



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 27 August 2026

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)

David Davis (from 27 December 2024)

Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew ¹	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira ²	Western Metropolitan	FFV	Ratnam, Samantha ⁵	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem ⁶	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina ³	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee ⁸	Northern Victoria	ON
Limbrick, David ⁴	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard ⁷	North-Eastern Metropolitan	Lib

¹ Resigned 7 Dec 2023

² Lib from 26 Nov 2022 until 28 Mar 2023;

IndLib from 28 Mar 2023 until 27 Dec 2024;

Lib from 27 Dec 2024 until 28 Jul 2026;

Ind from 28 Jul 2026 until 6 Sep 2026

³ Appointed 14 Nov 2024

⁴ LDP until 26 Jul 2023

⁵ Resigned 8 Nov 2024

⁶ DLP until 25 Mar 2024

⁷ Appointed 7 Feb 2024

⁸ PHON until 3 Aug 2026

Party abbreviations

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

CONTENTS

PETITIONS	
Outdoor recreation	3683
PAPERS	
Papers	3683
BUSINESS OF THE HOUSE	
Notices	3683
MEMBERS STATEMENTS	
Western Victoria Region	3683
Triple Zero Victoria	3684
Data centres	3684
Gippsland Climate Change Network	3684
Regional Victoria infrastructure	3685
Wear It Purple Day	3685
Footscray Hospital	3685
Suburban Rail Loop	3686
Libertarian Party	3686
Suburban Rail Loop	3686
Felicitations	3687
BUSINESS OF THE HOUSE	
Notices of motion	3687
BILLS	
Workplace Protection Orders Bill 2026	3687
Second reading	3687
Committee	3696
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Suburban Rail Loop	3705
Kangaroo control	3706
Ministers statements: avian influenza	3707
Education system	3708
Rural and regional health services	3708
Ministers statements: early childhood education and care	3710
Avian influenza	3710
Kangaroo control	3712
Ministers statements: gambling harm	3712
Custodial health care	3712
Thriving Kids	3714
Ministers statements: ambulance services	3715
Written responses	3715
CONSTITUENCY QUESTIONS	
Southern Metropolitan Region	3715
South-Eastern Metropolitan Region	3716
Northern Victoria Region	3716
South-Eastern Metropolitan Region	3716
Western Victoria Region	3716
Western Victoria Region	3716
Western Victoria Region	3717
Western Metropolitan Region	3717
Northern Victoria Region	3717
Northern Victoria Region	3717
Eastern Victoria Region	3718
Western Metropolitan Region	3718
Northern Victoria Region	3718
Eastern Victoria Region	3719
BILLS	
Workplace Protection Orders Bill 2026	3719
Committee	3719
Third reading	3723
Multicultural Victoria Amendment Bill 2026	3723
Second reading	3723
Committee	3757
Third reading	3785
Associations Incorporation Reform Amendment Bill 2026	3786

CONTENTS

Introduction and first reading	3786
Statement of charter compatibility.....	3786
Statement of treaty compatibility	3793
Second reading.....	3794
Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026.....	3796
Introduction and first reading	3796
Statement of charter compatibility.....	3797
Statement of treaty compatibility	3819
Second reading.....	3820
Fair Work (Commonwealth Powers) Amendment Bill 2026.....	3827
Introduction and first reading	3827
Statement of charter compatibility.....	3827
Statement of treaty compatibility	3828
Second reading.....	3829
Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026.....	3831
Introduction and first reading	3831
Statement of charter compatibility.....	3832
Statement of treaty compatibility	3839
Second reading.....	3849
Local Government Legislation Amendment (Stronger Communities) Bill 2026.....	3852
Introduction and first reading	3852
Statement of charter compatibility.....	3853
Statement of treaty compatibility	3858
Second reading.....	3860
Workplace Legislation Amendment (Accident Compensation and Other Matters) Bill 2026.....	3864
Introduction and first reading	3864
Statement of charter compatibility.....	3864
Statement of treaty compatibility	3870
Second reading.....	3871
ADJOURNMENT	
Dental services	3874
Suburban Rail Loop	3875
Haemophilia Foundation Victoria	3875
Family violence	3876
Daylesford Hospital.....	3876
Antidepressants.....	3877
mRNA research	3877
Planning policy	3877
Defamation law.....	3878
Land tax	3879
Avian influenza.....	3879
South-Eastern Metropolitan Region road safety	3879
Responses	3880

Thursday 27 August 2026

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

Petitions

Outdoor recreation

Jeff BOURMAN (Eastern Victoria) presented a petition bearing 3192 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the urgent call for Parks Victoria and the Victorian Government to recommit much needed funding to ensure that our bush tracks are well maintained and kept open.

The Petitioners therefore request that the Legislative Council call on the Government to urgently review the current strategic plan and ensure that the Victorian 4X4 community has access to tracks which are available for visitors to safely access remote parts of our parks through the year.

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

Papers

Papers

Tabled by Clerk:

Gender Equality Act 2020 –

Final report on the Statutory review of the *Gender Equality Act 2020*, under section 52 of the Act.

State Gender Equality Action Plan progress report, August 2023 – August 2025, under section 50 of the Act.

Independent Broad-based Anti-corruption Commission – Report to the Minister for Police, 1 January 2023 to 31 December 2024, under section 174B of the Firearms Act 1996 (*Ordered to be published*).

Statutory Rule under the Building Act 1993 – No. 115.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 111, 112 and 115.

Business of the house

Notices

Notices of motion given.

Members statements

Western Victoria Region

Gayle TIERNEY (Western Victoria) (09:46): With new community facilities, protecting special places and backing local sporting clubs, it has been a great fortnight across Geelong and the Surf Coast. I joined Treasurer Brooks, my Geelong Labor colleagues and local leaders at the Committee for Geelong’s annual lunch, where focus was firmly on our region’s future, local jobs and the opportunities ahead. At another activity in Armstrong Creek, Minister Blandthorn, our Labor candidate for South Barwon Rebecca Thistleton and I announced the new Lauderdale Court community hub, bringing kinder, maternal and child health services and community spaces together under one roof. On another matter, at Spring Creek I joined Minister Kilkenny, our candidate for Polwarth Hutch Hussein and local campaigners to announce a permanent protected settlement boundary. After an 18-year community campaign, land west of Duffields Road has been returned to the farming zone, protecting this beautiful valley from any future development. In addition, in Lorne we have switched on the new lighting at Stribling Reserve, giving Dolphin netballers more flexibility

to train and play, made possible with funding from the Carroll Labor government and a contribution from the Dolphins. All of these projects are different in all sorts of ways but have the same focus: listening to local communities and delivering what matters.

Triple Zero Victoria

Georgie CROZIER (Southern Metropolitan) (09:47): Triple Zero Victoria was established in 2023. Let us remember what happened and why it was established. It was established after the monumental failures of ESTA throughout the pandemic, when 33 Victorians lost their lives; they could not get an ambulance on time. Triple Zero Victoria provides the critical link between the Victorian community and the state's emergency services agencies, including ambulance.

Emergency call-taking and dispatch is at the heart of what Triple Zero Victoria does.

So says the Victorian government website. I have been asking to go out to visit Triple Zero. I have asked the former minister Vicki Ward four times, and all she says is that I can have a briefing. I have written to the new minister. We have a conga line of ministers that churn through their responsibilities, yet they are all useless. He has not even come back to me – has not even responded. I am the Shadow Minister for Ambulance Services. Triple Zero is a critical part of what ambulance services do, yet I cannot go out and visit Triple Zero. This is a government shrouded with secrecy. We have seen that through the Auditor-General's report yesterday with the secret tax. They are blocking representatives who are doing their job in their shadow ministerial responsibilities from visiting these agencies. This is a disgrace. Premier Carroll says he is full of integrity – it is bollocks. His government, like the Allan government and like the Andrews government, are all part of a cover-up and are a corrupt government.

Ingrid Stitt: On a point of order, President, that is a bit unparliamentary. I ask you to ask Ms Crozier –

Members interjecting.

The PRESIDENT: I will think about it, because 'bollocks' can mean certain things in certain regions of the world.

Georgie CROZIER: The Carroll Labor government is morally corrupt.

Data centres

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:50): Within a decade data centres will be using as much electricity as every single household in Victoria and New South Wales combined. That is what AEMO, the Australian Energy Market Operator, has said. Victoria's environmental watchdog has now stepped in to object to a massive \$1.1 billion data centre in Campbellfield. The evidence continues to mount. This data centre boom is out of control. The Melton, Hume, Brimbank and Maribyrnong councils have all called on the state Labor government to pause new data centre approvals. Whittlesea has pushed back, and the Greens are right there with them. We need a moratorium now. The government should be acting to halt these polluting AI data centre projects. They are not supported by their local communities. They are not supported by the evidence. Ben Carroll must close the floodgates that he has swung open for these big tech companies, because community must come first. If he cannot do that, what he and the Labor Party are saying is that they are fine with watching Victoria's bills go up, our drinking water drained for profit and our clean energy transition put at risk. People are fed up.

Gippsland Climate Change Network

Tom McINTOSH (Eastern Victoria) (09:51): I would like to use my members statement to give a shout-out to the Gippsland Climate Change Network for the great work they have been doing. We had the Gippsland New Energy Conference last week, which had 950 attendees from all over the world. We had investors coming in and we had local shires, local businesses, unions, workers and everyone there in community. It is a really fantastic event. It was great to have the Gippsland offshore wind

showcase in Parliament coming off the back of the great announcement yesterday from the Minister for Energy and Resources. It is such an exciting time for offshore wind. We are talking tens of billions of dollars of investment, we are talking multigenerational jobs and we are talking powering Victoria with clean electricity, and of course we have heard nothing from the opposition about what they are offering Victorians. Under the Liberal–One Nation alliance, the children of our future will not have the future that they deserve. Under a Liberal–One Nation alliance, power prices will go up. There will be shortages of power because the Liberal–One Nation alliance have no plan for how to power Victoria to deliver the power that we need for our industry, for our homes, for our hospitals, for our schools and for our services. The Liberal–One Nation alliance will say what they are against. They have ideological dreams such as nuclear, which costs hundreds of billions of dollars, and they will not deliver the electricity that we all need to get on with a prosperous future.

Regional Victoria infrastructure

Gaelle BROAD (Northern Victoria) (09:53): I was elected to represent Northern Victoria with the Nationals at the state election in November 2022, and over the last nearly four years it has been frustrating to see the lack of investment in regional Victoria. Regional populations have been growing, but infrastructure has not kept pace. Our roads have been left to crumble, and public transport services are lacking. I have seen schools filled with portables and run on generators; jobs available but not enough housing; new developments being built without proper infrastructure; hospitals lacking staff and resources to meet increasing demands and thousands waiting for surgery; regional businesses keen to expand but nowhere they can expand to; our fire services putting their lives on the line in an ageing fleet and with poor facilities; and kids keen to play sport but community facilities not keeping pace. Police stations are closing when crime is out of control. To meet these demands, a Liberal and National government will deliver a fair share and lock in at least 25 per cent of new infrastructure investment for regional Victoria. According to the independent Parliamentary Budget Office, less than 12 per cent of new infrastructure spending has been allocated to regional Victoria under the Labor government. Twenty-five per cent of Victorians call regional Victoria home, and it is time that decisions made in this place are made for the whole of our state.

Wear It Purple Day

Rachel PAYNE (South-Eastern Metropolitan) (09:54): Tomorrow is Wear It Purple Day, a day to remind LGBTIQ+ young people that they are loved, valued, seen and supported. This year's theme is 'Colours of courage'. I want to reflect on a story I heard today from entertainer and queer icon Reuben Kaye. Behind that dazzling smile is real courage. Reuben recently shared that a stranger messaged him on social media, threatening to set him on fire if he came to his town. As public queer people, we know that we have two options in this situation: block and delete or fight. Incredibly, Reuben chose to talk. The conversation ended with the man apologising, after he disclosed that his brother was out but not 'in your face about it'. In an age of sheer rage, here is an out and proud gay man showing empathy to someone who wanted to harm him. Not every homophobic interaction ends like this, but I would like to acknowledge the courage it took Reuben to do this and the courage it takes to practise pride every day. I hope that tomorrow all of you will have the courage to wear purple, talk to others about it, post it on social media and do so to let young people, particularly LGBTIQ+ young people, know that they can be visible with you.

Footscray Hospital

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (09:55): This month I was thrilled to join some of my western suburbs colleagues at the new Footscray Hospital. I was joined by the member for Footscray Katie Hall, the member for Williamstown Mel Horne and the member for Laverton Sarah Connolly at the new Footscray Hospital to celebrate six months of Labor delivering a bigger and better Footscray Hospital. Since we opened the doors in February the incredible healthcare workforce at the Footscray Hospital have supported thousands of Victorians. They have already cared for around

19,000 admitted patients, supported around 23,000 emergency department presentations, performed more than 5000 surgeries, delivered close to 50,000 specialist outpatient clinical appointments and served almost 100,000 patient meals. Importantly, the new ED also has a mental health and alcohol and other drugs hub, meaning patients are fast-tracked to an area with specialist dedicated care so they get the right support sooner. The new hospital has also welcomed a team of approximately 120 volunteers collectively speaking more than 30 languages, reflecting the diverse Footscray and western suburbs communities. The Carroll Labor government is proud to invest in our public health system and bring more care closer to home for families in the west.

Suburban Rail Loop

David DAVIS (Southern Metropolitan) (09:57): Today I want to draw to the house's attention the shocking discoveries from the Auditor-General's report yesterday. Victorians I think will be absolutely shocked and infuriated by what they have discovered. The state government plans to take \$8 billion out of Victorians in a transport tax to backfill and pay for the cost blowouts and the underfunding of the Suburban Rail Loop. The Suburban Rail Loop is a project that nobody requested and nobody wanted. It was dreamed up through a bad process – a corrupt process, actually – and now we discover that Ben Carroll and others in the government, including the former Premier Jacinta Allan, knew about this tax, discussed it first in 2021 and again in 2024 and imposed it from 1 January 2025. But they did not take the Victorian people into their confidence to say, 'We're imposing a new tax on every transport ticket in the state.' I have to say it is an absolute outrage to think that they could impose this massive multibillion-dollar tax on every single transport ticket in the state. People coming from the country and people moving around the city all have been hit with Labor's secret tax and will continue to be hit until 2060 and beyond. It is an outrage. It is one of the most corrupt things I have heard of in public life.

Libertarian Party

David LIMBRICK (South-Eastern Metropolitan) (09:58): In my first speech in this place in early 2019 I declared that I was here to defend human freedom and to oppose efforts to impose taxes, police thoughts and increase red tape. Our philosophy can be summarised by the words I quoted in that speech from John Stuart Mill: 'Over himself, over his own body and mind, the individual is sovereign.' I pledged to listen to my constituents about how the nanny state is encroaching on their lives and to untie red tape wherever I find it. Little did I know that the largest imposition of state power that any of us have ever known was just on the doorstep, with the government response to the pandemic seeing massive censorship and restriction of human rights. The Libertarians stood firm and defended the right of people to make choices about their own lives, including what medication they take. I can proudly say that the Libertarians are the only party represented in Parliament that have never voted for an increase in taxes and at every point have been fierce defenders of free speech. Human freedom is the key ingredient to human flourishing. If I am returned to Parliament after November, I pledge to continue to fight every day to defend the freedom of individuals to live their lives how they choose.

Suburban Rail Loop

Bev McARTHUR (Western Victoria) (10:00): The Auditor-General has confirmed what Victorians have long suspected: this government taxes them in secret and hopes they never find out. From January 2025 Labor added a 1 per cent levy to public transport fares on top of ordinary inflation-linked increases. Not one word appeared in the 2025 fare announcement, not one word in the 2026 announcement and not one word when Labor unveiled its Suburban Rail Loop value capture model last December. As late as June this year it was still undisclosed. The Victorian Auditor-General's Office says the levy was expected to raise around \$8 billion by 2062, with 60 per cent, around \$4.8 billion in present value terms, allocated to the SRL East, making it the project's largest source of value capture revenue. By 2035 a daily fare across zones 1 and 2 would have been \$1.60 higher, and by 2062, \$12.10 higher. Ben Carroll cannot wash his hands of this. The charge was approved in August 2021 when he was Minister for Public Transport. Yesterday he was telling Victorians his new

government would level with them. Today, only after the Auditor-General exposed the scheme, he announced he would scrap it. That is not leadership; it is not transparency. It is a panicked backflip after getting caught. And this was not merely a Melbourne tax. Commuters in Geelong, Ballarat, Warrnambool and across regional Victoria were paying more to bankroll an orbital railway that will not serve a single regional community.

Felicitations

The PRESIDENT (10:02): I seek leave to make a members statement from the chair.

Leave granted.

The PRESIDENT: Today I want to acknowledge the excellent electorate office staff I have worked with over the years: Vicki Setches, who is a superstar and has one of the best political radars I have known and a determination to get good things done; likewise Kirsten Vernon, who has an amazing eye for detail and a calm demeanour when a calm demeanour is needed; Peter Harris, who has an enormous heart and will go to all ends to assist a constituent; Alex Joannides, who is the best person I have known to answer an office phone, showing a great amount of empathy and patience; James Gan, who I believe has unlimited potential, excellent values and knows what it is like to do it tough; Adam Rae and Simon D'Costa, two young people that work and live their values; Alistair McInnes, a magnificent asset – I only regret not getting him on board earlier; and Cathy Hammond, someone who knows what it is like to care for someone with a disability and has shown us that the love of a parent can move mountains. I also want to give a shout-out to Peter Cook. The two of us have spent hours together laughing – mainly at my jokes, but his jokes are not bad – and talking about 1980s rock bands. Cookie is the only friend I have that has hosted *Countdown*. I have definitely fallen in love with a not-so-modern rock star.

Business of the house

Notices of motion

Sheena WATT (Northern Metropolitan) (10:03): I move:

That the consideration of notices of motion, government business, 278 to 1597, be postponed until later this day.

Motion agreed to.

Bills

Workplace Protection Orders Bill 2026

Second reading

Debate resumed on motion of Ingrid Stitt:

That the bill be now read a second time.

Michael GALEA (South-Eastern Metropolitan) (10:04): I am pleased today to rise to speak on the Workplace Protection Orders Bill 2026, a bill which I had the privilege of working on to help it take shape. In helping to keep retail and other service workplaces safe, it is close to my heart, given my time when I proudly served as an organiser for the SDA, a union representing retail and fast-food workers, and saw firsthand the impacts that the full spectrum of customer abuse and violence can have. It is a spectrum which can start with simple rudeness and disrespect but can escalate to extreme forms of workplace violence.

Last year this government legislated important reforms to the Crimes Act 1958 and toughened the criminal penalties for those who assault retail, service and transport workers. Workers in these industries typically face the public more than most and are therefore most susceptible to this type of offending. These are workers who deserve to be safe at work. Today we have before us a bill that you could call the second tranche or a natural next step of the earlier reforms. This bill will help to keep

these workplaces safe by providing a civil exclusion order mechanism that targets repeat offenders, backed by criminal penalties.

I do acknowledge the calls by many for workplace protection orders to be established, none more forcefully than by the SDA union through two of its campaigns: No One Deserves a Serve and Ban Aggressive Customers. Victorian state secretary of the SDA Michael Donovan has been particularly focused on WPOs, and I commend him and all SDA members on their successful advocacy that has brought us to this point today. I am also grateful to have had meaningful dialogue with major employers and representatives such as Woolworths, Metcash and the Pharmacy Guild, among others.

In the formulation of this bill and the retail assault penalty laws legislated last year I was privileged to serve on and co-chair the worker protection consultation group alongside Attorney-General Sonya Kilkenny. I would also like to thank the Attorney and her team, in particular Anthony Xu, for their efforts to bring this bill to this point. The group was a valuable forum in which proposals could be tested and improved. This bill before us today is stronger thanks to their work and contributions. I do want to acknowledge the voices of everyone who participated, including unions the SDA, the Transport Workers' Union, the United Workers Union and the Rail, Tram and Bus Union; employee representatives the Australian Retail Council and the Pharmacy Guild; and representatives of the Office of Public Prosecutions, Victoria Police and the community legal sector.

This bill focuses on protecting workers in these public-facing work environments, including retail, food service and public transport operations. These workers, particularly in retail, are more likely to be young, more likely to be female and more likely to be from a migrant background. The definition of a workplace under this bill includes, for retail, customer-accessible areas, which may be shop floors or car parks; the latter would apply to workers engaged in such tasks as click-and-collect or trolley collection. It also covers back-of-house areas of retail stores and back-of-house areas of depots and stations where a customer has made unauthorised access.

It is important to note here that the conduct must pertain to the workplace. The opposition has suggested that a matter outside of a workplace, such as a family violence matter being disclosed, could prompt a workplace protection order to be lodged against the victim's will. That is simply untrue, as the definitions in this bill make clear that the conduct must be connected with a workplace specifically. Applicants for a protection order will in most circumstances, of course, be employers, given that employers are the ones most likely to have direct access to information pertinent to supporting an application, such as the ability to gather witness statements from staff and to gather CCTV and other evidence. It is important, however, that an employee union registered under the Fair Work (Registered Organisations) Act 2009 with coverage of the workplace in question will also be able to apply. This is a necessary safety net for employees to be able to be supported in an application in a situation where their employer is not willing to lodge one, but it will also support smaller employers who may be willing but not resourced to make a claim by themselves. It is also important to note that WPOs cover entire workplaces or sections of workplaces and are not applied to individual workers.

The opposition have referenced the rushed amendments to implement WPOs that they sought to insert into the previous retail crime bill last year. I said at the time, and I repeat here, that those amendments were half-baked and flawed. One notable example of this is their failure to include registered unions as applicants, as is the case in other jurisdictions such as South Australia and is the case in this bill before us today. The opposition have also moved amendments to say that police should be applicants for protection orders. As I noted earlier, Victoria Police were a part of the workers protection consultation group, and I certainly do not wish to speak on behalf of Victoria Police, but I think it is safe to say that these amendments show that the opposition have, for the second time in a matter of weeks, not bothered to consult with the police about reforms that they seek to make to policing work. They also have not demonstrated why having police as applicants would be beneficial, nor how they would resource the police to acquit this function.

Workplace protection orders are civil protections and will be heard in the Magistrates' Court for adult respondents and in the Children's Court for those aged 14 through 17. In order to grant an order, a court must be satisfied that the respondent has engaged in unacceptable conduct in relation to a defined worker, that the conduct occurred within the previous 12 months, that the respondent is likely to engage in such conduct again and that making the order is appropriate in all the circumstances. On that last point, it is important to clarify as well that, for example, if a respondent would be unable to access work or study or food in a remote area as a consequence of a protection order being placed, that will be a valid consideration and must be taken into account in determining, firstly, the granting, but secondly, the scope of an order if it is granted. This threshold is important as it allows for a WPO to be issued when the circumstances are met, regardless of whether a conviction has been applied or sought, meaning that immediate threats to a workplace can be addressed in a timely fashion. It also removes the need for interim orders, as under this bill the threshold for a substantive order can already be met where the court is satisfied. The opposition's amendments for interim orders seek to apply the same thresholds as already apply to a substantive order in this bill, making such proposals for interim orders both duplicative and redundant.

WPOs can be applied to someone 14 years of age or older who has committed unacceptable conduct against a worker or workers. Unacceptable conduct is defined as physical violence or abuse, sexual violence or abuse or conduct that causes a person to experience a reasonable fear of harm, and it can include threats and other forms of intimidatory behaviour. Whilst workplace protection orders are a civil instrument, a breach of a WPO does carry significant criminal penalties under this bill of up to two years imprisonment or up to 240 penalty units in fines, which is currently a little over \$50,000.

In passing these important laws, Victoria will be joining the ACT and, more recently, South Australia in legislating for workplace protection orders. Evidence from stakeholders from the ACT shows that they are an effective way to prevent and deter reoffending on the part of abusive and violent customers, certainly in terms of reducing the offending once an order has been issued, but also in many cases it has been reported that the mere start of a process or the announced start of a process to lodge a workplace protection order has been sufficient to deter that type of activity and offending.

I do also note that the Greens are seeking to amend this bill to remove protections for transport workers. Public transport workers are much like retail and food service workers – essential workers who we rely on. We relied on them in the pandemic to keep their jobs going so that the economy could continue and we could continue as a society. They carry large public-facing duties. Many, particularly bus drivers, operate in solo operation where they are in constant communication with the public. It is in no way sufficient to say that these workers are in any way less deserving of being safe at work. To issue an order, a court must be satisfied that the order is appropriate in all the circumstances, as I mentioned before. This is precisely to avoid a respondent who has committed harm against a worker but is disadvantaged in a particular way from being further disadvantaged as a result of the order. This is a provision that is set out in section 21 of the bill, and this, in my view, completely covers the concerns raised by the Greens.

As we progress this important legislation, I am very conscious of the fact that it has come after the work that we did last year on toughening penalties for those who do seek to violently abuse or assault retail, food service or public transport workers by doubling the summary offence to six months and indeed the full indictable offence to five years. That sends a very clear message to anyone who would seek to assault these essential frontline workers that it is not tolerated in the state of Victoria. But more work is needed, and that is exactly why we are here with workplace protection orders today, a meaningful mechanism by which these types of particularly violent and particularly extreme repetitive offenders can be dealt with in a more streamlined manner, to ensure that people who go to work – people who work in supermarkets or on our public transport system or in cafes and in food service – can be safe at work. It is something that is so essential to our dignity, indeed, especially given retail does attract many younger people. It is the first job for countless Victorians, and it is so important that that is a good experience.

I recall from my time at the union dealing with countless instances of people suffering the emotional and sometimes even physical after-effects of a workplace assault or abuse by a customer. It can be deeply traumatic and it can change people's lives permanently. I even recall meeting with some 15-year-old workers on their first shift in a supermarket in suburban Melbourne. On their very first shift, in their first hour, they had been abused by a customer. None of this is acceptable. As I say, it exists on a spectrum from the relatively mild, everyday casual rudeness and even some yelling, but it does go into a much darker place and there is a spectrum. No amount of customer abuse or violence is acceptable. What this bill does is address that more serious end of offending and keep some of these repetitive offenders out of people's workplaces.

It dovetails of course with important reforms and important operations such as Operation Pulse, which is currently underway and has now been extended for another year, providing additional policing and also PSO resources to a number of shopping centres across metropolitan Melbourne. In my own electorate in Fountain Gate and Bayside I have seen the impact that it has had and heard from retail workers in these stores. I have also heard from SDA members in other centres where the program has been rolled out, including Eastland, and they have told me about the significant effects it has had, both on reducing crime and addressing crime in the centres and also on the very significant way it has boosted staff morale in making them feel supported. That is why I particularly welcome the expansion of the program, firstly for another year but also giving the police those powers and giving the Chief Commissioner of Police that discretion to expand the program on an as-needed basis, whether it be across other shopping centres or strip malls or other public high street areas, to address the offending where it is occurring. These are all particularly important things, and they all do go towards addressing retail violence as well.

In my first speech to this chamber I spoke of my desire to advocate for retail workplace safety reforms in the face of customer aggression. Today I am especially honoured to be able to commend this bill to the house, because no-one deserves a serve.

David LIMBRICK (South-Eastern Metropolitan) (10:18): I will start by saying that I totally acknowledge that workers being abused in retail environments, such as has been outlined as the reason for this bill, is a serious problem and is totally unacceptable. I agree with Mr Galea that it has been a big problem, and especially in the south-east, as we have seen in many shopping centres in the south-east. In fact I have seen crimes committed with my own eyes in shopping centres. In Cranbourne Park shopping centre a while ago I saw some workers being abused and then a group of young men actually just stole from the shop. On the face of it what the government is trying to do here seems like it would be something that is good. A shopping centre or other retail business is a private space. It is not a public space, it is private property, and one of the principal beliefs of the Libertarian Party is supporting property rights. It would seem that a business that has private property that runs in its own private space should be able to exclude people that cause trouble for its staff and other customers. So that, on the surface, seems like a good thing.

My problem here is the way that this is being implemented. We already have laws against trespass. We do not really have good ways for supermarkets to, for example, exclude people that are causing trouble. In fact my preferred means of enacting and enabling this right would be for guards at supermarkets – they already have guards at supermarkets now – to be able to exclude people that are causing trouble. One of the things that I have heard from many companies is that they would like security guards to be able to have access to something like pepper spray so that if someone is causing trouble they can defend themselves, and if it comes to that, then that is the point at which the police become involved, because then we are talking about someone initiating assault or trespass and it is appropriate for the police to become involved at that point.

What we see with this workplace protection order is that not only must the business be able to identify the person somehow, which might be a bit of a stretch, they also must be able to apply to the court, get an order and then somehow serve this person with a notice. If you look at some of the types of conduct that we are talking about here, there might be some person who is affected by substances who has

gone into a store, caused trouble and abused staff. The idea of tracking them down somehow, serving them papers, them being able to comprehend what is happening and that somehow being enough to stop them coming back to the store I just think is totally unworkable. It seems much more sensible to have a security guard at the front to say, 'No, you're not allowed to come in here anymore' – and some smaller businesses already do this. They have photos of people that have come into the store and stolen from them or abused staff, and they will just refuse them entry to the store. You do not need to go to a court. You do not need to serve papers to someone.

The other thing I am concerned about here, although, as has been pointed out, this is a civil matter, is if someone breaches this – it could be an unintentional breach if they do not understand the order properly – then they face criminal penalties, despite never necessarily causing harm when they go into these stores. I think that is a big problem with the way this is set out.

Another problem I have got is it is very selective about the types of businesses that can actually have this ability. Businesses that sell goods, like supermarkets, can apply for these WPOs. Businesses that have unionised workforces, because the unions can apply for these orders as well, are fine. But then other businesses, like, for example – this one was brought up in briefings – really high risk businesses like brothels, cannot do anything, unless their workforce is unionised. They might want to join a union; I am not sure which union they would join. So it really does seem like this is a very selective way of dealing with this, and it seems like a way too complicated way of dealing with it. I just feel like this is going to be totally unworkable. It is going to have very severe unintended consequences, and I am not convinced that this will work at all.

As I said, I think that there is a far simpler solution here, and that is enabling private businesses to exercise property rights and exclude people that they feel are causing trouble for their customers or their staff. That seems like a far simpler solution to this. I do not know why the government has come up with something that is so complex and unworkable. I am concerned about the unintended consequences. In many of these cases, as was pointed out, if someone cannot necessarily understand the order, then the order will not apply. How does that work with someone who has been causing trouble who has mental health or substance abuse issues? With these people it is basically going to have no effect. Or if they do serve it on them, maybe they are going to end up committing a crime without even understanding what the order meant. I just think that this is totally unworkable, and the Libertarian Party will not be supporting this bill.

Ryan BATCHELOR (Southern Metropolitan) (10:24): The Labor government is committed to keeping Victorians safe, whether they are at home or at work. No worker should be assaulted, abused or threatened in their workplace, and no worker should fear that they may be subjected to repeat unacceptable conduct by the same person. That is why this bill creates a scheme for the courts to issue workplace protection orders, to allow for individuals who behave in an unacceptable manner towards retail and certain passenger transport workers to be banned from that workplace. The workers in these environments, whether they be in our retail settings, whether they be in passenger transport settings, keep our economy moving, keep our industries growing and keep us fed and clothed. The retail industry alone contributes more than \$73 billion, from the major brand stores through to the corner stores and the local family-run businesses in our suburbs, and hundreds of thousands of Victorians use public transport. When these workers go to work, they have got to feel that they are safe and know that there are systems in place to keep them safe should there be any unfortunate incident.

The workplace protection orders will work alongside other laws the government has passed to create offences to address violence and aggression targeted at workers. As Mr Galea in his contribution so eloquently outlined, too often we hear of stories of workers who are left traumatised after incidents in their workplace. Many of them are young and are just seeking to take their first steps into the workforce by doing some part-time work. It can be a deeply traumatising experience. They want to feel confident that they can go and seek help, also from their union, who can then go and seek these protection orders so that they know the next time they go into that workplace they will be safe and that the person who was there will not be able to come back. The other benefit of course is that often it is not just the worker

themselves – obviously they are the primary victim of any aggressor, but the environments that are created in some of these settings for passers-by and for other retail customers can be unpleasant. I hope that what this legislation does is gives everyone a sense that, particularly in larger retail environments where we know we have seen all too many unfortunate incidents, there are steps being taken to improve overall community safety as well.

The protection orders will have a simple objective: to limit a person's access to workplaces or to workers if that person subject to the order is likely to engage in repeated acts of unacceptable conduct. That includes a range of behaviours that could cause a reasonable fear of harm for workers, including physical violence or abuse, sexual violence or abuse, stalking, intimidation or making threats. As I said, so that the system is simpler to use and all the burden is not placed on the individual, who often is in their first job or quite young, employers and unions will be able to make applications on behalf of impacted workers.

The conditions that a protection order may impose are various, in recognition of the various contexts, circumstances and situations which give rise to the complaints. For this reason the courts have been given broad discretion to impose conditions that include but are not limited to requiring a person not to contact a worker, requiring a person not to access a particular workplace, requiring a person not to come within a specified distance of a workplace and requiring a person to not engage in threatening behaviour at a particular location. In determining the conditions of the protection orders, the courts are going to be required to prioritise the safety and protection of workers but also must carefully consider the circumstances and context of the specific incidents that give rise to the applications so that any conditions imposed are proportionate to the targeted response. This helps ensure that the rights and liberties of individuals are not disproportionately limited so that they do not experience unnecessary hardship as a result of the imposition of an order. We know this is particularly important for vulnerable Victorians, and it includes vulnerability for a range of circumstances. To balance the safety of workers against access to essential goods, the courts may set conditions to limit the contact between the person and the protected worker.

The orders will cover all retail workplaces where the sale of things is their primary form of business. It is a broad definition. Coverage for transport workers will include those on passenger trains, trams or buses as well as extend to workers in valid ticket areas and in ticket offices. There are a range of penalties that are put in place.

Just a couple of broader remarks: I think the work that Mr Galea has undertaken in the last couple of years on this is diligent and should be commended, obviously working with the trade union movement and with the Attorney-General and her team to develop both the concepts and the application of this regime here in Victoria – it is obviously something that other jurisdictions are also moving on – but also giving some real thought to how the system should work. It is that sort of engagement that this government does with representatives of workers, with businesses and with the police that really does benefit and show that good policymaking is at the core of many of the things that this government does. Sadly, the increase in harm and in threats and aggressive behaviour in our workplaces is real, and we see it both from the stories that we hear and also from harder data. Clearly there are a range of reasons that these increases in violent and threatening behaviour have taken place, and they are multifactorial. Some relate to broader issues within society. The impact particularly on certain individuals, whether it is violence or substance abuse or mental health issues, we do not know. But there are a range of factors.

One point I want to make, though, in the context of this debate is that I do not think that the retail companies themselves can avoid their share of responsibility for what is changing inside of their stores. There has been a very deliberate strategy, particularly from larger retailers in the last decade, to strip back the staff that used to be at the counters, to change the cashiers and the cash registers at supermarkets and larger stores ostensibly to what they say would make things more efficient and to strip costs out of their business. But that takes away humans, and it is undeniable that over time those changes – the removal of retail staff from the front line, the sacking of workers, the replacement of

people with machines – have caused and contributed to a shift in the attitudes of some in our community to these stores.

I think the changes in the physical layout of some of these stores are a factor in what we have seen in terms of a rise of things like retail theft. Retail theft is increasing because of a range of factors, but one of them quite clearly is the decisions of the supermarkets and these large retail chains to take away people from the cash registers and instead replace them with machines or, in the case of some retailers, to move the cash registers and the check-out from the entrance and exit of a store into the middle and to create exceptionally open environments that have, sadly, resulted in people engaging in theft. They have contributed to this. The decisions of the retailers to remove staff and to change the layout of their stores have been a contributing factor in the attitudes that people have taken in those stores. They should not, and we do need to pass laws. We do need to put protections in place. But I do not think we can let this debate go by without putting on the record that actions that retailers have taken in their stores have been a factor in the rise of aggression towards their workers and they should take some responsibility for that. Maybe they should think about bringing back some of the staff who historically have been at check-outs and who have been there to assist customers. Maybe that will help dial down some of the aggression and negative and antisocial behaviour that exists in our stores. No actions are without consequence, and in this instance we can probably see a very clear one. That does not diminish the importance of what this legislation is doing. It does send a very strong message from Parliament and from the government that acts of violence and aggression towards retail workers are unacceptable and that we have put protections in place.

Our message to retail workers and transport workers is: we have got your back, and we are going to be here to support you and to put the laws and protections in place, working with your union to make sure that when you go to work, you feel safe. Every Victorian should expect that.

Jeff BOURMAN (Eastern Victoria) (10:36): I was not planning on speaking on this bill, but apparently the minister needs some time. I will be supporting this bill and, at this stage, none of the amendments. One of the things I have noticed over my years of not being in the political elite is that workers face violence in the workplace and they face it way too often, and at this stage this state's pitifully weak trespass laws do not do a thing. They are absolutely more or less pointless, and I have pointed that out in the context of some other stuff before. This is why we need to do this. A workplace protection order, at this stage, is giving a person who is going to work the ability to go to work without being harassed, without being assaulted and without fear of going to work. If this person is harassing, assaulting or intimidating someone and they have mental issues, they have substance abuse issues or whatever, that is all good and fine, but that is not the fault or problem of the person who is being harassed, intimidated or assaulted. So what we really need is a mechanism to deal with this. This may not be perfect, but it is a mechanism.

I will pre-empt, for my Greens colleagues here, that I will not be supporting their amendment because public transport could be, from some perspective, a fundamental right, but I feel the fundamental right of the person driving the tram, train, bus or whatever is more important than the right of someone who has just thrown urine, blood or other stuff at them or assaulted them. We are all meant to be responsible for our actions. I am not saying that there should not be a pathway back, but just saying that you cannot ban someone from the public transport network because they might need to catch a bus or a train is not a good enough reason to let a violent offender back on the train.

In one of my previous occupations I dealt with violent offenders on trains. Police are trained to deal with these things. They are given equipment to deal with these things, and they have backup. Someone driving a train, a bus or a tram is not and has none, so it is important that they be able to have some sort of mechanism to give them that peace of mind. None of these things are going to be 100 per cent; none of these things is going to be guarantee. But as it is, it is quite the – I am trying not to swear – show. We can guess the other word. Without a police officer there, without a PSO there, without some form of security, all they have got to rely on – I will use a bus as an example – are those cages that they are given. I have seen time and time again on security footage, which is great after the fact, that

those cages can be dismantled by an extremely violent person, and then what becomes of the driver? So I am quite happy to support this bill. I think it has been a long time coming. I think the minister is nearly ready, so I will leave my contribution at that.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (10:39): I am pleased to rise to speak on the debate on the Workplace Protection Orders Bill 2026. I want to from the outset thank every member of the chamber who has contributed to this debate. It is an important debate, one about worker protections. Fundamentally for me as a Labor minister, it is a core issue for us in terms of workplace safety being the reason for our movement and the reason for our political party. That is the reason why we do this work. It is about providing greater protection to working people and working families, and we know those in retail and the transport industries are on the front line. They are the people that provide the goods and services, the people that transport us around the city and state, and they play a vital role – not just an economic role but a social role. For many of us in this chamber our first job would have been in retail. Just as Premier Carroll talked about his first job at Kmart in Airport West, I know for many in this place, at 18, fast food or retail is where a lot of us got our start in life. That is why it is important that we provide the protection to these workers.

