatment of animals that are hunted or fished.

ORV is more than simply a merger of the VFA and GMA. ORV's objectives and functions have been expanded in three key non-regulatory areas.

ORV will have a new role to promote participation in outdoor recreation. Just as the VFA has worked to promote participation in recreational fishing, ORV will seek to do so for outdoor recreation more broadly. Initially this promotion function will focus on recreational fishing, boating and game hunting, as well as the aligned activities of four-wheel driving and bush camping before considering expansion to other activities in the future. In this capacity, ORV will simplify the pathway for people to get the information they need to safely participate in outdoor recreation activities.

Secondly, it will work to optimise the benefits of outdoor recreation in a sustainable manner, and support the development of the outdoor recreation sector, as well as the commercial fishing and aquaculture sectors. Initially, the focus for ORV will be to support the sector through growing participation and realising the corresponding health, cultural, economic and employment benefits that result from increased participation.

Finally, ORV will have both an objective and function to promote and support access to public land for outdoor recreation. We have heard from Victorians about the barriers to access to public land, and ORV's new scope is explicitly intended to address this. To this end it will work with public land and waterway managers, stakeholders and, where appropriate, private landowners, to explore opportunities to improve public access arrangements and make it easier for Victorians to get outdoors.

Government will provide clear guidance to ORV that these new objectives and functions will be exercised by ORV within the bounds of sustainable capacity. This must be done in a manner aligned with ORV's regulatory role and through engagement with public land and waterway managers, respecting their authority and regulatory responsibilities over matters within their jurisdiction.

There have also been minor changes to clarify ORV's advisory functions and to better align those functions to the legislative framework under the Public Administration Act 2004 as well as government policy for statutory authorities.

Governance arrangements

This Bill provides ORV with a significantly strengthened governance framework including an increased focus on the core-governance skills of directors. ORV will be governed by a Board of 5–9 directors, including a Chair and deputy Chair, appointed by the Minister for terms of up to three years. The Board will collectively have knowledge and skills in financial administration, risk management, strategic planning, legal experience or regulatory knowledge or experience, experience in the outdoor recreation sector and knowledge of First Peoples culture, community leadership and perspectives.

The intent is for the Board's focus to be distinctly on the financial management, governance, strategic planning, organisational culture and risk management of ORV, with ORV's staff or appointed advisory committees, bringing the subject matter expertise across outdoor recreation interests.

Staff

To enable the transition from VFA and GMA to ORV, the Bill provides for ORV to initially be led by an interim chief executive officer appointed by the Minister, but responsible to and reporting to the Board, for a period of up to 12 months.

The Bill further provides that ORV's substantive chief executive officer will be employed by the Board, with the Minister's approval. Both interim, and substantive, chief executives will have the power to employ staff.

Authorised officers

ORV will have the power to appoint authorised officers, as the VFA and GMA currently do, to monitor and enforce the game hunting and fishing regulatory frameworks. The consolidation represents a significant opportunity to leverage the combined pool of authorised officers across fishing and game hunting to improve and optimise ORV's compliance effort. In particular, ORV will be more equipped to resource surge events like the opening of duck season, which the VFA has historically assisted the GMA with, or peak summer holiday fishing compliance activities.

Land Access Panel

Importantly, the Bill also establishes a Land Access Panel to provide advice and information to government to identify new opportunities for community access across public land and waterways. As part of this advice the panel will report on existing and proposed restrictions and barriers to improving access to public lands and waterways. As Minister for Outdoor Recreation, I will appoint members to this Panel to represent a range of interests relating to outdoor recreation, including Traditional Owners, public land and waterway managers, ORV and external stakeholders. The establishment of this Panel represents this government's commitment to improving opportunities for Victorians to access public land and waterways for outdoor recreation.

Transitional arrangements

To enable regulatory and operational continuity, the Bill provides for several important transitional matters. Most importantly, and to provide surety to VFA and GMA staff, the Bill will transfer all staff of the VFA and GMA, except their CEOs, to ORV on their existing terms and conditions, and with their existing entitlements.

The Bill also abolishes the VFA and GMA and ends the terms of their boards on commencement. It establishes ORV as successor-in-law to the VFA and GMA, as well as transferring property, rights and liabilities of both entities to ORV and substituting ORV as a party in any proceeding or agreement that either entity is named in.

Critically, the Bill provides for the transition of the appointments of the VFA and GMA's authorised officers so that ORV is able to acquit its core regulatory responsibility for game hunting, recreational fishing and commercial fishing and aquaculture.

These transitional provisions will enable ORV to hit the ground running from day 1, maintaining the high standard of regulatory responsibility for game hunting and fishing.

Conclusion

I would like to acknowledge the important interfaces between ORV's regulatory roles relating to game hunting and fishing, its promotional role relating to outdoor recreation, and the public land management roles played by the Department of Energy, Environment and Climate Action and Parks Victoria.

This Bill represents a key step in reforming the outdoor recreation sector and establishing a new statutory authority with the appropriate scope and remit to not only regulate game hunting and fishing, but to also enable greater support and promotion to grow outdoor recreation in Victoria. This is about maximising the opportunities we have in this State, making it easier for every Victorian to enjoy the outdoors, while supporting regional economic growth and jobs in the process.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (04:23): On behalf of my colleague Ms Bath, I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Victoria Police Amendment (Police Reservists) Bill 2026

Introduction and first reading

The PRESIDENT (04:23): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Victoria Police Act 2013** in relation to police reservists, to consequentially amend the **Firearms Act 1996** and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:23): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:23): 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* (**Charter**), I make this Statement of Compatibility with respect to the Victoria Police Amendment (Police Reservists) Bill 2026 (**Bill**).

In my opinion, the Bill, as introduced in 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 of the Bill

The Victoria Police Amendment (Police Reservists) Bill 2026 includes reforms to establish a modern police reservist framework that enhances operational flexibility and Victoria Police frontline workforce capacity. The Bill reinstates the Chief Commissioner of Police's (CCP) power to appoint reservists and makes supporting and consequential amendments to enable the effective operation of the reservist scheme.

Human rights issues

Human rights protected by the Charter that are relevant to the Bill

In my opinion, the human rights protected by the Charter that are relevant to the Bill are –

a. The right to privacy and reputation (section 13); and

b. The right to property (section 20).

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.

The right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The proposed amendments in the Bill empowering police reservists to perform support functions may engage this right.

An interference with the right to privacy and reputation is justified if it is both lawful and not arbitrary. An interference will be lawful if it is permitted by 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.

Proposed amendments

The Bill engages the right to privacy as this reform allows police reservists in the course of their duties, to perform administrative and support tasks including asking members of the public to provide personal information such as their names and address as well as making initial inquiries in supporting investigations. However, the Bill does not provide an express statutory power for police reservists to request this information, nor does it establish an offence for failing to provide such information. Therefore, there is no compulsion for a person to provide their personal information and if a person does not wish to provide their personal information, they may elect to leave the police premises or cease the communication with the police reservist.

In my opinion the Bill is consistent with the right to privacy and reputation.

Property rights (section 20)

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 common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

The right to property under section 20 of the Charter will be limited when all three of the following criteria are met: the interest interfered with must be "property", the interference must amount to a "deprivation" of property, and the deprivation must not be "in accordance with law".

Proposed amendments

To the extent that police reservists, once appointed, may be involved in receiving property and exhibits seizure or the handling of property in the course of performing their support functions, this right may be engaged.

However, the Bill does not confer any new powers to seize or otherwise interfere with property. Accordingly, the Bill does not limit property rights protected by section 20 of the Charter.

Conclusion

I consider that the Bill is compatible with the Charter because no human rights are limited by the provisions in this Bill.

The Hon. Enver Erdogan MP
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Statement of treaty compatibility

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:24:): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

1. The Victoria Police Amendment (Police Reservists) Bill 2026 includes reforms to establish a modern police reservist framework that enhances operational flexibility and Victoria Police frontline workforce capacity. The Bill reinstates the Chief Commissioner of Police's (CCP) power to appoint reservists and makes supporting and consequential amendments to enable the effective operation of the reservist scheme.