We know and we have heard, and government does consult; we listen and we act. We have heard from industry and from unions in this space about the growing trend, unfortunately, of behaviour that is unacceptable; the rise of incidents of abuse and threats and harassment and violence towards customer-facing workers has truly reached a level that is just quite unsustainable. It has always happened, but it is unfortunately a new type of vitriol that we are seeing. I do want to take this opportunity to thank those advocates like the retail association but in particular the unions such as the SDA and their strong secretary Michael Donovan for his leadership in advocating for and delivering greater protections to retail workers in our state. Thank you, Michael. I also want to thank the Rail, Tram and Bus Union, the Transport Workers' Union, the United Workers Union, Trades Hall and everyone that has engaged in the consultative working group. My colleague Mr Galea very ably chaired that committee, bringing different stakeholders – employer and employee groups – together. That is when government works best, and that is what the Carroll Labor government is about. The consultation group worked on a civil mechanism that will protect workers and impose significant criminal consequences on individuals who breach this civil order.

I do have an important announcement to make as well, because there has been some debate about the commencement in July next year. I can say, by proclamation, that it is the goal of the government and the Attorney-General to proclaim that this law will commence from 1 March 2027 instead of the original July 2027 timeframe. That is a positive development, and I know that the workers in those industries – in retail and transport – will welcome that announcement by the Carroll Labor government.

We know that workplace protection orders will target unacceptable conduct, including violence, sexual abuse, stalking and threats in retail and specific transport workplaces. Breaching conditions will carry penalties of up to two years imprisonment and fines exceeding \$50,000. This measure is about protecting the workplace by limiting the access of people deemed to be engaging in repeated acts of unacceptable conduct. The worker protection scheme will enable unions, retail and transport operators to apply for an order. We have consulted widely, and I will repeat, as I started: the stakeholder engagement has been second to none in the development of this bill, because we want to get it right, and we have made sure that those powers will be with the unions and with retail and transport operators, who are best placed to apply for a workplace protection order. As part of this work, I can confirm that the Attorney General's office has consulted with Victoria Police, who are very comfortable with these arrangements and agree that operators and unions have the resources, information and expertise in the workplace to assess and prepare an application. I will stress that it is important that this work is led by employers and employee groups, and it is important we respect that.

As a government, protecting workers is fundamental to our being, especially as a Labor government, and we have already taken strong action in terms of criminal penalties for a new offence in the Crimes

Act 1958: the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Act 2025, which delivered a new indictable offence with up to five years imprisonment. We sent a clear message: we will always stand with retail workers, and we will always stand with frontline transport workers. This bill will complement that work. It provides another tool in the toolkit to protect these workers who are working on the front line and who are unfortunately facing a lot of abuse.

Our goal is to ensure that the workplace protection order is proportionate. I know some of the concerns that have been raised have been about the proportionality of the settings in this legislation, and we have been careful to make sure that we do not take away the ability to obtain goods or services more than necessary when there are no alternative options. We have given a lot of discretion to courts, because I think courts are well placed to assess every individual circumstance. No one incident will be the same, and I think our approach and the definitions used in this legislation mirror similar parts of the law in the ACT. We have taken some of the best examples from around the nation, knowing that South Australia and the ACT have led a lot of this work in relation to workplace protection orders. I want to thank my ministerial colleagues in those jurisdictions that have done that work, similarly to the way Victoria did. They engaged the appropriate unions – the SDA and the relevant transport workers unions – and they have also engaged with employer groups; I have talked about the advocacy of the retail association on this issue in making sure that we have the right settings.

That being said, courts must give paramount consideration to the safety of workers in the workplace when determining the conditions of a WPO, and we do not apologise for that. There are some people that are going to be affected by this, and rightfully they should be. If their conduct is of a level that is unacceptable, then there should be action; there should be consequences for their behaviour. Customer-facing workers in retail and transport provide essential services that we all rely on. They deserve our protection. They should not feel unsafe in their workplace. The retail sector alone contributes over \$73 billion to our state's economy per annum. There are hundreds of thousands of Victorian workers in these jobs.

I know one member asked what we are doing here. Well, I can tell you what we are doing: we are protecting workers. That is what we are doing. It is what this bill does. It is about worker protection. If you believe in protecting workers, now is the time to remember that, and actions will speak louder than words. I will remind everyone in the chamber of that. I am not singling out anybody, but I think it is an important message that we all do put on record. On this side of the chamber we believe that every Victorian worker deserves to feel safe at work, and we are committed to protecting customer-facing workers. The introduction of the workplace protection orders, alongside other reforms, will deliver safer workplaces for retail and transport workers.

I might leave my contribution there, because I understand we are going to enter into committee, where some of these issues will be teased out. I want to thank everyone. I understand that the opposition is broadly supporting the bill. I am pleased to hear that. The government is supporting this bill, and I look to the crossbench to also demonstrate their support for stronger worker protections. It is important that this chamber unites and supports our retail workers, young and old, male and female. This is a very diverse workforce. Protect our transport workers that are on the front line transporting us across our city and state; I think this will be a real test of where people stand on worker protection and worker safety. I commend the bill to the house.

Council divided on motion:

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (10:54)

Aiv PUGLIELLI: Just to start off, can the minister confirm whether unacceptable conduct with respect to this bill is intended for or capable of capturing peaceful protest activity? For example, where a protest involves entering or remaining on premises or conduct that might be characterised as trespass at a retailer, shopping centre, transport hub or workplace connected to the subject of a protest.

Enver ERDOGAN: I think the unacceptable conduct test that has been applied obviously mirrors what is in place in the ACT, which already has workplace protection orders. It is always difficult to comment on hypotheticals, because each circumstance is different in relation to the workplace settings and where the protest is taking place. Could you just clarify your example? But I am wary about getting into examples and hypotheticals because the judges and the judiciary are best placed to analyse each circumstance. Like I said, it is hard to say where the protest is exactly in relation to the workplace, as defined in the act.

Aiv PUGLIELLI: I am happy to clarify. There are two prongs to it. There is whether it is intended to capture these types of activities and whether it is capable. An answer to either of those would be useful. We are talking about, for example, a protest, as I said, where protesters have entered or have remained on a premises – conduct that might be characterised by others as trespass. In that example, would this be intended or capable of capturing that activity as unacceptable conduct?

Enver ERDOGAN: I can confirm for the purpose of the bill ‘unacceptable conduct’ does mean physical violence, abuse, sexual violence or abuse, stalking or conduct that causes a person to experience reasonable fear of harm. Clearly, then, for any activity to be captured in the bill, it needs to involve at least one of these types of conduct. It would be inappropriate to hypothecate, but if someone conducts stalking behaviour and the court is convinced that it is going to happen again and it is in a workplace setting or close to workplace setting, then I guess that could be captured. But then it would be captured because they have obviously done something wrong, such as physical violence, sexual violence, abuse or stalking in relation to someone’s workplace. So not the protest part, but the wrongdoing in terms of stalking conduct, sexual violence or physical violence. The mere protest itself would not be captured, but if it is linked to additional unacceptable conduct, as the test for it is in the legislation, then it could be captured.

Aiv PUGLIELLI: Just to confirm from what you have just said, though: trespass is not considered unacceptable conduct with respect to the bill?

Enver ERDOGAN: Trespass alone, no, because the definition is quite clear about that fear of harm. Trespass alone would not be enough.

Aiv PUGLIELLI: Under clause 21 a court can make a workplace protection order on the basis of a single instance of unacceptable conduct. There is no requirement that the person has engaged in a pattern of behaviour or done anything more than once. Can the minister confirm that one incident is enough to found an order?

Enver ERDOGAN: I think it is a really good question, because obviously the goal here is to more broadly protect the workplace. But we know that there is a pattern of repeat offenders, and that is why a lot of our judicial centres tackle those. This legislation, particularly clause 21, provides that a

workplace protection order may be made when the court is satisfied, one, that the respondent engaged in unacceptable conduct in relation to a person who performs work at the relevant workplace and it is within 12 months of the application being made. I think the relevant test – you asked about it being only once – is that the respondent is likely to engage in such conduct again. And then thirdly, the making of the order must be appropriate. Technically after a single incident, yes, but the court would need to be satisfied that they are likely to engage again. Again, it is up to the court to distinguish, and each circumstance is different. Usually you could say if someone has already done it multiple times, they are more likely to be placed on this order because they are probably more likely to engage again. But if they have only done it once, I guess the court would need to be convinced that they are likely to engage in such conduct again. We have deliberately kept it broad for the court to interpret, because the courts know that each circumstance is different. But for the test of whether they are likely to engage in such conduct again, it is only required that there be a minimum of one incident. They could potentially find that they are likely to engage in this behaviour again, but more likely than not they will probably look at a pattern of behaviour. It is at the discretion of the court. I am reluctant to lean into the court too much, because ultimately they know the circumstances. Every individual's case will be different.

Aiv PUGLIELLI: To expand upon the answer you have just given – I appreciate the information you provided – is there an example of the type of information a court might rely upon to verify whether it is likely that the person will reoffend?

Enver ERDOGAN: Just to confirm, one incident may be sufficient, you are right. But the fact is that the court will need to make an assessment. We have not provided that kind of strict guidance because we think the court is best placed to make that assessment on the circumstance. Like I said, it is obvious that if someone has done it repeatedly they are probably more likely to do it again. After one incident, I think that it would be up to the court to be satisfied.

Aiv PUGLIELLI: Just to move on, can you confirm whether a workplace protection order can be made in the respondent's absence – that is, on an ex parte basis – noting clause 21(3)(b) allows the court to make an order whether or not the respondent is before it?

Enver ERDOGAN: Yes, an order could be made. However, the application itself must be first served on the respondent, and if they do not attend the court, the court has the ability to hear and determine an application and make an order in their absence.

Aiv PUGLIELLI: The scheme will apply to children as young as 14. Minister, can you explain how subjecting a 14-year-old to a quasi-criminal order that restricts their movement and access to essential services is consistent with the evidence on child development and the principle that children should be diverted from punitive legal responses?

Enver ERDOGAN: I appreciate the point that Mr Puglielli is trying to make here, because as a former justice minister I am sympathetic and know that in young people's development it is quite important that we have appropriate responses. But again, similar to my answer to your previous questions, courts are well placed to assess individual circumstances and the appropriateness. I think over 14 is a relatively developed age, and I note it is not lower. We know the age of criminal responsibility is 12 in Victoria; we have set it at 14 in relation to these orders. But as to whether the orders are appropriate in the circumstances especially, the court will have consideration of the young person's circumstances, and we are giving that discretion to the courts. We know courts do respond differently to offenders of a younger age, especially under the legal age of 18, but that will be a matter for the court to determine in light of the circumstances of the young person or child.

Aiv PUGLIELLI: Given that a workplace protection order restricts a person's liberty and access to essential services, in the bill's current form, and that breach is a criminal offence, why does the government consider the reasonable fear of harm limb sufficiently certain and precise in founding an order of this kind?

Enver ERDOGAN: Mr Puglielli, could you just repeat that question?

Aiv PUGLIELLI: Given that a workplace protection order restricts a person's liberty and access to essential services like public transport and this breach is a criminal offence, why does the government consider the term 'reasonable fear of harm' sufficiently certain and precise in founding an order of this kind?

Enver ERDOGAN: I think the reasonable fear of harm test we have put does have great consequences. We know the foundation for this legislation is about people being safe at work and feeling safe at work – not just being safe at work but feeling safe at work as well. We are especially talking about frontline workers that do really necessary work to keep our city going and our state going. I think it is appropriate to have that test. We know that there are some grave consequences, because it will potentially mean for some people they will have to change their mode of transport. We felt this order was appropriate because people need to be safe at work, and that is why we are here.

Aiv PUGLIELLI: I am just going to go back to one of my other questions from before, before I go on to other questions prepared. Just on what is or is not captured or intended to be captured as unacceptable conduct, is there a scenario where a picket line of industrial action could be captured as a setting of unacceptable conduct?

Enver ERDOGAN: Going back to the basis for unacceptable conduct, if there is conduct that involves physical violence, abuse, sexual violence or stalking, then there is a potential for it to be captured – whatever the actions involve. Obviously, the intention is not to stop lawful industrial action. The intention is to target these behaviours we have seen, especially in the retail space and on public transport, of violence, sexual violence, stalking and conduct that causes a person to experience reasonable fear of harm.

Aiv PUGLIELLI: Just moving on, clause 50 requires copies of orders to be given to the Chief Commissioner of Police, and clause 35 makes a breach a criminal offence punishable by up to two years imprisonment. Minister, can you explain what record is kept of an order and of any breach and whether either can be disclosed to a prospective employer or appear on a police check or working with children check? Given that orders can be made against children as young as 14, what will the long-term consequences be for a young person's employment and future prospects?

Enver ERDOGAN: Victoria Police, you are right, will be provided copies of the orders. They will record that information in accordance with the requirements that generally apply to their use of information, just as would happen under any other legislation that gives a role to Victoria Police. Whether the information can be disclosed is a matter for Victoria Police to assess in accordance with the requirements that apply to it. Victoria Police will be provided copies. How they record it will be under the usual requirements for the way they collect information in existing matters, and how it is disclosed will be a matter for Victoria Police.

Aiv PUGLIELLI: Moving on, looking particularly at the public transport settings in the current bill before us, can you explain how 'workplace' is to be defined across a transport network? Is an order attached to a vehicle? Is it attached to a stop, a line, a whole network? How will it work in practice?

Enver ERDOGAN: I think that is a really good question, and it is the crux of the issue. The goal is that a transport workplace is one of the following: a passenger train, tram or bus operated by or on behalf of the operator for the carrying of members of the public as passengers – so we are talking about public passengers; a place at which the operator or its worker sells tickets that entitle the purchaser to be carried as a passenger on a passenger train, tram or bus operated by or on behalf of the operator; or an area of land that is owned or occupied by the operator that requires a valid ticket for entry.

Aiv PUGLIELLI: Just to build on that particular question, how is an order that excludes a person from trains, trams or buses on a route to be enforced in practice?

Enver ERDOGAN: Similar to other orders, where there are contraventions, Victoria Police will be responsible for investigating and enforcement. Currently, as we know, when people are doing the wrong thing or breaching orders on the transport network, police will often be alerted, and they will obviously take action as appropriate. It will be up to police to do the enforcement for a breach of orders.

Aiv PUGLIELLI: Just building on that, who does the government expect will be the person that identifies an individual in order for police to then be present and act? Is it the driver, is it the transport staff, is it authorised officers or is it police already at the stations themselves? And what are they expected to do when a person subject to an order boards a service?

Enver ERDOGAN: With workplace protection orders as set out in our legislation, the power is with the operator in most instances to apply for these orders. It will be on the transport operator. When we say the transport operator, that could be a public transport staff member – he has noticed a commuter from the past who has an order because of their unacceptable conduct. As a result, it would be up to the operator how they feel it is best to notify police, but in most instances it is like any other workplace. A lot of people use the same travel routes. In a practical sense the way I imagine this is that the staff or the person who was previously either physically harmed or stalked – or some of the definitions we have got there – will alert Victoria Police to the person breaching the order in effect. It would be on the operator how they want that to play out in their workplace, whether there is one person responsible – some workplaces have an occupational health and safety rep – or whether it is the manager. It depends on the workplace setting, but on a lot of public transport routes you can see that a lot of the same staff are on the route, and they usually, to be honest, recognise a lot of the passengers, especially the passengers that are dangerous or have in the past conducted themselves so as to put staff in danger.

Aiv PUGLIELLI: Just to expand a little bit further, you mentioned there might be a scenario where the staff recognise the individual by face. Is there any other information the government expects staff on these transport networks to be using to make this identification, particularly if we are talking about an example, as is permissible under this bill, where it is not a pattern of behaviour but the person has done something one time and has then become subject to one of these orders?

Enver ERDOGAN: Like I said, just going back to my last answer, it is going to be up to each operator, whether it be a retail operator or a transport operator. I know the focus is on transport operators. It is going to be up to them how they want to enforce this scheme, because ultimately it will probably be them that will apply for the order. It is going to be up to them as to how they are intending to notify police if there is a breach, but we will leave that to each operator. I am sure everyone will have their own practice with how to handle these matters.

Aiv PUGLIELLI: I will move on to another question. What safeguard does the bill provide for a person who breaches an order only because they are fleeing family violence or they are in immediate danger on public transport, and where is that protection found in the bill?

Enver ERDOGAN: That is really good question. It is always important to allow defences. This legislation does not include specific defences or exceptions because ordinary common law and statutory criminal defences will be available for breaches, so existing defences will be available, including if someone is under duress or having a sudden or extraordinary emergency or mental impairment. That will all be available. I think the judiciary is well trained and practiced in being able to make that assessment in applying these orders.

Aiv PUGLIELLI: Staying on the public transport network, given Victoria's public transport network carries hundreds of thousands of passengers a day across thousands of services, does the government expect an exclusion from a route or from the network as a whole to actually be enforceable?

Enver ERDOGAN: Again, we are getting into really operational detail, but like any orders – and there are many orders that courts make – where there are contraventions, it will be up to the police to take the enforcement action once it has been reported to them. But I do not want to get into every

specific scenario, because they will be different. Even in giving the order, access to alternative routes of travel will be a consideration of the courts. Each circumstance will be different depending on the risk, but the courts are best placed to make those decisions, and the enforcement will be sitting with Victoria Police.

Aiv PUGLIELLI: Minister, as you would be aware, a person's transport needs can change over time with a new job or if they move, have a change in caring responsibilities, have a medical condition or lose their licence or their car. An order that is proportionate when made may become a serious barrier just weeks later for the individual. Can you set out a process by which a respondent can apply to vary or revoke an order? Is that process free, is it accessible and does it require legal representation? How quickly would we expect an application of this kind to be heard? Is the court required to take into account a person's changed circumstances when it does?

Enver ERDOGAN: I think that is a really good question. It was at the front of my mind in the drafting, and I know it was at the front of the Attorney-General's mind. She has always been looking at: what if people's circumstances change? We do know that these orders will have a significant effect on people. Even though it is their wrong behaviour that has put them in that situation, regardless, it needs to be proportionate. There are provisions where parties to a workplace protection order can apply to the court to vary or revoke an order, such as where there is a change in circumstances in relation to the workplace protection order. The conditions in which the order was issued in the first place may have completely changed for the individual. They can apply to court – I guess the way they could do it is in writing – for a variation to or a revocation of an order stating the reasons for the application. They must also provide an affidavit setting out the facts upon which the application is being made to vary or revoke the order. Courts must have regard to a number of matters as to whether they decide to accept, in light of the reasons given, a change to the order. That will be up to the court. But writing to the court, applying to the court directly, will be the way to do it.

Aiv PUGLIELLI: I just have a few more questions. For many young people, particularly looking at people aged 14 to 17 – perhaps those in rural and regional areas, in out-of-home care or in low-income families – public transport is their only means of getting to school, to work, to health care, to where they need to be, including potentially court or corrections appointments. Minister, can you explain how a transport-based order against a child who has no alternative means of transport can be justified, and does the government accept this may risk entrenching further disadvantage and drawing young people into the justice system through breach?

Enver ERDOGAN: The goal here is to provide safety for workers. That is the primary, paramount goal of this legislation. But I think on the issues you are touching upon – again, the circumstantial evidence – a court will need to consider the appropriateness, and I am sure age is a factor. Our magistrates are well trained in looking at the development of a young person in issuing orders, and I know that they get quite a bit of public interest as a result of that, to put it lightly. But yes, I think the courts will consider those factors in making these orders. Again, I am not going to delve into the operation of the courts, but they are well trained to deal with those issues because they deal with them each and every day in different settings and under different legislation.

Aiv PUGLIELLI: Given the coroner's findings in the inquest into the death of Tanya Day, which I mentioned in the second-reading debate, about the treatment of Aboriginal people on public transport, what assessment has the government made of the risk of Aboriginal people, people experiencing homelessness, people living with disability or people experiencing family violence being barred from an essential service in public transport?

Enver ERDOGAN: I think in the drafting of this legislation that was a strong consideration of the Attorney-General in making sure that there were the safeguards for the courts in relation to the application of these orders and that they were tailored with the ultimate goal of protecting workers but also with consideration of the potential impact of any conditions on the individual. Everyone's circumstances are different, and that is why the court will need to make sure that the conditions are

appropriate and also are proportionate to the level of harm that has been caused, or allegedly been caused, going forward. I think in determining what conditions to impose the court must also have regard to hardship to be caused by a condition and whether a condition might limit a person's ability to obtain necessary goods or access necessary services. Earlier you gave an example of regional settings, where there might not be any other options. In urban areas there might be different options, but in more isolated parts of our state there might not be. I think these are all factors for the courts to consider. Again I want to acknowledge the family of Tanya Day for the tragedy. In relation to this legislation, we will leave it to the courts to make those determinations.

Clause agreed to.

Clause 2 (11:24)

Renee HEATH: I move:

1. Clause 2, lines 9 and 10, omit all words and expressions on these lines and insert –
 “This Act comes into operation on the day after the day on which it receives the Royal Assent.”.
2. Clause 2, page 2, lines 1 to 3, omit all words and expressions on these lines.

These amendments talk about the commencement date. The coalition brought amendments to this house in November last year, and if they had been accepted and passed then, workers in Victoria would already have these protections. We believe that it is just far too far away. I know the government has changed the date from 1 July to 1 March, and we welcome that and we will support that amendment. However, there have been 5000 incidents in the past year, and we think that these need to come into force sooner in order to protect Victorian workers.

Enver ERDOGAN: I want to thank Dr Heath for her amendments and for raising this issue, because I know that many in the sector – the retailers, the employee groups, the unions and I know the SDA – have been strongly advocating for a sooner start date. I am pleased to announce an earlier commencement date, instead of July, of 1 March 2027. I know that the Attorney-General has been weighing this in the drafting of the legislation, but these are complex changes to the system. They are new to our Victorian system, and we felt more time was needed to give agencies the time to prepare for implementation. That is why we have set 1 March, especially since the legislation will only be, hopefully, passed today.

Aiv PUGLIELLI: The Greens are not supporting the bill overall, and so bringing the commencement forward would not make sense for us to support. We will not be supporting this one.

David LIMBRICK: Similar to Mr Puglielli, the Libertarian Party do not support this bill; therefore I do not think it is desirable or even possible, as the government has pointed out, to bring this forward.

Council divided on amendments:

Ayes (14): Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, 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

Amendments negatived.

Clause agreed to; clause 3 agreed to.

Clause 4 (11:33)

The DEPUTY PRESIDENT: Mr Puglielli, I invite you to move your amendments 1 to 5, which test your remaining amendments.

Aiv PUGLIELLI: I move:

1. Clause 4, lines 13 to 15, omit all words and expressions on these lines and insert –
“*applicable business operator* means an entity that carries out a business the predominant purpose of which is the provision of goods for sale or hire (including by auction) on a retail basis;”.
2. Clause 4, lines 19 to 21, omit all words and expressions on these lines.
3. Clause 4, page 3, lines 5 to 8, omit all words and expressions on these lines.
4. Clause 4, page 4, lines 7 to 10, omit all words and expressions on these lines.
5. Clause 4, page 4, lines 16 to 18, omit all words and expressions on these lines.

As mentioned in the second-reading debate, these amendments will remove the public transport component from this bill, meaning that workplace protection orders cannot be issued to ban people from public transport locations and services. While, as I have stated numerous times through the second-reading debate, I think we all here want transport workers to be safe at work, it is also important that we are not seeing people banned from an essential public transport service. Many people experiencing marginalisation right across the community do not have other options for getting around our state, whether it is to get to work, to school or to connect with friends, family and the broader community. Extending these bans to public transport is a step too far. To my understanding there is nowhere else in this country where similar workplace bans extend to public transport, and so the Greens do not support them being introduced in this manner in Victoria.

David LIMBRICK: The Libertarian Party will be supporting this amendment. Although I may not agree with Mr Puglielli’s rationale for it, essentially it is a reduction in scope of the bill. The Libertarian Party is opposing the bill. Therefore it is logical to support a reduction in scope of the bill, and therefore we will support it.

Renee HEATH: The coalition will not be supporting this amendment because it seeks to put the rights of perpetrators above the rights and the safety of victims, and that is something that we certainly do not agree with. So we will be opposing this.

Enver ERDOGAN: I want to thank Mr Puglielli for this amendment, but the government will not be supporting it. The government’s grounds are that the legislation has been carefully thought through and there are safeguards in place. Whether a person would be prohibited from an entire mode of transport is a matter for the judiciary, who will be able to assess that based on each circumstance. The real purpose of this legislation is putting the safety of workers first, and that is the goal. In the end, if an order was to be put prohibiting someone’s use of transport, the appropriateness of that in the circumstances of each case would be a matter for the judiciary to assess.

Council divided on amendments:

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

Noes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaëlle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendments negatived.

Renee HEATH: I move:

3. Clause 4, page 3, after line 2 insert –
*“final workplace protection order means an order under section 21(1);
interim workplace protection order means an order under section 20A(1);”*.
5. Clause 4, page 5, lines 3 and 4, omit “an order under section 21” and insert “an interim workplace protection order or a final workplace protection order”.

The purpose of this amendment is to allow for an interim workplace protection order, similar to what you would be able to access with an intervention order. That is just to bring it in line with the other intervention orders.

Enver ERDOGAN: I can confirm that the government did consider whether we should be providing for the making of interim WPOs. However, ultimately, we determined that doing so would result in courts needing to hear applications twice therefore delaying the making of a final order to protect the retail and public transport workers in their place. On that ground we decided to not proceed, and therefore we cannot support this amendment.

The DEPUTY PRESIDENT: The question is that Mr Mulholland’s amendments 3 and 5, which test amendments 6 to 9, 18, 19, 23, 24, 25, 30, 31, 33 to 35, 36, 40 to 46, 49 and 62 to 64, be agreed to.

Council divided on amendments:

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

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, 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

Amendments negatived.

Renee HEATH: I move:

4. Clause 4, page 4, lines 7 to 10, omit all words and expressions on these lines and insert –
“retail operator means an entity (other than a transport operator) that carries out a business the predominant purpose of which is either or both of the following –
 - (a) the sale or hire of goods by retail (including by auction);
 - (b) the retail provision of services;”.

This amendment addresses the government’s unnecessarily narrow definition of the workers that can access these protections. The bill covers certain retail workers and transport workers, but the definition applying to retail could create a distinction between those that are selling a good and those that are providing a service, so we want to make sure that, for instance, if they are working at a cinema, which is the example that was used in both the other house and in here yesterday, all of those workers receive the same protection.

Enver ERDOGAN: This is a new scheme, and although I understand the coalition’s perspective on this, I do not necessarily agree with it. I think it is about targeting the serious nature of unacceptable conduct against workers. We have had to limit it to an extent where we believe there is the highest volume we have seen of where a lot of these instances are taking place. Nonetheless there is a statutory review to the scheme, and I think, like all good legislation, we have got a statutory review within three years, but that could go further if we get feedback and it is working well. It might be something that the Attorney-General could look at at a date sooner than the three years, but at this point we feel like

we have struck a balance here to target these settings and deliberately make sure that the definition is defined the way it is.

David LIMBRICK: The Libertarian Party will not be supporting this amendment. Conversely to the previous amendment by Mr Puglielli, this amendment increases the scope of the bill. Considering that we are opposing the bill, it therefore does not make sense for us to support increasing the scope of the bill.

The DEPUTY PRESIDENT: The question is that Mr Mulholland's amendment 4, which tests his amendment 10, be agreed to.

Council divided on amendment:

Ayes (14): Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, 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

Amendment negatived.

Clause agreed to; clauses 5 to 16 agreed to.

Clause 17 (11:55)

Renee HEATH: I move:

11. Clause 17, line 4, omit "Each" and insert –
 “(1) Subject to subsections (2) and (3), each”.
14. Clause 17, before line 8 insert –
 “(2) An applicable business operator must not apply for a workplace protection order unless –
 (a) the applicable business operator consists of only one natural person, and that person is the victim of the unacceptable conduct in respect of which the application is to be made;
 or
 (b) the victim of the unacceptable conduct in respect of which the application is to be made has given consent in writing to the making of the application.
 (3) An employee union must not apply for a workplace protection order unless the victim of the unacceptable conduct in respect of which the application is to be made has given consent in writing to the making of the application.”.

These amendments relate to victim consent. Consent is a fundamental underpinning principle of our legal system, and our criminal justice system is based around victim consent. We want to make sure that if somebody discloses something, maybe about an issue that they are having, they have autonomy over whether or not this is reported and an intervention is sought. That is why we are moving these amendments, because we want to make sure that victims have control over their own situation.

Aiv PUGLIELLI: While the intent that is underpinning what has been brought forward is one which I can absolutely appreciate, my understanding is, in practice, when one would look to amend an order after one is already existing, in order to reduce the scope of the order into the future, this could mean that employees within the workplace who would previously have to give consent would be sought to give consent, and perhaps they have moved on from those positions and would have to be tracked down. I think in practice it could make amending an order to improve it to someone's changed circumstances more difficult. On that basis the Greens are not able to support the amendment.

Michael GALEA: I do have a few questions for Dr Heath. Workplace protection orders are applied on the basis of protecting entire cohorts or entire sections of workplaces, not on the basis of protecting individual workers. Section 21 of the bill does not make reference to victims specifically. I am wondering if you can advise how a victim is defined. But also does the worker who is the subject of unacceptable conduct need to be the one to provide consent, or would it apply to someone who, for example, witnessed unacceptable conduct or another worker or manager altogether?

Renee HEATH: The way we see it, it is the person that is at the core of the offensive behaviour. For instance, if employee A is the one that is being abused by somebody and employee B witnesses it, employee A would be the one that would have to provide the consent.

Michael GALEA: In that scenario, if an offender commits an unacceptable conduct against multiple workers – say, for example, 10, and nine of those workers provide consent but one does not – where does that stand? Does the application proceed or is it void?

Renee HEATH: If consent was given in your hypothetical situation, yes, the order would go ahead. But in saying that, it is difficult to respond to hypothetical situations, because anything can happen. But, yes, if there are people there –

Members interjecting.

Renee HEATH: What was that, Mr Batchelor?

The DEPUTY PRESIDENT: Can we just let Dr Heath answer the question, and then we will go to question time.

Renee HEATH: I was answering it.

The DEPUTY PRESIDENT: Yes. I am asking the others not to.

Renee HEATH: I am not saying, for instance, like you guys do in question time, ‘That’s a hypothetical; I won’t answer.’ I have provided that.

The DEPUTY PRESIDENT: Dr Heath, please speak through the Chair and do not respond to interruptions to the question that was put.

Renee HEATH: I am happy with the answer I have given. I was trying to be helpful.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:01): (1445) My question is to the Minister for Finance. The Victorian Auditor-General recently revealed that since January 2025 the Labor government has levied a 1 per cent tax on every public transport ticket – a tax that was never publicly disclosed and is projected to raise \$8 billion by 2062 to help fund the Suburban Rail Loop East as an undisclosed part of its value capture taxes. Colin Brooks, the now Treasurer, has said that the government, and therefore his predecessor Ms Symes, should have been more transparent about these decisions. Given your position on the government’s budget and finance committee, why did your government make a deliberate choice to keep this tax secret?

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:02): I thank Mr Mulholland for his question and his interest in this matter. The Carroll Labor government is proud of our history of delivering infrastructure projects that our state needs – public transport upgrades and more trains, Mr Mulholland, on the Craigieburn line and Upfield line. But across the state there are more train services, thanks to the Carroll Labor government. The Premier has outlined the government’s position on this, and I want to thank the Auditor-General for the important work they do. I think it is an

important announcement and report that they have produced. I welcome that. I think the Premier has been up-front about the process going forward. He has been very transparent, and his commitment is that integrity is not optional in our government.

In relation to the specifics, what I will say is you are asking me a question about before I was in fact involved in any of those discussions as a cabinet minister. Going forward, decisions such as these, the Premier has been clear, will be made by the cabinet as a whole.

Evan MULHOLLAND (Northern Metropolitan) (12:03): Minister, given your position on the government's budget and finance committee, are you aware of any value capture components beyond land tax, windfall gains tax, infrastructure contributions plan levy, car parking levy, state-initiated development and Labor's secret PT tax that are also funding the Suburban Rail Loop?

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:03): I thank Mr Mulholland for his supplementary question. I think, as I outlined in my answer to the substantive, the Premier has been very clear: Victorians deserve to –

Evan Mulholland: On a point of order, President, on relevance, that is not what the question went to. The question went to whether he was aware of any other taxes as part of the value capture mechanism.

The PRESIDENT: Give him a chance; it has only been 8 seconds.

Enver ERDOGAN: No.

Kangaroo control

Georgie PURCELL (Northern Victoria) (12:04): (1446) My question is for the Minister for Environment. Members of the public are told to report illegal kangaroo shooting in their communities, but it is impossible for them to determine whether it is even illegal in the first place. Kangaroos can be shot under landholder permit systems or by commercial kangaroo shooters. To complicate matters more, in the LGAs where commercial shooting is not allowed, ATCW permits can still be obtained. However, it is not a requirement to notify neighbouring properties when shooting is occurring under either system, and requests for information on permits or shooting activity are blocked by the department for privacy reasons. Minister, the inability to even know if shooting is illegal is resulting in wildlife cruelty going unpunished. Will you implement a system for transparency that allows communities to know whether the killing of kangaroos is authorised?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:05): I thank Ms Purcell for her question in relation to kangaroos and the various management mechanisms. The kangaroo harvesting management plan, as we discussed yesterday with Ms Copsey, states that no more than 10 per cent of Victoria's kangaroo population should be controlled each year across both commercial harvesting and the authority-to-control-wildlife permit system. The conservation regulator is responsible for administering the authority-to-control-wildlife system. Land managers can apply for an authorisation to undertake control activities on their property, as you have identified, which can be outside the harvesting zones. The approval is only granted once all reasonable options have been considered and implemented – for example, improving fencing to exclude wildlife from the area where they are causing damage.

The conservation regulator works in partnership with Crime Stoppers to promote reporting of wildlife and forest crime and collect witness information. Reports of wildlife and forest crime made to Crime Stoppers are then provided to the conservation regulator for assessment and action. All reports of wildlife and forest crime reported are assessed to determine if they require regulatory investigation. Any shooting without an explicit permit or outside the commercial harvesting program in designated exclusion zones or shooting on public road reserves without authorisation is clearly illegal. Suspected

illegal hunting, spotlighting offences or wildlife cruelty should be reported immediately to the Game Management Authority enforcement, and they have got a number to do that.

I think, just in practice, Ms Purcell, you have heard instances where this is a problem in terms of neighbours being unaware. There are also obviously lots of situations where neighbours would alert other neighbours to what is happening. In terms of the local communications, sometimes it works really well, and you have identified areas where perhaps it could be better.

Georgie PURCELL (Northern Victoria) (12:07): Thank you, Minister, for your response. Certainly a requirement to notify would go a long way, for those who do not. Your answer leads me in well to my supplementary, because the public is told to report illegal kangaroo shooting through the Game Management Authority, 000 or Crime Stoppers. The problem is that kangaroo shooting occurs at night-time but the GMA hotline is only open during business hours. Police officers are not trained in kangaroo-shooting rules and do not have access to departmental information to determine whether or not the shooting is legal or illegal, and Crime Stoppers do not actually provide information on reports after they are made, even to the complainant. In many instances the GMA will inform people to call the police and the police will tell people to call the GMA. The government has confirmed that Fishing, Hunting and Outdoor Victoria will be responsible for kangaroo compliance when it is established. Will the agency have a 24/7 reporting tool, with compliance officers ready to respond immediately when it matters most?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:08): I thank Ms Purcell for her question and her acknowledgement that we are still establishing and implementing the changes in relation to the body, and I take her suggestions on board. The Game Management Authority is responsible for compliance and enforcement of the conditions of kangaroo harvesting programs. They regularly monitor harvesters to ensure compliance with the national code and investigate reports of noncompliance. As you have indicated, if members of the public have concerns out of hours about safety or illegal firearm use, they should contact Victoria Police, and in the establishment of the new body a conversation with Victoria Police will certainly be happening.

Ministers statements: avian influenza

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:08): I would like to update the house on my recent visit to Phillip Island on Sunday to see how Victoria is leading the charge in our world-first program to vaccinate little penguins against H5 bird flu. Phillip Island and St Kilda are home to two of the world's most significant little penguin colonies, with over 30,000 birds between them. A major outbreak of H5 could, sadly, result in a substantial number of deaths in those colonies, which is why it is so important and so exciting that we are running the largest vaccination program ever undertaken for a wild bird population in the world. Vaccinations of course will not stop H5 from circulating, but they can help reduce its impact.

The program requires each penguin to be corralled, then caught, weighed, vaccinated and microchipped and then recaptured three to four weeks later for a second dose. It is meticulous, hands-on work, with doses administered every night by wildlife officers and Phillip Island Nature Parks staff taking advantage of the penguins' habit of returning to the same burrow each evening. It is certainly not without its challenges. They are loud; they can be quite feisty. It was fascinating to watch. I spoke to staff that have got injuries on their hands from being pecked. So it is a battle, but everyone that is involved in the program is really proud to be doing so.

I am pleased to inform the house that over 1500 little penguins have now received their first dose since we commenced the program just last week. This delicate and unprecedented undertaking reflects the seriousness with which the government treats the protection of our unique wildlife, and we want to continue to act decisively to protect critical and unique wildlife such as our little penguins.

Education system

Moira DEEMING (Western Metropolitan) (12:10): (1447) My question is for the minister representing the Minister for Education. After failures in Victorian child care, the government's own *Rapid Child Safety Review* said parents have a right to know, that parents often detect risk first and that they must understand the outcome of concerns involving their own children. In schools, the government still lets a principal decide whether a parent sees their child's safety records; many parents often have to go through the process of an FOI. That same principal can exclude the parent from the school, while the Independent Office for School Dispute Resolution is forbidden from examining that exclusion. Why is it that principals are given the authority to remove a parent's immediate access to information that relates directly to their children?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:11): I thank Mrs Deeming for her question for the Minister for Education. I will pass it on accordingly.

Moira DEEMING (Western Metropolitan) (12:11): My supplementary question is: will the government extend its own principle of the parent's right to know to Victorian schools by guaranteeing parents timely access to records concerning any injury, medical incident, psychological condition, alleged abuse or other serious safety incident involving their own children?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:11): Again I thank Mrs Deeming for her supplementary question, and I will refer it accordingly.