Consultation with the First Peoples' Assembly of Gellung Warl

2. Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

3. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the Statewide Treaty Act 2025:
   - 3.1 advancing the inherent rights and self-determination of First Peoples; and
   - 3.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
   - 3.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
4. In considering the compatibility of this Bill, I have considered the effects of the criminal justice system on First Peoples, which may result in the unequal enjoyment of human rights and fundamental freedoms by First Peoples as compared to other Victorians. For example, despite efforts under the Closing the Gap National Agreement and related efforts under the Aboriginal Justice Agreement, First Peoples remain significantly overrepresented across the criminal justice system. The Yoorrook Justice Commission's *Yoorrook for Justice* report found this was in part driven by a 'pattern of systemically racist policing' noting that while this 'does not characterise the whole of policing in Victoria, it is widespread and ingrained'. To address any unequal enjoyment of rights that result from the disproportionate effects of the criminal justice system on First Peoples in progressing any policing reforms the government has

regard to the role of policing in driving contact with the justice system. This requires a continued focus on working closely with First Peoples communities to ensure appropriate recruitment, training and standards to improve cultural capability throughout Victoria Police.

5. Having regard to these considerations, I have considered whether the reforms in this Bill compound the effects set out above and increase unequal enjoyment of rights for First Peoples, and I have formed the view that they do not. The reforms in this Bill are constrained to addressing police resourcing allocations, rather than the training and capability of the police workforce and its related impact on overrepresentation. The proposed scheme will involve the recruitment of reservists performing support and administrative tasks rather than frontline functions.

6. Accordingly, in my opinion, the Bill does not affect any of the objects specified in section 66(3)(d)(i)–(iii) of the *Statewide Treaty Act 2025* and is therefore compatible with each of those objects.

The Hon. Enver Erdogan MP
Minister for Environment
Minister for Casino, Gaming and Liquor Regulation
Minister for Outdoor Recreation

Second reading

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:24): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to continuing to support Victoria Police to effectively and efficiently perform its duties and protect our community.

The Victoria Police Amendment (Police Reservists) Bill 2026 introduces reforms under the Police portfolio to enhance Victoria Police frontline capacity by introducing a police reservist scheme.

These reforms are aimed at addressing the administrative burdens that impact frontline policing capacity. Police officers are often taken away from frontline duties to undertake non-operational duties including responding to public enquiries and other administrative tasks. These tasks are important and necessary to ensure the proper functioning of Victoria Police, however, they do not need to be undertaken by police officers who could be otherwise used to prevent and respond to crime in our community.

The introduction of a police reservist scheme will provide an additional pool of resources to complete non-operational duties. By introducing this scheme, Victoria Police will have access to an operationally-trained workforce that can appropriately support the delivery of policing services. This means that more police officers will be out patrolling the streets and responding to the needs of the community, rather than sitting behind desks.

Further, the presence of uniformed police reservists at police stations performing non-operational work will also enhance community confidence.

This is not a new scheme. A previous police reservist scheme existed under the former *Police Regulation Act 1958* (PR Act). There are also provisions in the *Victoria Police Act 2013* to manage existing police reservists. We know that employing police reservists to perform administrative duties works to ease pressure on frontline police officers. That is why we need to reintroduce the power of the Chief Commissioner of Police to appoint new reservists.

I turn now to the detail of the reforms in the Bill.

The Victoria Police Amendment (Police Reservists) Bill 2026 will empower the Chief Commissioner of Police to appoint police reservists as considered necessary to perform non-operational duties in support of sworn police officers.

When on duty, police reservists will have the general duties and powers of a constable at common law and may perform non-operational duties such as, but not limited to, tasks to support commencement of an investigation, assisting with public enquiries and other front counter duties at police stations such as taking crime reports at the front counter or over the phone.

Police reservists will perform their functions under the direction or control of the Chief Commissioner of Police, or any other police officer or reservist determined by the Chief Commissioner.

The legislative scheme allows for the making of regulations to prescribe criteria for the appointment of police reservists. It is anticipated that criteria that will be prescribed will include that for a person to be employed as

a police reservist, they must have been a former police officer with a minimum of 2 years' cumulative service in a police force. However, becoming a police reservist will not be solely limited to former members of Victoria Police. Police officers who have served in other jurisdictions can be appointed as a police reservist, if they meet the other required criteria.

Further proposed criteria include that the person is of good character and reputation and that the person is a citizen or permanent resident of Australia. It is also intended that prospective police reservists will have to complete a medical examination to the satisfaction of a registered medical practitioner nominated by the Chief Commissioner of Police and meet requirements for general intelligence and physical fitness.

Police reservists will be able to be appointed on a part-time, full-time, fixed-term or ongoing basis.

An example of a person who may become a police reservist is a police officer who may have instead considered retirement due to the strenuous impacts of frontline duties. Following this example, the police reservist scheme means keeping the knowledge and wisdom of experienced police officers within Victoria Police for longer.

The Chief Commissioner will have the power to require police reservists to attend training as and when deemed necessary. The Chief Commissioner will also have the power to suspend or terminate the appointment of a police reservist at any time.

I commend the Bill to the House.

Evan MULHOLLAND (Northern Metropolitan) (04:24): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Business of the house

Adjournment

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:24): I move:

That the Council, at its rising, adjourn until Tuesday 16 June 2026.

Motion agreed to.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:24): I move:

That the house do now adjourn.

Energy supply

Wendy LOVELL (Northern Victoria) (04:24): (2564) My adjournment matter is for the Minister for Energy and Resources. The action I seek is for the minister to take urgent action to increase the reliability of electricity supply to homes and businesses across Northern Victoria Region. I have been contacted by a number of constituents from a wide variety of areas across my constituency of Northern Victoria who all have the same complaint: under the Allan Labor government's failed energy policy, electricity supply is too unreliable and too expensive, and Victorian businesses are the ones paying the price.

The Roam Rutherglen Winery Walkabout is on this weekend. It is an annual showcase for many of Victoria's outstanding wineries, including All Saints, Morris, Campbells, Stanton & Killeen and many other iconic wineries. The event draws tourists from all over our state, as well as interstate and overseas visitors. But winery and hospitality operators are seriously worried that the event could be disrupted following a recent wave of power outages in the area. If power outages occur this weekend during the winery walkabout, it could shut down restaurants, cafes, bars, coolstores, wine fridges and cellar doors. Vintners also tell me that the frequent power outages disrupt the processing of wine, which needs to be kept at a stable temperature. Power outages in the area are nothing new. This issue has been going on for years, and yet the Labor government has totally failed to deliver a permanent solution.

The communities of Kilmore, Wandong and surrounds have also run out of patience with unreliable energy supply. After four major power outages in the past two weeks alone, locals are outraged and have begun campaigning for improved reliability and safety in central Victoria's electrical network. These residents are no stranger to the occasional power outage, but the frequency and length of unexpected recent outages, combined with the lack of adequate communication around scheduled outages, is leaving locals incredibly frustrated.

I also hear from dairy farmers throughout Northern Victoria about their concern that the increasing unreliability of the network could be a serious issue. Milk processing needs a steady and constant supply of electricity. Short interruptions to power can spoil a whole day's milking if it cannot be kept below 4 degrees Celsius and could require it being thrown away.

Under Labor's watch power reliability in our state is declining, and it is just not good enough. The electricity grid is already under pressure and regularly fails industry and business, yet services will only get worse. Demand for electricity in our state is expected to increase significantly because of Labor's anti-gas ideology that is forcing domestic customers to get off gas and switch to electricity for their home appliances. Be under no illusions: businesses will not tolerate this forever and will leave and move to other states if they cannot get the standard of service they need in Victoria. The minister must take urgent action to increase the reliability of electricity supply to homes and businesses across Northern Victoria.

Renewable energy

Jacinta ERMACORA (Western Victoria) (04:28): (2565) My adjournment matter this evening is for the Minister for Climate Action Lily D'Ambrosio. Victoria has exceeded its 2025 renewable energy target and is developing the next round of climate adaptation action plans. The action I seek is an update on how the government will continue strengthening climate resilience and supporting Victoria's transition to renewable energy.