Rural and regional health services

Georgie CROZIER (Southern Metropolitan) (12:11): (1448) My question is to the Minister for Health. Gary is 81. He had a fall two weeks ago and, when he presented in pain, had a CT scan and was found to have a large mass on his pancreas that had spread into his splenic vein. He was immediately referred to Latrobe Regional Health oncology, but when the family heard nothing and followed up, they were told the referral was never received. When the referral was sent again, they were told there were no appointments in the foreseeable future. He was then told to go to Monash ED, where he waited all day only to be told they could not do a biopsy, only a blood test. They did not have a bed for him, so he went home to Drouin. The government's own guidelines state that the optimal care pathway for pancreatic cancer in Victoria set strict timelines and best practice guidelines to ensure timely referral, diagnosis and multidisciplinary treatment. Suspected or proven cases must be seen by a gastroenterologist, oncologist or HPB surgeon within one week of referral. Minister, what is the average wait time for specialist services in regional Victoria for patients such as Gary who have been identified as having pancreatic cancer?

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:12): I thank Ms Crozier for her question. I am very sorry to hear about Gary's experience. Again I offer my support in following up that individual case with the department to make sure that Gary is receiving relevant information and support from the health services that need to be providing care to him. There are a lot of clinical decisions that are made. I am not going to pre-empt any follow-up in relation to an individual case of this nature, but I stand ready and am very happy to assist with following up if consent is provided from Gary to do so.

Georgie CROZIER (Southern Metropolitan) (12:13): That was not the question I asked, and the minister has a habit of deflecting about the questions. I will ask for that to be reinstated. The supplementary is: Minister, Gary's son Dean wants to understand why there is a discrepancy between regional Victorians and patients in metropolitan Melbourne in receiving timely care.

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:14): Of course our health services provide care right across the state –

Georgie Crozier interjected.

Ingrid STITT: On a point of order, President, I am 3 seconds into trying to assist Ms Crozier in answering her question.

Georgie Crozier interjected.

The PRESIDENT: Ms Crozier, please. The minister is responding to your question.

Ingrid STITT: I am very keen to, as I have already offered, assist with Gary's situation. But Ms Crozier is adding additional layers to her question about clinical decisions that will be the –

Georgie Crozier: On a point of order, President, this question highlights again the failures within the system.

The PRESIDENT: You are not making a point of order, you are making a statement.

Georgie Crozier: I would ask you, President, to ask the minister to come back directly to the question I asked around the discrepancies and ask the minister to respond to the question.

The PRESIDENT: I hate paraphrasing people, but the minister referred to clinical decisions, which I think was part of her answer.

Ingrid STITT: It is not going to be my practice to get into the details of individual patients' care. Ms Crozier has given some details about Gary's situation, and I stand ready and very keen to follow this up with my department.

Members interjecting.

Ingrid STITT: On a point of order, President, there is a level of hostility being thrown across the chamber when I am very clearly outlining the ways in which I will happily assist Ms Crozier. I ask you to call her to order.

Members interjecting.

The PRESIDENT: Can I call the house to order. The minister is dealing with a serious matter, and she is being responsive.

Ingrid STITT: For quite legitimate privacy reasons I am not in a position of –

Georgie Crozier: On a point of order, President, on relevance, this is not about privacy. This is about the failures in the system and why this patient is not getting timely care and why it is happening. I would ask you to bring the minister back to answering the specific part of the question that I have asked on behalf of this family.

The PRESIDENT: Do you want me to respond to the first point of order? I believe the minister has been relevant to the question during the periods that I have been able to hear her, other than at times when interjections across the room have made it very difficult to hear her.

Ingrid STITT: As I have been attempting to do, I am not in a position to get into individual patient details in the chamber, but I want to assist Ms Crozier. If she is able to provide me with the details of Gary's situation, I will follow that up.

Georgie Crozier: I move that the minister's hopeless responses be taken into consideration on the next day of meeting.

The PRESIDENT: I cannot put that question.

Georgie CROZIER (Southern Metropolitan) (12:17): I move:

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

Motion agreed to.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:18): I rise to update the house on how the Carroll Labor government has supported a historic pay rise for early childhood teachers and educators. As the funder of kinder in this state, I am extremely pleased to inform the house of the successful vote by employees endorsing the new Victorian Early Childhood Teachers and Educators Agreement and the Early Education Employees Agreement. With thanks to Early Learning Association Australia, Municipal Association of Victoria and the Australian Education Union as the negotiating parties for these agreements, I am pleased to confirm the majority of employees at all providers covered by the agreements have voted in favour of this historic deal. And it has been a resounding endorsement, with an overall yes vote of approximately 98 per cent for VECTEA providers and 99 per cent for EEEA providers.

These agreements will now progress to the Fair Work Commission for further approvals, and I am extremely proud that these agreements acknowledge early childhood teachers and educators for the important work that they do. These historic agreements deliver wage parity for kindergarten teachers with Victorian government schoolteachers for the very first time, a significant increase for kinder educators, with a total increase of 39.1 per cent on average, and new leadership allowances to recognise service leadership and management responsibilities, enhanced career structure and progression and enhanced leave, including study leave to support upskilling of the profession and provision of quality early childhood education.

This outcome has been achieved because it is our government that backs the early childhood workforce, and I can say with confidence that those opposite do not. How do we know this? It is because last time those opposite were in government they did not invest in early childhood. Not only that, they slashed \$1 billion from education the last time they were in power. 3800 kinder teachers and –

David Davis: On a point of order, President, ministers can run their own race on their ministerial responses here, but they have got to be truthful, and this is not truthful; it is a lie.

The PRESIDENT: That is not a point of order; that is a point of grandstanding.

Lizzie BLANDTHORN: What is true is that 3800 kinder teachers and 5200 educators benefit from these agreements, and this outcome will make a significant difference to this important workforce that is educating our youngest Victorians. I am so proud that we have supported this outcome.

Avian influenza

Melina BATH (Eastern Victoria) (12:20): (1449) My question is to the Minister for Environment. A DEECA-commissioned Arthur Rylah Institute report back in May 2025 advised that vaccinating little penguins only after H5N1 virus was detected would likely be too late to prevent substantial losses. Why did the government choose not to act decisively on expert advice recommending vaccination before the arrival of the virus in the Phillip Island and St Kilda little penguin colonies? Why did you not act decisively when you had the information a year ago?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:21): Thank you, Ms Bath, for your question. I reject the premise of your question because we have taken decisive action. The vaccination approval process through federal agencies came through literally days before we announced the –

Melina Bath: Did the government not advocate?

Jaclyn SYMES: I have got a letter I could show you that I sent.

Members interjecting.

Jaclyn SYMES: Okay. Ms Bath, I know that you are wanting to blame me for not acting quickly enough. You are wrong. The minute I had taken over from the previous minister, the day I came into the office –

Members interjecting.

Sonja Terpstra: On a point of order, President, the constant stream of interjections coming from those opposite is unruly, and I would ask that you call the house to order and that the minister be allowed to finish her contribution in silence.

The PRESIDENT: I uphold the point of order. Interjections are unruly.

Jaclyn SYMES: Ms Bath, upon commencing in the role I took over from Minister Erdogan, who had been having conversations at the federal level, I came in and had a briefing straightaway. Some of the –

Members interjecting.

Jaclyn SYMES: Ms Bath, are you interested in the truth here?

Members interjecting.

The PRESIDENT: Mr McGowan, you are due for an early lunch, the way you are going. Do you want to go?

Nick McGowan interjected.

The PRESIDENT: All right, leave the chamber for half an hour.

Nick McGowan withdrew from chamber.

Jaclyn SYMES: Ms Bath, the vaccination approval came through on the Sunday, and we started the program on the Monday. There was no ability to start a vaccination program in an unauthorised environment under me –

Melina Bath: On a point of order, President, the Arthur Rylah Institute in May 2025 – that was actually three ministers ago. I actually said ‘the government’, not you personally, Minister. Why didn’t the government act to prevent this?

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

Melina BATH (Eastern Victoria) (12:23): The Arthur Rylah Institute did warn in May 2025 that vaccination after detection would likely be too late, and you have said just now that vaccinations did not commence until 17 August. Minister, how is it that, consistent with expert advice provided to your department, you have not acted until now?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:24): Ms Bath, I answered your question. To suggest that we did not act as quickly as possible is false. We were training and preparing in anticipation, in advance of actually having formal approval. That is how prepared we were. We had to wait for the approval to administer a vaccine to the penguins. This was a federal body; we had been advocating. I can show you the letters that I wrote.

Melina Bath interjected.

Jaclyn SYMES: Ms Bath, it is phenomenal that you are not accepting the answer that I have given. I have done my best.

Kangaroo control

Jeff BOURMAN (Eastern Victoria) (12:25): (1450) My question is for the minister representing the Minister for Agriculture, who I think is Minister Blandthorn. Minister, until 30 June this year the Victorian government provided drought assistance to farmers to control overabundant kangaroos competing with livestock for scarce fodder. The Prime Minister has now announced that Vietnam will open its market to Australian kangaroo products. Rather than paying for kangaroos to be shot and left to waste, will the government work with Victoria's commercial kangaroo industry to turn necessary population management into food, jobs and export income whilst continuing to support farmers dealing with kangaroo pressure?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:25): I thank Mr Bourman for his question, and I will refer it to the Minister for Agriculture accordingly.

Jeff BOURMAN (Eastern Victoria) (12:26): Thank you, Minister. Minister, I have visited Vietnam a few times and know there is an enormous appetite for high-quality Australian produce. Personally, I can think of a worse place for a sustainably harvested Victorian kangaroo to end up than in a good bowl of pho in Hanoi. Rather than listening to those who would prefer kangaroos to be shot to waste whilst opposing their sustainable use, will the government back Victorian farmers and harvesters and help turn an agricultural management problem into a valuable Australian export?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I will refer Mr Bourman's supplementary question accordingly.

Ministers statements: gambling harm

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:26): I rise to update the house on the Carroll Labor government's work to reduce gambling-related harm across our state. We know that gambling-related harm can have serious consequences for individuals, families and communities. That is why our government has strengthened Victoria's regulatory framework to improve protections for consumers and reduce harm in our communities. Our Labor government has already delivered strict restrictions on the promotion and advertising of pokies machines; a mandate for clear, evidence-based warnings, including the direct message 'Chances are you're about to lose'; implementation of the national consumer protection framework for online wagering; and a ban on static betting advertising near schools, along roads and on public transport. Together, these reforms reduce exposure to gambling advertising, strengthen consumer protections and help Victorians make more informed decisions. But effective reform must be guided by reliable evidence. That is why last month we launched the Victorian casino gambling data repository, acquitting a key recommendation of the royal commission into Victoria's casino operator and licence. This is a first-of-its-kind reform. It is a resource that brings together a range of casino gambling datasets and makes them available to approved researchers.

Researchers can now apply for access through the Department of Justice and Community Safety website. By making this information available we can support research that deepens our understanding of casino gaming and informs more effective harm minimisation measures. This is about turning better evidence into better policy and ultimately stronger protections for Victorians. Whilst others in this chamber will grandstand for a good social media post, we will continue to strengthen regulations, support rigorous research and take practical action to protect Victorians from gambling-related harm, because our government is about actions, not just performative outrage.

Custodial health care

Georgie CROZIER (Southern Metropolitan) (12:28): (1451) My question is to the Minister for Health. Minister, it has been widely reported that convicted murderer Alicia Schiller has received taxpayer-funded medical treatment for obesity-related conditions while in prison, and it also includes

eyelid surgery and weight loss medication that costs other Victorians hundreds of dollars per month. Minister Staikos said on 16 July that these clinical decisions were ‘to prevent serious illness, which will end up costing the taxpayer more’. 68,000 Victorians, from the last VAHI data – we still have not got the latest; you will not release it – are on the waitlist for vital surgery. If not treated, their conditions will not only lead to further deterioration but also cost the taxpayer more. Minister, what advice has the government received regarding the justification for providing surgery to prisoners ahead of other Victorians who are waiting on the waitlist to prevent future cost?

Ingrid Stitt: On a point of order, President, I believe this is a question that would be more appropriately directed to the corrections minister in the other place.

Georgie CROZIER: On the point of order, President, this is regarding providing surgery to prisoners. This person will end up in the hospital system, which the minister has direct responsibility for, and I am asking about her priority over the 68,000 Victorians who are waiting.

The PRESIDENT: I am taking the minister’s point of order. If I put the question, the minister will say it is a matter for the Minister for Corrections, I assume. Do you want to direct it to the Minister for Corrections?

David Davis: Further to the point of order, President, essentially the hospitals are deciding to put the prisoners in first, and that is a decision by her.

Members interjecting.

David Davis: That is a decision of her hospitals. You cannot just wish it away – and you are becoming a bit of a problem on this.

Michael Galea: On a point of order, President, it is outrageous for Mr Davis to be reflecting on the Chair and pointing.

The PRESIDENT: I am not taking your point of order. You are leaving for half an hour. I am not listening to you. You are leaving for half an hour. My ego can take whatever you say, but you were very aggressively pointing to me. Maybe do not do that.

David Davis withdrew from chamber.

The PRESIDENT: Ms Crozier, I am happy to put your question to the minister, but my expectation is the minister may say that it is another minister’s responsibility.

Members interjecting.

The PRESIDENT: Mr McIntosh, what happens is things get evened up, and you are heading there.

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:32): These are clinical decisions that are made in our health services each and every day by clinicians. In relation to the matters that Ms Crozier has raised about the corrections system, I am happy to refer those to the appropriate minister in the other place outside of the standing orders, given that I do not formally represent the corrections minister in this place. But I will provide that question to that minister, and hopefully we can get you some helpful advice.

The PRESIDENT: I am not too sure what supplementary you can ask.

Georgie CROZIER (Southern Metropolitan) (12:32): It is very simple: Minister, how long was Ms Schiller on the waiting list for surgery?

The PRESIDENT: I am going to put the question, but I imagine it would be a matter for the corrections minister as well.

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:33): Medical privacy considerations aside, Ms Crozier’s question is very detailed about an individual patient in the system who is also in the corrections system. Again, I am not in a position to have that information available to me in the chamber, but I am very happy to refer it to the corrections minister.

Georgie CROZIER (Southern Metropolitan) (12:33): Apologies for doing this again. I move:

That the minister’s responses be taken into consideration on the next day of meeting.

Motion agreed to.

Thriving Kids

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:33): (1452) My question is for the Minister for Disability. An estimated 85,000-plus Victorians are on national disability insurance scheme plans, with many of those at risk to be removed by the end of the decade. With Thriving Kids being rolled out in stages and not fully operational until 2028, parents of neurodivergent children are worried their children will be left behind without support. Minister, what resourcing are you putting in place to meet this increased demand and to prevent waitlists, particularly for children with complex needs and co-occurring conditions, who are transitioning off the NDIS?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:34): I thank Ms Gray-Barberio for her question. Indeed many of those questions are the same questions that I asked the Commonwealth in a meeting with them last week, because the national disability insurance scheme is a national scheme. The Commonwealth have given states and territories a commitment that children and others will not be removed from the scheme until such time as there are appropriate services to meet the needs of those children and other people. One of the questions that remains that we have challenged the Commonwealth to answer and that still has not been answered is exactly how they define ‘mild to moderate’. Hopefully, to the point of Ms Gray-Barberio’s question, that means that people with complex needs remain on the NDIS receiving the NDIS services. They are all very good questions that Ms Gray-Barberio raises, but they are questions for the Commonwealth.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:35): Minister, it is essential that children with developmental concerns are identified early so they can be supported to thrive and their needs and families can be supported to get the best outcomes for their child. With 23 per cent of NDIS participants being under the age of nine, the increased demand on the Thriving Kids scheme needs to be sustainable. Minister, will your department do any modelling to identify any gaps in workforce support and training to meet this increased demand?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): I thank Ms Gray-Barberio for her supplementary question. Indeed, as is the case with a supplementary question, the first question needs to be answerable first, and those questions remain for the Commonwealth in order for us to be able to continue the planning and modelling to stand up the Thriving Kids service and ensure that we fully understand – as we do not yet have definitions from the Commonwealth – what is mild to moderate, what are complex needs in their view and who exactly they are planning on exiting from the NDIS and for what purpose. What we have said, though, and what the former Premier and I were pleased to announce is that – and I am sure Ms Gray-Barberio, given the nature of her question, will be very pleased to know, if she did not already follow it in the public domain – we also agree that developmental delay and difference need to be detected as early as possible. That is why we did say that we would have two developmental assessments, one before kinder and one before school, rather than the proposal like the opposition have put forward, which is handing out vouchers for autism assessments after a 15-minute glance in a classroom.

Ministers statements: ambulance services

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:36): I rise to update the house on how the Carroll Labor government is getting more paramedics on the road, backing emergency care for Victorians when and where it is needed. Last week I joined the Premier to welcome 24 new graduate paramedics and four new mobile intensive care ambulance paramedics to the Ambulance Victoria ranks. Their recruitment means that more than 80 graduate, qualified and MICA paramedics have joined the service since July, and in the last year alone Labor has recruited 294 more graduate paramedics. Twenty graduates will be placed across Melbourne, including Moonee Ponds, St Albans, Caulfield, Eltham, Rosebud, Ferntree Gully, Werribee and Hillside, and another four will be placed at branches in regional Victoria, including Geelong, Kilmore and Gisborne. The four MICAs will be based in Wonthaggi, Mildura and Horsham, a real boost to regional Victoria, and Labor will always back our dedicated, highly skilled paramedics. This includes investing more than \$2 billion, growing the workforce by more than 50 per cent and delivering 51 new or upgraded ambulance stations.

I want to take the opportunity to thank our newest recruits for the work they will take on every day to serve the Victorian community with courage and compassion. It takes a special person to choose this profession, and I congratulate each of them for reaching this important milestone. The contrast could not be starker. Unlike those opposite, we will always back our paramedics, and the contrast between Labor and the One Nation–Liberal coalition – you could not be clearer than that.

Written responses

The PRESIDENT (12:38): Thank you, Minister Blandthorn: you will get answers to questions in line with the standing orders for Mrs Deeming for education and Mr Bourman for agriculture.

Georgie Crozier: On a point of order, President – I have got a couple of points of order – I would contest that the minister did not answer the substantive question, the first question I asked, and I would ask you to review that and reinstate it. On the reinstatements that you directed the minister to do on Tuesday and again yesterday, I have had no responses, so I am wondering where they are.

The PRESIDENT: I did say that, because of the lateness of the day, I would give an extra day under the standing orders. I am not too sure where they are, but the minister can respond.

Ingrid Stitt: On the point of order, yes, President, you did give some extra time, but one was lodged late this morning, at about 10 minutes to 12, which was the one that was due today before question time. It was lodged with the table office.

The PRESIDENT: Thank you for that response, Minister. Ms Crozier, I will review that answer, as requested.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:40): (2554) My constituency question is for the Minister for Water. How will the Elwood main drain duplication project benefit the residents of Elwood? The Elwood main drain was built in the 1950s to carry stormwater from Melbourne's south-eastern suburbs out to Port Phillip, but the drain is at maximum capacity, creating flood risk for more than 500 properties along the Elwood Canal and the Elster Creek during major storms. We know that risk is only increasing with climate change. To address this risk, Melbourne Water is duplicating the Elwood main drain from Elsternwick Park to the Elwood pier, strengthening the capacity of the drainage network to reduce flood risk for local residents. Works have already started in Elwood Park, building 660 metres of new drain to supplement the existing infrastructure, as well as widening the Elwood Pier and diversion structures for the Elster Creek. There is going to be a bit of disruption as the project continues, but it is going to be worth it to protect the residents of Elwood.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:41): (2555) My question is to the Minister for Local Government. Victorians believe in the democratic system, not a system where Labor keeps expensive monitors to interfere with councils unnecessarily and where Labor interferes with elections in order to have control of the council, council money and planning decisions, but corruption is in Labor's DNA. My constituents are horrified by evidence of vote tampering in the recent Kingston council Melaleuca Ward by-election. The Victorian Electoral Commission has been investigating claims of fraud and vote tampering. Constituents have spoken of witnessing firsthand the vote discrepancies and changes made, with additional photocopied votes. It does not matter how nice the person is; if the councillor has not been legitimately elected, she should never have been sworn in. The story exposes a much bigger problem about what and how many other Victorian council meetings are interfered with by the state Labor government and how many elections have been tampered with. Minister, when will this Labor government stop its tampering and corruption and let Victorians independently and democratically elect their councillors?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:42): (2556) My question is for the Minister for Environment. A tree with a circumference of 7.32 metres with multiple hollows was found by forest protection group Wildlife of the Central Highlands, or WOTCH, logged by Forest Fire Management Victoria in the Murrindindi Scenic Reserve. Hollows only begin to form after a tree has lived for an entire century. WOTCH suspects the tree was likely used by the critically endangered Leadbeater's possum, as one was documented just 80 metres away. When it was in operation, VicForests was held accountable through the binding *Code of Practice for Timber Production 2014*, which required surveys for threatened species before logging began. These rules do not apply to FFMV, and they have refused to answer questions about whether a fauna survey was conducted in the area or when the tree was felled. Perhaps the minister can advise whether or not this survey was conducted before a felling operation in my electorate.

South-Eastern Metropolitan Region

Michael GALEA (South-Eastern Metropolitan) (12:43): (2557) My question is for the Minister for Ambulance Services. It was terrific to see a bunch of new graduate paramedics being deployed across Victoria, and I note in relation to the minister's ministers statement today that she is also very excited about this. I am very pleased to see that a number of these paramedics will be going to the Rowville and Dandenong branches in the South-Eastern Metropolitan Region. On behalf of my constituents, I ask the minister how these new paramedics being in place will help to support our already fantastic ambulance officers to do their job and our paramedics to do their job to support my community.

Western Victoria Region

Joe McCracken (Western Victoria) (12:44): (2558) My question is to the Minister for Roads and Road Safety. Evan Armstrong, who is the owner of Ballarat Mobile Tyres, says he has dealt with more than 200 smashed wheels and rims in the past two weeks alone. He has described that as the worst it has been for years. He said nine out of 10 times you hit a pothole, it is on one side of the car and you are going to do both wheels. A local resident, David, hit a pothole. He was expecting around \$400 to \$500 with a wheel alignment. It has cost him thousands of dollars. This is not uncommon for many people across Ballarat. My question to the minister is: why won't you direct your department to fix the potholes around Ballarat, which are costing locals not just hundreds but thousands and thousands of dollars every single day? It is a total disgrace.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:45): (2559) My question is for the Minister for Health. Constituents in Ballarat have recently shared their experiences of visiting Ballarat hospital

emergency department with my office. While I sincerely appreciate the challenges faced by emergency staff, who are clearly doing a brilliant job and working under extreme pressure, serious issues relating to excessive wait times despite urgent triage categorisation, patient and staff safety, and cleanliness and infection control in treatment areas have been raised with me. We have also heard that an 80-year-old, who arrived by ambulance to the emergency department with chest pain after suffering a heart attack requiring an urgent angiogram to ascertain what treatment he required, was in the emergency department for 48 hours due to a lack of hospital beds. While the redevelopment of the hospital would provide a bigger ED, without proper funding for staff, many of these problems would remain. Minister, will you commit to ensuring that Ballarat emergency department receives the funding it needs to operate sustainably and safely in terms of both infrastructure and staffing?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:46): (2560) My constituency question is for the Minister for Roads and Road Safety, and it asks: will the government go beyond a compensation review and match the coalition's \$5 billion commitment to eliminate 1 million potholes? Today I received a report from our very hardworking Liberal candidate for South Barwon Libby Pettit about the Geelong-Bacchus Marsh Road's deplorable condition, particularly near the prison. The state-owned road is poorly lit and riddled with potholes, making it one of Victoria's most dangerous roads. Libby is not the only person to complain. My constituent Mietta said, 'I'm genuinely scared to drive the road.' There is a multitude of photos of the road's potholes on the 46,000-strong Facebook page Geelong Name and Shame, and I have raised the state of this road before. Minister, will you fix the road, or will your government keep ignoring my community?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:47): (2561) My constituency question is for the Minister for Public Transport. My constituent asks: what measurable impact is West Tarneit train station projected to have on overcrowding, and what are the medium-term plans to reduce dependence on a single corridor for one of Melbourne's fastest growing communities? My constituent is deeply frustrated with the public transport service delivery in the area. They have told me that although Tarneit has been one of the fastest growing communities for years, the transport response still feels completely out of step with reality. Residents have been dealing with trains that are full when they arrive at the station, almost no bus connectivity, constant peak-hour timetable changes and cancellations, and an overall system that has not kept pace with population growth. West Tarneit train station is being built and is expected to open soon, which is obviously welcome. But it does not add more capacity to the trains that turn up at the new station and does not solve last-minute timetable changes and overcapacity.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:48): (2562) My question is for the Minister for Public Transport: why are you continuing to hide the results of the Wollert rail feasibility study, and when will you release it? An extension of the rail line to Wollert is a priority of both the City of Whittlesea and residents who were sold homes on the promise that public transport would immediately arrive. But the dream has turned sour, as the rail line is continually delayed and commuters are forced to fight through car traffic every morning. The feasibility study is crucial to providing a clearer picture about the viability of the project and informing future decision-making. Yet the study has been pushed back several times, and the Commonwealth project webpage now gives a completion date of mid-2026. Whittlesea council is frustrated with the constant delays, which are creating uncertainty and preventing forward planning. Mid-2026 has passed, and it is almost September. The study must be finished now, and the minister must release it.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:49): (2563) My constituency question is for the Minister for Education, and my constituents ask: will the minister attend the community meeting on

15 September to discuss the urgent need for a public high school in Kilmore? The Kilmore community has been in need of its own public high school for decades. Kilmore is the largest town in Victoria without a high school. Currently there are more than 1200 secondary school aged children living locally, needing to travel to Wallan, Broadford and further each day for school. Currently the only option for a secondary school in town is Assumption College, which charges upwards of \$10,000 a year. This is unacceptable. The community is asking for the same opportunities as everyone else – a public high school within their town. It is not an unreasonable ask. There are claims from students who suffer from anxiety and sensory issues that they cannot attend school because of the impacts of long travel each day. Kilmore is growing. The infrastructure needs to keep up. Locals have had enough. Why isn't their kids' education seen as important by this government? Minister, my constituents – *(Time expired)*

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:51): (2564) My question is to the Premier. We have just seen that the Labor government has been secretly taxing Victoria's public transport users, and this has absolutely no net benefit to my people of Gippsland. Indeed one of my constituents is so furious she has written to me this morning. Clearly this is not acceptable. We know that Gippsland's public transport continues to decline. We know that the reliability has gone backwards. We know the Gippsland line is now 40 minutes slower than it was four decades ago. Trains are regularly overcrowded, and some services no longer operate through to Southern Cross station. Towns' bus timetables have been changed, and they have been changed without proper consultation with seniors and the community, again disadvantaging my constituents. My constituent asks: why has the government secretly taxed Gippsland commuters to fund a suburban Melbourne rail project while forcing them to be working with and using unreliable services in Gippsland?

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:52): (2565) My question is to the Premier. My constituent lives in Footscray, a vibrant cultural, commercial and transport gateway to Melbourne's west. In recent years, however, the CBD has faced escalating community safety concerns around antisocial behaviour, homelessness and mental health. This impacts residents, traders, workers and visitors alike. Addressing these issues will require a shared commitment to making Footscray safe, welcoming and inclusive for all. A worthy pathway is a citizens assembly. Following the dismissal of Greater Geelong City Council in 2016, a citizens jury helped shape the future council model, with the Victorian government implementing its key recommendations. Similar processes have successfully informed public decision-making around the world. My constituent asks: will the Premier consider establishing a citizens assembly to make recommendations on Footscray's revitalisation and future?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:53): (2566) My question is to the minister responsible for housing and building regarding the updated regulations to do with architects to reduce additional red tape on small businesses in my region. I spoke with Helen, an architect of 40 years based in Mount Beauty. She raised concerns about the new Victorian architect-client agreement regulations that add significant red tape on small practices and sole practitioners. What was once a simple site visit and an email confirmation for a small job now requires pages of contractual information, cooling-off periods and additional obligations. I also met an architect from Castlemaine who expressed similar concerns that small jobs are now being treated the same as multimillion-dollar developments. The new regulations provide limited time for transition, place an increased burden on low-risk services and unfairly burden small practices. This red tape makes it harder for small businesses to operate and harder for people to get professional advice and risks putting the brakes on building and development across Victoria. Minister, will you listen to these small businesses, consult with industry and urgently amend these regulations to remove unnecessary red tape and restore common sense?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:54): (2567) A constituent of mine is a 30-year-old female who has to get public transport every day from Officer station to go to work. She reached out to me because since the PSOs have been removed from the station in Officer she has noticed a real uptick in the amount of harassment and criminal activity – or what she describes as harassment and criminal activity – she has observed on public transport. She has also been harassed twice herself. My question for the Minister for Police is: can the PSOs be returned as a matter of urgency at Tecoma, Upwey, Officer and Cardinia Road stations? This is important because the latest crime statistics have shown that across Cardinia crimes at train stations have gone up by 43 per cent, and that is not acceptable.

Sitting suspended 12:55 pm until 2:03 pm.

Bills**Workplace Protection Orders Bill 2026***Committee*

Resumed.

Clause 17 further considered (14:03)

Michael GALEA: Before the question time break we were discussing Dr Heath's amendment, and we were in the middle of asking about an offender committing unacceptable conduct against a number of employees in a store or on a worksite. I gave the example of 10 employees who were affected by that conduct and whether all 10 of them need to provide consent. My understanding, if I heard correctly from Dr Heath, was that not all 10 in that scenario would be required to provide consent. My concern with this is that the argument put forward by the opposition that individual consent is necessary is undermined by the fact that if you have multiple alleged victims but then not all of them are required to give consent, that undermines the very argument that is being put forward as to why these are necessary. Can I just confirm that it is the case that if there are multiple victims of unacceptable conduct, not all of those people will be required to provide consent?

Renee HEATH: The intent of these workplace protection orders is obviously to protect workers from harassment, violence and so on. The basis – and hopefully I explained it okay before – of our criminal justice system is consent. That is the reason we are putting these forward. There are nine people there in your scenario that are seeking an order and seeking protection. I think that is well and truly strong enough for an order to be granted.

Michael GALEA: Whilst I would certainly agree with that, I think it does undermine the point of having a requirement for each individual worker to provide that consent if another who is affected is not required to. I would also make the point that throughout the various parts of the workers protection consultation group this issue was not raised by any stakeholders, unions, employers or the community legal sector. Dr Heath, please feel free to respond.

Renee HEATH: Just for clarity, the reason that we say that is because there might be a situation where there is somebody, for instance, that is suffering domestic violence. If there is going to be, then, an order served on that person, that could really heighten the risk for that person that is going through that situation. We know in situations like domestic violence and the like that the most dangerous time in that person's life is when the perpetrator is alerted to a change that might be coming, whether that is somebody leaving or maybe an intervention order or something being served. That is the intent of this amendment. It is to make sure that, whoever the victim is, they are aware, they have some autonomy and they can be completely supported through this process. I understand what you are asking, but I just want to be very clear on the intent of this amendment and what it should achieve.

Michael GALEA: Dr Heath, whilst I completely understand and appreciate the perspective that you are coming from, I would argue that this is not about domestic family violence, because this is

intrinsically about an unknown person coming into someone's workplace. Again, as we discussed before the break, this is about a cohort, a workplace, it is not about individual alleged victims, which was going to the point of my earlier questioning, but I appreciate the response.

Will a worker's consent form, the one that you would require under this amendment, be included as part of the paperwork for an application for an order? Would it be submitted to the court?

Renee HEATH: Sadly, my adviser is in his own question time. I would imagine that that is very much an operational decision. I do not know what sort of paperwork is currently done for intervention orders. This is about the principle of it.

Michael GALEA: The reason I ask is because I do think this is actually quite important. It goes to the conversation that we were just having, because if a victim or a person who has received unacceptable conduct does have their name in writing as a record, which would be a potential outcome of this amendment, that could then open that person up to retribution or victimisation on the part of the respondent. I could well imagine, having represented retail workplaces for 10 years, that many people would be extremely cautious about putting their name to something if they knew that their name was going to be the one put forward as a victim as part of these proceedings. I understand you are saying it is an operational decision, but I do think it is critically important, because the consequences of this could, in effect, be to undermine the entire scheme and make the scheme unworkable.

Renee HEATH: Yes, I understand what you are saying, but consent is a principle, and there are many ways you can gain that. Currently we have a legal system where people can get intervention orders. This is a different scenario, but we have systems in place – and if there are not, I assume there are in this legislation – to protect people or other intervention orders; we have got systems in place where that can be protected. Also, you said that the purpose of this bill was not for domestic situations but would really target somebody to whom the offender is unknown. I have not read that anywhere in here, that this specifically targets people or affects people that are not known to the victim. I do not think that is correct. Hopefully I have covered all of that off. I am not sure if Mr Mulholland needs to add anything.

Evan MULHOLLAND: There is not much further to add, Mr Galea. As Dr Heath said, these are matters that are operational. The reason we are doing this is to give victims appropriate right of consent. I understand the place that you are coming from and your background in this space – I too was an SDA member for about five years. They did, though, tell me that I had to join, otherwise I would not get a pay rise, which was the reason why I joined. But I have been in workplace situations where there have been worrying, often violent incidents, so I have obviously called for and understand the purposes behind the bill. But as Dr Heath mentioned, these are operational matters, and the purpose of this amendment is to avoid a situation where an employer or union can potentially seek an order based on information involving a victim without the victim actually agreeing to it.

Michael GALEA: Thank you, Dr Heath and comrade Mulholland – always good to have a fellow shopper – for those answers. I do remain concerned that the provisions in this amendment would leave open the possibility that victims, whichever way they are defined by you, would have their names put forward, and I can foresee a great deal of issues with that leading to their unwillingness to participate in the process or indeed feeling like they are required to by their employer. If I can just clarify, then: you were saying that this is not resolved, so it is open to the fact that a respondent would possibly have access to a victim's name, rather than just the whole broad workplace as part of these proceedings?

Renee HEATH: That is certainly not the intent. I do not know if it is appropriate here to ask the minister what the current protections are for someone who is getting an intervention order, but no, that is not the intent. But it does highlight that if we are so worried about that, if that same person that you are talking about, the respondent, then also becomes aware that there is a workplace intervention order or a protection order, I think that actually perfectly sums up why we are putting this forward.

Michael GALEA: If I can just clarify, back to my earlier point: from reading the amendments to the proposed legislation, they read to me like they would require each victim of unacceptable conduct to provide a consent form. Can I just clarify again that that is not the case?

Renee HEATH: No, that is not the case.

Michael GALEA: Would anyone who has provided a consent form for the application of a workplace protection order then have any further obligations as a result of that, including if there were to be a variation motion, and how would you operate that?

Renee HEATH: We have not mentioned anything about a form anywhere in our –

Michael GALEA: The amendment refers to written consent.

Renee HEATH: Well, we have not mentioned that. What we have spoken about is the principle of consent. It operates in a lot of different places in law. This would not be any different. The basis of our criminal justice system and one of its foundations is consent. That is what we are talking about here. We do not mean consent differently as it is understood in any other piece of legislation.

Michael GALEA: Just to confirm, though: from my understanding of the amendment, it does actually say ‘written consent’. Is that correct?

Renee HEATH: I am not sure what part you are referring to, but yes, I will take your word for it. If it says ‘written consent’, it says ‘written consent’. But it does not talk about a form.

Michael GALEA: I acknowledge I probably should not have used the word ‘form’, but written consent is part of the amendment. Can you outline for me how you anticipate this process would work in a practical sense? I have talked around the different hypotheticals, but could you explain, in a consequential way, what the process would be? Would you be putting it on the employer to get an employee’s consent, and how would you be ensuring that that is done without any coercion?

Renee HEATH: I think again that is a very operational question. In many places in law there are many ways you can seek someone’s consent. When you are doing first aid it is ‘Do you mind if I help you?’ That is gaining consent. That is a legal definition, and I do not think me trying to explain that or give it a definition would change anything in law. It is a legal principle.

David LIMBRICK: The Libertarian Party will not be supporting this amendment for two reasons. Firstly, I think it makes an unworkable scheme even more unworkable. Secondly, taking up some of the points that Mr Galea brought up, I actually think that this is dangerous. It sets up incentives in a way that people may fear providing their consent because they fear retribution or they fear their privacy being breached or they fear legal consequences. If they say, ‘This person did such and such to me,’ and they sign a piece of paper, maybe they are opening themselves up to defamation or something, which I am concerned about. It also sets up the process for retribution. And it is dangerous, because if someone chooses not to provide consent because they have these concerns, then you have still got some dangerous person in the workplace causing trouble. I do not think it will actually help things at all.

The DEPUTY PRESIDENT: The question is that Dr Heath’s amendments 11 and 14, which test her amendments 22, 47, 48, 50 and 55 to 57, be agreed to.

Council divided on amendments:

Ayes (13): Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Noes (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

Amendments negatived.

Renee HEATH: I move:

12. Clause 17, line 7, omit “union.” and insert “union;”.
13. Clause 17, after line 7 insert –
“(c) a police officer.”.

As it stands, the legislation does not allow for police to apply for workplace protection orders. We are certainly not saying that they should be the primary applicant in every case, but in a lot of cases it could be entirely appropriate for them to be, because they often deal with these people. They know the situation. The intent of this is to allow police to have the power to apply for these orders when the circumstances justify it.

Enver ERDOGAN: The government will not be supporting this amendment. The worker protection schemes will enable unions and retail and transport operators to apply for the order. In coming to that conclusion we did consult with stakeholders, including Victoria Police, and we feel that unions and retail and transport operators are best placed to apply for these orders. They know the workplace, they know what is needed and they have the resources and information at hand. I might leave it there, but the government will not be supporting this amendment.

Aiv PUGLIELLI: Given that the Greens are opposing the bill and these orders overall, expanding who can request them would be nonsensical, so we will not be supporting this amendment.

David LIMBRICK: I also will be opposing this amendment. I think this one is also actually pretty dangerous, because it effectively allows police to set up exclusion orders without the consent of the business, and I am not sure that businesses actually want that. I am not sure that the police have the time and resources to do this, and I am not sure whether they want to do this. I do not think that this is actually a good idea at all; therefore I will be opposing it.

The DEPUTY PRESIDENT: The question is that Dr Heath’s amendments 12 and 13 on Mr Mulholland’s sheet EM84C – which test amendments 15 to 17, 20, 21, 22, 26 to 29, 32, 33, 35, 36, 37 to 39, 51 to 54, 55 to 57 and 58 to 61 – be agreed to.

Council divided on amendments:

Ayes (14): Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (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

Amendments negatived.

Clause agreed to; clauses 18 to 61 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (14:30): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (14:30): I move:

That the bill be now read a third time and do pass.

I want to take this opportunity before the bill passes to thank everyone for their contributions and good-faith engagement during the committee stage. I also want to thank everyone who participated in the consultation working group: the Australian Retail Council and major retailers and the trade union movement – in particular the SDA, the Transport Workers' Union, the Rail, Tram and Bus Union and the United Workers Union – who all played a role in the formation of and advocacy for the bill before the chamber today.

As a final remark, I do want to just acknowledge that the government continues to consult. We did hear the Australian Retail Council's interest and concern around the interim order scheme, and that is why, just before the bill finally passes, I announce that the government will undertake a targeted operational review nine months from the date of commencement of the WPO scheme to consider how applications are progressing and whether the Victorian scheme would benefit from the introduction of an interim order mechanism. This will be in addition to the three-year legislative review. We are going to do further consultation and further review. I think it is a good conclusion. It shows that we continue to consult, as always, and we always look to make improvements.

Council divided on motion:

Ayes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaëlle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Motion agreed to.**Read third time.**

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

Multicultural Victoria Amendment Bill 2026*Second reading***Debate resumed on motion of Ingrid Stitt:**

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (14:39): It is my pleasure to speak on behalf of the opposition on the Multicultural Victoria Amendment Bill 2026.

Tom McIntosh interjected.

Evan MULHOLLAND: I would hope it is your pleasure as well – I will take the interjection from Mr McIntosh. This is an important piece of legislation, and it builds on the work of George Lekakis from the Lekakis review into multicultural settings. It found an enormous amount of things. It found quite a few flaws in Victoria's multicultural settings. This bill seeks to deliver on that report. But I do want to say this bill goes a long way in repairing what I think was a mistake. Back in the Baillieu–Napthine governments the Victorian Multicultural Commission operated independently, as

an independent statutory authority. One of the first things Daniel Andrews, the former former Premier, did in 2015 was bring the Victorian Multicultural Commission into the Department of Premier and Cabinet. I think that is when we started to see its focus fade. We started to see it being politicised, and we started to see some poor decisions made, which meant that mistakes could be made as well. I think that led to some of the flaws that were exposed in the Lekakis review.

I would like to firstly thank all of the stakeholders that I have engaged with. There are quite a few of them: the Ethnic Communities' Council of Victoria, the Faith Communities Council of Victoria, Africa Day Australia and the Filipino Community Council of Victoria. But also George Lekakis and several other significant community leaders provided a whole lot of feedback on this bill. The Australasian Association of Language Companies, Ethnolink and other organisations have provided some really useful feedback on this particular bill, which I certainly appreciate.

From the outset it is important to state the Liberals and Nationals commitment to multicultural and multifaith communities. I recommend all of my colleagues go to the second-reading speech in the lower house of Matthew Guy, the member for Bulleen. As a former multicultural minister, he went through decades of the Liberals and Nationals support for multicultural communities dating back to his predecessor Nick Kotsiras and the work that the Baillieu government did and the work that the Kennett government did in setting up the Ethnic Affairs Commission, as it was then known. It is quite the history, but it is a proud history on this side of the chamber of supporting multicultural communities. Despite the insinuations you might hear from some politicians, the Liberals and Nationals wholeheartedly support our multicultural communities here in Victoria.

Many of us come from migrant backgrounds. My late nonna and nonno came to Australia by boat in the 1950s, and they came here with nothing. They came here with no English, just a suitcase, and worked really hard to provide a life for themselves and their family. One of the great things I see when going out and about in multicultural communities is a similar drive to my grandparents, a similar aspiration to get ahead and a similar love for Australia and being Australian and what that provides but also a want and desire to celebrate their own cultures as well. That goes to I think the strong resilience of our multicultural communities here in this state, the work they do on behalf of their communities and their want to engage with members of Parliament, with community leaders and with their local communities to celebrate their culture. But you hear some people talking about some multicultural communities not assimilating. I do not agree with that view. The busiest day of the year for me as the shadow minister is Australia Day itself. I am run off my feet going to countless community events, which are incredible – barbecues and celebrations. My colleague Wayne Farnham and I were in Laverton this past Australia Day to celebrate Australia Day with our Filipino community, who do incredible work. The Filipino Community Council of Victoria do incredible work with food relief in particular. I know they are one of the fastest growing communities in Victoria, so I want to give them a shout-out too. And I am fortunate to champion a lot of these communities in the Parliament. Whether they be Assyrian, Chaldean, Syriac, Turkish, Hindu, Sikh or Somali, I have got a very broad amount of communities in my electorate. I genuinely love going to different multicultural events across my electorate and engaging with them and being with them for their significant holy days or significant events, and I think that is really important.

I do want to touch on one thing briefly before I go to elements of the bill, if I can. I want to express my deepest sorrow for and solidarity with the people of Nepal following the devastating flash floods of 26 August. The disaster has severely affected Rasuwa district and the communities along the Bhotekoshi and Trishuli river corridors, including Timure and Syabrubesi, with impacts extending to Nuwakot, Dhading, Chitwan and surrounding areas. At least 157 people have been confirmed dead in Nepal, with hundreds still missing. Homes and entire settlements have been swept away, roads and bridges have been destroyed and major damage has been caused to hydropower electricity and communications infrastructure. Recent updates suggest that more than 34 Australians are among the people reported missing. My deepest thoughts and those of the Liberals and Nationals and I am sure all in this chamber are with the families and our strong Nepalese Australian community and everyone

anxiously waiting for news from loved ones. I extend sincere condolences to families that have lost loved ones and acknowledge the courage of Nepal's emergency services, security forces, volunteers and communities for undertaking the rescue operations. At this difficult time Australia and Victoria stand in solidarity with the people of Nepal.

I will go to further elements of the bill. The bill, as I was stating, is something that we largely support because it brings back amendments that were in place under the former Liberals and Nationals government. As I said, the Victorian Multicultural Commission was largely independent and a strong agency under the former government, until the Andrews government was elected and brought the commission into the Department of Premier and Cabinet, which was undoubtedly to help him control and monitor the commission's work. We welcome the roundabout reversal of this decision, and I think the sector broadly does as well.

Under the proposed model Multicultural Victoria will be led by a multicultural coordinator general supported by two deputy multicultural coordinators general. Importantly, one of those deputy coordinators general must live or have previously lived in rural or regional Victoria – an important position because a growing number of our multicultural communities are in the regions – to make sure their perspectives are considered when making these decisions. I certainly know this to be true in communities like Shepparton, Mildura, Bendigo, Ballarat, Geelong, and Gippsland. I was in Cobram with Tim McCurdy, and I know there is a big Italian community there. I recently had the opportunity to attend the African cultural music festival in Bendigo with my colleague Gaelle Broad and our fantastic Nationals candidate for Bendigo East Andrew Lethlean. We also had the opportunity to meet with the Bendigo Interfaith Council, who are doing some amazing work, as my colleague Mrs Broad would attest. There is such a growing population in regional Victoria in our multicultural community, so we welcome having a regional deputy for Multicultural Victoria. Victoria's multicultural story extends far beyond metropolitan Melbourne. In fact the reception for my wedding was at All Saints Estate in Rutherglen, and my zia, my aunty, pointed out the fact that her father helped when it was a tobacco farm and lived in one of the cabins on that particular property. Many migrants, particularly those migrants from Italy, Greece and European nations from the 1950s to 70s, went out to our regions, so there is a long history of multicultural communities in regional Victoria.

The existing chairperson model and commissioner model will be replaced by a coordinator general model. The coordinator general will be appointed by the Governor in Council on recommendation of the minister, along with deputies. They will be prohibited from holding a range of political or parliamentary positions, including being a member of Parliament or council, an electorate officer, a ministerial officer or a parliamentary advisor. This is an important prohibition. It limits the potential for this position to be handed to a partisan of the government of the day. My advice is that under the legislation a person could be working in a minister's office, resign and then the day after be appointed to one of these positions. So I intend to move an amendment just to clarify that it also applies if they have worked in any of those positions for the previous three months, and I am very pleased with the conversations I am having with the government in regard to that particular amendment. I have sought stakeholder conversations, advice and consultation on that particular amendment, and it is something that has broad support across the board, just to give some distance, some breathing room between holding said positions and taking up such an important nonpartisan role. The coordinator general will be a full-time appointment with the possibility of serving up to three four-year terms.

The opposition, as I have stated publicly, holds significant concerns about the appointment process and about how we are only just debating this legislation now. It was only debated in the Assembly a couple of weeks ago, yet last month the government already began the advertising and recruiting process for the \$400,000 a year position, before they had even bothered to introduce the bill into Parliament or briefed the opposition or the crossbench. Applications closed two weeks ago – two weeks before the legislation reached this place. What is even more concerning is that the government intends for this person to be in a position to start on 1 October, a mere 34 days before the caretaker provisions come into effect, and I think anyone rightly would see that as opportunism to try to get

someone in there for four years on the eve of an election. Victorian multicultural communities deserve to have the confidence that public appointments and public funding are not used as political currency. They deserve a system where people are appointed because of their expertise, their contribution and their capacity to represent communities, not because of any political allegiance. The opposition are very concerned that the government, knowing that people have had an absolute gutful of 12 years of waste, of corruption and of mismanagement, will possibly hastily appoint a mate to a four-year position on the way out the door in order to prosecute their agenda from opposition. I think Victorians and Victorian multicultural communities are sick and tired of Labor using them for rank partisan reasons and then paying lip-service to them, taking selfies but not showing them the respect that their communities, culture and contributions deserve.

I have consulted with many stakeholders, who do share my concerns about these appointments and think an incoming government should have the prerogative to appoint officials that they can work with productively for the benefit of multicultural communities. I have been having some good discussions with the government. I will still move my amendment, but I reserve judgement to withdraw it later in committee. But what my amendment goes to is that, should the government seek to appoint a coordinator general or deputies this side of the election, there would be a hard date of 30 January at which that appointment would end. The reason I did it that way is that, should it not like a particular appointment, it gives a new government the opportunity to pick someone fresh. But, should pigs fly and the government be re-elected, then it can roll over that particular appointment, and it does not rule that person out from being appointed to a four-year term. I think it is fair enough, given the proximity to caretaker, and that applies across the board to all appointments as well. This is a sensible, commonsense measure that merely takes into account the proximity to an election of this significant change in how multicultural affairs are managed in this state, and it is my sincere hope that we can come to some kind of agreement on this. As I said regarding this amendment, I am in discussions with the government and do reserve my right to withdraw it in committee based on conversations, but I will come back to the chamber in committee on that particular one.

The bill also acknowledges the existing advisory councils and replaces them with the new multicultural advisory group to be established by the minister. I just want to touch on the regional advisory councils and thank them for the work that they have done. I have known many people that have been involved in regional advisory councils, particularly in the northern suburbs. It is clear from the consultation I have done that I would say some of them did really good work; for others the bureaucratic challenge of organising the meetings and the work did not get a commensurate amount of productivity out of the regional advisory councils. That was my feedback from broad consultation with communities.

I can understand why the government has done this, but I would also encourage the government to use existing organisations that are out there, like the Ethnic Communities' Council of Victoria, to attempt to replicate that kind of broader model going forward, because they did capture a lot of new and emerging communities, and I think that is a good way of supplementing and complementing some of the good work the regional advisory councils did. It will replace them with a multicultural community advisory group to be established by the minister. The group will consist of five to nine members and must include at least one person aged 18 to 24. In addition, Multicultural Victoria will establish regional engagement groups covering the whole of Victoria. As I said earlier, Victorian multicultural communities are spread across metropolitan Melbourne, regional cities, rural communities and rapidly growing outer suburban areas, and the challenges faced by a newly arrived family in regional Victoria can be very different to those faced by a family living in one of Melbourne's most established multicultural suburbs. Access to services, public transport, interpreting services, employment opportunities and community infrastructure can all vary considerably.

This bill makes changes to the principles of multiculturalism contained in section 4 of the Multicultural Victoria Act 2011. Among those changes, though, is a decision to make mention of Labor's controversial and divisive treaty with Indigenous Victorians. The opposition will seek to amend the bill

to remove Labor's treaty and treaty making as an objective of Multicultural Victoria. In recognising the importance of Indigenous Victorians we will focus this principle to be about self-determination, because self-determination and working with these communities should not be done through the lens of treaty making. Having treaty making as an objective of Multicultural Victoria I think diminishes the focus of this particular bill. There are other bills to do with treaty making. I think we would be blurring the lines here if we were to include this as a particular objective. The opposition is committed to repealing the treaty within our first 100 days, so this is broadly consistent with our policies.

I want to get to a shocking part of this bill, which is that the bill mandates that a defined list of public bodies – specified entities – use VITS LanguageLoop, an existing state-owned entity, for interpreting and translation services unless VITS LanguageLoop declines the work. This is backed by an authorisation clause in law. Notably excluded from the mandate are Parliament's own departments, IBAC, the Ombudsman, the Auditor-General, the integrity adviser and Integrity Oversight Victoria. In the bill briefing the government indicated that it is still possible for other providers to be contracted to the departments, but I do want to place on record the concerns of industry about this, the lack of consultation with non-profits and private providers and the potential for this as an attempt to bring a significant aspect of multicultural affairs under one entity, potentially under union control. This is a deeply worrying development.

Speak to any translator out there, and they will tell you it is a freelance industry. It is a contractor industry. Many interpreters work for multiple service providers. For the government to mandate that LanguageLoop be the sole provider for government departments – I do not think it is going to work. But what is most shocking is that the government did not speak to any of the industry about this. Did it speak to the Australasian Association of Language Companies? Did it speak to any of the service providers – significant ones like Ethnolink and others? No, it did not. It did not do any work. How is that possible? You put in an amendment that impacts an entire industry, and I am sure we have all got the emails from translators across the state worried about what this might mean. Just at a ministerial direction you could see swathes of job losses. I spoke to an interpreter yesterday who said that working for LanguageLoop in a permanent position does not suit them. They are a mum of three. I think the government has not thought this through and, in an attempt to prop up a state-owned company, has really got this wrong. I would say the government possibly needs to go back to the drawing board on this and take great consideration of this, because how is it that an entire industry was not consulted? I just do not understand how that can occur, and I am deeply troubled by it. I also have been flooded with emails and phone calls from the sector about this particular amendment. I am going to go to lots of questions in committee. I have been speaking to the government about this amendment, and I do think they acknowledge that the consultation could have been better, but still, to give the government this power is deeply concerning. I am quite open to any amendments regarding this particular section of the bill that would give comfort to the industry, but I have got a lot of questions in committee when the minister may be able to provide some comfort for the sector as well. Our interpreters do some really great work in the communities. They are often first to a hospital bed at 11 at night. Is LanguageLoop going to be operating at 11 pm at night, or does it want to move to a full-time 9-to-5 model? These are the questions that we need answered, and I think the way this legislation has been drafted does not go to those.

I just want to talk briefly about how I think it is important that we are moving to a more independent body free of partisanship, because we saw through a series of freedom-of-information requests that the Victorian Multicultural Commission was working closely with the Premier's private office under the Allan government to really run events like the Premier's multicultural gala in a significantly partisan way. When the guest list, for example, was washed through the PPO, 169 guests were added for Labor MPs and their friends, to the benefit only of the government and of Labor members. There would have been about 40 Labor members there, and they all just happened to be there with free tickets for their communities as well, an opportunity not afforded to the opposition or the Greens. I note both the Greens and the opposition were on a unity ticket in condemning that particular practice, because it diminishes the experience for our multicultural communities. In this fractured political environment,

when we want to show that there is bi- or tripartisan support for our multicultural communities, what is the government doing? It is promoting the Labor Party and turning these events into political rallies. We saw events run by the Department of Premier and Cabinet in a shameful way, where the opposition was not even allowed to speak. I will leave my comments there. I will have more to say in committee in regard to this bill, but we will not be opposing this bill anyway.

Sheena WATT (Northern Metropolitan) (15:09): I am very pleased to rise this afternoon to make a contribution on the Multicultural Victoria Amendment Bill 2026. Once passed – and now, having heard that the support of those opposite is with this bill, I am very optimistic about this – this bill will establish a renewed, modernised and deeply accountable foundation for how our government listens to, partners with and delivers for Victoria’s multicultural and multifaith communities. It strengthens our institutions, it modernises our statutory framework and it ensures that community voices sit at the centre of government decision-making, right where they belong.

I think Victoria is without question the most successful and vibrant multicultural society in the world. It is not just an aspect of our society; it is a part of our identity. Victorians come from, extraordinarily, over 300 different ancestries, speak more than 290 languages and practise almost 200 faiths. Almost half of all Victorians were born overseas or have a parent who was born overseas. Those stories of migration are of courage, of hard work and of community building that have shaped every neighbourhood, every regional township and every public institution across our state. When people ask whether multiculturalism works, the answer is undeniably clear: multiculturalism works. You only have to step outside, hop on a tram and sit down as you ride to the very heart of the city to see how brilliantly and harmoniously it works every single day. You see it in our bustling streetscapes, you hear it in the dozens of languages spoken side by side on our public transport and you feel it in our thriving local businesses, our university campuses, our hospitals and our community festivals. You see people of entirely different cultural traditions, faiths and linguistic backgrounds living together, working together, raising families and building a united community based on mutual respect and shared democratic values. You also see it right here in this very chamber. Multiculturalism is why our Parliament actually reflects the people we represent. It is why you can sit in this place and have a Tarlamin, a Luu, an Erdogan, a Puglielli and so many others from different cultural backgrounds shaping the laws of this state. That lived experience of connection is what makes Victoria great.

But harmony and social cohesion are not things we can ever, ever take for granted. In recent years world-shifting events have placed distinct and noticeable strains on our communities, and when international tensions rise or economic pressures mount, it is often our multicultural and multifaith communities who feel the brunt of social anxiety and discrimination first. In my work – something I am enormously proud of – as the co-chair of the Anti-Racism Taskforce I have had the distinct privilege and responsibility of listening directly to communities right across the state. Through that work we heard firsthand about the painful reality of racism, discrimination and casual prejudice that too many Victorians still encounter in their everyday lives. We also heard of an overwhelming desire from our communities for stronger structural protections, greater accountability across public institutions and proactive government action that dismantles systemic barriers before they cause harm. Combating racism and religious hatred requires more than just warm words and good intentions. It requires institutional and structural reform. It requires us to build state institutions that do not just react to crises but actively work to safeguard inclusion, fairness and safety for every Victorian. That is the exact mission that underpins this legislation.

In December 2024 our government commissioned Victoria’s multicultural review to undertake a comprehensive, independent examination of our state’s multicultural settings, policies and institutions. That review was led by George Lekakis AO and supported by an expert advisory group consisting of Hass Dellal AO, Carmel Guerra OAM, Miriam Sass OAM and Mark Duckworth PSM – all distinguished, eminent experts. This review undertook an exhaustive consultation process, hearing from more than 640 Victorians and engaging with over 150 peak bodies, ethno-specific organisations and faith groups. What the review heard was clear: the aspirations and needs of multicultural

Victorians have evolved and the governance frameworks that were created decades ago are no longer adequate to address the modern challenges our community faces.

Before detailing the new structures established by this bill I want to take a moment to express my deepest gratitude to the Victorian Multicultural Commission as well as every past and present chair and commissioner who has served since the commission was first established. For over four decades – four decades; it is extraordinary – the commission has served as a vital bridge between diverse communities and government. The commissioners have worked tirelessly, volunteering enormous amounts of their time, attending thousands of marvellous community celebrations, advocating during difficult moments and giving voice to the challenges faced by our newly arrived migrants and the established diaspora communities alike. Their legacy is written across the everyday make-up of Victoria.

The independent review found that the separation between the Victorian Multicultural Commission and the department's internal policy and grants delivery functions resulted in an increasingly fragmented and inconsistent approach. Community groups often face confusion as to where to direct their advocacy, and the vital feedback gathered on the ground has not always translated into policy design, service delivery or funding decisions. This bill resolves that by establishing a new statutory entity: Multicultural Victoria. Multicultural Victoria will represent a complete institutional reset. The bill consolidates community consultation, policy development, whole-of-government accountability and grant administration under a single united body. This ensures that the insights, lived experiences and priorities shared by our communities flow directly and immediately into the design of government programs and priorities.

To lead this new entity the bill creates the independent statutory office of the multicultural coordinator general, supported by two deputy multicultural coordinators general. These leaders will serve as an independent influential voice for community. The bill mandates that at least one of the deputy coordinators general must live in or have lived in rural or regional Victoria. This statutory guarantee ensures that regional voices are embedded at the highest levels of multicultural leadership. Importantly, the bill explicitly defines the principles of impartiality for the multicultural coordinator general and the deputies. To support the leadership team and maintain strong grassroots links, the bill establishes the multicultural community advisory group. The advisory group will bring lived experience, cultural insight and community leadership deliberately and directly into the heart of Multicultural Victoria. The legislation deliberately mandates that the minister must appoint a diverse membership across cultures, faiths, professions and regions, including a mandatory youth representative. This ensures that the next generation of multicultural Victorians has a direct seat at the decision-making table.

We are also overhauling how the state conducts regional engagement. While the previous regional advisory council served our state well for many years, the review found that their rigid structures had become unwieldy and were not delivering the responsive, flexible outcomes that regional communities called for. This bill removes the old council structure and in fact replaces it with dynamic regional engagement groups that will span every single region right across the state. These groups will bring together local grassroots leaders, regional ethnic community councils, service providers and local residents to address specific place-based challenges. Furthermore, the bill introduces a feedback loop. Whenever Multicultural Victoria consults with community representatives, it has an obligation to report back as soon as practicable to explain what action was taken in response to the issues raised. To guarantee that this model delivers real outcomes, the legislation requires an independent review of the regional engagement framework every four years.

One of the most important aspects of this bill is how it modernises and strengthens the principles of multiculturalism. It recognises First Peoples' self-determination and treaty, and it explicitly enshrines that First Peoples in Victoria are the original custodians of the land and hold a unique and irreplaceable status, particularly with an enduring spiritual, cultural and economic connection to the traditional lands and waters of our state. The bill establishes an objective for Multicultural Victoria to acknowledge

First Peoples' right to self-determination and acknowledges the fundamental truth that Victoria's multicultural journey exists alongside the oldest continuous living culture on earth.

This bill modernises our language to explicitly embrace our multifaith communities. For many Victorians faith is an inseparable part of identity, purpose and community support. By embedding multifaith recognition throughout the principles, objectives and functions of the act, we affirm that people of all religions deserve safety, respect and freedom from prejudice. The principles are updated to recognise that individuals within our communities have diverse, intersecting identities. People are not one-dimensional. Their daily experiences are shaped by race, religion, gender, age, disability, sexual orientation and geography. Our policies and public services must reflect that.

Another reform in this bill is the formal recognition of language and language services as an essential service. For anyone who has ever tried to navigate an emergency room, a court proceeding, a school parent-teacher interview or even at times our electorate offices, language access is not a luxury. The review found that subjecting language services to fragmented, lowest cost commercial tendering models undermined quality, compromised pay and conditions for qualified interpreters and left vulnerable Victorians without reliable support. Under this bill the minister will have the power to prescribe organisations to engage LanguageLoop as the default provider of language services in critical government service delivery, creating a dependable, high-quality public standard for language delivery across our most critical frontline services. As a sensible safeguard, if LanguageLoop cannot fulfil a specific language request, entities may engage an alternative provider so that no patient or client is left without an interpreter.

To ensure that these reforms drive genuine change across the entire Victorian public service (VPS), the bill introduces rigorous whole-of-government planning and reporting mechanisms. This is a bill that strengthens accountability for multicultural and multifaith communities and their outcomes through a whole-of-government strategic planning and reporting approach. It requires the development of a new four-year whole-of-government multicultural strategy. The multicultural coordinator general will support the Premier in developing this strategy, ensuring that it is directly informed by the voices, experiences and perspectives of our multicultural and multifaith communities. The strategy will set clear goals and actions for different departments, and departments will be required to report on what they are doing to meet those actions.

Government departments will also be required to produce multicultural action and inclusion plans every four years. These plans will identify tangible actions to increase the cultural inclusion of government services and strengthen diversity across the VPS workforce and on public boards. Departmental secretaries will then be required to report annually to the multicultural coordinator general on their progress against the plans. There will be the development of an annual state of Multicultural Victoria report, driven by, obviously, the work that has been done.

Can I just say it also will give Multicultural Victoria the ability to be able to work with existing community safety and emergency services agencies to support and advise on community safety planning with multicultural and multifaith communities affected by emergencies or serious adverse events. By working collaboratively with Victoria Police, Emergency Management Victoria and local councils, Multicultural Victoria will ensure that when adverse global events, local crises or emergencies occur, government responses are coordinated, culturally sensitive and actively protecting community harmony.

When we look at the broader context of this debate and the contrast in values across the political aisle, I could go on about it, and frankly, I want to. But in the interests of maintaining the support for what I think is a pretty exceptional bit of bipartisanship for multicultural communities here in Victoria, I will put aside my want to do that and say that this bill is one to be really proud of. It is necessary, and it is a robust statement of who we are and where we are heading. It reflects our modern, vibrant and connected society. It empowers our multicultural and multifaith communities, and it guarantees accountability. I am immensely proud to support this legislation. I commend the Multicultural Victoria

Amendment Bill 2026 to the house, and I thank all those that worked with the government in the development of this bill. Again, can I take a moment to round out my comments with deep thanks to all the multicultural leaders that I have had the good fortune to work with on the Anti-Racism Taskforce during my term here in the Parliament.

David LIMBRICK (South-Eastern Metropolitan) (15:24): I also would like to say a few words on the Multicultural Victoria Amendment Bill 2026. I will start with a couple of principles. Culture is not something that should be defined by government or managed by government; culture is something that is organic and emergent, similar to language and many other things. In fact if we look at history, the societies that have tried to dictate – and some still continue to try and dictate – what culture is and how culture should work almost without exception have turned out horribly.

What Victoria has been trying to do for a long time, previously through the multicultural commissioner and now through this bill, is manage many different communities that exist in Victoria and try to maintain some sort of cohesion. I think that anyone that looked from the outside at the empirical evidence would have to say that they are not doing a very good job of this. In fact the backlash at what the government has been doing is horrific, and we have seen that through the political turmoil that is happening at the moment. People resent the idea of government giving out favours to communities. Whether or not it is for the government's political benefit, many people in the community certainly have that perception. As Mr Mulholland pointed out, there have been large events held by the taxpayer for multicultural communities, and various members of Parliament who were not favoured by the government were not invited to speak or even invited to the event. I think that many people would ask questions about why that is in fact the case.

I do not say this as someone who sits outside of these communities looking in; I am literally part of these communities. My family is part of the Japanese diaspora. What I will say is that most of the people in the communities that I see do not want the government sticking its nose in and interfering with their communities. They are not happy about it, and the idea that the government picks people from these communities and gives them favours and things like that is offensive to them. For that reason the Libertarian Party will be opposing this bill. In fact I oppose the entire premise of the government interfering in this. This should be an organic thing, and the government should be applying the principle of equality under law – everyone is treated equally. If we are going to talk about culture, we should be talking about the culture that we have inherited through our institutions: the culture of looking at things like equality under law and defending things like freedom of speech and these things which are inherent to our culture and the institutions that we have inherited from the UK.

Another thing which this bill does which is very problematic and which I have an amendment for is it sets up a preferred provider in the form of LanguageLoop, which effectively cuts out a huge part of the workforce. Here is a great example of the government trying to do things that they think are for a particular community and pulling the rug out from under that community in the same breath, because many of the people from these multicultural communities that the government are talking about are actually contractors who do interpreting and translation services. I know many people that do this. The very communities that you are trying to support here you are effectively pulling the rug out from under. Nearly all these people, as Mr Mulholland pointed out, do this as gig work. Many of them are mothers. I have met many people who do this type of work – in fact in the past my own wife has done this type of work – and they enjoy the flexibility that it offers. They enjoy that type of engagement, that type of contracting approach. They do not want to become full-time interpreters or translators, and the idea that the government will be taking away that option for government services seems quite problematic.

I am not the only one that thinks that. Members of Parliament will have been getting contacted by members of many different communities who are alarmed at what the government is doing here, because they rely on this for their income, many of these people, and they are alarmed at the idea that the government is trying to set up this government-owned enterprise which is going to compete with the private sector. It undermines competition. It creates all sorts of issues. Mr Mulholland made a very good point before: who are you going to get out in the middle of the night to sit in a hospital? I know

that some people do crisis social work, and they need to talk to people in their own language. If someone gets in trouble with the police or all sorts of things, they need these services. They are not necessarily a 9-to-5 job at all. In fact many of them make all sorts of arrangements to cater for very tricky situations, and to cater for these situations you need a diverse market. There are some people who would prefer to do translation services at home and do them 9 to 5 during the day and other people who would be happy to be on an on-call basis to handle emergency-type things in the evening. But to handle that you need a diverse market, and what the government is doing here is destroying diversity, ironically. They always go on about diversity and how much they love diversity. Well, this is not improving diversity. This is actually destroying market diversity, and it is a bad idea. With that in mind, I would like to circulate my amendments now, please. I will talk to them a bit more later.

This bill also will expand the bureaucracy of Victoria – the last thing that we need to do at the moment. As I have already stated, we have this soft monopoly, effectively. What they are setting up replaces the Victorian Multicultural Commission with a larger body, with new office holders, new advisory groups, regional groups, mandatory departmental plans, whole-of-government strategies and all of these sorts of things. This is an expansion of government that we do not need. In fact the size of government is exactly the sort of thing that we should be pulling back from. The government does not need to be interfering in this. The government's involvement with this is not creating social cohesion in Victoria. It is not helping what is happening – quite the opposite; it is making things worse. There is a backlash. If the government cannot see that backlash, they are blind. They must be able to see the backlash that is happening. This is exactly the sort of thing that upsets people, that makes them mad, and it has got to stop. The Libertarian Party will not support it.

John BERGER (Southern Metropolitan) (15:32): I rise to make a contribution on the Multicultural Victoria Amendment Bill 2026. Before I begin I would like to thank the Minister for Multicultural Affairs for the work he has done to promote multiculturalism and to promote social cohesion here in Victoria. It is important that we acknowledge that Victoria is a proud multicultural state. Multiculturalism is simply a fact of Victoria's society, and it has been for a very long time. It is a fact that we on this side of the chamber are very proud of. If you walk around any suburb in my electorate or indeed any suburb or town across this great state, you will find people from many different faiths and of many different cultural backgrounds from all over the globe, and I think it would be fair to say that someone who does not understand multiculturalism would struggle to understand very much at all about Victorians as a whole.

In the past few years the social harmony that we have enjoyed in this state has unfortunately been strained as a result of international conflicts as well as new bitterness and divisiveness, which, though unwelcomed, has emerged within our politics. That is why in December 2024 we commissioned George Lekakis AO to undertake Victoria's multicultural review, looking into how our Victorian government can better support multicultural communities. At a point in time when there is a strain in the community and when we do see division emerging, it is critical that we do whatever we can to ensure that we continue to live in a society that harmonises and is socially cohesive. The review involved meeting with over 150 peak bodies across the state and asking them about their experiences, their worries and their views on how the government can offer stronger support for multicultural communities. Listening is one thing, acting is another, and the Carroll Labor government is responding to the Lekakis review with action in this bill and elsewhere. The review makes recommendations across different areas of government policy regarding multicultural affairs. The scope of these recommendations is such that not every part of the government's response can be contained within this bill, meaning there will be more work to be done even once this bill is passed into law.

The Carroll Labor government has accepted and is implementing the recommendations of the Lekakis review, including the establishment of a new statutory body, Multicultural Victoria, responsible for consultation with communities and advocacy on their behalf, policy development, program delivery and ensuring accountability across government; a four-year whole-of-government multicultural strategy, which is currently in development; the introduction of a social cohesion values commitment,

which ensures that the organisations receiving government funding understand their obligations and responsibilities to uphold and protect social cohesion and mutual respect with other communities; investing in a multicultural capacity-building program to support grassroots organisations to expand and improve upon the services which they can provide to their communities; investing in a multicultural museums program to promote greater community engagement and greater intercultural understanding; recognising that language and translating services are essential services for multicultural communities; and requiring cabinet submissions to include a multicultural impact statement. These measures constitute the government's response to the Lekakis review, though many of these go beyond the scope of the bill being debated today.

This bill primarily relates to the establishment of Multicultural Victoria as a statutory entity, setting out the structure and remit of the organisation. It also includes reforms requiring government departments to produce multicultural action and inclusion plans every four years. It includes provisions for the establishment of a multicultural community advisory group. It will abolish the existing regional advisory councils in order to facilitate the development of a new and more effective method of place-based consultation. Importantly, the bill also contains provisions fulfilling our commitment to recognising language and translation services as essential and ensuring that they can be delivered to and accessed by multicultural communities when they are needed. These measures are important, and they will be part of the broader project of building up infrastructure which allows us as a state government to better understand and support the needs of all Victorians. Stronger consultation infrastructure will mean that the state government's ability to understand the unique needs of different sections of the community will be strengthened. Having strong consultation processes also means that communities feel included, feel like they are part of the process and feel like they are respected as equal and valued parts of our society.

The establishment of Multicultural Victoria will symbolise a new beginning for how the state government engages with multicultural community groups by bringing together policy development and consultation as well as programs and grant delivery. Under one organisation we will create a stronger voice and a new method of pursuing better outcomes. To explain in detail the mechanics of how this new organisation will work, this bill will abolish the Victorian Multicultural Commission and see it replaced with a new statutory authority, Multicultural Victoria, which will also take on several departmental responsibilities. The reason why we are doing this stems from the Lekakis review and the finding that structural reform of the Victorian Multicultural Commission was needed. To be clear, this was not because the work the VMC did was wrong in principle. Since its establishment in 1983 the VMC has played an important role in connecting those in government to the people they serve and ensuring that the government can be responsive to the needs of the community.

The concerns among stakeholders which the Lekakis review raises relate to the separation of the VMC and the departmental responsibilities for policy and service delivery. Stakeholders have argued that this separation has made it unclear where responsibilities ultimately lie and therefore who was ultimately accountable for decisions. Further, with the separation of the bodies responsible for consultation and for policy, faith in the commission's ability to influence governance was undermined. The impact of this, the report suggests, is that there may be a loss of interest among multicultural community leaders in participating in VMC consultation processes. To address this, the Lekakis review directly recommends creating Multicultural Victoria as a new statutory authority, as well as the multicultural community advisory group to advise the new entity.

The review provides a structure for Multicultural Victoria with a chair and two deputy chairs, and this bill creates the role of multicultural general to lead Multicultural Victoria. It also creates two deputy multicultural coordinators general, one of which will be in regional Victoria. These will be independent appointees who will engage with multicultural communities and advocate to government on their behalf. This bill ensures that the appointees will be obligated to conduct themselves with the highest standards of integrity and impartiality. This is to ensure that they do not advocate on behalf of one group at the expense of another and that they do not neglect the needs of one group in order to

prioritise the needs of another. The bill contains provisions for impartiality and neutrality to ensure that the needs of all multicultural communities are considered by the new statutory authority. For example, this bill is very clear that the role of the multicultural coordinator general is to advocate for all communities without favouritism, particularly in the case of favouritism stemming from one's own membership of a community.

When a multicultural coordinator general engages communities in a consultation process, they will seek the information about their experiences, their needs, their worries, their concerns and anything which the government might need to know to deliver better policy outcomes. However, they will also have legal obligations accompanying this to report back to those who have been engaged in the consultation process to inform them of what actions have been taken in response to their feedback. Given the overall theme of the report was 'Restoring trust', this reform is a serious attempt to show people that their views matter and that their participation in our consultation efforts is important and valued and will not be ignored. Community leaders, with their busy personal lives and busy lives in these organisations, need to know that they are not wasting their time when they are engaged in government consultation. If they felt as though they would be ignored and disrespected, why would they bother turning up? Getting multicultural policies right is critical to maintaining a healthy, socially cohesive society. A better, more effective and more inclusive consultation process is an important part of how we get this right.

Not only will the multicultural coordinator general have a legal responsibility to report back to those consulted with about what actions have been taken, they will also be given powers relating to whole-of-government planning and accountability in regard to multicultural affairs. This means that the same organisations that will be undertaking the consultation process will be directly involved in implementing and driving change. Further, the multicultural coordinator general will have the ability to work with community safety and emergency services agencies to advise on how they can support these communities during emergencies and serious, tragic events. This includes emergencies and events occurring locally but also recognises that often it will be the case that things which are happening on the other side of the world will hit close to home for many Victorians. In these situations Multicultural Victoria will also have a role to play in ensuring that all arms of government understand these issues when making decisions about these communities.

As well as creating Multicultural Victoria and establishing the role of the multicultural coordinator general, this bill creates the multicultural community advisory group. This group will consist of people from diverse cultural, faith and occupational backgrounds and will ensure that there is a regional representation as well as an urban representation and dedicated representation for youth as well. There are diverse points of view within any given community, and if this is true then it would be impossible to speak to one person or one type of person and say they represent the entirety of Victoria's multicultural communities. That is why having people from different walks of life with different experiences and different backgrounds and from different geographical areas is so important. While the advisory group is being established through legislation, this bill also gives Multicultural Victoria the ability to establish new advisory groups so that they can ensure that all voices are heard and their communities are represented.

This bill makes important strides in establishing a new statutory authority in the form of Multicultural Victoria, but it also reforms the accountability process to ensure that we are seeing changes being driven in everyday departments. This will be done through a whole-of-government multicultural strategy and the requirement that every four years individual government departments should produce a multiculturalism action and inclusion plan. Government departments have a mandate to serve all Victorians, and it is absolutely right and proper that the multicultural coordinator general has the ability to ensure that they do fulfil this obligation.

I have already discussed the importance of people from all backgrounds being represented, including those who live in different parts of the state. One thing which this bill does to ensure that this can be done is change the way that regional representation is managed in the consultation process. We are

abolishing the existing regional advisory councils and instead using this bill to require that Multicultural Victoria convene stakeholder engagement groups in the different regions of Victoria. However, this bill will allow Multicultural Victoria to establish these groups according to what structure would suit the groups' individual situations best. A model which works in metropolitan Melbourne might not be optimal for rural Victoria. These groups will be overseen by the multicultural coordinator general, and the structure of these groups will be subject to a review every four years to ensure that they are functioning as intended.

Another critically important area of reform which this bill progresses is the area of language services. We operate based on the principle that everyone who needs to engage with government services needs to know and understand what it is they are engaging with. This means they need to understand what their obligations are as well as the services they can provide with them. When people understand these things, they are put in a position to better make more informed decisions about how they proceed. This bill will give the minister the ability to prescribe an organisation to engage VITS LanguageLoop as the default provider of language services. The organisations to which this can apply would be public entities related in some way to service delivery. This takes an important step towards building a stronger, more socially cohesive society. It relates to the way the government engages with multicultural communities, how we consult with them and how we deliver better services for them.

Our reforms will create a new statutory entity to replace the multicultural commission and attach it to new responsibilities and new powers to ensure that the government is making genuine efforts to listen and is being responsive to the needs of the community. This is about, as the Lekakis review says in its title, rebuilding trust and building an infrastructure for government consultation and policy development which the community can have trust in. This bill is not the only part of the government's response to the Lekakis review. There is more work to be done, and the Carroll Labor government is committed to doing that work on behalf of the Victorian people. The multiculturalism which we have here in Victoria is a great thing. I see it in my own constituency, and I see it all around the state. This bill is part of the work of protecting and strengthening that. Therefore I commend the bill to the chamber.

David DAVIS (Southern Metropolitan) (15:47): I want to make a number of points about this bill, the Multicultural Victoria Amendment Bill 2026. The first set of points I want to make is about some amendments that will be made by the opposition, and I note that Mr Mulholland, the shadow, has been active in working with multicultural communities across the state, engaging with multicultural communities and ensuring that there are good links between the opposition and multicultural communities. In negotiation and discussion with them, he has proposed a set of amendments.