Kangaroo control

Georgie PURCELL (Northern Victoria) (04:28): (2566) I have what I hope will be an easy 4:30 am request for our new Minister for Environment. The action I seek is for him to meet with Victoria's kangaroo advocates to better understand the challenges this iconic species currently faces in our state. Broad parts of my electorate from Healesville to Kyneton have reported troubling incidents of suspected kangaroo shooting. As a regional MP, reports come past my office almost weekly, whether it be a roo spotted by a distressed local with its jaw half blown off, kangaroo intestines found on a tourist bushwalk or families woken up in the middle of the night to the sound of gunshots right near their home and not knowing what to do. Meanwhile, kangaroo advocates in Gippsland are urgently trying to prevent the slaughter of much-loved kangaroo mobs residing on East Gippsland Water–managed land. Yesterday even the Shadow Minister for Environment stepped in to call for intervention on the proposed kangaroo cull in that region, something he is actively pursuing while the current minister remains notably absent on the issue.

Councils are also increasingly speaking out against Victoria's approach to kangaroo killing. Both Yarra Ranges Council and Mount Alexander Shire Council have formally called to be excluded from the kangaroo harvest management program, reflecting the concerns of the people that they represent. Except they cannot make that decision – only the state government can, and they keep saying no. One thing that remains clear across our state is that Victorians do not support commercial kangaroo killing. When local governments, wildlife advocates and community members are all raising similar concerns, it is clear that those concerns at least deserve to be heard. In fact polling from Kangaroos Alive and conducted by Pureprofile found that 77 per cent of Victorians want commercial kangaroo killing stopped, at least until reliable population estimates are obtained.

The request for our state's kangaroo advocates and experts to meet with the Minister for Environment is an opportunity for him – he is new to the portfolio – to hear directly from the people working on the

front lines of kangaroo conservation who have been doing this for many, many years and have an absolute wealth of experience. They want to discuss the compounding threats facing our native icons, along with practical solutions for coexistence, which is absolutely possible. Last year the Premier stated that we have got to look at nonlethal control mechanisms, when referring to kangaroo management in Victoria, so it only makes sense that the most practical step to begin that would be hearing direct from the community who has dedicated themselves to seeing Skippy survive. It is time for the minister to get a hop on and give our kangaroo advocates and our kangaroos a fair go.

Economic policy

Evan MULHOLLAND (Northern Metropolitan) (04:31): (2567) My adjournment is directed to the Treasurer, and I wish she were still here. It concerns responsible financial management. Treasurer, yesterday your South Australian Labor counterpart Tom Koutsantonis delivered his state's 2026–27 budget. South Australia's budget unveiled a growth in debt from $34.7 billion in 2025–26 to $53.7 billion in 2029–30 – a drop in the ocean compared to Victoria. While a substantial figure, I am sure this is a debt figure that the profligate Victorian government looks at with envy. As part of the budget, though – I found this quite interesting – Treasurer Koutsantonis announced a partial public servants job freeze, saying:

> My first step is I want a public sector that is lean and fit and not competing with the private sector …

He specifically said it would be through natural attrition and would exclude frontline services. Where have I heard that before? That is right, it is part of Jess Wilson's 10-year economic plan. But he has also taken a bit from column A and a bit from column B. He has taken the Labor Party's policy of cutting a thousand public service workers while also taking our policy of doing a hiring freeze. No-one, under our policy, will lose their job on 29 November that does not already have a job today. Under Labor's policy, as Jacinta Allan said, not hundreds but thousands – thousands. The Labor Treasurer also said that:

> … we are not going to become Victoria where there is no problem money can't fix.

He does not want his state to end up like Victoria. Funny that you have got Chris Minns, South Australia, Queensland – almost every other state – pointing towards Victoria as an economic basket case. Treasurer, this is a stunning rebuke of your 12-year-old wasteful government from a supposedly friendly Labor government right next door. In fact I remember Jacinta Allan putting out a tweet when Malinauskas won the election, congratulating her great Labor friend. By contrast, you have described opposition leader Jess Wilson's similar plan as a 'handbrake on economic growth'. In the same release your colleague Mr Dimopoulos even described it as a 'radical agenda'. Are they going to describe South Australia's approach as a radical agenda of cuts? I seek the action of the Treasurer to recognise that Labor has absolutely ruined Victorian finances and that even your own Labor counterparts are using Victoria as a byword for debt and financial disaster.