Amendments 1 to 3 are important. The bill currently provides that the coordinator general and their deputies will be prohibited from holding a range of political or party positions, including being sitting members of Parliament, a councillor, an electorate officer, a ministerial officer or a parliamentary adviser. These amendments provide that a candidate for this position cannot have held those positions for 12 months prior to the appointment.

Mr Mulholland, I am old enough to remember the Brimbank report from the Ombudsman.

Members interjecting.

David DAVIS: Well, you might find it funny, but it is actually a sorry tale of corruption in the Brimbank council, involving a lot of Labor MPs and others, and –

Sonja Terpstra: On a point of order, Acting President, on relevance, I really do not know what the contribution is that Mr Davis is making in regard to Brimbank council, but as to what that has got to do with the content of this bill, I am none the wiser. I think Mr Davis should be brought back to the content of the bill, on relevance.

Members interjecting.

The ACTING PRESIDENT (Jacinta Ermacora): Mr Davis, I will give a ruling first. I uphold the point of order and ask you to stick to the topic at hand, please.

David DAVIS: I need to be able to speak on the point of order, and I would prefer to indicate that the Brimbank report dealt with councillors and appointments and links across – exactly the way our amendment will seek to do –

Members interjecting.

David DAVIS: She needs to actually give me a chance to speak.

The ACTING PRESIDENT (Jacinta Ermacora): Are you reflecting on the Chair's ruling?

David DAVIS: No, I am asking generously whether you might be able to –

The ACTING PRESIDENT (Jacinta Ermacora): Mr Davis, you need to stick to the topic.

Evan Mulholland: On a point of order, Acting President, I am not reflecting on the Chair, but I am not sure the member was listening to the context in which Mr Davis was speaking about our amendment, which went to prohibiting people from being an electorate officer and being appointed at the same time. The Brimbank report went to those issues of a person being an electorate officer and a councillor at the same time. That was the context in which he was speaking about –

The ACTING PRESIDENT (Jacinta Ermacora): As I said, please continue on the current bill.

David DAVIS: I ask for the amendments to be circulated; that would be helpful. I will continue to talk on our amendments, which deal with the fact that the current bill provides that the coordinator general and their deputies will be prohibited from holding a range of political and parliamentary positions, including being a sitting member of Parliament, a councillor, an electorate officer, a ministerial officer or a parliamentary adviser. These amendments provide that a candidate for that position cannot have held those positions for 12 months prior to their appointment. One of the reasons we are moving these amendments is because it is very important that the multicultural commission not be corrupted by behaviour as we saw in the Brimbank example, where people who were on council and also in ministerial and parliamentary offices were found to be corrupt. The Ombudsman made recommendations that the law be changed, in precisely the sort of way we are suggesting it be changed here, to avoid corruption and ensure that the integrity of the organisation is preserved.

The amendments that we have circulated provide that a candidate for this position cannot have held those positions in the 12 months prior to that appointment. This is an important anti-corruption measure, preventing corruption. We have seen this with this government right through its period in government and actually going back to the period of the previous Labor government before 2010. In that period the Ombudsman reported on corrupt behaviour by councillors and ministers and the link between the ministerial offices and the electorate offices of those people who were behaving corruptly, including some who were in this house at various points. That is why we will be moving these amendments in such a pointed way – to clean up the corruption and ensure that the body is held to high standards.

What amendment 4 seeks to provide is that, should the government seek to appoint the coordinator general or deputy coordinators general on this side of the election, those appointments will terminate on 30 January 2027. This does not rule the person out from being reappointed for a full four-year term. This is also to stop potentially nefarious appointments being made by the government in an attempt to bind a future government through appointments made under the cover of the caretaker period or in the immediate lead-up to the caretaker period, which we are now entering. We need to have a clean set of arrangements that make sure that corruption cannot get going. We need to make sure that the appointments are pristine and able to be held. Let me just keep going and indicate that on those amendments circulated we will have more to say in a short moment.

I want to go back through the history of some of the multicultural arrangements that have been in place in this state. In 2011 in this Parliament a statutory authority was established, the Victorian Multicultural Commission, to provide government advice on policies and programs that are relevant to multicultural communities. The history of the changes made to this body after 2014 are very concerning. After 2014 a review of the functioning of the VMC under Daniel Andrews and Labor was conducted – in 2015 – with subsequent changes made which diminished the independence of the VMC, effectively absorbing its operations into the Department of Premier and Cabinet (DPC). That is what Daniel Andrews did when he was Premier. He got in and he sucked it in and gave less power to the VMC. Prior to 14 November 2016 the VMC functioned as an independent business unit within the Department of Premier and Cabinet. It had its own distinct operational budget. The VMC was also responsible for administering the VMC grants program. From 14 November 2016 the office of the VMC was merged with the newly formed multicultural affairs and social cohesion division within the Department of Premier and Cabinet. The new division merged the Office of Multicultural Affairs and Citizenship, which supported the minister's office, the community resilience unit and the office of the VMC into one. The Andrews Labor government enforced a memorandum of understanding and protocols to control how the VMC would be funded and how its functions would be delivered. Under Labor the MOU had very sharp teeth. The VMC no longer had its own distinct budget. Its budget sat within the Department of Premier and Cabinet and it did not have control.

Members interjecting.

David DAVIS: No, this was a takeover, and this is very important to understand. The VMC needs to operate genuinely for multicultural communities and not for the Labor Party. The resource and the communications, corporate and community –

Ingrid Stitt: On a point of order, Acting President, I will make some comments when I sum up, but I think that the way in which Mr Davis is conducting himself is completely inappropriate. I would remind him that there are many multicultural community members watching this debate.

The ACTING PRESIDENT (Jacinta Ermacora): Mr Davis, please continue.

David DAVIS: VMC requests were to be commissioned through the office of the VMC director or to the relevant multicultural affairs and social cohesion division or the DPC director, and all briefs completed by the MASC must be approved in that period and signed by that director where appropriate and previously agreed. This was a big change from what had occurred under other prior governments. Under the new Labor arrangements the VMC's independence and its operating budget integrity were severely compromised. Later in 2016 –

Members interjecting.

David DAVIS: I have got to tell you, it gets much worse. Following the 2016 review and the introduction of the new arrangements, press stories emerged, with commissioners and others expressing concern about the diminished independence of the VMC.

A further governance review occurred in 2019, and this was another very significant review. Key recommendations from the 2019 review to restore greater independence to the VMC were rejected by the Andrews Labor government. Recommendation 7 of the 2019 review, that full autonomy with full functionality be returned to the VMC, was rejected, and instead the government retained the integrated 2016 model. Recommendation 14, that there be a designated staff to serve multicultural communities who associate with the commission and its role as a grant source and representative voice of the multicultural community, was rejected by the government, with the government retaining control of grants, with the exception of the chairperson's grants. Recommendation 15 of that review, that the chair's autonomy as a public service body and head in relation to persons employed by the commission be restored, was rejected by Andrews as well.

After the 2019 review a series of public events threw a spotlight on the VMC and the VMC's grants programs. These include allegations of government interference and allegations about allocations of VMC grants to organisations with links to the Labor Party staffers and Labor Party allies. An Independent Broad-based Anti-corruption Commission investigation, in association with the Ombudsman's Operation Watts, was a very important investigation. It went on to point out that money had been misused to fund party political activities or for other improper purposes. It is actually disgraceful what was found by Operation Watts on the misuse of multicultural money. This is money that should be used in a sacred way to support multicultural communities and not siphoned off and diverted to fund corrupt Labor Party activities.

In May 2021 a letter was sent to the Premier's office by Kaushaliya Vaghela, former MLC, and she stated that multicultural grants and board positions were effectively offered as political currency, raising concerns about how positions at the VMC were awarded and that people from the Premier's socialist left faction enticed allies by claiming influence over publicly funded roles. The Vaghela letter said, 'The gang says if people do what they say, then in return the gang will advise the Premier' – another member of this chamber, and she was a very fine member of this chamber – 'or the relevant minister in deciding who should get such roles, in returning favours.' The Operation Watts joint report –

Sonja Terpstra: How would you know any of this? You're making it up.

David DAVIS: She sent the letter to a wide number of people. I quoted directly from it.

Sonja Terpstra: It's got nothing to do with the bill.

David DAVIS: It has got a lot to do. She was talking about misbehaviour inside the Labor Party and the misuse of multicultural funds by the Labor Party. We want to prevent that. We want to have the VMC working. It is a very, very important body, and it needs to be protected and not to be misused and corruptly have money diverted, as occurred in the past. Operation Watts brought very, very stark attention to the provision of inappropriately and improperly outlined grants. Chapter 6 provides abundant evidence of the improper grant allocation process. Chapter 7, 'Conclusions and observations', particularly paragraphs 708 to 722, find very serious concerns that would mean a fair-minded person would conclude that this was not operating properly. For example, paragraph 710 deals with evidence and concludes:

... that people in the ML faction ... sought to improperly influence the grant process ...

That is the IBAC saying that. That is not me; that is the IBAC saying that, and the IBAC is a very, very important examination. Decisions on public grants should be made for the purposes of actually getting the best outcomes for multicultural communities and not for the purposes of the Labor Party.

I want to say also something today about the language services that we face such challenges with now. Mr Mulholland has outlined some of these issues. The government is clearly trying to control and to stop broader language groups being involved in the provision of services. This is not right, and it has actually narrowed the scope of opportunities. This not only will have an economic outcome but will also mean less availability of services when they are needed and in the places where they are needed. So this is quite a serious matter. The government is narrowing the availability of language services. Language services are a critical role in this area, and many of our electorate officers have had emails from groups that are very concerned. Some in the multicultural sector have been very clear that this is not the right way and that the government's narrowing of these choices is actually quite wrong.

These points, in context, are very important. The amendments will strengthen the bill, strengthen the bill's independence and make sure that the steps that are taken are the right ones, rather than the wrong ones. We are concerned about the government's immediate appointments under the line of the election. This is an attempt to bind future governments. There is no question about what is going on here and why the government is doing this. This is just Labor of old, and the suggestion that there be a 12-month period for some of these appointments is a plausible and reasonable step. It is in line with some of the concerns that were expressed in Operation Watts and others. In the case of Operation

Watts, there is a case to say that there should be even greater independence for the VMC – or whatever the organisation might be called as time goes forward.

We have a strong multicultural community. That is a great strength for Victoria – a great strength economically and a great strength socially – and we need to protect that. We need to make sure that multicultural communities can contribute the maximum to our community in every way. The VMC does have a very significant role in achieving that. As I have outlined, some of these changes that are proposed in our amendments are sensible, practical changes, but I do put on record my concern about the government's behaviour over its 12 years in power. In its 12 years in power it has misused the VMC. When Daniel Andrews was there in particular it was just shocking, the way it was used, and the Kaushaliya Vaghela letter is a testament to that and the misbehaviour of many of these Labor factional groups.

Michael GALEA (South-Eastern Metropolitan) (16:04): It is a pleasure today to rise to speak on the Multicultural Victoria Amendment Bill 2026.

Sonja Terpstra interjected.

Michael GALEA: Yes, Ms Terpstra, and actually talk about the bill. Victoria is of course one of the most multicultural places in the world and, I would argue, the most successful multicultural part of the world too. We come from more than 300 different ancestries, speak more than 290 languages and practise almost 200 different faiths. Almost half of us either were born overseas or have a parent who was born overseas, and that is especially true in my electorate, where we are very proud, with Dandenong as the heart of the south-east, of having one of the highest rates of new migrants and new migrant backgrounds anywhere in Australia. But a multicultural state is about much more than numbers; it is about the communities, the organisations, the places of worship and the volunteers that bring people together every single day. This bill is about making sure that the way that government works with those communities keeps pace with the Victoria that we are and that we love today.

As many members are aware, in December 2024 the Victorian government commissioned Victoria's multicultural review. It was led by George Lekakis AO, with an expert advisory group. The review heard from more than 640 Victorians and more than 150 peak bodies and community groups. There were over 57 consultation sessions. The message was clear: our multicultural communities have changed, their needs have changed and the structures government uses to work with them need to change as well. The review made 41 recommendations. This bill delivers on a substantial number of them and a number of the changes arising from their work. Most importantly, though, this bill is about making sure that community voices are placed at the centre of decision-making within the new body.

The bill will establish a new statutory entity, replacing the Victorian Multicultural Commission, and I do wish to take a moment to acknowledge all of the VMC commissioners I have had the pleasure of getting to know over my time in Parliament, and in some cases previously as well, and acknowledge the contribution that VMC commissioners have made over many decades to this state. Despite the good work that they have done, the review found that the existing model had become fragmented. Community engagement, for example, sat in one place, while policy and programs could sit somewhere else. The new entity will bring these functions together. It will be led by a multicultural coordinator general and two deputy coordinators general, supported by a multicultural community advisory group. Their job will be to listen, engage and make sure that the experiences of multicultural and multifaith Victorians are being heard across government. Importantly, communities will also need to be told what happened after they were consulted. People should not spend their time attending consultations and sharing their experiences only to never hear what happens next. Listening needs to lead somewhere.

Another important change in this bill is the recognition of language services as an essential service for multicultural communities. For many Victorians interpreting can be the difference between fully understanding what a doctor is telling them and not understanding. It can be the difference between

knowing their legal rights and being completely lost in a system they cannot navigate. This can be particularly important for older Victorians, who may rely on children or grandchildren to interpret for them. People should be able to access government services independently and with confidence.

This bill also provides for the Victorian Interpreting and Translating Service LanguageLoop to become the default language services provider for certain public entities where directed by the minister, with protections where VITS cannot provide this service. This has been the subject of some discussion already in the chamber today. I note the amendments of Mr Limbrick and indeed the fierce reaction this has received from many in the sector. This is a community that has been fighting for these protections to acknowledge the important work that they do for a very, very long time. I acknowledge the remarks by Pierce Tyson, who is the Victorian lead of Translators and Interpreters Australia, part of Professionals Australia, who is particularly scathing of these amendments on behalf of his members. He said:

Our members are nearly entirely migrant women providing translating and interpreting services across our courts, hospitals and public services in Victoria – they have no minimum hours, secure employment, paid leave or career paths. The Multicultural Victoria Bill, as originally proposed, is the result of more than half a decade of advocacy, to correct decades of wrong.

He continued:

Most of our members are unable to sustain language services as a main form of employment, while the private sector companies take the overwhelming share of taxpayer funds paid for translating services. **The unamended bill will allow LanguageLoop to properly and accountably provide services affordable for the taxpayer and support a workforce that has been neglected for decades.**

I am not surprised to hear the Liberal Party attacking this part of the bill – it is of course in their DNA to attack workers rights – but it would be extraordinarily disappointing if we were to see other so-called progressive parties supporting an amendment that would erode the public sector in this space, that would erode the working rights and entitlements that these people, often in many cases new migrants or longer term migrants themselves, have worked so hard to achieve. It would be extremely disappointing if that amendment were to pass this chamber today and knock back all of that hard-fought advocacy that the sector has worked for.

A few days ago, with many other colleagues in this place, including two I see in the room with us, I had the pleasure of attending the Premier's Multicultural Gala Dinner with more than 1200 people for an evening celebrating an extraordinary display of diversity from across our state, with Thai dance; Persian music; Serbian dance, which was particularly impressive – I got to have a photo with the Serbian dancers and I was quite excited about that; Polynesian dance; and performances from across many different communities. It was also great, as with many other members there, to have some guests along with me. I was privileged to have members of Victoria's Ukrainian community join me in recognition of the incredible amount of work that they do advocating for their community here and abroad. Whether it was members of the Sikh community, the Afghan community, the Persian community or the Tamil community, different parts of our community came together to celebrate what makes this state great. These are the sorts of people who make multicultural Victoria what it is: people who volunteer their time, organise events, run community groups, maintain cultural traditions and make sure that the next generation remains connected to the culture that they came from. It is something that I have remarked upon from time to time, as someone of fairly distant Maltese background – the way in which many generations of Maltese too readily gave up their culture and left people like me and my generation without that sense of background and culture that so many others continue to enjoy. It is absolutely the case that you can be resolutely and wholeheartedly Australian whilst retaining your cultural background. As someone who did not have the benefit of that particular part of my cultural ancestry growing up, it is something that I know to be incredibly important.

One of the reasons I am pleased to speak on this bill is because, as other members in this place do, I am very privileged to spend so much time getting to know and supporting different multicultural communities and different multifaith communities in and around my region. Just by way of example,

earlier this month I was really delighted to join an event run by the Vedanta Centre of Melbourne and the Hindu Council of Australia for an evening with Swami Sarvapriyananda at the Springvale city hall. He was a visiting monk from New York – very, very popular – and it was one of the fuller occasions I have seen, with a packed house in a very large hall in Springvale. We were there to share some reflections and hear from the swamiji about different perspectives on a whole range of topics: purposeful living, mindfulness, meditation and the relationship between ancient wisdoms and cultures and modern science. For many Victorians faith is not separate from multiculturalism in any way; it is part of their family, their traditions and the community around them. This bill recognises that by giving greater recognition to multifaith communities throughout the act.

On another note, I also had the great privilege of joining Victoria's Maltese community for the Maltese Community Council of Victoria's (MCCV) annual high tea. It was wonderful to catch up with Antonia Camilleri and her son Joe, who did an amazing job in supporting her to run the event.

Evan Mulholland interjected.

Michael GALEA: You were an apology, Mr Mulholland. We missed you. I am sure we will see you at the next one next year. And there was the Consul-General of Malta Dr Gioconda Schembri. Community organisations like the MCCV play such an important role in keeping people connected and making sure of the culture, such as the one that I talked about in my personal experience of having lost and had some reconnection with. It is so important for communities. In fact the MCCV was a place where long before Parliament I did spend some time trying to reconnect with my heritage by undertaking Maltese classes. It is particularly wonderful to see Edwidge, my old teacher, at these events.

Another very special event that was in my electorate recently was a celebration of 50 years of St Mary's Armenian Apostolic Church. It was wonderful to attend the event in Wantirna South alongside the members for Mulgrave and Glen Waverley. For five decades St Mary's has been far more than simply a church; it has been such a focal point for Victoria's Armenian community – a centre of faith of course but of community, of gathering and of celebration too. It was a very special evening with some wonderful events and performances and a very special privilege to be part of that.

There are many other different events I have had the privilege of attending. With our Indian community, for example, there was a recent event with Deakin University students to celebrate India's Independence Day. It was a terrific performance with lots of dancing, which I, for the benefit of the attendees, did not take part in on this occasion but on several others certainly have. I have certainly enjoyed the wonderful experience and the graciousness with which so many communities embrace us. Something that I do reflect on as I get to attend so many of these events in this job that we are privileged to have is the absolute, sheer graciousness and diversity of the types of celebrations and events that we have. It is about interconnectedness, coming back to the theme of this bill, bringing things together, and not just multicultural but intercultural, and how we can actually connect communities together and learn from each other. It is such a special thing, and it is such a beautiful spark that you see in people when they connect from different backgrounds and different communities. There is far more that unites us than divides us, and in fact it is such a special thing, as part of our Australian story and our Australian culture, to be a place where we can acknowledge 60,000 years of Indigenous settlement, where we can embrace those First Nations teachings, where we can acknowledge the contribution of generations of ancestors from the UK, from Ireland, from China and even from Afghanistan back in the day, and also really celebrate and acknowledge those more recent migrants and the contributions that they bring, making us all one stronger Australian and, in our case, Victorian community.

Another wonderful community celebration I had the privilege of attending recently was the Independence Day celebrations in the Ukrainian hall in Noble Park. I did mention this briefly in passing in a members statement, and we did have a very moving vigil at Federation Square earlier this week on Independence Day itself, where we acknowledged the horrors of what is being inflicted on the Ukrainian people right now as they mark their independence by fighting tooth and nail for their freedom. A couple of weekends ago at the Ukrainian hall it was wonderful to have a bit more of an

upbeat celebration of Ukrainian food, Ukrainian culture and, once again, that unifying piece of communities coming together. In that spirit, it was wonderful to have members of the Latvian and Lithuanian communities in attendance as well, which are certainly bound by many close ties as well as common challenges, and to see the celebration of Latvian and Lithuanian culture with some very, very impressive Latvian dancing, I have to say. It was the first time I had seen a performance on the kanklės, a Lithuanian instrument, which was quite an illuminating experience. I know we have some members of the Lithuanian community working here in the parliamentary precinct as well who are very excited always to share, discuss and celebrate their heritage. I could continue talking, but I certainly do not have enough time to list all the events that I have been to in just a matter of weeks or months, even though I have got 15 minutes.

Harriet Shing interjected.

Michael GALEA: Perhaps by leave, Ms Shing, we could consider that. But it would be remiss of me to conclude my remarks without acknowledging the incredible contribution of my local Afghan community as well, whether it is the Hazara Shamama Association of Victoria or the Afghan locally engaged employees program.

Harriet Shing interjected.

Michael GALEA: I am probably not going to mention individuals because I will be here all day, Ms Shing, but I wholeheartedly concur with your comment. Each and every member of the community is so passionate about being here, about being Australian and about contributing to the wonderful multicultural state that we are.

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:19): I too rise to speak on the Multicultural Victoria Amendment Bill 2026, and I also wish to give a shout-out to the number of multicultural groups in my region. There are so many that it is difficult to actually go through them all. I have spent the last 3½ years enjoying many feasts, many community events and many cultural opportunities to learn and to grow – not just cultural but also multifaith events. I feel like I have developed a whole lot of extended family members from around the world, and it has been an absolute joy. I want to shout out to a few of them actually today as we look at this bill, because at many of these events I have had the privilege of being there when the government have had their multicultural commissioners. It is not going to be possible to shout out to everybody, so I apologise in advance for anyone that has missed out. But I want to acknowledge, for instance, the Australian-Filipino Community Services and the Filipino Community Council of Victoria. I acknowledge at the Australian-Filipino Community Services the great work that Corina Dutlow has been doing. She is a Casey award winner, and she has done an incredible job with the social workers and with the community in helping these Filipina women that have become Australians, married into Australian families and then sometimes found themselves no longer with their husband, and it has been a real struggle for them. She also helps them with issues within the family – any domestic violence issues or any situations where families need additional support. It has been great to see the work of the Australian-Filipino Community Services and great to be able to meet someone that has won many awards in the City of Casey. It was also amazing to meet Gerry Ocampo, who has been the president there, and Ruby. We met them years ago, my husband and I, when they used to live in Rowville, so that was just a joy to see that they are still very active, now living in the west, and still very involved in the Filipino community.

Of course the Armenian National Committee of Australia used to be headed up by Michael Kolokossian in the area out here, with the chairperson Mr Vache Kahramanian. The ANC have been very active. I have had the opportunity to go to some of their benevolent societies, to visit their language school, to see the great work that they are actually doing in the community and to also visit Armenia alongside Armenians from my region. That was a tremendous privilege that has impacted my life, and I have a real heart for the people there and for their culture and for their desire to be able to live peacefully with the rest of the world. I have also had the opportunity to meet, along with my

colleague Mr Mulholland, the Chaldean community, another amazing community, and the Assyrian community – wonderful people who have made Australia their home, made it their life ambition to become proficient in English, to get an education here and to give back to the community. It is so great to see the efforts that they go to when they get the opportunity to come to Australia. Many of them have come out of very difficult refugee camps and situations, and they are just so grateful to be here. Some of them have left family behind, so to be able to come here and participate and yet bring their rich cultural heritage has been a joy. I also think of the Bangladeshi community. I have been to quite a few Bangladeshi events, and it has been great to actually attend iftar dinners. I remember one with the chamber of commerce in Dandenong this year that was very memorable. I wish to make a shout-out to Mohammed Murad Yousaf and the team from the Australia Bangladesh Chamber of Commerce & Industry. They were just amazing to meet.

Tamil festivals: I have always attended Tamil festivals. It has been fantastic to go there. Of course my father was born in Sri Lanka, and his side of the family have been in Sri Lanka and miss Sri Lanka greatly. I have had the great opportunity to travel there and to see the nation and to meet with family that still live in Sri Lanka. So it has been wonderful to be around the Tamil organisation. There are so many groups that are Tamil that continue to have events in my region, with their headquarters there in Dandenong, and also throughout our community. Indian communities are numerous, and there are too many to mention. But I know that we had them up here only yesterday, and I have met them several times at many different events. The BAPS: I particularly want to shout-out to Deepali. I have known her now for years. I think I met her in 2018. It has been wonderful to attend community outreaches there and to go to some of the things, like the Bakhtar community events, as well. Those are just two different groups that I have mentioned now. There is the Cambodian society. There are the Afghan societies and the different groups that they have. There is the youth group that they have. A shout-out to Hafiz Asadi, the president of the Victorian Afghan Associations' Network. There is the Cambodian Association of Victoria. It has been great to meet with presidents there. There is the Hindu Society of Victoria, and there is the Ukrainian one.

As was mentioned, I have been to a couple of Ukrainian events just recently to mark the 35th anniversary. The Ukrainian people had Latvian people and Lithuanian people also as part of some of their celebrations, so it was wonderful to be able to engage and to enjoy time with them. The Vietnamese community, of course, is massive in the Springvale area. They have a lot of temples as well in the area, and the Vietnamese and Chinese make Springvale a very, very vibrant community. There is the Chinese community, and we actually have a very small Jewish population as well. I am just so grateful to live in a community with such a rich cultural heritage. We have the Irish, the Dutch and the Italians. There are so many events and so many things that I get to go to. I am so grateful that the south-east is full of people that want to celebrate their cultural heritage but also want to embrace Australia as home.

We are looking at this particular bill. It is really interesting that the Multicultural Victoria Amendment Bill 2026 includes changes to how the government goes about getting representation from the multicultural community. In this way it is actually going to have a lot of control. It is going to be looked at and controlled through the actual cabinet. I have mixed feelings about that, because I already feel that when we have had the multicultural commissioners come they have been very, very tied to the government. I must say, though, I have enjoyed their company at different events. They have always been very pleasant, but it does bother me that the three positions in particular that are going to be affected by this bill have been advertised and actually closed before the bill even came before the house. They were advertised in July and they closed by early August. I think it was 1 August that they closed. We have got this bill. We are at the end of August, and the bill has not even been passed, and they have already gone and done the advertising and probably already earmarked who they want for these positions.

The difficulty we have of course is that we have a government that likes to control everybody and everything and have the narrative all for themselves. As has been mentioned already by some of my

colleagues, events have taken place where it has been all the multicultural groups coming together and there was no opportunity for the Liberals and Nationals to have a voice, to have a presentation, to give a speech or to be part of it. That has happened also in multifaith meetings and gatherings. Those have been enormous and obviously used taxpayers money but just so that the Labor Party would have the only voice at the table. That is really inappropriate. When we come into multifaith and multicultural communities, we should be sharing this space and coming together in a unified way, in a bipartisan presentation. Everyone should be able to be present and have a voice and be able to present themselves to these communities, because at the end of the day there are different members of Parliament from all sides that are representing some of these electorates, and they need to also know that they are going to be able to be present for the multicultural communities.

I have not even mentioned the South Pacific Islanders – the Samoans, the Fijians. Gosh, I am going to forget someone. There are so many people – the Kiwis, the Māori. There are a lot of different multicultural groups that I have actually not listed, and I have not listed some of the community leaders that I have had the great privilege and pleasure of spending time with. I cannot tell you all the number of dances and songs that I have had the opportunity to learn – and the amazing food. I think in my first couple of years in this place I put on maybe 20 kilos from doing sometimes five or six meals in a day at different multicultural events. Each Saturday and Sunday was just spent eating, eating, eating, and then during the week eating, eating, eating. Everybody was wanting me to try some particular dish that was theirs. I am very thankful that I think I have just about tried everything now so nobody is offended when I say I really need to pass this time because I put on too much weight. It has been great to be able to do that.

In looking at what this bill is going to mean for us, it is going to bring a different sense of representation for multicultural groups. It used to be that this was not political. We started this representation. I know that Labor likes to take all the credit for it, but we actually started the representation, with multifaith people too, with a great number of Liberal communities. Now we are looking at abolishing the Victorian Multicultural Commission and replacing the chair and commissioner model with a coordinator general model. We are going to be abolishing the existing regional advisory councils. The bill is also going to amend the principles of multiculturalism, noting the addition of the recognition of First Peoples as original custodians, according to the Statewide Treaty Act 2025. It is also going to change reporting requirements, replacing the old commission reporting model with a new ‘state of Multicultural Victoria’ annual report. I have to say that reports are great, but if it is not going to be done in a way that actually allows everyone to understand and celebrate all of the multiculturalism that takes place – and it is going to have this level of control – that is going to be a concern.

Under this particular government this is not going to be a shared experience. It is going to be a very political experience, and I do not think that it is healthy to bring that level of politics. It is already too political. Labor has tried to dominate the multicultural space for years, and it has been my great privilege and pleasure to make sure that the Liberals have had a very strong representation in the multicultural communities of the south-east and beyond, because I have been happy to travel beyond my borders, as have many of my colleagues, and we have really enjoyed being able to be part of multicultural communities. I know that they have embraced us, and they do not want to be controlled by one party. They want to be able to have a voice. They should have a voice. They are communities, but they are communities of individuals and individuals that must be able to have the same democratic processes as everybody else in this nation and to be able to have a voice. Just thinking that we can put something together that can be fully controlled by the government, especially if it is under a Labor government, is going to be very problematic for all Victorians.

Moir DEEMING (Western Metropolitan) (16:33): I rise to speak against this bill for two simple reasons: I believe that everyone should be treated equally before the law, and I believe that the resources of this state that this government takes in should be distributed fairly and according to need. Our political rights and our taxpayer dollars should never be distributed on the basis of our race or our

culture or any other attribute. It should be equal under the law. Those in need are the ones to whom we give.

I just cannot believe that this is happening all over again. Yes, to me this looks exactly like dividing people up right before an election and coercing them to create voting blocs with their own taxpayer dollars, with their own God-given rights and with their own democratic rights. I actually think it is atrocious. It is absolutely atrocious. It is outrageous, and I am 100 per cent against that. I think it is racist. I think it is self-evidently racist to allocate laws and resources on the basis of race, not need. There is no excuse for that. I also think it has been very strange to listen to these speeches. I mean, someone could have arranged a game of bingo: how many times could someone say 'multicultural'? How many multicultural events could each MP say that they have been to? How many multicultural types of food or how much multiculturalism was in their personal family? I mean, have we all forgotten Justin Trudeau's blackface in private and multicultural dancing in public? It is obscene, it is racist, it is exploitative, and I am not having any part of it. I think that any kind of society needs a critical core of agreed ground rules, agreed norms and agreed cultural values. The only way that you can make room for real differences and real, legitimate expression of those differences is if you have the right to be different, if you have the right to disagree, and those rights cannot be protected if the government starts picking favourites.

Also, I find it really interesting that we have just passed treaty. I cannot work out whether Labor think that Australia is unceded land and that nobody else should be here but the Aboriginals or that it is theirs to just open wide for the whole world to come in. I actually cannot work out what the stance is there.

At the end of the day a house divided cannot stand, and I really dislike the way that multiculturalism pits people against one another on the basis of their race. They start competing for resources on the basis of their race, and then people in here bemoan the fact that suddenly there is racism out on the streets. The laws made in this place encourage our kids to think of themselves in racial boxes and to think of themselves as being in competition for resources and rights and oppression. It is just –

Members interjecting.

Moira DEEMING: Was that to me? I almost went into full teacher mode. I was like –

Members interjecting.

Moira DEEMING: Okay, that is fine. Apologies, nobody told me to shut up in the chamber, so that is good.

My basic opposition to this is just that I believe in equality before the law. I do not think it is impossible that we can objectively measure the needs of anyone in our community and provide for their needs that are based on race, such as language translation. I think, again, it is just classic leftism to centralise the power into a new body. I think it is quite ironic that you have got this military language for your titles now. But again, this is just the heart of the difference in the political philosophy that I hold, which is to maximise freedom, to maximise as much as you can getting done in civil society. The law is not the answer, is not the tool for every single problem in society. I think that there are some things that are best dealt with without corrupting the law. If it takes corruption of the law to fix a problem, you are not fixing anything long term. It is that gaslighting, it is that comfortable lie, rather than dealing with the truth, and the truth is that if we want everyone to get along in Australia, then everybody, absolutely everybody – even the members in this place – needs to be submissive to the same set of laws. It is just a matter of things being fair.

A country can contain people of many ancestries and ethnicities, and Australia proves that every day. I am not going to degrade myself by bringing up my own multicultural heritage. I do not need to, because I should just be an equal participant in this society with equal rights. I am not going to virtue-signal about how much brown I have got in me. I think that is insulting and racist somehow to people that are more brown than me. The harder question is whether people with all of these differences share

enough common culture to live together freely, to trust one another and to accept the same laws. When it is convenient, we reduce multiculturalism to food and festivals and clothing and language, but it is more than that. It is about the expectations, about how we live together, what is right and wrong and how we settle disputes. That means that the law is not the first place where these things should be decided. Parliament can punish theft, but honesty has to exist long before disputes reach the courts. Parliament can prohibit violence, but peaceful disagreement depends on millions of people practising restraint of their own free volition. Parliament can try and protect freedom of speech, but that freedom only survives while citizens accept that offensive ideas are actually answered and better defeated with better ideas.

A free society therefore requires a critical core of common culture. Families can preserve different languages, customs and traditions but only those within the agreed boundaries of the law that we have all decided together. I think that the basis of Australia, what makes Australia so attractive to the rest of the world – or what should be what makes us attractive to the rest of the world – is our Western values: freedom of speech, equality before the law and the value of the individual. I view those as the best set of ground rules that has ever been discovered for helping people who are different get along and work out their differences without violence. And I think that laws like this, bills like this, undo the absolute foundation of everything that has been built up that made Australia attractive as a place to come to in the first instance.

I have put forward an amendment, which can be circulated now. My amendment is pretty simple. It is just making sure that the purpose of this bill does not advantage or disadvantage any people or group on the basis of their race or their culture or anything like that. Like I said, I believe in equality before the law. I believe that no matter how well intentioned these things may be, they are going to end in bitter division in our society. We have got to find a way forward in peace. We cannot be perpetually putting ourselves in boxes and identifying differently to each other nonstop in a way that means that resources are actually allocated separately. I thought that was the Australian dream. I thought that was what Bob Hawke loved. He loved Australia. I cannot imagine Bob Hawke supporting something that pitted Aussies against each other.

It used to be that when you came to Australia, you embraced Australian values. That does not mean that you abandon your heritage or you disown your people. It does not mean that. It means that you embrace and you believe in this new nation that you are now a part of and the critical, core sets of values that you are going to abide by. It is the only way that we can actually move forward together, with those ground rules. It allows for differences and mutual respect and infantilises nobody. It is the only way to have a respectful society.

I was thinking about Manh, who came to live with us when I ran as the candidate in St Albans. He turned up on day one in a red T-shirt, a Labor T-shirt – nice kid. The next day he comes up and he says, ‘Are you Moira Deeming?’ I said, ‘Yes,’ and he said, ‘I want to hand out for you.’ I said, ‘Why is that?’ He said, ‘Because I just realised that they’re the communists’ – it is a true story. He had just fled communism. He was immediately, off that boat, funnelled by Labor into their groups and put out in a T-shirt straightaway before he even understood who they were.

I was thinking about the fact that the other thing that this kind of bill does, which I really loathe and despise, is it creates these little pyramid schemes where some group of people can appoint themselves as the peak body or the peak representative group of whatever cultural group or racial group it is. I just think that is ridiculous, because when Manh came to Melbourne he was absolutely exploited – sleeping on the floor with a bunch of other Vietnamese asylum seekers – by one of these peak representative bodies that Labor picked. They were not good representatives. And there was this monetary incentivisation of that. I just think it is much better that we treat everybody equally, that we do not allow these little pyramid schemes to pop up everywhere, where you have got people who look like the same nationality as the people they claim to represent. What has that got to do with whether they really care about anybody or not? That is not a good standard of evidence. Nobody voted them in, and yet they get to speak on behalf of everybody in that group for some reason.

Again, I think that is racist. I think it does not work. I am not saying that there are bad intentions over there; I have just seen it fail. I have seen it silence people because they have already got some representative. They do not want that. They want to speak for themselves and they want to ask for what they need for themselves, and we should listen to them individually and help them individually. I do not think it is that complicated, and I do not think we cannot do it. I think it is what made Australia great. That is why I am opposing this bill.

David ETTERS HANK (Western Metropolitan) (16:45): I rise to make a contribution on the Multicultural Victoria Amendment Bill 2026 and confirm that Legalise Cannabis Victoria will be supporting the bill. The bill implements recommendations from the 2025 Victorian multicultural review *Rebuilding Trust for a Multicultural Victoria* and aims to modernise engagement with our diverse migrant and refugee communities. The reforms mark the most significant restructure of the state's multicultural affairs framework in decades, abolishing the Victorian Multicultural Commission and replacing it with a new statutory body, Multicultural Victoria.

According to the 2021 census data, Victoria is home to some 300 distinct ethnicities, and there are more than 140 different faiths followed and more than 290 languages and dialects spoken in this state. I am privileged to represent the Western Metropolitan Region, like other members of this chamber, and I am really proud that it is one of the most multicultural regions in Australia. I am really proud that the most multicultural community in this country is Point Cook, followed in second place by Werribee, which is home to members of this chamber. There is within those communities a richness and there is within those communities a desire not simply to represent the interests of their community but to build a better and a stronger Australia. While we are standing here talking about creating a new structure to democratically represent those communities, to advocate for those communities, to work for the good of those communities, I am just gobsmacked – my apologies. I am actually really having difficulty coming to grips with what has just been said, because the organisations that represent those communities are in and of themselves incredibly politically diverse. None of those communities are homogenous politically. There is a diversity of views about everything you would like to point to. And to have that reduced to a pyramid scheme, a criminal entity – for goodness sake.

Moira Deeming interjected.

David ETTERS HANK: Yes, I know you said what you said, Mrs Deeming. I am just gobsmacked that you could be so incredibly racist as to say it. This is a place for freedom of speech, but this is not a place for vilification. This is not a place to take cheap shots. I do not know whether Mrs Deeming is making a late run for One Nation preselection and she is going for the right of the party –

A member: They won't have her.

David ETTERS HANK: Funny that – or whether, if she is going to run this 'Anything that is multicultural is' –

David Limbrick: On a point of order, Acting President, Mr Ettershank is reflecting on another member, and I ask that he bring his comments back to the bill.

The ACTING PRESIDENT (Jacinta Ermacora): Mr Ettershank, it is best not to reflect on someone else in the chamber. I ask you to continue on the bill.

David ETTERS HANK: I will no longer reflect upon the personal traits of a member. I think, however, we are a chamber of review and of debate, so perhaps we can mention some of the thoughts that were shared in this chamber only a few minutes ago and still be within the spirit of our being here and being paid. I think hopefully that would be in your comfort zone.

In the context of having a bill before us to strengthen the representation of multicultural communities, it is, to my mind, startling to have a proposition put that it is made up of pyramid schemes and that somehow because we seek to create a society that is unique on this planet – this is Australia, this is a multicultural country. I do not want to know about monoculturalism. In that context it is, to me, deeply

depressing for people to get up and say that to try and build, strengthen and enrich our multicultural society is somehow racist. That is so un-Australian, that is so unegalitarian, and it is below the standards that should apply in this chamber or in this debate. I will leave it there, and I will just move back to my speech now, if I may.

Over 49 per cent of Victorians either were born overseas or have a parent born overseas. More than 41 per cent of Victorians reported having both parents born overseas. The proportion of those Victorians hailing from primarily non-English-speaking countries is a staggering 77 per cent, which is the highest percentage of any Australian jurisdiction. Over 27 per cent of Victorians speak a language other than English at home.

The Victorian Multicultural Commission was a groundbreaking initiative when it formed in 1983 under the Cain government. In place of assimilation, it adopted active multiculturalism in government policy. What a stark contrast to what we have just heard. The VMC was effectively a bridge between Victoria's multicultural communities and the government. However, in recent times, as Victoria has faced increasing challenges around social cohesion, these communities have been left largely unheard. There was a general sense that the VMC had lost its way and was failing to appropriately respond to the rising ignorance and intolerance in our community, as we have just seen.

The government commissioned a multicultural review, seeking recommendations on how government could better respond to current challenges and position Victoria to address future social cohesion issues and crises more effectively. The independent panel, which was headed by George Lekakis, conducted targeted public consultations across Victoria and received more than 150 submissions to the review. It heard evidence of how government has really dropped the ball and failed our multicultural communities in the last 10 years. They have not enjoyed some sort of illusory financial nirvana, which seemed to be being suggested. Those consultations as part of the review process revealed the enormous distress being experienced by our multicultural communities, particularly in the wake of the COVID pandemic. Stakeholders believed the commission was becoming more and more politicised, was ineffective in dealing with increasingly complex social cohesion issues and was removed from the communities that it sought to represent. Many organisations felt the government's engagement with them was merely transactional and not at all consultative. It was evidenced that the Victorian Multicultural Commission was no longer fit for purpose and a complete overhaul of the state's approach to multiculturalism was required. So it is good to see this bill finally coming to the house. The response from stakeholders that I have spoken to has been overwhelmingly positive. The principles recognising that multicultural and multifaith communities are diverse and that individuals within them hold intersecting and diverse identities are very positive, as is the recognition that inclusion relies on interaction, shared belonging and mutual respect, not just coexistence.

It is also pleasing to see language services recognised as an essential service for multicultural communities and the requirement that certain public sector entities should prioritise acquiring interpreting and translating services from the Victorian Interpreting and Translating Service LanguageLoop. This is a welcome inclusion for a workforce that has been increasingly subject to insecure, casual and contracting arrangements, with limited protection for workers, most of whom are migrant women who provide translating and interpreting services across a range of settings, including Victoria's courts, hospitals and public services.

I understand that there is a proposal from Mr Limbrick to eliminate that preference for LanguageLoop, and I just want to note that whilst there are a lot of really, really wonderful people who work in translation in Victoria, it is, for want of a better term, an industrial swamp. Overwhelmingly, the women who do that work, who are highly qualified, generally NAATI-accredited, either work on an independent contractor basis for crumbs or work in profoundly casualised employment, with no appropriate EBA coverage or regulation. I welcome the government stepping up and saying that this is an area where as a multicultural society – as such a multicultural society – we should have secure employment and we should have clearly controlled professional standards via that service. So I thank the government for taking that initiative and indicate that we will be supporting the bill and its inclusion

and we will be opposing any amendments to remove it. The reforms in the bill will basically allow LanguageLoop to provide affordable services, and it is a workforce that has been neglected for decades, so let us change that.

There are some missed opportunities in this bill. It would have provided an excellent opportunity to support and align the work of the new statutory body with the Victorian anti-racism strategy and to reference anti-racism work explicitly as part of its functions. I think that is a very disappointing omission from the bill before us.

Stakeholders have raised concerns around aspects of the legislation, which I will address in the committee stage. I think the opposition are moving an amendment to disallow the appointment of a member of Parliament, a councillor, a ministerial officer or a parliamentary adviser to the role of multicultural coordinator or deputy coordinator within 12 months of holding their previous position, which we support.

The government is to be commended for implementing the majority of the review's recommendations, including a requirement for a whole-of-government approach to Victoria's multicultural strategy. Our multicultural and multifaith communities should be represented across all government entities, including this one. Parliament, of all places, should be reflective of the whole of our community. We are here, after all, to represent all of the Victorian people. As I noted earlier, whilst Christianity may be the most common faith in Victoria, 54 per cent of Victorians – more than half of all Victorians – follow one of more than 140 faiths different to Christianity. Despite a commitment made in 2021 by the then Attorney-General Minister Symes that:

A Labor government, if re-elected, at the beginning of the next term and as part of the consideration of changes to standing and sessional orders will commit to workshopping a replacement model that is purpose-fit for Victoria ...

it is disappointing that we are all still stuck in the dated and highly inappropriate tradition of reciting the Lord's Prayer at the beginning of each sitting week. It is so bleedingly obvious that Victoria has changed since the Lord's Prayer was introduced into the parliamentary rituals.

A member: 1857, actually.

David ETTERS HANK: Thank you. History moves on. It did not just stop in 1853, at a time when 100 per cent of those eligible to vote in this state were white Christian male property owners. Building social cohesion involves recognising the cultural diversity that exists in this state, and it should be first and foremost recognised in this Parliament, in this chamber. Parliament should be a model of inclusivity, and yet the Lord's Prayer effectively excludes all of those other faiths. Inclusivity is an ongoing exercise. Removing the Lord's Prayer from parliamentary proceedings would be a strong signal to the more than 54 per cent of Victorians who do not identify as Christians that they belong here too and that this is their house of Parliament as much as the next person's. Let us get rid of it and replace it with a minute of silence. During this time members can silently recite whatever prayer best represents their faith, or they can reflect on their responsibility as a member of Parliament – surely a ritual no less sacred – so that, combined, we can have a tradition that truly is reflective of all Victorians.

I just want to finish with a quote from Mrs Deeming, who said that 'A house divided cannot stand.' That is a quote from Abraham Lincoln. I reckon he would be rolling in his grave if he knew the lengths that that term was being extended to in the context of this debate. Perhaps it could be argued that the abolition of slavery was racist because those people were born to be slaves. Is that where that logic takes us? I mean, if every multicultural organisation in the state is a pyramid scheme, I do not suppose it is any more ridiculous.

I want to suggest that this is a good bill that deserves support, because it reinforces multiculturalism – at a time when immigration, personal rights and egalitarianism are under attack. We have angry folks, with good questions but no answers, from One Nation. We are seeing crowds being frothed up and made upset because they are not so narrow-minded as some would aspire. This bill provides a basis

for refreshing multiculturalism in Victoria. Legalise Cannabis Victoria welcomes it and will be supporting it.

Rachel PAYNE (South-Eastern Metropolitan) (17:03): I rise to make a brief contribution to the Multicultural Victoria Amendment Bill 2026 on behalf of Legalise Cannabis Victoria. Victoria is home to one of the most culturally rich societies in the world, and we are among the fastest growing and most diverse states in Australia. Almost one-third of our population was born overseas, and over half have at least one parent that was born overseas. We have more than 260 languages and 135 different faiths in the Victorian community, and we are better for it.

This bill represents a significant restructure in Victoria's multicultural affairs framework. It replaces the Victorian Multicultural Commission with a new statutory body, Multicultural Victoria, with the stated aim of strengthening the voices of multicultural and multifaith communities in government decision-making and responding to the recommendations of the 2024 multicultural review. I commend the government for this piece of legislation. But while this bill makes important structural and operational changes to Victoria's multicultural affairs framework, we must do more than restructure institutions. We must invest in and strengthen the support available to our culturally and linguistically diverse communities.

As our community becomes more diverse, we need to ensure that organisations that serve these communities are well funded and supported. This is critical to social cohesion and inclusion. We must recognise that multicultural organisations are not simply service providers; they are trusted community partners. Supporting grassroots organisations that work directly with diverse communities is incredibly important. These organisations are often the bedrocks of our communities. They serve our communities and have deep understanding of the cultural, social and economic barriers that communities face.

The region that I represent, the South-Eastern Metropolitan Region, is a proudly culturally diverse community, with close to 35 per cent of its population born overseas. I would like to use this opportunity to mention some of the amazing community organisations in my region that I work with from time to time. I recently visited the Southern Migrant and Refugee Centre in Dandenong. For more than 30 years the Southern Migrant and Refugee Centre has been supporting migrants and refugees across the south-east of Melbourne. They have provided culturally responsive community-based services across Greater Dandenong, Casey, Cardinia and surrounding communities, helping people access social, economic, health and wellbeing support in their own languages. As Victoria becomes increasingly diverse, organisations like SMRC are essential in supporting newly arrived migrants, who sometimes struggle to navigate unfamiliar systems, services and institutions. They provide a trusted, culturally responsive bridge between communities and the services that they need, helping people overcome language and cultural barriers, understand their rights, access support and build confidence and connection in their new community. They help people feel welcome. Their commitment to human rights and their strong advocacy for their people make organisations like SMRC critical to building more inclusive, connected and equitable communities in our proudly multicultural state.

Similarly, South East Community Links, SECL, is an organisation that has been around for more than 50 years. On Tuesday night South East Community Links held Bring Your Bills, an event in Hampton Park where close to 1500 individuals and families showed up and received support. The strong turnout reflects two things: (1) people trust that South East Community Links can provide them that service and (2) the growing financial pressure on families across the south-east is evident. Many people came seeking help with essentials: energy bills, mortgages and personal loans. This highlights the significant unmet need for accessible and local financial support in the community. Support like this is particularly important for our culturally diverse communities. For newly arrived migrants and refugees navigating complex financial systems, bills, government services and support programs can be overwhelming, particularly when English is not their first language. People may also be unaware of the services available to them or hesitant to seek help because of language barriers, cultural expectations or lack of

trust in mainstream institutions. Events like Bring Your Bills demonstrate the importance of meeting Victorians where they are at and providing practical help close to home. As the south-eastern suburbs continue to become more culturally diverse, we must ensure that community organisations have the resources they need to provide culturally appropriate, accessible and trusted support.

I would also like to acknowledge Wellsprings for Women, which recently celebrated its 32nd anniversary with the launch of its new strategic plan – and I was honoured to attend that event. For more than three decades Wellsprings has played an important role in supporting migrant and refugee women across Melbourne's south-east. What began as a kitchen table dream has grown into a trusted and vital community organisation, one that understands the challenges faced by women when settling into a new country and building a new life. Wellsprings does much more than provide services; it creates a place where women feel welcomed, connected and empowered. It helps women navigate systems, build confidence and skills, access education and employment and strengthen their connections with their community. Hearing directly from women who have been supported by Wellsprings is perhaps the strongest testament to the importance of their work. They feel seen, connected and welcomed. Their stories remind me that behind every program and every service is a person who has found connection, confidence, safety and a sense of belonging. Their stories make clear why we must ensure that organisations like Wellsprings for Women are appropriately funded and supported.

Grassroots organisations are often best placed to understand the needs of their communities and to reach people who may otherwise fall through the gaps. Investing in organisations like Wellsprings is not simply about funding services; it is about investing in more connected communities. When we invest in trusted community organisations, we invest in inclusion. We are creating stronger pathways into health, social and community services, empowering Victorians and ensuring that services are delivered with respect, cultural awareness and a testament that they actually do work. Ultimately, building a truly multicultural Victoria means building a community where diversity is not simply acknowledged but supported and valued and where every person, every family and every community has an opportunity to thrive.

Importantly, it is not an exaggeration to say that community organisations are on the front line of some of our most challenging issues. They are often best placed to identify and build awareness around family violence, challenge harmful attitudes, identify people who may otherwise remain invisible to the mainstream system and connect people with specialist services. But to do this they need resourcing. We cannot expect small community organisations to carry out critical prevention, early intervention and referral work without sustainable funding. We welcome the changes represented in this bill but ask the government to be mindful that they must be backed by appropriate resourcing to make a meaningful difference. On behalf of the Legalise Cannabis Party, we support this bill.

Anasina GRAY-BARBERIO (Northern Metropolitan) (17:12): I rise to speak on the Multicultural Victoria Amendment Bill 2026, and I want to begin my contribution on this bill by centring and honouring the voices of multicultural communities, those who participated in the multicultural review consultations and many more out there who bring communities together every day in the struggle for being embraced, accepted and treated as equal. They are the real architects of bridge-building in our communities. Whether it is the local women's weaving club, local cooking classes, language schools or community playgroups, these are the ways that multicultural communities are flipping walls into bridges. Today I speak as a migrant who understands that we cannot talk about belonging and inclusion without first recognising and respecting Aboriginal and Torres Strait Islander peoples' enduring connection to country and culture and how this is at the heart of how we build a multicultural Victoria in 2026 and beyond, especially in the new, treaty era. We most definitely cannot talk about this bill without confronting what multicultural communities are facing right now: the poison of systemic racism, violent anti-migrant rhetoric and an emboldened far-right movement scapegoating migrants for the cost-of-living and housing crises.

Racism has always been a part of Australia's British imperial history. With their arrival came racialised ideas acted upon by colonisation and pillaging of labour, land and people. This legacy has not changed much. You still see racialised ideas embedded in government policies and actions. Politics and governments are still a playground for white people, with the exception of a few sprinkles of colour and culture here and there. This is not multiculturalism; it is tokenism within systems of power that remain predominantly white. I note that it has been 53 years since the end of the White Australia policy – a policy that was all about racial exclusion. With the likes of One Nation we are seeing a dangerous rise in the risk of handing over our prosperity, trust and safety to a con artist like Pauline Hanson, unashamedly sponsored by billionaires.

I now want to talk about the bill, and from the outset, while heading in the right direction, it does not go anywhere near addressing issues in the community to promote unity and belonging. For goodness sake, it does not even mention racism or discrimination. This is a significant omission which dances around the real reason there was a need for the bill in the first place. To truly tackle the scale of racial hate, vilification and attacks being felt by communities across Victoria, we must first name racism plainly. This Labor government must not be scared to name and confront racism, including systemic racism embedded in public institutions and services. Institutional racism is getting worse, not better, with the number of multicultural and First Nations children and young people in Victoria's justice and child protection systems rising. To truly tackle racism in our communities, it must start here in this place. To not include the word 'racism' in this bill is to disrespect the experiences of many people who generously came forward and shared personal and, for many, traumatic experiences in good faith through the multicultural review. The scourge of racism, discrimination and hate is disproportionately affecting Asian, African, Muslim and Jewish communities. If racism and religious intolerance are not named and therefore go unchallenged, it only emboldens extremist narratives and fractures community cohesion.

This bill brings together the functions of two separate bodies: the Victorian Multicultural Commission and the departmental functions of the multicultural and multi-faith Victoria portfolio. We all know the VMC was a toothless tiger that was ceremonial and hamstrung in advocating for communities. This bill also establishes a new statutory entity, Multicultural Victoria, led by the newly established role of multicultural coordinator general and supported by two deputies, including one from regional Victoria. The Greens hope that those who occupy these roles do so not just impartially but fearlessly and courageously to the government of the day. This role, may I add, has been advertised before this bill has been passed through Parliament – not a good sign. And of all the names the government could have chosen for these important roles, it chose a militaristic tone, telling multicultural communities, 'We see you, but you still need to be managed and controlled.'

The Victorian multicultural review identified a gap in how community engagement works together with policy and grants. The Greens see an important role for the new statutory body Multicultural Victoria to play in helping to fill this gap and ensuring equitable access and distribution of these opportunities to communities fairly. The bill also creates a multicultural community advisory group – MCAG – and regional engagement groups. The MCAG will be established by the minister, who sets out how many members will be appointed. The Greens welcome the bill's commitment to having a member between 18 and 24 years old and to diverse membership for MCAG. MCAG and the regional engagement groups also play a really important role in supporting the work of Multicultural Victoria with impartiality.

I also want to talk about the action and inclusion plans, which serve to strengthen a whole-of-government multicultural strategy. This will involve requiring government departments to produce action and inclusion plans every four years. The Greens are supportive of the government's commitment to improving access to cultural inclusion and strengthening outcomes for multicultural communities. For too long government has failed to consider multicultural communities in decision-making. They have been left behind across housing, education, child protection, health care, disability

support, justice, transport and the essential services people rely on every day. These action plans are the first of many more steps to come towards a more equitable and inclusive Victoria.

Another important change introduced by this bill which the Greens wholeheartedly support is to update the principles of multiculturalism to acknowledge First Peoples' right to self-determination and the advancement of Statewide Treaty making between First Peoples in Victoria and the state. Recognising treaty in the principles of multiculturalism reflects that multiculturalism cannot be separated from truth, justice and self-determination for First Nations peoples.

I want to talk about how the report recommended that language services should be declared as an essential service. The Greens support the principle that translation and interpreting services are essential to ensuring inclusion and equitable access to services. However, the Greens have heard concerns raised by the sector – from interpreters, translators and language service providers – about the lack of consultation undertaken by the government in the development of this bill. The Greens condemn the government's utter disregard for genuine, good-faith consultation. This is not good enough, considering the number of changes to the way the sector will operate that are proposed in this bill. Engagement must be comprehensive, meaningful and inclusive, and this has not been the case.

The multicultural review also made a number of recommendations to strengthen leadership of the multicultural affairs portfolio, which this bill will not be implementing – namely, the appointment of a parliamentary secretary to assist the minister; the appointment of a standalone minister for multicultural affairs; maintaining the portfolio within the Department of Premier and Cabinet, with ongoing oversight by the Premier; and requiring multicultural impact statements in cabinet and ministerial submissions, an amendment that I will be circulating shortly.

The review understood that the complex problems confronting multicultural communities need to be addressed jointly by a whole-of-government approach in which elected ministers must be accountable. The review did not recommend transferring executive functions from the minister to the coordinator general, blurring where political responsibility sits; what we are seeing here is the Labor government handballing their responsibility for multicultural communities off to a department head. This is an abdication of real institutional leadership. Historically, we saw the multicultural affairs portfolio sit with the premiers; we saw that in the Bracks and the Kennett eras. Instead we have seen this portfolio go through different cabinet ministers in this term alone, really signalling that this government has no interest in serving multicultural communities in the long run.

Rather than heeding this recommendation, this Victorian Labor government has gone ahead and put the multicultural affairs portfolio and the police portfolio under the same minister. Communities of colour who continue to bear the brunt of racial profiling and discriminatory policing are now meant to believe that the minister overseeing police and multicultural affairs can wear the two hats and be subjective. This is the wrong message to be sending communities. You are literally telling communities out there that they have to choose between being heard or being policed, reinforcing control, surveillance and your lack of trust of these communities, communities that I proudly belong to. With respect to some of these concerns, the Greens have proposed some amendments which, if I could ask, may be circulated now, please.

Our first amendment is in relation to the multicultural impact statement for cabinet submissions. This gives effect to recommendation 1(d) of Victoria's multicultural review by requiring that all cabinet submissions include an assessment of the potential impacts on multicultural affairs, inclusion and social cohesion. This is about making sure these impacts are not an afterthought; they should be routinely and systematically considered before government decisions are made so that cabinet can properly understand how proposed policies and programs may affect multicultural and multifaith communities.

Amendment 2 is for reporting frameworks introduced in the bill to also include data on racism or hate incidents. To partially implement recommendation 11 in the Victorian multicultural review, the

amendment would enable the multicultural communities advisory group – MCAG – through its existing consultation processes to obtain relevant information about reported racism and hate incidents and provide advice based on that information. This is important because we cannot properly understand the state of multicultural affairs if we do not understand the racism and hate being experienced by people in our communities. Collecting this information will help identify patterns and emerging issues and give government a clearer picture of what communities are actually experiencing.

Amendment 3 puts important privacy protections around this new function with MCAG. Where information about racism or hate incidents is collected, individuals must be protected from having their personal information disclosed. The amendment makes clear that personal information must not be included in advice provided to Multicultural Victoria under this new function. People must come forward and share their experiences without fear that their personal information will be exposed or exploited. The Greens have been very careful to ensure that this amendment strengthens our understanding of racism and hate while at the same time protecting the privacy and safety of the people who have experienced it.

I now want to bring in the voices of those who participated in Victoria's multicultural review, which instigated this bill this afternoon. One contributor said:

Do not just ask us to apply – ask us to shape. Don't label us as 'vulnerable' – see us as visionary. Respect our intelligence, our time and our voice. Invite us into the conversation – because a policy not built with us cannot serve us.

This quote is not only powerful but emblematic of the way this government has approached and treated multicultural communities when it comes to inclusive engagement. They have allowed relationships with communities to weaken and multicultural policies to decay over time. We now have a Labor government that is more interested in putting bureaucratic ethos ahead of equity and the democratic needs of its citizens – always a top-down approach, never a co-creational process. This government fails to understand that a strong multicultural policy benefits everyone. It does not just benefit the black and brown people, it is the thread that weaves through my humanity to my colleagues, to my friends, to my neighbours and so on.

The stories of migrants are ones of strong vision, knowledge, expertise, culture and lived experience. Multicultural talent has helped build this state, and too often credit is not given where it is due, especially as more than 50 per cent of our population in Australia was born overseas or has a parent that was born overseas.

Governments like this one come into communities to consult, survey, review and ask opinions, but if you do not collect the right data you cannot see the problem, and if you cannot see the problem you cannot solve it – no data, no follow-through and no accountability. This could not be clearer than in the findings of the Legislative Council Environment and Planning Committee's report in 2026 on community consultation practices, an inquiry that dropped 28 recommendations and a clear message, as reported by MosaicLab and other stakeholders, that the standard of government engagement in Victoria is not good enough. The frameworks exist, except this government does not practise them or even follow them. This does not surprise me, as I am sure it does not anyone here either. This government operates with such smugness and entitlement that even parliamentary inquiries and reports point to their failures to engage communities respectfully and properly. This same inquiry heard from peak bodies and communities about how poorly structured consultation creates fertile ground for misinformation and political exploitation, where too often consultation feels like it is designed to inform rather than engage. A compliance step where you have your say has become a warning, not an invitation.

When you look at the state of social cohesion, just look at the warning signs from the Scanlon Foundation's social cohesion reports – targeting of ethnic religious minorities and anti-migrant rallies are signs of a fracturing society and a decline in core elements of social cohesion. Instead of doing something constructive to combat this increase in pessimism for the future and erosion of trust in

governments, this Victorian Labor government just takes it up a notch in the wrong direction. Let us look at the undignified announcements of the public housing demolition decision. This heartless Victorian Labor government did not even have the courage to look public housing residents in the face and tell them they had just sold them out to major property developers – their homes, their communities, their neighbourhoods, their friends and their families all gone, traded in for profit.

On the front lines bearing the brunt of these government decisions are, well, multicultural communities, but the question I have here is: why did this Victorian Labor government have to commission the multicultural review in 2024 in the first place? Why, with all the machinery of government, all the resources and all the so-called expertise and infrastructure at its disposal, did this government need to go back and seek the help of someone like Mr Lekakis to understand that multicultural policy is not just about programs and funding but about people, relationships, trust, culture, lived experience, community and Victorian values, which this Labor government has completely severed ties with? Everything now is just about optics, media releases and photo opportunities – being seen to be acting but not really doing.

We are here with this bill because they have failed to do the deep work to understand the tensions, the cultural nuances, the strengths and the vulnerabilities that exist within and between communities. Look at the firebombing of synagogues, look at the attacks on mosques and look at the men, women and children being attacked publicly. Every week we are hearing and reading about these racism-fuelled attacks on fellow Victorians. This government's response is a media release that says, 'We back you.' But where is the action and the unconditional commitment that says to all these communities, 'You matter. We know how difficult it is and how difficult it can be, and we are prepared to pull up our sleeves and show up for you'? A message that demonstrates racism and its function to distract and destroy and leave communities to explain over and over again what they need to feel trusted and feel safe – this is what is happening right now in our communities. Every time they come under fire and every time they become vilified, they have to explain themselves over and over again. Where is the unconditional commitment and action from this government? This bill has to mean something and has to be transformative, because the world outside this place is harmful, and when you try to speak up you do so at the risk of your own safety. Let me tell you, this is not an exaggeration. I get phone calls and people in the community telling me how fearful and scared they are for their children, their wives, their grandparents and their siblings. It is really hard for me to hear these accounts, and that is why I am fighting alongside my Greens colleagues so hard in this place.

We do not know who will be the new multicultural and multifaith minister in the next few months, after November, but whoever –

Evan Mulholland interjected.

Anasina GRAY-BARBERIO: We do not know, Mr Mulholland, so let us not jump the gun there. If you think it is going to be you, I hope you are listening, Mr Mulholland. But to whoever occupies this ministry now and into the future: I hope that you have the courage that is needed to occupy this portfolio for the communities. We hope that you will be courageous and a fighter for those who continue to be innocent victims of systems that betray them over and over again. The Greens support the passing of this bill and commend it to the house.

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (17:32): I am really proud to speak and to sum up the debate on the Multicultural Victoria Amendment Bill 2026. This bill, at its heart, is a result of a body of work that the Labor government commissioned in December 2024 to review our multicultural settings in the wake of the Adass Israel terrorist attack and multiple years of a very distressing time for many of our multicultural communities. This Victorian multicultural review was commissioned because the environment of our multicultural institutions and organisations has dramatically altered since the Victorian Multicultural Commission was instituted. We are more diverse than ever before,

and we are stronger because of it. But it also means the government needs to be more responsive to the needs of our multicultural communities.

I want to thank George Lekakis AO and the targeted advisory group of Carmel Guerra, Hass Dellal, Miriam Suss and Mark Duckworth, all esteemed figures in our multicultural community, for their dedicated work to deliver the Victorian multicultural review and, as such, their work in delivering this bill. They consulted with over 640 Victorians. They held hundreds of meetings with community groups and dozens of round tables right across the state. The review made a number of recommendations to government, and we are getting on with delivering them.

Establishing Multicultural and Multifaith Victoria is the cornerstone of this reform. It builds on and recognises the significant legacy of the Victorian Multicultural Commission. Indeed I want to extend my thanks and acknowledgement to current and former chairs and commissioners of the VMC for their incredible work. This bill will strengthen the way government engages with, listens to and delivers for our multicultural and multifaith communities. There has been some broad debate in the chamber this afternoon about the history of our multicultural institutions, the merits of certain parts of this reform and the reasons for certain amendments. Despite the way in which some members are reflecting on multicultural communities in less than positive ways, this is an incredibly positive piece of work that our Labor government is proud to deliver.

The bill creates a proud new multicultural and multifaith institution for Victoria. It gives that body and the coordinator general expansive powers to advocate for multicultural communities and to hold government to account, and it embeds strict reporting requirements for government departments to ensure that they are delivering for our multicultural communities. At a time when our multicultural fabric is strained and being questioned, it shows our multicultural communities that the Victorian government will always support them.

There are numerous amendments that members are moving, some of which we will support and others we will not, but we can deal with all of those in the committee stage of this bill. The government also has some house amendments that reflect further consultation and conversations with members of this chamber, and I thank those members for their constructive engagement. I ask that the amendments in my name be now circulated.

Again, this is a piece of work that everyone should be proud of. It is the culmination of a lot of consultation across the community, and it is a recognition that we need to build institutions for our multicultural communities and a voice at the heart of government at a time when our social cohesion has never been more important. I would like to thank members in the chamber who have worked constructively with us on this bill. I commend the bill to the house.

Council divided on motion:

Ayes (33): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Noes (3): Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Motion agreed to.

Read second time.

Committed.

*Committee***Clause 1 (17:43)**

Anasina GRAY-BARBERIO: Minister, we understand that –

Members interjecting.

Ingrid Stitt: On a point of order, Acting President, I cannot hear over Mr Davis.

The ACTING PRESIDENT (Gaelle Broad): Can we bring the house to a bit of quiet. Any conversations could perhaps be continued outside.

Anasina GRAY-BARBERIO: Minister, we understand that the government is not supporting our amendments around MCAG, the multicultural community advisory group, being able to obtain information related to racism and racist incidents in relation to their consultation processes. What commitment can you give to address these concerns?

Ingrid STITT: I can commit that, should the legislation pass the chamber today, the minister will issue a directive to Multicultural and Multifaith Victoria and MCAG, under section 2(c), that they must collect data on issues related to racism or hate incidents towards multicultural and multifaith communities or members of such communities. That data will be reported to the coordinator general, and that data will be reported in the annual report or other relevant publications and will be used to inform government policymaking to ensure Victoria's multicultural and multifaith communities continue to be supported.

Anasina GRAY-BARBERIO: Thank you, Minister, for that commitment. That will go a long way to ensuring some sense of security and safety in the community. Can I just ask some questions, if possible, on LanguageLoop: the Greens have some serious concerns about the government's lack of consultation with language interpreters and translators in the development of this bill. I want to ask, Minister: to meet this gap in engagement, will the government commit to preparing a regulatory impact statement (RIS)?

Ingrid STITT: Yes, we can commit to that.

Anasina GRAY-BARBERIO: Can I ask on this as well a follow-up question: what will the scope of the regulatory impact statement be?

Ingrid STITT: We will look at what services are currently being delivered as well as where there might be gaps in service provision that could be closed.

Anasina GRAY-BARBERIO: Will the regulatory impact statement examine the current model of LanguageLoop proposed in the bill?

Ingrid STITT: We cannot define the full terms of reference today, but we will ensure that the quality of service being procured by government is considered, no matter which provider is providing those services.

Anasina GRAY-BARBERIO: Will you engage all providers, including small providers that are National Accreditation Authority for Translators and Interpreters (NAATI) accredited or independent?

Ingrid STITT: Yes, all providers will be able to participate in the RIS.

Anasina GRAY-BARBERIO: Who will have oversight of leading the regulatory impact statement in the sector?

Ingrid STITT: It will be the usual processes that will apply – likely the commissioning department.

Anasina GRAY-BARBERIO: Will the report be made public?

Ingrid STITT: Yes.

Anasina GRAY-BARBERIO: What approach will the regulatory impact statement engagement take to ensure cultural safety and responsiveness are maintained during the process?

Ingrid STITT: There are already strong guidelines around fairness, engagement and inclusivity when it comes to Engage Victoria and the RIS process, and those include appropriate cultural safety and responsiveness provisions.

Anasina GRAY-BARBERIO: What kind of assessment framework will be used for the regulatory impact statement?

Ingrid STITT: It will be the usual processes in the development of the RIS.

Anasina GRAY-BARBERIO: Will there be a co-design community engagement framework applied?

Ingrid STITT: We note your suggestion, and we will feed that into the process for the development of the RIS.

Anasina GRAY-BARBERIO: How will you maintain fairness during the process of the RIS?

Ingrid STITT: I think I have already gone to the kinds of processes that are undertaken whenever there is a RIS underway. We will make sure that it is established in the usual processes, and I think I have already gone to those issues in a previous answer.

Moira DEEMING: I am wondering how many different multicultural groups there are, if you could list them and how you define them.

Ingrid STITT: Mrs Deeming, as you know, we both represent a region that is incredibly diverse. Almost half the population of Victoria have a parent who was born overseas or have multicultural backgrounds, so we have literally hundreds of different diverse communities that are represented. I will just double-check where the numbers are at right now, but there were over 350 when I was the minister. There are over 200 languages spoken in Victoria. We are an incredibly diverse community.

Moira DEEMING: Would each one of those have their own representative? I am just trying to work out how it interacts with the new body.

Ingrid STITT: Can you just repeat the end of that?

Moira DEEMING: I apologise; I have a sore throat. It is a genuine question. I am trying to work out how they will each be represented to this new body officially – individually, if that makes sense.

Ingrid STITT: Obviously we cannot have a body that has literally millions of people represented on it, but in the structure of the organisation, should the bill pass, there is a requirement for diversity to be broad in the positions that will be created if the bill passes.

Moira DEEMING: I do not think I was clear again; sorry. The first question was about how many. You said somewhere around 300, 350, and I was wondering if each one of those would be individually represented – not individual people but the groups that you have identified.

Ingrid STITT: I think the important thing to note here is that it is not for me or any other government minister to determine that, or for the minister to determine that. We are setting up a new entity which will be a voice for diverse communities through its structures and through its objectives and priorities and the work that it will do. They will be required to engage and consult very widely across multicultural communities.

Evan MULHOLLAND: Minister, I would like to start by thanking your office and Minister Edbrooke's office for the consultation and briefings. Can I ask, Minister, why the government commenced and concluded a recruitment for the multicultural coordinator general and deputies before the positions that have been introduced being established and passed by Parliament?

Ingrid STITT: The multicultural coordinator general and the two deputy coordinator general positions will be instrumental positions in delivering and driving the transition from the Victorian Multicultural Commission (VMC) to Multicultural Victoria, providing stability and obviously keeping communities informed during a time of what will be considerable change. The view of the government was that running an open and competitive process for these positions was very important in terms of ensuring appointments are merit based and a broad, diverse pool of candidates could apply. So, subject to the passage of the bill, the appointments will support that seamless transition to Multicultural Victoria and bring new legislative responsibilities into operation when they commence on 1 October. If we had commenced the recruitment any later, it would not be possible to have that transitional support in place and there would be a gap in having a multicultural coordinator general in place. Obviously appointments will not go forward unless the legislation passes the Parliament.

Evan MULHOLLAND: On what date was the recruitment process authorised and by whom?

Ingrid STITT: It went through a cabinet process, Mr Mulholland.

Evan MULHOLLAND: My next question is: under what authority does the recruitment process for a non-existent position exist? I assume that might have been through cabinet and the Department of Premier and Cabinet.

Ingrid STITT: Well, the legislative process involved a cabinet approval process, as you would expect with any legislation that comes before the Parliament. As part of that cabinet process, a number of issues were considered, including the legislation and including the structure of the new organisation and related matters.

Evan MULHOLLAND: Will the minister have any role, formal or informal, in selecting the preferred candidate?

Ingrid STITT: This will be a recruitment process that will be in accordance with the recruitment guidelines. It is a process that is being undertaken by the Department of Premier and Cabinet in the usual way.

Evan MULHOLLAND: Why is it that the government is seeking to have the coordinator general commence on 1 October, 34 days before the commencement of the caretaker period, when it could have opted to seek interim arrangements similar to those being undertaken at the VMC currently?

Ingrid STITT: I think I went to some of those issues in my previous answer around the need to have that strong transitional leadership in place, but I think the other point to make is that if we did not recruit for this position, we would still be needing to recruit for a VMC chair position. As you are aware, we have an interim position in place currently awaiting the passage of this legislation.

Evan MULHOLLAND: Are you considerate of the optics of appointing a four-year-term position around 30 days before the caretaker period?

Ingrid STITT: I would see that really as your take on this situation, Mr Mulholland. I know you have talked a lot about it. I am no longer the minister, so I am respectful of the fact that there is a new minister responsible for these matters. But I can certainly indicate that everywhere I went when I was the responsible minister – up until recently – the community were genuinely excited about the creation of this new organisation and the strengthening of their voice and the support for multicultural communities. So that is why the view of the government is that this is a critical recruitment activity that we are undertaking.

Evan MULHOLLAND: Does the government accept that appointments of this significance made immediately before an election can create a perception of politicisation, regardless of the merits of the individual ultimately appointed?

Ingrid STITT: No. I have already explained to you that this is an independent recruitment process that is being run by the department, and that is the appropriate way for it to be run. This is about making

sure that there is strong and effective leadership at an incredibly important time as the organisation transitions to Multicultural Victoria.

Evan MULHOLLAND: Did the government consult with the Ethnic Communities' Council of Victoria before undertaking this recruitment timeline?

Ingrid STITT: I know that the ethnic communities' council have been engaged regularly about these reforms. As to whether they have been consulted directly about the recruitment process, I would have to check that. They have been very engaged with all of this reform work and certainly meet regularly with the responsible minister.

Evan MULHOLLAND: Was George Lekakis consulted on the recruitment timeline, and did he provide any advice?

Ingrid STITT: No.

Evan MULHOLLAND: The Lekakis review spoke a lot about grants and funding and inconsistencies, and I think we have all read it. Did the government take advice from the Victorian Multicultural Commission or the department before announcing a \$4 million election commitment to the Quang Minh Buddhist temple on the weekend?

Ingrid STITT: That is outside the scope of this bill, unrelated to the amendments before the house today.

Evan MULHOLLAND: The bill goes to Victoria's multicultural settings and funding, and I think it is legitimate to ask the minister about funding and independence of funding and whether they have provided advice in regard to multicultural communities. What I am seeking to get to, Minister, is whether funding commitments are being made by party officers rather than by advice.

The DEPUTY PRESIDENT: Sorry, Mr Mulholland, is this a point of order or another question to the minister?

Evan MULHOLLAND: I asked a legitimate question that I believe has to do with the bill.

The DEPUTY PRESIDENT: Mr Mulholland, I cannot direct the minister how to answer, but you might like to rephrase your question in a different way and see if the minister can answer it for you.

Evan MULHOLLAND: The Victorian Multicultural Commission still exists, as mentioned in the bill. The bill goes to the Victorian Multicultural Commission. It does still exist, technically, for the next hour or so. Was the Victorian Multicultural Commission consulted and feedback sought before the Premier made a \$4 million commitment to the Quang Minh Buddhist temple on the weekend?

Ingrid STITT: You are conflating a few issues here, Mr Mulholland. I am not surprised, because you tend to do that.

Evan Mulholland interjected.

Ingrid STITT: You do. It is completely inappropriate for us, the Labor government, to consult with the VMC about what was an election commitment announcement last weekend at the Quang Minh temple.

Evan MULHOLLAND: Should the government be re-elected before enacting that commitment, does any advice go through either the Victorian Multicultural Commission or Multicultural Victoria about the merits of any kind of commitment like that?

Ingrid STITT: Firstly, I just remind you that that is wholly outside the scope of this bill, but also it is important to note that the VMC has no role in relation to grants.

Evan MULHOLLAND: I want to go to an amendment that I am moving. The bill currently prohibits a current MP, councillor, electorate officer, ministerial officer or parliamentary adviser from

appointment, but it imposes no cooling-off period for someone who held those positions immediately before being appointed. So someone could hypothetically walk out the door of a minister's office and straight into this body. Would you support a 12-month cooling-off period between those appointments?

Ingrid STITT: Do you want to get into amendments now or do you just want the government's position on the record?

Evan MULHOLLAND: Yes.

Ingrid STITT: As you know, through some productive discussions that have been had, we understand you have an amendment that would give effect to what you just outlined. The government supports the proposed amendment to prevent a person from being appointed as a deputy multicultural coordinator general if they have held a position as a member of the Victorian Parliament, councillor, electorate officer, ministerial officer or parliamentary adviser in the last 12 months. The bill already contains safeguards to ensure a person is not appointed who currently holds one of these positions. The proposed amendment that you will be moving at some point in committee stage extends that safeguard to the previous 12 months.

Evan MULHOLLAND: I appreciate it, and I appreciate the discussions. You just said 'deputy multicultural coordinator general'. I am just clarifying that you also mean multicultural coordinator general as well.

Ingrid STITT: Yes, I think I do – all of them. It is just that we have been racing against the clock to get our notes together for this committee stage.

Evan MULHOLLAND: I have got a few more questions. I want to turn to the multicultural community advisory group. What criteria will the minister be required to consider when appointing members of that group?