Youth mental health

Gaelle BROAD (Northern Victoria) (04:34): (2568) My adjournment matter is for the Minister for Mental Health. Will the minister take urgent action to ensure that more mental health beds are made available for young people in regional Victoria? I understand that in the entire state there are only 58 dedicated inpatient beds for adolescents with mental health issues. All but four of these are in metropolitan areas – two are in Traralgon, and two are in Mildura. That leaves a large part of the state without any dedicated beds for young people in the regions who face mental health issues and need specific inpatient care.

Recently a young lady from Wodonga in my electorate, Katie, publicly shared her story of trying to find help for her mental health issues. The closest available acute adolescent mental health inpatient bed was at Eastern Health's Box Hill Hospital, more than a three-hour drive away, and securing a bed was never guaranteed. I commend Katie for her bravery in speaking to the media in the hope that services may be improved and other young people do not go through the same trauma.

I also note the Beyond Beds campaign has been advocating for at least eight dedicated adolescent inpatient beds in the Hume region, but the fact remains that in the absence of appropriate care in the regions our young people are presenting to emergency departments or being admitted to adult mental health units. These environments are far from ideal for a young person experiencing a severe mental health crisis. There is a severe geographical imbalance in services. According to the Australian Bureau of Statistics there was a 50 per cent increase in mental health conditions among young people between 2007 and 2021. Vulnerable young Victorians are suffering, and I ask the minister to urgently address this issue.

Protective services officers

Nick McGOWAN (North-Eastern Metropolitan) (04:36): (2569) The action I seek is from the Minister for Police. What I ask him to do is seek an urgent review from the state's Chief Commissioner of Police of their decision to withdraw PSOs from 119 stations, but in particular – call me selfish – five of the seven stations in my electorate of Ringwood will be stripped of their permanent PSOs – forever gone. What a terrible mistake this government is making in that respect. I will list them because I think it is important that I give the minister every bit of information he can have for when he meets with the chief commissioner and asks him for the review I so urgently seek. He should ask about Blackburn station – that is very important. He should certainly ask about Nunawading station. It is somewhat gobsmacking, to say the least, that they would remove the permanent PSOs from that very busy station. Going further down the line, we have Heatherdale train station. I almost said fire station. It has been a busy week. Minister Shing, you will appreciate that, and so will you, President. I look forward to visiting more fire stations down the track. As we go down the rail track, I go on to Ringwood East train station and of course Heathmont – one of my favourite stations. It is very pretty, and there are a lot of works going on there in terms of the intersection – but that is another story.

What was really important, however, was the service the PSOs provided at those stations, and I say 'provided' in the past tense because for quite some months, if not years, this government has systematically dismantled the system that was put in place by the then Baillieu government. What was really critical about that system was it provided certainty not least for women. Time and again I have heard from women right across the electorate and further afield from my electorate, from right across the state in fact, how important it was that they had that peace of mind at night-time – not only for the stations themselves but for their associated car parks and the surrounding areas in some instances – that should they want to get an escort to their car or any other part of the station they could do so with the full knowledge and security that the PSOs were always there.

I am old enough to remember what the transport system looked like in the 1980s and 90s. It was awful. There was seldom, if ever – in fact I will go out on a limb here and say there was never – a train that was not vandalised or graffitied. Mr Luu would remember this, being a former police officer. There was not a single pane of glass in a single carriage that had not been defaced. There was not a seat in one carriage that had not been at least graffitied, removed or vandalised. That was commonplace in the 1980s and the early 90s, before the Baillieu government stepped in – well after the Kennett government – and actually restored order and security to our train lines. This decision by this government comes at a time when violence on the transport system is up 33 per cent. I urge the minister to undertake this review before a serious incident occurs in our train stations. It is a mistake.

South-Eastern Metropolitan Region homelessness

Ann-Marie HERMANS (South-Eastern Metropolitan) (04:39): (2570) My adjournment matter is for the Minister for Housing and Building, and the action I seek is for the minister to clearly demonstrate the measures the government will take to expand crisis accommodation, increase access to long-term social and affordable housing and strengthen homelessness prevention services across the South-Eastern Metropolitan Region. Our communities and services are doing everything they can, but the scale and urgency of the need requires a coordinated and strengthened government response.