Ingrid STITT: Just one moment. I think I know the answer to this. I just want to double-check that I am up to date on it. It is the same recruitment process. There would be a recruitment process to select suitable candidates for the MCAG, which the department would undertake. One second.

In making any final decisions about membership of the MCAG, there are a number of criteria in the bill about diversity considerations and the like.

Evan MULHOLLAND: Something that I support is that there is a quota for a youth member in the advisory group. I did think about an amendment, but I was a bit sort of nervous about enshrining a faith or particular religions and things like that in law. A significant amount of feedback, particularly from the Faith Communities Council of Victoria, but other groups as well, thought that it would be a good idea if a body like that was represented by someone from a faith community perspective on that committee. Is this something the government would be open to?

Ingrid STITT: We both know how important faith is to multicultural communities, and many other communities for that matter, across the state. For many Victorians, their faith shapes their identity and their values and their purpose. For that reason, the bill elevates the role of faith, making it clear that faith is a core part of Multicultural Victoria's functions by modernising the terminology of 'diverse communities' to 'multicultural and multifaith communities' throughout the bill. This is in recognition of the important role that faith plays in the lives of many, many Victorians, but also to recognise our commitment to supporting the many faith communities across the state. Faith is also elevated within the bill's principles of multiculturalism, in recognition that the community is strengthened through meaningful interaction, mutual learning and equitable participation among people of different cultures and faiths. That is a big part of fostering inclusion, respect and that sort of shared understanding that we are trying to embody and foster through the creation of Multicultural Victoria.

Evan MULHOLLAND: Something I am also quite supportive of that I spoke about in my second-reading speech is the idea of having a regional Victorian as a deputy coordinator general. Is there a minimum period that a person must have lived in regional Victoria to qualify?

Ingrid STITT: The bill requires that at least one of the deputy coordinators general resides in or has previously resided in an area that is in rural or regional Victoria. This is so as not to exclude individuals who have lived experience and have got deep connections to and understandings of regional and rural Victoria, even if they do not currently reside there. When appointing the designated rural and regional deputy coordinator general, consideration will be given to the ties and connection to rural and regional Victoria, as well as having sufficient knowledge and lived experience of the needs of multicultural and multifaith communities in regional and rural Victoria. There is no minimum requirement, but that would be something that is considered when the appointment is made.

Evan MULHOLLAND: I will have to trust the minister's judgement on that one. Minister, I just wanted to go to a couple of clauses – division 1, proposed section 25C, and division 3 inserted by clause 25. There are a couple of things quite identical to the VMC act. For example, it provides that:

... Multicultural Strategy may include goals and actions which aim to ...

...

enhance the provision of services to the Victorian community to meet the needs of people from multicultural and multifaith communities, including needs based on the age, gender identity, disability, socioeconomic status, sexual orientation and location of persons within these communities ...

That division 3 one has reporting requirements of government agencies at subsection (b). But in a lot of the things that are almost a direct copy of the VMC act into this act the word 'sex' is removed. Why was sex not included as a characteristic in relation to needs-based characteristics when gender identity and sexual orientation are?

Ingrid STITT: I will certainly see if we can get anything specific on that question, Mr Mulholland. But just to be clear, this is an amendment bill, so there is much in the current legislation that will still be valid. In terms of the existing objectives for the VMC, many of them will be retained in Multicultural Victoria, but we will also be enshrining engagement and consultation with multicultural and multifaith communities in regional and rural areas of Victoria; enshrining the promotion of interpreting and translating services – I know that has been a topic of conversation in the last day or so; enshrining the acknowledgement of First Peoples' right to self-determination and the advancement of Statewide Treaty making between First Peoples in Victoria and the state; and importantly, as we were just discussing, elevating the role of faith into the objectives of Multicultural Victoria in the bill. I will just see if there is anything specific I can provide you on your question around the definition.

Evan MULHOLLAND: I also just want to know what communities were consulted about the change in characteristics.

Ingrid STITT: My learned advisers tell me that there is no change from the previous act.

Evan MULHOLLAND: I believe the previous act also had sex as a characteristic in a section – I cannot recall it off the top of my head – but it no longer appears in the new bill.

Ingrid STITT: I have just checked that, and that is the answer I have got. But we will keep looking at it as we are going through committee stage, if you like.

Evan MULHOLLAND: I would appreciate that. Can I ask about LanguageLoop, which as you have mentioned, has been the topic of much discussion in the last couple of days? Why does the bill require specified bodies to use VITS LanguageLoop?

Ingrid STITT: Of course those that have read the multicultural review will know that language services were called out as a really important area for multicultural communities. The government accepted the recommendation that language services be treated as essential services. Every Victorian,

regardless of their language background, has the right to that meaningful engagement with government services, and that is what has driven our policy approach and amendments for the provision of language services. As you know, Mr Mulholland, there is a process set out in the bill about how a declaration would be made. But the Victorian multicultural review, led by George Lekakis and the expert advisory group, found that language services, including interpreting and translating services, are essential. The review also recommended that interpreting services in these areas should not be subjected to competitive tender processes that undermine equity, quality and service delivery. It recommended assigning critical areas of government language service delivery to the state-owned provider VITS LanguageLoop to improve that equity, quality and delivery of language services. We say that with the right settings and safeguards in place, assigning VITS LanguageLoop as the default provider in designated settings will ensure critical government services are supported by high-quality, accessible language. But as we have undertaken to do in answer to some questions and discussions that we have had with Ms Gray-Barberio, we will also undertake to do a regulatory impact statement in relation to this work.

Evan MULHOLLAND: I believe the office also said that you would say that in *Hansard* for me as well, so there you go.

Ingrid STITT: Oh, I beg your pardon.

Evan MULHOLLAND: It is for everyone, which is good.

Ingrid STITT: I am happy to extend those words to you all.

Evan MULHOLLAND: You spoke about the recommendation from Lekakis on interpreting services, so would I be able to confirm that translation services are not intended to be covered by this and it is intended only for interpreting services?

Ingrid STITT: It is actually both, because our state-owned provider provides both interpreting and translating services.

Evan MULHOLLAND: Okay. That will disappoint a lot of people. Was there consultation with any of the stakeholders that will be impacted? I am talking about groups like the Australasian Association of Language Companies and other workers but also peak bodies and those affected.

Ingrid STITT: We certainly know that the reviewers conducted consultation. We took the recommendations and materials that were provided through the multicultural review and accepted those recommendations. But I think we have already acknowledged and undertaken today that there will be a further RIS process undertaken, which will allow all providers to participate.

Evan MULHOLLAND: In regard to LanguageLoop, though, you are sort of aware of the fact that they do not feel they have been properly consulted? Would you not admit that the recommendation in the Lekakis review does not match the legislation and what appears in the legislation? There is a big difference between the recommendation in the Lekakis review and what appears before us in the legislation as a ministerial direction to have first and exclusive rights to provide language and interpreting services.

Ingrid STITT: That is your interpretation, Mr Mulholland. This is how we, through the amendments before the house today, have given effect to the recommendation in the Lekakis review. I think it is also important to note that we have made it clear that no contracts will be broken. All existing contracts will be honoured, and we have just committed to the crossbench and indeed you that there will be a RIS process undertaken, so there will be that further opportunity for deeper engagement with the sector. But I do know and I do note that you and I had a very long debate during the Voluntary Assisted Dying Amendment Bill 2025 about the importance of quality. NAATI accreditation was a big topic of conversation then, and I think that it is important to place on the record that the language services and interpreting services industry is going through a lot of change and turmoil at the moment, so the government is unapologetic about putting forward a model that is about quality and not just

going for the cheapest option available. However, I will stay out of that, because the newly minted minister will be undertaking that RIS process in accordance with what we have committed to do in the committee stage today.

David LIMBRICK: With regard to this RIS process, it does seem quite disingenuous. It seems to be placating the Greens for going ahead and apparently supporting setting up this soft monopoly that is going to send thousands of people out of work. What is the actual basis for believing that the effectively soft monopoly that the government is setting up here is going to be better quality than the services that are already being provided? Because I have been contacted by many language services providers who are very proud of their work and the quality of the work that they provide and also the flexibility that they provide their people. I think Mr Ettershank spoke about migrant women. In fact I have spoken to many women who do this service. In fact many friends of my family do this type of work, and they love the flexibility that it offers them – that they can do it from home and they can do it out of hours and that sort of thing – the type of flexibility that is not offered by LanguageLoop. What evidence is there that these services would be of lesser quality than what LanguageLoop is providing? Where is the evidence?

Ingrid STITT: I do not agree with you that it is disingenuous to commit to doing a RIS process. I think that that is the government taking on board the concerns that have been put to us about the bill before the house in a genuine way and trying to accommodate those concerns and alleviate those concerns. But I appreciate that there are many people who engage in this work across the state. Some of them do so through LanguageLoop, and some of them do so through other companies. Some of them do it in an independent contractor capacity. I think it is important to note that there are flexible working arrangements that are offered by LanguageLoop. LanguageLoop has been the state-owned translation and interpreter service for many, many years, and we are simply responding to, in our view, the need to modernise the way in which language services are provided across government entities.

David LIMBRICK: Effectively what is being set up here is an anti-competitive arrangement. What sort of work has been done to ensure compatibility with federal competition laws?

Ingrid STITT: Essentially, Mr Limbrick, that is all accounted for in the bill. The bill sets up a framework for assigning critical areas of government work to VITS LanguageLoop by empowering the minister to declare that a specified entity is a part 6A body and must acquire language services from VITS LanguageLoop to ensure that Victorians have access to reliable, high-quality language services. Obviously the department has, in the development of the bill, taken into consideration the need to not offend competition policy, so the bill has been drafted in such a way as to be compliant.

David LIMBRICK: Who is the chairperson of the board of LanguageLoop?

Ingrid STITT: It is currently Jenny Mikakos.

Evan MULHOLLAND: I assume that is why there are changes to the competition law within the bill – so that the government can do this.

Ingrid STITT: I would point you to new section 28E.

Sitting suspended 6:29 pm until 7:33 pm.

Anasina GRAY-BARBERIO: Minister, if I could just go back to your previous answer on MCAG, when will you issue the directive for that?

Ingrid STITT: Ms Gray-Barberio, as soon as possible once the MCAG has been established.

David LIMBRICK: Proposed section 12(2) requires Multicultural Victoria to act impartially towards multicultural and multifaith communities. Are there any consequences or penalties if they do not act impartially towards these communities?

Ingrid STITT: It is a requirement under the legislation for Multicultural Victoria and all its office holders to adhere to that principle. It would be subject to judicial review at the ultimate end game, but I think that in setting up the organisation and in the recruitment that will occur for the key positions we are going to be talking about people who are deeply committed to those principles being the most suitably qualified to be appointed.

David LIMBRICK: It begs the question: what is an example of a non-multicultural or multifaith community?

Ingrid STITT: I am just trying to understand the nub of your question, Mr Limbrick. Maybe you can elaborate?

David LIMBRICK: The minister has outlined the breadth of multicultural and multifaith communities in Victoria, and I am sort of wondering who is not going to be represented by this group. I sort of feel like it is so broad that it pretty much includes everyone, doesn't it? In which case it is sort of obsolete if it includes everyone. There must be people that it excludes. Who is excluded?

Ingrid STITT: No-one is excluded per se, Mr Limbrick. The bill does set out the principles of multiculturalism. I think that if you take note of the second-reading speech you will see that the second-reading speech calls out the very deeply embedded migrant story of so many Victorians from all parts of the world and acknowledges First Nations people as well. So really, just recognising the needs of different communities is what is sought to be captured in the principles of the bill.

David LIMBRICK: Could I surmise from the minister's answer that everyone in Victoria is a member of a multicultural or multifaith community then?

Ingrid STITT: I do not know about whether you can surmise, but obviously in crafting the bill a large part of this is already in the existing VMC legislation. We are adding to that. I think I had already answered, in answer to a question from Mr Mulholland, what the additional principles and priorities are which have been added to the bill, but a lot of this is carrying over the existing principles contained in the current Multicultural Victoria Act 2011.

David LIMBRICK: What I am trying to determine here is, when we talk about multicultural and multifaith communities, who are we talking about? Are we talking about every Victorian, or are we talking about a subset of Victorians? I think that is actually a really important point, because if this organisation is going to be representing people and not representing some people, then we should be clear on who they are, shouldn't we?

Ingrid STITT: I think I know where you are going with this, but what I would say in response is that we are all part of a multicultural society. We all participate in Victoria. What this bill is about is addressing the fact that many communities are under-represented by existing institutions and existing structures, so this is about strengthening this organisation so that it can be a strong voice for multicultural communities who may not have the ability to participate as equally in other government structures and institutions.

David LIMBRICK: It seems the minister knows me better than I know myself, because I do not know where I was going with it, so I am not sure where the minister thinks I was going with it. But I think it was a very fair question actually.

Ingrid STITT: I hope I acquitted it in a way.

David LIMBRICK: Well, it seems that all Victorians are part of a multicultural society. It would appear so. Therefore everyone is represented, it would appear. Proposed section 4(3)(c) removes words from the existing definition. It used to say:

... individuals in Victoria (regardless of background) have shown that they can work together ...

Now it is to say that Victorians ‘can work together’. What is the thinking behind this change in language in section 4(3)(c)?

Ingrid STITT: Certainly in developing the bill we were guided by the recommendations and the findings of the multicultural review. One of the key findings of that review was that our social cohesion had been under quite a bit of strain in recent times. This reflects the feedback from community that they did not like the old wording and the way it was expressed in the previous legislation, so it is directly picking up the feedback from stakeholder consultation that occurred not just with the review but with the subsequent work that the department did in developing the bill as well.

Evan MULHOLLAND: What financial modelling has been undertaken to determine the cost of the government’s policy around LanguageLoop to the Victorian government and taxpayers?

Ingrid STITT: There has been obviously a lot of work done on the considerations that underpin the reforms that we are seeking to bring forward to VITS LanguageLoop. We obviously have data that is available around the number of Victorians that have been accessing translation and interpreting services. We also have national data through the national body, and we have done a lot of work on what the best model would be for VITS LanguageLoop going forward, taking into consideration the findings that came out of the review. But we have been clear this evening in committee that we will be also undertaking a RIS process, so there will be the opportunity for further consultation with the sector.

Evan MULHOLLAND: This question goes to Mr Limbrick’s heart. What mechanism will ensure LanguageLoop’s prices remain competitive and provide value for money once an agency is required and given exclusive rights to purchase from it?

Ingrid STITT: That would be subject to the contractual arrangements between LanguageLoop and any government service or entity that was entering into an arrangement with them.

Evan MULHOLLAND: Does the government accept that a government-backed company having first and exclusive rights to provide language translation and interpreting services will have an impact on price?

Ingrid STITT: I take issue with the way you have characterised it, Mr Mulholland, because it will not be an exclusive right, because there will have to be a determination made by the minister in consultation with the minister responsible for whatever part of government we are talking about. Of course LanguageLoop still operates in the market. They do not just provide services for government or the public sector; they work well beyond that.

Evan MULHOLLAND: Does the minister accept that in section 28D ‘first and exclusive’ appears in the legislation? It is written into the legislation.

Ingrid STITT: I do accept that, but I note that the bill also provides for the process that I have just touched on.

David LIMBRICK: What is the current ownership structure of LanguageLoop?

Ingrid STITT: Could you repeat that?

David LIMBRICK: What is the current ownership structure of LanguageLoop?

Ingrid STITT: It is a state-owned body under the State Owned Enterprises Act 1992.

David LIMBRICK: Does the government have the ability to extract dividends from this organisation?

Ingrid STITT: Like other state-owned bodies, it would be subject to consultation between the Treasurer and the board.

David LIMBRICK: For example, if LanguageLoop was highly profitable, as it may well be if the minister issues a direction that all government services have to use LanguageLoop, or even a subset of government services have to use LanguageLoop, then, if they were making lots of profit, the government would consult with the board on whether they could pay a dividend, led by chairman Mikakos. Is that how this would work?

Ingrid STITT: I am not going to reflect on the chair, as you have. What I have said is that, like any other state-owned body, there would be the ability for a dividend to be paid, but the Treasurer would be responsible for managing that with the board of LanguageLoop. But I do want to say that the motivation for these reforms is not anything to do with that. It is about trying to improve the quality and access for our incredibly diverse communities when they are trying to access critical government services such as health, justice or emergency services.

David ETTERS HANK: Minister, referring to clause 10, one of the main functions of Multicultural Victoria will be to provide advice on strategy, including to research and undertake systematic and wideranging consultation with persons and bodies to determine the needs, experiences and priorities of multicultural and multifaith communities and to support community-led initiatives that are consistent with the objectives of Multicultural Victoria. The second-reading speech talks about meaningfully engaging with communities, and this is welcome, as the Lekakis review found that community engagement could be tokenistic. Minister, could you clarify how Multicultural Victoria will work in partnership with multicultural and multifaith communities beyond the advisory committee? And how will this engagement be measured or assessed in terms of its success or improvement over the status quo?

Ingrid STITT: That is a great question, Mr Ettershank, and I am happy to go into it because there is quite a bit in the reporting and accountability elements of the bill. The bill does strengthen accountability for multicultural outcomes in a number of ways, including through a whole-of-government strategic planning and reporting process. The bill requires the Premier to develop a new whole-of-government multicultural strategy, informed by advice from the multicultural coordinator general and community consultation. In addition, government departments will be required to produce a multicultural action and inclusion plan every four years, and these plans will identify actions to increase cultural inclusion of government services and actions to strengthen outcomes for multicultural Victorians through the public service.

There are a couple of steps involved in those plans. The plans must be approved by the multicultural coordinator general and department secretaries will be required to report to the multicultural coordinator general on their progress annually, and the plans must be published once they have been approved. In addition, the multicultural coordinator general will be required to prepare and recommend to the Minister for Multicultural Affairs a state of Multicultural Victoria report for Parliament every year, and that has got to be driven by community consultation. The report will highlight what has worked and what more needs to be done across government in bringing transparency to the operation of Multicultural Victoria, as well as efforts and opportunities to improve community outcomes. There is quite a bit in that, but that was really in response to the key findings of the multicultural review. The new organisation, in order to be fit for purpose into the future, needed to be much more engaged with communities on the ground, and their priorities and their strategic direction should be informed by that deep consultation in the community.

David ETTERS HANK: Minister, clause 13, ‘Multicultural Victoria subject to directions of the Minister’, has the potential to work against efforts to build, I suppose, greater independence for Multicultural Victoria, which I think is a widely shared aspiration. Can you tell us what safeguards there will be to protect Multicultural Victoria’s independence from ministerial direction?

Ingrid STITT: This legislation.

David ETTERS HANK: That was very pithy, very succinct. Could you perhaps indulge me and elaborate a little on this question of independence of the organisation from ministerial direction, because it is not immediately apparent to me how that will in fact be guaranteed. It does seem that that clause does give whoever is the minister at the time significant power.

Ingrid STITT: I think that the advice that it gives back to government will be independent. The bill does enshrine and set out the significant powers of the organisation and the office holders to maintain that critical independence. The bill has been drafted taking into account the very strong feedback in the review about the need for this to be work driven by the organisation and its office holders in consultation with the community, rather than many of the ways that the current legislation is framed, which is that the minister directs the current VMC about what their work plan is for the year. So this is flipping it, almost, and in a lot of the consultation and conversations that we have been having, the strong feedback is that people are very pleased that the office holders in this organisation will have significantly more scope to be truly independent from government.

David ETTERS HANK: I appreciate that elaboration. Minister, I have had a number of people reach out to me, and they are curious about, with regard to the translation services, the use of the expression 'monopoly'. Is it a monopoly?

Ingrid STITT: No.

David ETTERS HANK: Regarding new part 4A, section 24A, 'Multicultural Victoria must establish regional engagement groups', the existing model relies on eight regional advisory councils, and they will now be replaced by a single, centralised multicultural community advisory group. Conditions that safeguard against the dilution of regional voices include the requirement that one deputy coordinator general must be regional and the advisory group must include a regional engagement group, but funding seems to sit outside the bill in a new multicultural capacity-building program, which is a grants program. Could I ask how these regional safeguards will in fact be adequately resourced and monitored if the regional funding commitment is not reflected in the bill but rather in a grants program?

Ingrid STITT: I will come to the grants program in a moment, because I think that is a separate issue. But in relation to the regional advisory councils the experiences of multicultural and multifaith Victorians differ not only across communities and across different backgrounds and faiths and so on but also in different parts of the state. The Victorian multicultural review found that the model for the regional advisory councils was a bit unwieldy, and the feedback received by the reviewers was that there was not a lot of action out of the consultations that were going on with regional communities. We are keen, however, to make sure that there is regional place-based engagement, because that remains a critical part of ensuring that everybody in our multi communities across the state is engaged. The bill takes that deliberate step to ensure the representation and inclusion of regional multicultural communities through a new model of place-based engagement. That model will provide more flexibility and improve the way that multicultural and multifaith communities from all regions across Victoria engage through Multicultural Victoria.

David ETTERS HANK: Minister, could I take you back? I think you were going to come back to the question of the grants program.

Ingrid STITT: The grants program is a separate matter. There are existing government grant programs across multicultural communities for a range of different streams. The bill before us today is about setting out the architecture and the framework for creating Multicultural Victoria. In relation to the regional engagement model, the bill enshrines the requirements for Multicultural Victoria to establish regional engagement groups, and collectively the groups must include representation from all regions in Victoria and include representatives from local or regional agencies. That can also include community organisations or individuals.

David ETTERS HANK: Minister, are you saying that the resourcing to undertake that regional consultation, the place-based approach, will actually be incorporated into the funding of Multicultural Victoria – into its core funding, for want of a better term – rather than being in any way dependent upon the luck of the draw associated with the grants program? Sorry, ‘luck of the draw’ is probably a bit unfair, but I think you know where I am going.

Ingrid STITT: Yes, that is correct. It will be core business of the new entity.

Anasina GRAY-BARBERIO: Minister, the bill recognises inclusion, respect and belonging but does not expressly refer to racism or discrimination. Why has the government chosen not to name racism and discrimination in the principles of multiculturalism?

Ingrid STITT: We do not believe it is appropriate to do so. The principles of the bill are about equality and inclusion. There is other legislation that already exists and other agencies responsible for addressing racism, and there are programs within the department that will continue to address these issues. The bill promotes equality before the law and provides that every person is equal before the law and is entitled to the equal protection of the law, without discrimination. The functions of Multicultural Victoria provide opportunities for Victorians from a very broad range of backgrounds to be heard, promoting equality before the law by ensuring their views are reflected in government decision-making. It is framed in that way. We were talking earlier about how we might strengthen the collection of data around specific examples of racism or vilification that might occur in the community that Multicultural Victoria and its officers might encounter.

Anasina GRAY-BARBERIO: Will Multicultural Victoria publicly identify where a government department is failing to meet the needs of multicultural or multifaith communities?

Ingrid STITT: As I was going through, I think, in answer to Mr Ettershank’s question about the various reporting requirements of Multicultural Victoria, government departments will be required to produce their action plan every four years, and the plans must be approved by the multicultural coordinator general. Department secretaries will be required to report to the multicultural coordinator general on their progress annually, and these plans must be published once they have been approved. That is an independent process driven by the multicultural coordinator general, and if he or she makes findings that are good, bad or anything in between, they will be published.

Anasina GRAY-BARBERIO: What criteria will the minister use when deciding whether a person has the experience and skills needed to represent multicultural and multifaith communities?

Ingrid STITT: The minister will not decide. The department will run any recruitment process independently in accordance with the guidelines that all public sector entities and departments follow. They will make recommendations to the minister, but the minister will not be involved in the recruitment and selection.

Anasina GRAY-BARBERIO: Could you give us some context on why the bill says that the minister must only ‘have regard to the desirability of ... lived experience’ rather than requiring it?

Ingrid STITT: It is not meant to be mandatory; it is meant to be a factor to consider.

David LIMBRICK: Proposed section 12(3) requires Multicultural Victoria to make decisions and provide advice on merit; however, proposed section 14(3) sets the factors the minister must have regard to when appointing the Multicultural Victoria coordinator general but does not contain the factor ‘merit’. Does the government have to consider the merit of an appointment to a position that itself is bound to act on merit?

Ingrid STITT: As I was just explaining in answer to another question, the department will run any recruitment process in accordance with the established guidelines and make a recommendation to the minister of the day.

Evan MULHOLLAND: I have got a few questions. Back on LanguageLoop, why does the bill allow whole entities or classes of entities to be declared when the multicultural review recommended only assigning critical service areas to LanguageLoop?

Ingrid STITT: Obviously there will be areas that will be essential for Victorian multicultural communities, and I think they have been called out already, both in the review and in the government's response. The areas that have consistently been identified are health, justice settings and emergency services and the provision of translated materials and interpreters in those sorts of settings, but it is aligning with the wording in the Public Administration Act 2004.

Evan MULHOLLAND: So would you say the intent of this amendment is for the minister to assign only those critical service areas?

Ingrid STITT: No. However, I note that there is a requirement for the minister to consult with the relevant minister in whatever area is being contemplated. We are not putting forward amendments that restrict it to only those areas that I have identified.

Evan MULHOLLAND: I guess that was kind of my point: it is rather broad, and this is not what the Lekakis review actually recommended. What prevents the declaration power from progressively extending LanguageLoop's exclusive position across most Victorian public sector language services' expenditure?

Ingrid STITT: I would probably say a couple of things in response to that. Critical service areas may not remain static; they may change. At the moment there are some key areas that have been identified, but that may change depending on the circumstances or a changed environment. In relation to what is to stop LanguageLoop taking on significant amounts of work, I would say capacity, and depending on what language group you might be trying to support or what community you might be trying to support through interpreting or translating services, you would have to look at the availability of translators. So there would be a whole bunch of factors that you would have to work through, not least of which is getting the support of the relevant minister when it comes to a particular department or entity.

Evan MULHOLLAND: Why is the exception on whether LanguageLoop is unable to provide a service, rather than whether LanguageLoop can provide the most suitable practitioner at the required quality, timeframe and level of specialist expertise?

Ingrid STITT: Because I do not believe that the contracts would work that way. I also want to just remind everyone – I am sure you have not forgotten – that we have agreed to go through a RIS process and consult, and every part of the sector will have the opportunity to participate in that process.

Evan MULHOLLAND: Did the government add new part 6A to the bill to address the issue of VITS LanguageLoop using a contractor model for interpreters and translators rather than an employee model therefore avoiding award coverage for interpreters and translators?

Ingrid STITT: No.

Evan MULHOLLAND: If the government has recognised it should have been legally engaging interpreters as employees, does the government intend to back pay the interpreters for the years of engagement as contractors?

Ingrid STITT: That is an assertion that you are making about a set of circumstances that are hypothetical. It is outside the scope of the bill that is before the house today.

Evan MULHOLLAND: Does the government believe that VITS LanguageLoop would cease to exist if the minister did not get the power to declare exclusivity for LanguageLoop?

Ingrid STITT: No.

Evan MULHOLLAND: If the government does not see this amendment as being anti-competitive, why has it added new section 28E?

Ingrid STITT: To enable the amendment. But can I also just remind you, Mr Mulholland, that LanguageLoop also do private contracts outside of government.

Evan MULHOLLAND: What would happen to this arrangement in the bill if VITS LanguageLoop was sold to a private operator?

Ingrid STITT: Is that what you are considering should you win government? Mr Mulholland, the government is not about privatising and selling off essential services.

Evan MULHOLLAND: It runs as a private operator.

Ingrid STITT: Yes, and that is why we are bringing the amendments to the house. You are putting a hypothetical to me, but maybe it is something that you have been thinking about and maybe you want to just gauge whether it is something that you might want to do should you have the honour of being elected.

The DEPUTY PRESIDENT: Minister, I do not think you need to interpret.

Evan MULHOLLAND: I just want to ask a couple of questions separately before coming back to LanguageLoop. I want to ask about the Premier's gala dinner. Does the government envisage that Multicultural Victoria will be the organiser of the Premier's annual gala dinner?

Ingrid STITT: That is a matter for them and, as you well know, outside the scope of this bill.

Evan MULHOLLAND: I do not believe it is outside of the scope of the bill. This bill abolishes the Victorian Multicultural Commission and it creates Multicultural Victoria. The Victorian Multicultural Commission for years has been hosting the Premier's gala dinner. I believe it is fair enough to be asking questions about an annual event that is run by one body and whether at least the government envisage it being run by Multicultural Victoria. So would it be run by Multicultural Victoria or perhaps the Department of Premier and Cabinet?

Ingrid STITT: Well, I am not going to presuppose what Multicultural Victoria might decide are their priorities. Frankly, we have just had the multicultural gala dinner, so we have got a whole year to work it out. It will be a matter for Multicultural Victoria.

Evan MULHOLLAND: Yes, and I quite enjoyed this year's multicultural gala dinner. I just want to ask about last year's one, because freedom-of-information documents show 190 tickets were added to the guest list for Labor MPs once the guest list was edited by the Premier's private office. Do you know why that is, and do you envisage that could happen under Multicultural Victoria?

Ingrid STITT: It is outside the scope of the amendments before the house this evening, Mr Mulholland. You have all sorts of other avenues available to you as a member of this place to ask those sorts of questions of ministers. You have got lots of ability to do that. It is not in scope.

Evan MULHOLLAND: I just want to ask another question about the Victorian Multicultural Commission—organised Premier's gala dinner. Obviously the Premier and the Leader of the Opposition both have an opportunity to speak alongside the minister, but I find it quite curious that since the election of the Albanese government the Victorian Multicultural Commission have decided to add Julian Hill, who is the federal assistant minister for multicultural affairs, to the program. Why was this practice of inviting the parliamentary secretary—the same role was held by another Victorian, Jason Wood, under the Morrison government—never done by the Victorian Multicultural Commission prior to the election of the Albanese government?

Ingrid STITT: Mr Mulholland, these are not matters that are in the scope of this bill. The bill before the house is about creating a new entity, Multicultural Victoria. You might want to politicise things and talk about the guest list and the speaking list, and you seem very focused on those things.

But what we are focused on is passing this bill tonight so that multicultural Victorians can have a strong voice through this new organisation.

Evan MULHOLLAND: I find it very curious that when there is an interim chair, who seems to be actually fantastic, all of a sudden the invitation list seems to be a lot more broad. I would put that in that particular case it was obviously political that the government adds that particular MP to the guest list and to the speaking list for no other reason than partisanship.

Ingrid Stitt interjected.

Evan MULHOLLAND: I think it is a valid comment. LanguageLoop stated in its 2023–24 annual report that it had been working hand in hand with government to establish VITS LanguageLoop as an essential service. What precisely was being developed with government at the time before the multicultural review commenced?

Ingrid STITT: Regular engagement with the organisation. Obviously they provide a very important service to not just government departments and agencies but also other organisations that they contract with. I would say that the discussions around reform have been particularly relevant and gathered pace once the government received the multicultural review.

David LIMBRICK: Back to the review itself: prior to doing the review did George Lekakis have any role within LanguageLoop?

Ingrid STITT: I do not believe he did. I am happy to fact-check that with the box. He may have been on the board of that organisation quite a long time ago, but I can check that for you.

Mr George Lekakis, a very respected Victorian of Greek background, was the chair of VITS LanguageLoop from 2014 to 2018. I would also note that he was the longest serving VMC commissioner in the history of the organisation and highly regarded.

David LIMBRICK: Was this formally declared before undertaking the review?

Ingrid STITT: Mr Lekakis's experience and history were well known to the government and to the department.

David LIMBRICK: What conflict management arrangements were put in place during the review to take into account this history with LanguageLoop, which was ultimately recommended under recommendation 21?

Ingrid STITT: There would have been a conflict management plan arranged through the department, as is standard practice in these matters.

Anasina GRAY-BARBERIO: Minister, under the VMC there were the Multifaith Advisory Group and the Multicultural Youth Network. Will any of these advisory groups remain in any capacity under Multicultural Victoria?

Ingrid STITT: I am going to double-check with the box, but my recollection is that these bodies can continue under the new organisation. I am just going to double-check that, if you do not mind.

It is all coming back to me. They are not currently legislated for under the current legislation, and they are not under this proposed bill. They have been fabulous. Both of those groups that have worked within the VMC have been very important, and we would have an expectation that that would continue under Multicultural Victoria, but ultimately it would be a matter for Multicultural Victoria.

Anasina GRAY-BARBERIO: I want to ask also how young people's voices will be represented with Multicultural Victoria. I think, gauging from what you are saying, that Multicultural Victoria will consider it, but I guess it is really up to the coordinator general and the deputies to decide on this. Is that right, Minister?

Ingrid STITT: There is a requirement for there to be a youth rep on the MCAG. I have met the youth advisory group that are under the current VMC, and they are amazing. There will be a strong expectation that that arrangement will continue under the new entity.

Anasina GRAY-BARBERIO: Minister, is there any particular reason why the bill does not include an objective for Multicultural Victoria to prevent and address racism and discrimination, given in the multicultural review report there is a fracturing of social cohesion and there are lots of experiences from consultations pointing towards experiences of racism and discrimination?

Ingrid STITT: Noting that we have reached some accommodation around data and collecting data of incidents, the Victorian Equal Opportunity and Human Rights Commission have a current role in addressing racism complaints, and we did not want to duplicate that under Multicultural Victoria.

Anasina GRAY-BARBERIO: What kind of relationship will Multicultural Victoria have with the Anti-Hate Taskforce moving forward?

Ingrid STITT: A working relationship, I would expect.

Anasina GRAY-BARBERIO: In terms of what they are going to be looking at in regard to the collection of data, will there be exchanges of intel between the two bodies?

Ingrid STITT: There could well be. The current VMC is on the Anti-Hate Taskforce, so we would imagine that if the Anti-Hate Taskforce continues in its current form, there would be a role for Multicultural Victoria. But again, we do not want to predetermine what Multicultural Victoria might determine are their priorities in terms of their work plan.

Anasina GRAY-BARBERIO: I just want to ask a question around action and inclusion plans. How will these multicultural action and inclusion plans be different from the existing departmental multicultural plans?

Ingrid STITT: There will be accountability built in. Government departments will be required to produce their inclusion plans every four years. I guess the key difference is that those plans must be approved by the multicultural coordinator general, and department secretaries will be required to report to the multicultural coordinator general on their progress annually. And as we were discussing earlier, they will need to be published once they have been approved. So there is that additional transparency and also accountability built into the bill.

David ETTERS HANK: Minister, the multicultural coordinator general has strengthened powers in relation to whole-of-government planning and accountability. Could you just explain what that is meant to mean in practice? Perhaps give us some examples.

Ingrid STITT: I just gave one in respect to holding government departments to account against their four-yearly plans. In terms of the role of the multicultural coordinator general, it will be an influential role. Aside from providing that independent voice to government, the individual needs to be a conduit between multicultural and multifaith communities and the government. One of the key responsibilities of the coordinator general will be to lead systemic and wideranging consultation and advice on whole-of-government multicultural strategies as well. So it is quite a broad remit with quite a responsibility, if you like, to make sure that the work of Multicultural Victoria really reflects and drives that change and those priorities for multicultural Victorians.

David ETTERS HANK: Sorry, I did step out for a minute there; I might have missed that question before. A last question from me for this part: in terms of the multicultural affairs outcomes framework, it says it will be renewed and redeveloped to strengthen outcome measurement and service access. How will that actually occur?

Ingrid STITT: Through engaging deeply with communities, and that work will be driven by the coordinator general.

David LIMBRICK: Going back to the multicultural review itself, the report contains biographies of the advisory group led by Mr Lekakis, and his biography omits to mention the fact that he was previously a chair of LanguageLoop. Why was this omitted from the biography?

Ingrid STITT: We did not write that biography that was included in the report. The chair and also each of the advisory group provided their biographies.

David LIMBRICK: I thank the minister for that interesting answer. Was this fact disclosed anywhere in the report?

Ingrid STITT: I point you to the report and what is included in the report and the important recommendations contained within it.

Evan MULHOLLAND: Can I ask which private language service providers, unions and industry bodies were specifically consulted about the proposal to make LanguageLoop the default provider before the bill was introduced?

Ingrid STITT: The bill was drafted based on the review recommendations, and I think in recognition of the feedback and conversations that we have been having with a number of members, we have committed to a RIS process so that there can be more extensive consultation with the sector.

Evan MULHOLLAND: Has the government assessed the risk that interpreters and translators may effectively have to work through LanguageLoop to retain access to government work, reducing their choice of provider and bargaining power?

Ingrid STITT: I think we have gone to these issues in some detail already, and I have on a number of occasions now outlined the process that would need to be undertaken in order for LanguageLoop to be awarded government work. It is not envisaged that LanguageLoop would undertake all government work. That would be impractical in the extreme, given the large volumes of work that might be required right across government.

Evan MULHOLLAND: What assessments have been made or what briefing has the government received about the risk that highly experienced practitioners who do not wish to work through LanguageLoop or in a permanent role at LanguageLoop may leave Victorian government work or the profession?

Ingrid STITT: The priority for the government is to make sure that high-quality translating and interpreting services are available in key areas of government services for multicultural Victorians.

Evan MULHOLLAND: Will LanguageLoop be permitted to subcontract compulsory work to competing private providers, and if so, why should government agencies be prevented from contracting directly with those providers?

Ingrid STITT: I do not accept your characterisation of compulsory work.

Evan MULHOLLAND: I am going to leave it there on LanguageLoop, only to say that I am not convinced of the government's intention here with this ministerial direction. I will be supporting an amendment in regard to removing LanguageLoop, as will the Liberals and Nationals, and I can commit to Victorians that should the Liberals and Nationals be elected, we have no intention of using this ministerial direction.

Will the minister be able to provide a briefing to the opposition or interested parties on the shortlist of candidates for multicultural coordinator general or deputies?

Ingrid STITT: My understanding is that you have already been offered that. Just one moment, please.

I am advised that the minister's office would be happy to provide that briefing.

The ACTING PRESIDENT (Gaelle Broad): If there are no further questions on clause 1, the minister will move her amendments 1 and 2.

Ingrid STITT: I move:

1. Clause 1, line 5, after “Multicultural” insert “and Multifaith”.
2. Clause 1, line 8, after “Multicultural” insert “and Multifaith”.

The government is moving house amendments that reflect further consultation and conversations with members of the chamber. These amendments will add ‘Multifaith’ to the title of the entity and to the bill, which reflects the government’s commitment to recognising the importance of faith in our multicultural communities.

Evan MULHOLLAND: The Liberals and Nationals will be supporting this amendment. We are very pleased that the government has taken up our suggestion in terms of adding ‘Multifaith’. Many communities will say – and it is something that we truly believe – that culture cannot be separated from faith and faith cannot be separated from culture. For many communities they are one and the same, and this is an important acknowledgement of that. I very much enjoyed Mr Ettershank taking us back down memory lane about the Lord’s Prayer debate in this Parliament. He actually went back to *Hansard* and acknowledged that it was an election commitment from this government, which is interesting because I had the members for Broadmeadows and Greenvale and the former Premier state to religious leaders that it was just a line and it was never committed to. It was good that you were able to find that and to acknowledge and bring up that it was actually something the government was planning on doing before a lot of communities, particularly in the northern suburbs, were quite upset about that intention.