Homelessness across the South-Eastern Metropolitan Region has reached a level that local services describe as unprecedented. Frontline organisations, councils and outreach workers are reporting sustained increases in demand for crisis accommodation, case management and long-term housing support. This week, just two doors down from my office, next to the Dandenong KFC, a handmade shantytown has just sprung up, with a man initiating it by building his shelter out of rubbish, shade cloth and tin panels – shame. These are the sort of makeshift homes we find in Third World slums, and I myself have visited many countries where I have seen these makeshift homes. Specialist homelessness services from the Australian Institute of Health and Welfare show that more than 110,000 Victorians sought assistance for homeless issues in recent years, which is the highest number of any state. Victoria also has the highest rate of service use in Australia, with around 17 clients per 1000 people accessing support. Family violence remains the leading driver, accounting for around 40 per cent of all presentations.

In the south-east the pressures are particularly acute. Wayss, the major provider for homeless people in my region, reports a 20 to 25 per cent increase in demand over the past two years, driven by rental stress, family violence and the rising cost of living. Frankston has recorded consistent rough-sleeping clusters around the CBD and foreshore, with local council identifying 80 to 120 people sleeping rough at various points over the past year. In Greater Dandenong outreach teams continue to support people sleeping around the station and shopping precincts, activity centres and industrial areas and of course now up the road from my office in the emerging shantytown. The Victorian housing register lists around 68,000 households waiting for social housing, including more than 30,000 priority applicants, with strong demand across growth areas such as Melbourne's south-east corridor. Local providers are also reporting a sharp rise in older women, young people and people sleeping in cars – groups who were previously less visible in homelessness statistics. Schools in the area are seeing more students experiencing housing instability, and health services are dealing with the consequences of chronic stress, unsafe living conditions and disrupted access to care.

Western Metropolitan Region special development schools

Trung LUU (Western Metropolitan) (04:42): (2571) My matter is for the Minister for Education and is regarding the critical shortage of special development schools in Melbourne's western suburbs. The action I seek is for the minister to urgently commit to planning and funding the construction of a special development school in Melbourne's west to meet both current and future demand. I rise to draw attention to a petition brought forward by concerned families and community members, highlighting the severe lack of suitable school places for children with the most complex and profound disabilities. Currently Melbourne's west, home to more than 900,000 people, is serviced by only two special development schools, Sunshine and Yarraville. Both are operating beyond capacity with extensive waiting lists. Families report being told that there are no spaces for their children, despite those children clearly meeting the eligibility criteria for the level of specialist support. For these families it is not a matter of preference, it is a matter of necessity.

Children who require special development schools have severe, profound intellectual disability, may be non-verbal and need intensive one-to-one support simply to learn basic life skills. When they cannot access these schools, they are placed in an environment that is simply not equipped to meet their needs. This results in distress, disengagement and development opportunity loss. We now have a waiting list in excess of two years for some of these schools. Families are forced to travel long distances, disrupt their lives and watch their children fall behind in a system that cannot support them.

This is not equity. It is not equal and it is not acceptable. What makes this situation even more concerning is that it has been more than 38 years since a new special development school was built in Melbourne's west. In my electorate over the time the population has grown rapidly. The number of children requiring special needs support has increased significantly, yet infrastructure has not kept pace. While a new special school in Werribee South is planned, it is clear that this will only partially relieve the pressure. The demand already exceeds current and future capacity. So I ask the minister:

please, commit to building a new special school in Melbourne's west, so every child, regardless of their need, can access the education, support and dignity that they deserve.

Responses

Harriet SHING (Eastern Victoria – Minister for Ambulance Services, Minister for Health, Minister for Water) (04:45): This evening there were eight adjournments, and they will be referred to the relevant ministers for response. I just want to say thank you to all of the staff and the attendants and Hansard operators, who have worked such a long night tonight, and to security, the clerks and everybody else – enormous respect to you. That is it from me, President.

Questions without notice and ministers statements

Written responses

The PRESIDENT (04:46): In question time I committed to Ms Crozier to review an answer from Minister Shing, and having reviewed it, Minister Shing did answer the question toward the end of her performance.

The house stands adjourned.

House adjourned 4:46 am.

Proof