Hopefully renaming this body to include faith communities also shapes their intention and focus and means that when government do decide to do things that faith communities do not like, they might think to maybe commission Multicultural and Multifaith Victoria to do some work, some research or some consultation before jumping into policy positions that are in conflict with those particular communities. I thank the government for their conversations regarding this amendment, and it is something the Liberals and National support.

David ETTERS HANK: Legalise Cannabis Victoria will be supporting this amendment. We thank the Liberal Party for bringing this forward and the government for taking it on board and reflecting that in these amendments. Just going back to the Lord’s Prayer and so that I am not seen as verballing Minister Symes, her commitment was to workshopping the issue rather than actually changing it. And don’t we all love a good workshop? Be that as it may, we thank the government for this amendment.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment. It makes sense in the contemporary era that we are in.

Amendments agreed to.

David LIMBRICK: I move:

1. Clause 1, page 2, lines 5 to 7, omit all words and expressions on these lines.

Effectively this amendment removes the ability for the minister to require certain public sector entities to use a particular language interpreting and translating service – that is, VITS LanguageLoop. We have gone through this fairly well in committee. I think that it is unfortunate that the government wants to set up this potential soft monopoly which will affect many contractors within the multicultural community, ironically, who rely on this for work. I think that this is unnecessary, and if government departments want to use LanguageLoop regardless, they can still do so. This does not take away that ability. It just removes the ability for the minister to force them to do that.

David ETTERS HANK: I do feel that perhaps the comments from Mr Limbrick are stretching things a little as to what the practical application will be. I do note that whilst there are some wonderful

translators that work across the sector, it is highly desirable that the professionalism, the security of employment and the tenure of employees be enhanced. I think this is a very welcome initiative, and we will be opposing the amendment.

Anasina GRAY-BARBERIO: The Greens will be opposing this amendment. I think the government's commitment to undertaking RIS will really allow for a comprehensive engagement of all stakeholders in the sector – private, individual, whoever is engaged in the sector. This will allow them an opportunity to engage meaningfully with the government, so we will not be supporting this amendment.

Moira DEEMING: I rise to support this amendment. I think it is just another classic Labor big government move. I think it looks very much like a pyramid scheme where there are just a funnelled amount of state government contracts to Jenny Mikakos. It just does not look good. It is not above board, and I am going to go against it.

Evan MULHOLLAND: As I mentioned, the Liberals and Nationals will be supporting this amendment. The government would probably acknowledge, astoundingly, that there has been no consultation with the workers affected or with any of the peak bodies that are affected by this amendment at all. What is contained in this amendment is not what was in the multicultural review. For a government to insert a ministerial direction into a bill with such vast powers obviously means they want to use it.

I do not think the government has truly considered the amount of jobs that will be decimated, but it also has not considered the employment model that is most preferred by the workers. We have all received hundreds of emails over the last week from people who work as contractors for interpreting services and translation services. Almost all of them work as contractors because that is the preferred employment model. Is VITS LanguageLoop going to be able to respond at a hospital bed at 11 pm at night? These are the people who do the work for our community. They are all working for multiple different service providers, by the way, and many of them do not have a good opinion of VITS LanguageLoop, and I do not trust this government to get this right.

Mr Limbrick made a good point about the ability to draw dividends. It does seem to me that the government is going to use VITS LanguageLoop to funnel all government language and interpreting services through LanguageLoop – because why would you have a ministerial direction like this, as broad as it is, if that is what you were not planning on doing – and then take dividends when it eventually makes a profit because it has decimated the rest of the market. I think it is bitterly disappointing. The fact that many of the peak bodies and people affected were not consulted is outrageous. I am disappointed in some of my crossbench colleagues who I thought may support the amendment. Yes, it is welcome that there is a RIS process, but the ministerial direction is the ministerial direction. With a ministerial direction, the minister can just do it. It is not like you have put a regulatory impact statement process in the legislation. The minister can direct, at any point in time, all government departments at once, and that technically does not need to go through a RIS process. I hope people reflect on the consequences if and when this does happen, but it certainly is not a ministerial direction that will be used under a Liberals and Nationals government, respecting the workers who work in this sector. We wholeheartedly support Mr Limbrick's amendment.

Ingrid STITT: The government will not be supporting Mr Limbrick's amendment. The review finds that language services are essential for Victoria's multicultural communities, especially in those critical government settings such as health, policing, courts, justice and emergency services. The bill addresses these issues, and translators and interpreting services are being embedded in the bill as an essential service. The multicultural review found issues with the manner and quality of how language services were procured, and the bill seeks to address those issues and, I might say, correct a distortion that was created way back in the Kennett era.

The DEPUTY PRESIDENT: The question is that Mr Limbrick's amendment 1, which tests all his remaining amendments, be agreed to.

Council divided on amendment:

Ayes (15): Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Moira Deeming, 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, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, 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, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Amended clause agreed to; clauses 2 and 3 agreed to.

Division heading preceding clause 4 and clause 4 (20:53)

Ingrid STITT: I move:

3. Division heading preceding clause 4, after "**Multicultural**" insert "**and Multiffaith**".
5. Clause 4, line 17, after "Multicultural" insert "and Multiffaith".

This is just a consequential amendment to add 'Multiffaith' to the division heading and clause 4.

Amendments agreed to; amended division heading and clause agreed to.

Clause 5 (20:54)

Ingrid STITT: I move:

6. Clause 5, page 4, line 22, after "**Multicultural**" insert "**and Multiffaith**".
7. Clause 5, page 4, lines 25 and 26, omit all words and expressions on these lines and insert –

"Multicultural and Multiffaith Victoria means Multicultural and Multiffaith Victoria established by section 6;".

Amendments agreed to.

The DEPUTY PRESIDENT: Ms Gray-Barberio, I invite you to move your amendments 1 and 2, which test your amendments 3 and 6.

Anasina GRAY-BARBERIO: I withdraw these amendments.

Amended clause agreed to.

Clause 6 (20:55)

Moira DEEMING: I move:

1. Clause 6, lines 29 to 33, page 6, lines 1 to 33 and page 7, lines 1 to 10, omit all words and expressions on these lines and insert –

‘(1) In section 4(2) of the Principal Act **omit** “and values the richness that such diversity brings to the Victorian community”.

(2) For section 4(3) of the Principal Act **substitute** –

“(3) The Parliament supports the rights and responsibilities of citizenship to which subsection (1) refers by recognising the following principles –

(a) all persons are equal before the law and are entitled to the equal protection of the law without discrimination or preference on the ground of race, culture, religion, ethnicity or national origin;

- (b) a public authority must treat all persons equally and must not prefer, advantage or disadvantage any person or group on the ground of race, culture, religion, ethnicity or national origin;
 - (c) all individuals in Victoria are entitled to mutual respect and understanding regardless of their background;
 - (d) all individuals in Victoria have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made;
 - (e) all individuals in Victoria should be united in a shared commitment to Australia and to community service.”.
- (3) Section 4(4) of the Principal Act is **repealed**.
- (4) In section 4(5) of the Principal Act **omit** “of multiculturalism”.’.

My amendment rewrites section 4 so that the principles of this bill say what they should have said from the beginning: all persons are equal before the law and entitled to equal protection without discrimination or preference on the grounds of race, culture, religion, ethnicity or national origin, and a public authority must not prefer, advantage or disadvantage any person or group on those grounds.

Evan MULHOLLAND: The Liberals and Nationals, regardless of our position on the flavour of the amendment, did not receive the amendment in the appropriate time to go through our internal processes, so unfortunately the Liberals and Nationals will not be supporting this amendment.

Anasina GRAY-BARBERIO: The Greens will not be supporting this amendment.

David LIMBRICK: The Libertarian Party will be supporting this amendment. I see this as a basic statement of equality under law, which is a principle that we adhere to.

Ingrid STITT: The government will not be supporting this amendment. This amendment would delete recognition of First Peoples as original custodians straight out of the bill's principles. It would cut the principle that interpreting and translating access is essential. It would replace ‘richness of diversity’ with ‘no preference’, which undercuts the whole purpose of targeted multicultural programs, and it would gut the bill's inclusion principle on mutual respect and belonging, replacing it with a narrower, colder formulation. We will not be supporting the amendment.

David ETTERS HANK: To suggest that this is an egalitarian society where everyone is equal and that anything which seeks to address disadvantage is somehow racism is, if I may say, drug addled, and I know a lot about drugs. We will be opposing the amendment.

Council divided on amendment:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (34): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to.

Clause 7 (21:01)

Ingrid STITT: I move:

8. Clause 7, line 14, after “**Multicultural**” insert “**and Multifaith**”.

Amendment agreed to; amended clause agreed to.

Clause 8 (21:02)

Ingrid STITT: I move:

9. Clause 8, line 17, after “**Multicultural**” insert “**and Multifaith**”.
10. Clause 8, line 18, after “Multicultural” insert “and Multifaith”.
11. Clause 8, line 19, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.**Clause 9 (21:02)**

Ingrid STITT: I move:

12. Clause 9, line 26, after “**Multicultural**” insert “**and Multifaith**”.
13. Clause 9, line 27, after “Multicultural” insert “and Multifaith”.

Amendments agreed to.

Evan MULHOLLAND: I move:

1. Clause 9, page 8, lines 11 to 14, omit “self-determination and the advancement of Statewide Treaty-making between First Peoples in Victoria and the State; and” and insert “self-determination; and”.

This amendment is simply to remove the words ‘Treaty-making’ from Multicultural Victoria. We have kept in ‘self-determination’. We have moved this on other bills as well. We believe it blurs the line of Multicultural Victoria and it blurs the focus of Multicultural Victoria. Of course our position is to repeal the treaty, so this amendment will possibly save us in the future from having to amend another bill. That is a commitment that we have to carry out within our first 100 days should we have the honour of being elected by the Victorian people. So removing ‘Treaty-making’ from –

Members interjecting.

The DEPUTY PRESIDENT: Order! I cannot hear Mr Mulholland. Can we please have some quiet.

Evan MULHOLLAND: The amendment would remove ‘Treaty-making’ from an objective of Multicultural and Multifaith Victoria.

Anasina GRAY-BARBERIO: As I said in my speech, as a proud member of the multicultural community, and as you are too, Mr Mulholland, we cannot talk about belonging and inclusion without respecting Indigenous people and their rights to self-determination and their enduring connection to country and culture. You want to talk about blurring the lines – this is not blurring the lines. This bill strengthens the lines, and we are more than happy to oppose this amendment.

David ETTERS HANK: We will also be opposing this amendment. Mr Mulholland, you are really generous in giving me career advice. Can I just say you are never going to be more One Nation than One Nation. They are the ones that are going to cut your lunch, not the Greens, as you were suggesting yesterday. We have a treaty. We are proud of that treaty, we are proud to see that in this legislation and we will be opposing this amendment.

Ingrid STITT: The government does not support Mr Mulholland’s amendment to remove references to the advancement of Statewide Treaty making as an objective of Multicultural Victoria. In carrying out its functions for our multicultural and multifaith communities it is appropriate that Multicultural Victoria acknowledges not only First Peoples’ rights to self-determination but also the advancement of Statewide Treaty making between First Peoples in Victoria and the state. This enshrines an expectation that Multicultural Victoria will stay abreast of matters relating to First Peoples’ self-determination and the advancement of Statewide Treaty making in Victoria, act in a way that acknowledges self-determination and act in a way that is not inconsistent with treaty. We will not be supporting Mr Mulholland’s amendment.

Council divided on amendment:

Ayes (15): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, 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, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.**Amended clause agreed to.****Clause 10 (21:13)**

Ingrid STITT: I move:

14. Clause 10, line 9, after “**Multicultural**” insert “**and Multifaith**”.
15. Clause 10, line 10, after “Multicultural” insert “and Multifaith”.
16. Clause 10, line 12, after “Multicultural” insert “and Multifaith”.
17. Clause 10, line 28, after “Multicultural” insert “and Multifaith”.
18. Clause 10, page 10, line 8, after “Multicultural” insert “and Multifaith”.
19. Clause 10, page 10, line 20, after “Multicultural” insert “and Multifaith”.
20. Clause 10, page 10, line 23, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.**Clause 11 (21:13)**

Ingrid STITT: I move:

21. Clause 11, line 9, after “**Multicultural**” insert “**and Multifaith**”.
22. Clause 11, line 12, after “**Multicultural**” insert “**and Multifaith**”.
23. Clause 11, line 15, after “Multicultural” insert “and Multifaith”.
24. Clause 11, line 21, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.**Clause 12 (21:14)**

Ingrid STITT: I move:

25. Clause 12, line 22, after “**Multicultural**” insert “**and Multifaith**”.
26. Clause 12, line 25, after “**Multicultural**” insert “**and Multifaith**”.
27. Clause 12, line 28, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.**Clause 13 (21:14)**

Ingrid STITT: I move:

28. Clause 13, line 29, after “**Multicultural**” insert “**and Multifaith**”.
29. Clause 13, line 33, after “**Multicultural**” insert “**and Multifaith**”.
30. Clause 13, page 12, line 3, after “Multicultural” insert “and Multifaith”.
31. Clause 13, page 12, line 7, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.

Clause 14 (21:15)**Ingrid STITT:** I move:

32. Clause 14, line 11, after “**Multicultural**” insert “**and Multifaith**”.
33. Clause 14, line 20, after “Multicultural” insert “and Multifaith”.
34. Clause 14, page 13, line 9, after “Multicultural” insert “and Multifaith”.
35. Clause 14, page 16, line 24, after “**Multicultural**” insert “**and Multifaith**”.
36. Clause 14, page 16, line 29, after “Multicultural” insert “and Multifaith”.
37. Clause 14, page 17, line 15, after “Multicultural” insert “and Multifaith”.
38. Clause 14, page 17, line 23, after “Multicultural” insert “and Multifaith”.

Amendments agreed to.**Evan MULHOLLAND:** I move:

1. Clause 14, page 14, before line 1 insert –
“(2A) The Minister must not recommend a person for appointment as the Multicultural Coordinator General if that person held a position or office referred to in subsection (2)(a) to (e) in the previous 12 months.”.
2. Clause 14, page 15, after line 21 insert –
“(3A) The Minister must not recommend a person for appointment as a Deputy Multicultural Coordinator General if that person held a position or office referred to in subsection (3)(a) to (e) in the previous 12 months.”.

I am happy to speak about this. I did speak about it in the second-reading debate, but I understand that not everyone in the chamber was here for that. The bill currently provides a range of professions that you are precluded from holding at the same time as being appointed as a multicultural coordinator general or to a deputy position, those being a councillor, electorate officer or a ministerial staffer. Mr Davis was actually right in his speech on the second reading to point out what happened with Brimbank council and the Labor Party with the preclusion of rules. It was fair enough that he pointed that out. Some of them are still in this Parliament. But I would say, after consultation with a wide variety of stakeholders and legal advice, the government drafted this in such a way that someone could resign from one of those positions, from being a ministerial chief of staff, and walk straight into this four-year appointment. After speaking with quite a few stakeholders, all agreed that a cooling-off period of 12 months would be appropriate. It is a good integrity measure in the bill, and that is the amendment that I have moved.

David ETTERSHANK: After watching *Four Corners* on Monday night and after our lively discussion yesterday in the context of perceptions, I think that if there is an issue with this clause, this amendment clarifies it usefully. I thank Mr Mulholland for bringing it to the chamber, and we will be supporting it.

Ingrid STITT: The hero of every story: Mr Mulholland. The government will be supporting your amendment but rejecting all of that kind of fantasy that came with your explanation. A person being appointed as multicultural coordinator general or deputy multicultural coordinator general, if they have held a position as a Victorian member of Parliament, councillor, electorate officer, ministerial officer or parliamentary adviser in the past 12 months – the bill already contains safeguards to ensure a person is not appointed who currently holds one of these positions, and this amendment simply extends that safeguard to a previous 12 months. On that basis we are happy to support it.

Anasina GRAY-BARBERIO: The Greens will support Mr Mulholland’s amendment, in the spirit of fairness.

Amendments agreed to; amended clause agreed to; clauses 15 and 16 agreed to.**Sitting suspended 9:19 pm until 9:22 pm.**

Clause 17 (21:22)

Ingrid STITT: I move:

39. Clause 17, page 18, line 13, after “Multicultural” insert “and Multifaith”.
40. Clause 17, page 19, line 15, after “Multicultural” insert “and Multifaith”.
41. Clause 17, page 19, line 17, after “Multicultural” insert “and Multifaith”.
42. Clause 17, page 19, line 21, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.

Clause 18 (21:23)

Ingrid STITT: I move:

43. Clause 18, line 7, after “**Multicultural**” insert “**and Multifaith**”.
44. Clause 18, line 9, after “Multicultural” insert “and Multifaith”.
45. Clause 18, line 11, after “Multicultural” insert “and Multifaith”.
46. Clause 18, page 22, line 12, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.

Clause 19 (21:23)

Ingrid STITT: I move:

47. Clause 19, line 22, after “**Multicultural**” insert “**and Multifaith**”.

Amendment agreed to; amended clause agreed to.

Clause 20 (21:23)

Ingrid STITT: I move:

48. Clause 20, line 25, after “**Multicultural**” insert “**and Multifaith**”.
49. Clause 20, line 27, after “Multicultural” insert “and Multifaith”.
50. Clause 20, line 29, after “Multicultural” insert “and Multifaith”.
51. Clause 20, page 23, line 1, after “Multicultural” insert “and Multifaith”.
52. Clause 20, page 23, line 9, after “Multicultural” insert “and Multifaith”.
53. Clause 20, page 23, line 13, after “Multicultural” insert “and Multifaith”.
54. Clause 20, page 23, line 14, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to.

Clause 21 (21:24)

Ingrid STITT: I move:

55. Clause 21, line 18, after “**Multicultural**” insert “**and Multifaith**”.
56. Clause 21, line 21, after “Multicultural” insert “and Multifaith”.
57. Clause 21, line 27, after “Multicultural” insert “and Multifaith”.
58. Clause 21, line 29, after “Multicultural” insert “and Multifaith”.
59. Clause 21, line 32, after “**Multicultural**” insert “**and Multifaith**”.
60. Clause 21, page 24, line 5, after “Multicultural” insert “and Multifaith”.
61. Clause 21, page 24, line 9, after “Multicultural” insert “and Multifaith”.
62. Clause 21, page 24, line 13, after “Multicultural” insert “and Multifaith”.
63. Clause 21, page 24, line 17, after “Multicultural” insert “and Multifaith”.
64. Clause 21, page 24, line 26, after “Multicultural” insert “and Multifaith”.

- 65. Clause 21, page 24, line 29, after “Multicultural” insert “and Multifaith”.
- 66. Clause 21, page 25, line 1, after “Multicultural” insert “and Multifaith”.
- 67. Clause 21, page 25, line 3, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to; clause 22 agreed to.

Clause 23 (21:24)

Ingrid STITT: I move:

- 68. Clause 23, line 23, after “**Multicultural**” insert “**and Multifaith**”.
- 69. Clause 23, line 24, after “**Multicultural**” insert “**and Multifaith**”.
- 70. Clause 23, line 26, after “Multicultural” insert “and Multifaith”.
- 71. Clause 23, line 30, after “Multicultural” insert “and Multifaith”.
- 72. Clause 23, page 26, line 23, after “Multicultural” insert “and Multifaith”.
- 73. Clause 23, page 26, line 26, after “Multicultural” insert “and Multifaith”.
- 74. Clause 23, page 26, line 29, after “Multicultural” insert “and Multifaith”.
- 75. Clause 23, page 26, line 31, after “Multicultural” insert “and Multifaith”.
- 76. Clause 23, page 28, line 5, after “Multicultural” insert “and Multifaith”.
- 77. Clause 23, page 29, line 6, after “Multicultural” insert “and Multifaith”.
- 78. Clause 23, page 30, line 27, after “Multicultural” insert “and Multifaith”.
- 79. Clause 23, page 31, line 7, after “Multicultural” insert “and Multifaith”.
- 80. Clause 23, page 32, line 5, after “Multicultural” insert “and Multifaith”.

Amendments agreed to; amended clause agreed to; clauses 24 to 26 agreed to.

Clause 27 (21:25)

Ingrid STITT: I move:

- 81. Clause 27, line 23, after “**Multicultural**” insert “**and Multifaith**”.

Amendment agreed to; amended clause agreed to.

Clause 28 (21:25)

Ingrid STITT: I move:

- 82. Clause 28, line 7, after “**Multicultural**” insert “**and Multifaith**”.

Amendment agreed to; amended clause agreed to; clause 29 agreed to.

New clause (21:26)

Anasina GRAY-BARBERIO: I move:

- 7. Insert the following New Clause before clause 30 –

‘29A New section 29AA

Before section 29 of the Principal Act **insert** –

“29AA Cabinet submissions to include assessments of potential impacts on multicultural affairs and inclusion, and social cohesion

- (1) This section applies if a Minister makes a submission to the Cabinet, or a committee of the Cabinet, that recommends that the Cabinet makes a decision or endorses a decision of the committee of the Cabinet, that, if implemented, may have an impact on multicultural affairs and inclusion and social cohesion in Victoria.
- (2) The submission must include an assessment of the potential impacts on multicultural affairs and inclusion and social cohesion in Victoria.”.

This amendment gives effect to recommendation 1(d) of Victoria's multicultural review by requiring all cabinet submissions to include an assessment of their potential impacts on multicultural affairs, inclusion and social cohesion. This is about making sure these impacts are not an afterthought and that they should be routinely and systematically considered before government decisions are made so that cabinet can properly understand how proposed policies and programs may affect multicultural and multifaith communities.

Ingrid STITT: The government does not support this proposed amendment to legislate requirements in relation to cabinet submissions. Under the Westminster system of government cabinet processes are matters of convention and not legislation. Cabinet processes and procedures are a matter for the government of the day, and our government has already committed to implementing recommendation 1(d) from Victoria's multicultural review through an update to the cabinet submission template used by all portfolios when preparing cabinet submissions.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting this amendment. I agree with Minister Stitt about the Westminster process; I do not think this is something that needs to be legislated. While I think it has the good intention of ministers thinking about it when putting submissions to the cabinet, it goes about it the wrong way in regard to adding extra requirements for each and every policy area. The Liberals and Nationals will not be supporting this amendment.

Council divided on new clause:

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

Noes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

New clause negatived.

Clause 30 agreed to.

Clause 31 (21:34)

Ingrid STITT: I move:

83. Clause 31, line 14, after "Amendment" insert "(Multicultural and Multifait Victoria)".
84. Clause 31, line 18, after "Amendment" insert "(Multicultural and Multifait Victoria)".
85. Clause 31, page 39, line 5, after "Multicultural" insert "and Multifait".
86. Clause 31, page 39, line 11, after "Multicultural" insert "and Multifait".
87. Clause 31, page 39, line 26, after "Multicultural" insert "and Multifait".

Amendments agreed to.

The DEPUTY PRESIDENT: Mr Mulholland, can you move your amendments 3 and 4, please.

Evan MULHOLLAND: I seek leave to withdraw these amendments after conversations with the government. Although I still support the intent of these amendments and the reason behind them, I do not think it is appropriate for the government, on the eve of caretaker, to appoint anyone to a four-year term. The disgraceful Allan government set up its own process through the Department of Premier and Cabinet to hire for four-year positions before the legislation had even hit the lower house. We do not approve of the way that was done. I did speak to the government. They said, 'This would cost money anyway to hire new people.' I potentially think termination costs would be probably higher than just rolling someone over, even if you have to advertise again. I do support the intent of the

amendments, but after discussions with the government and a bit of give and take with the government, I will happily withdraw them.

Amended clause agreed to.

Clause 32 (21:36)

Ingrid STITT: I move:

88. Clause 32, line 7, after “Multicultural” insert “and Multifaith”.

Amendment agreed to; amended clause agreed to; clause 33 agreed to.

Long title (21:36)

Ingrid STITT: I move:

89. Long title, omit “Victoria,” and insert “and Multifaith Victoria.”

Amendment agreed to; amended long title agreed to.

Short title (21:37)

Ingrid STITT: I move:

90. Short title, after “Amendment” insert “(Multicultural and Multifaith Victoria)”.

Amendment agreed to; amended short title agreed to.

Reported to house with amendments, including amended long and short titles.

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (21:38): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (21:38): I move:

That the bill be now read a third time and do pass.

Bells rung.

David Davis: On a point of order, President, I may be mistaken, but someone over in the box appeared to be taking photos. I am not sure if that is right, but if it is right, that is problematic.

The PRESIDENT: I have checked with them. His phone was dead.

Council divided on motion:

Ayes (34): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Noes (3): Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

Associations Incorporation Reform Amendment Bill 2026

Introduction and first reading

The PRESIDENT (21:45): 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 **Associations Incorporation Reform Act 2012** and for other purposes.’

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:45): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:45): 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 Associations Incorporation Reform Amendment Bill 2026 (the Bill).

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

Overview

The purpose of the Bill is to strengthen the regulation of incorporated associations under the *Associations Incorporation Reform Act 2012* (AIRA) to ensure that the benefits of incorporation are only available to groups that reflect the intent of the AIRA.

The Bill introduces reforms to provide powers to the Registrar of Incorporated Associations (the Registrar) to exclude associations and registrable bodies that have been declared as prohibited hate groups and listed terrorist organisations from registration under the AIRA, as well as provide the Registrar with a discretionary power to exclude groups from registration under the AIRA where registration is not in the public interest. The purpose of these reforms is to prevent groups whose purposes or activities are fundamentally inconsistent with the maintenance and promotion of community safety, social cohesion and the public interest from benefiting through incorporation under the AIRA.

The Bill also introduces reforms to exclude associations and registrable bodies with an industrial relations purpose from registration under the AIRA. The purpose of these reforms is to ensure that groups with industrial purposes are regulated under more appropriate existing schemes for the regulation of industrial bodies, such as the Fair Work Act 2009 and Fair Work (Registered Organisations) Act 2009 (FWRO Act).

The Bill will amend the AIRA to:

- prevent prohibited hate groups and listed terrorist organisations from registering as incorporated associations by requiring the Registrar to refuse an application for registration
- remove prohibited hate groups and listed terrorist organisations from the register of incorporated associations by requiring the Registrar to direct the association to wind up

- prevent groups from registering as incorporated associations where in the Registrar's opinion, circumstances exist which, in the public interest, justify the decision to refuse an applicant for registration. In making these decisions, the Registrar must have regard to the association's purpose or conduct and the effect or likely effect of the purpose or conduct on the public and whether the effect or likely effect on any person or group of persons is because of a protected attribute under section 102B of the *Equal Opportunity Act 2010* (EO Act)
- provide that in making a decision to wind up an incorporated association on the basis of the public interest, the Registrar must have regard to the association's purpose or conduct and the effect or likely effect of the purpose or conduct on the public and whether the effect or likely effect on any person or groups of persons is because of a protected attribute under section 102B of the EO Act
- prevent groups with an industrial relations purpose from registering as incorporated associations by requiring the Registrar to refuse an application for registration
- remove groups registered as an incorporated association with an industrial relations purpose from the register by requiring the Registrar to direct the association to wind up unless they are exempt, fall within the meaning of a 'transferring association' for the purposes of the Bill or alter the purposes in their Rules to omit any industrial relations purpose
- enable the Registrar to request information concerning the purposes or conduct of an applicant or incorporated association to support these decisions.

Human Rights Issues

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

- Recognition and equality before the law (section 8)
- Reputation (section 13)
- Freedom of expression (section 15)
- Right to peaceful assembly and freedom of association (section 16)
- Cultural rights (section 19)

Recognition and equality before the law (Section 8)

Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. Section 8(3) of the Charter provides that every person is equal before the law, is entitled to the equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination.

Discrimination under the Charter means discrimination within the meaning of the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute set out in section 6 of that Act (including, for example, age, sex or disability). Discrimination can either be direct or indirect. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Hate group reform

Clauses 6 and 9 of the Bill promote the right to recognition and equality before the law by amending section 7(2) and 13(2) of the AIRA to require the Registrar to refuse an application to incorporate a body if that association is a listed terrorist organisation or prohibited hate group specified by regulations made under the Commonwealth Criminal Code. The purpose of clauses 6 and 9 is to prevent groups which have been declared as unlawful by the Commonwealth government, and whose purposes and activities are contrary to community safety, social cohesion, and the public interest, from accessing the benefits of incorporation under the AIRA. Clause 11 of the Bill also promotes the right to recognition and equality before the law by introducing section 127(2B) into the AIRA to require the Registrar to wind up an incorporated association by certificate if the Registrar certifies that the association is a prohibited hate group or a listed terrorist organisation. This clause has the same purpose as clauses 6 and 9, but applies this purpose by empowering the Registrar to remove such groups which are already accessing the benefits of incorporation under the AIRA.

By removing the ability for groups with a hateful purpose to have access to the legal and financial benefits of being registered as an incorporated association under the AIRA as well as the social licence that can be created by the decision to register a body, the Bill promotes the right by taking steps to diminish or eliminate conditions that may result in groups of people suffering disadvantage. The Bill aims to help protect groups of people with a protected attribute under section 102B of the EO Act from disadvantage by ensuring that groups

with a hateful purpose cannot promote their views or discriminate against those persons by using the legal and financial benefits provided by incorporation under the AIRA.

Clauses 6 and 9 of the Bill may engage the right to recognition and equality before the law by amending sections 7 and 13 of the AIRA to require the Registrar to refuse to register a proposed association or registrable body on the grounds that it is a prohibited hate group or listed terrorist organisation, as defined by clause 4 of the Bill. Clause 11 of the Bill may also engage the right by inserting section 127(2B) into the AIRA to require the Registrar to wind up an association which is a prohibited hate group or a listed terrorist organisation. The refusal to register or the winding up of a prohibited hate group or listed terrorist organisation may engage the right because the decision of the Registrar may affect an individual's ability to practice their religious or political beliefs under a recognised collective association and therefore draw distinctions between peoples based on attributes listed in section 6 of the EO Act.

I am of the view that clauses 6, 9 and 11 of the Bill do not limit the right to recognition and equality before the law because they do not limit an individual's ability to practice their religious or political beliefs and membership of prohibited hate groups and listed terrorist organisations is unlawful under the Criminal Code. The Bill is not directed at preventing Victorians from enjoying religious practices or political belief or activity, but rather seeks to prevent groups with a hate purpose from obtaining the legal and financial benefits of incorporation under the AIRA.

Industrial relations reform

Clauses 6, 9 and 11 of the Bill may engage the right to recognition and equality before the law by amending sections 7(2) and 13(2) and inserting section 127(2B) into the AIRA to provide that the Registrar must refuse to register groups with an industrial relations purpose as incorporated associations or, if they are already registered, direct them to wind up.

By excluding associations with an industrial relations purpose from becoming, or remaining, registered under the AIRA, clauses 6, 9 and 11 may engage section 8(2) of the Charter by impacting an individual's ability to engage in industrial relations activity through membership of an industrial association. Industrial relations activity, including forming or joining an industrial association, is a protected attribute on the basis of which discrimination is prohibited by the EO Act. The effects of impacting an individual's ability to engage in industrial relations activity may be compounded where individuals with protected attributes who may face discrimination and disadvantage in the workplace seek to form an industrial relations association to further, protect or represent their industrial interests.

I am of the view that preventing associations with an industrial relations purpose from incorporating under the AIRA does not constitute a limit on the right under section 8 of the Charter. Clauses 6, 9 and 11 do not prevent individuals from forming and joining organisations with an industrial relations purpose under another legislative framework. The purpose of these clauses is to ensure that groups with an industrial relations purpose seek registration under a legal structure more appropriate for those purposes, rather than under the AIRA, which provides a general framework for not-for-profit community associations to seek incorporation. Associations with a primary purpose of industrial relations can register and be incorporated under the FWRO Act. Registration under the FWRO Act confers a range of statutory rights, such as bargaining on behalf of an association's members and initiating protected industrial actions. Incorporation under the AIRA does not confer similar rights and this creates a risk that individuals joining associations incorporated under the AIRA may mistakenly believe that in doing so they avail themselves of full industrial relations protections.

Clause 13 of the Bill engages and may limit section 8(3) by amending section 222(1)(d) of the AIRA to provide that regulations may prescribe an association or class of associations with an industrial relations purpose that may be incorporated under the AIRA. The purpose of clause 13 is to ensure that the application of the Bill is appropriately confined and does not capture associations outside of the intended scope of the Bill. However, the application of clause 13 may allow for certain groups with industrial relations purposes to use incorporation under the AIRA to further, protect or represent their industrial interests while other groups are excluded. I do not consider that clause 13 constitutes a limitation on the right to recognition and equality under section 8(3). This provision does not itself impose differential treatment but instead creates a mechanism for specifying classes of associations in a manner that will be subject to parliamentary oversight.

Clauses 4 and 11 of the Bill engages and may limit section 8(3) by providing for a category of association (a 'transferring association') that is not required to be wound up despite having an industrial relations purpose. Clause 4 amends section 3 of the AIRA to provide that an incorporated association that applied to be registered under the FWRO Act prior to 1 July 2026 is a transferring association, while clause 11 amends section 127 to provide that the Registrar is not required to wind up such associations, despite them having an industrial relations purpose. Specifying a retrospective date for the operation of the transferring association provisions preferences members of associations with an industrial relations purpose who have already commenced transferring to the FWRO Act scheme.

However, clause 12 of the Bill will introduce new section 128A into the AIRA which provides that if an associations' application to register under the FWRO Act is refused, the Registrar will be required to issue it with a fresh show cause notice under section 128 of the AIRA. This will mean that the association will have a period of two months within which to lodge an application to alter its rules. This period will enable the association to comply with the alteration of rules requirements set out in section 50 of the AIRA. The effect of the clauses of the Bill will mitigate any potential discriminatory distinction between persons based on the attribute of their industrial activity.

In the circumstance, I consider that any limitation is small as it likely to disadvantage a small number of associations seeking to apply to the FWRO Act scheme and for a limited period of time while their application is being determined.

Public interest test reform

Clauses 6 and 9 of the Bill promotes the right to recognition and equality before the law by amending sections 7(3) and 13(3) of the AIRA to allow the Registrar to refuse to incorporate a body if reasons exist that mean it is in the public interest to refuse incorporation. In considering the public interest, the Registrar must consider the purposes and conduct of the body and the effect or likely effect of the purposes or conduct on the public, including whether the effect or likely effect on any person or group of persons is because of a protected attribute as defined under section 102B of the EO Act. Clause 11 of the Bill also promotes the right to recognition and equality before the law by introducing section 127(2A) into the AIRA to require the Registrar to consider as part of the public interest test to justify the winding up of an incorporated association the purposes and conduct of the body and the effect or likely effect of the purposes or conduct on the public, including whether the effect or likely effect on any persons and groups of persons is because of a protected attribute as defined under section 102B of the EO Act.

The purpose of these provisions is to protect groups of people with a protected attribute under section 102B of the EO Act from disadvantage by ensuring that groups with a hateful purpose cannot promote their views or seek to discriminate against those persons by using the advantages provided by incorporation under the AIRA. By allowing the Registrar to remove registration of associations in the public interest and requiring the Registrar to consider the effect of the conduct and purpose of the association on people with protected attributes listed in the EO Act, the Bill restricts the ability for groups with a hateful purpose to have access to the legal and financial benefits of being registered as an incorporated association under the AIRA, or the social licence that can be created by the decision to register a body. Accordingly, I consider that the Bill promotes the right to recognition and equality before the law by taking steps to diminish or eliminate conditions that may result in groups of people suffering disadvantage.

Clauses 6 and 9 of the Bill may also engage the right to recognition and equality before the law by amending sections 7 and 13 of the AIRA to provide that the Registrar may refuse to register or wind up an association if circumstances exist which, in the public interest, justify that decision. The Registrar is required, when forming that opinion, to have regard to the association's purposes and conduct and the effect or likely effect that the purpose or conduct would have on the public, including whether the effect or likely effect on a person or group of persons is because of a protected attribute listed in section 102B of the EO Act. Clause 11 of the Bill may also engage the right to recognition and equality before the law by amending section 127 of the AIRA to require the Registrar to consider as part of the public interest test in making a decision to wind up an association the purposes and conduct of the association and the effect or likely effect of the purpose or conduct on the public, including whether the effect or likely effect on a person or group of persons is because of a protected attribute as defined in section 102B of the EO Act.

The refusal to register or the winding up of an association on the grounds of the public interest may engage the right because the decision of the Registrar may affect an individual's ability to practice their religious or political beliefs under a recognised collective association and therefore draw distinctions between peoples based on attributes listed in section 6 of the EO Act. I am of the view that clauses 6, 9 and 11 do not limit the right to recognition and equality before the law because they do not limit an individual's ability to practice their religious or political beliefs. The purpose of the Bill is not directed at preventing Victorians from enjoying religious practices or political belief or activity. Rather, it seeks to prevent groups whose purposes and activities may cause serious harm to the public from obtaining the legal and financial benefits of incorporation under the AIRA.

Accordingly, I consider that these clauses under the Bill are compatible with the right to recognition and equality before the law under section 8 of the Charter.

Reputation (section 13)

Section 13 of the Charter provides that a person has a right not to have their reputation unlawfully attacked.

Clauses 6 and 9 of the Bill may engage the right of persons not to have their reputation unlawfully attacked by amending sections 7 and 13 of the AIRA to require the Registrar to refuse to register a proposed association or registrable body on the grounds that it is a prohibited hate group or listed terrorist organisation, as defined by clause 4 of the Bill. Clause 11 may also engage cultural rights by amending section 127 of the AIRA to require the Registrar to wind up an association which is a hate group or a terrorist organisation.

Clauses 6, 9 and 11 of the Bill may also engage the right of persons not to have their reputation unlawfully attacked by amending sections 7, 13 and 127 of the Bill to provide that the Registrar may refuse to register or wind up an association if circumstances exist which, in the public interest, justify that decision. The Registrar is required, when forming that opinion, to have regard to the association's purposes and conduct and the effect or likely effect the purpose or conduct on the public, including whether the effect or likely effect on a person or group of persons is because of a protected attribute as defined in section 102B of the EO Act.

By excluding from registration under the AIRA an association that is a listed terrorist organisation or prohibited hate group, or an association whose incorporation is considered by the Registrar not to be in the public interest, the Bill may engage the right to reputation of individual members of those associations. Individuals publicly tied to an association in these circumstances may be subject to public condemnation, causing adverse impacts to their personal and professional life, such as a loss of employment or exclusion from social settings.

However, the choice to identify and tie oneself to an association is made by the individual. Further, given the range of conduct that is already prohibited by the various offence provisions in the Code that prohibit directing, supporting, or being a member of a prohibited hate group. Also, the Bill does not alter the existing operation of the AIRA, which sets out which information about associations is publicly available. Individuals applying as members of an association that do not meet the conditions for registration are not identified publicly, as a decision to refuse registration is not published. Similarly, while the AIRA provides for a public register of incorporated associations, individual members of those associations are not identified publicly. The Bill also does not allow for a person's reputation to be attacked in a way that is unlawful.

As there is no public identification of any individual belonging to a group not permitted to incorporate under the AIRA, I consider that the Bill does not limit any person's right not to have their reputation unlawfully attacked.

Freedom of expression (section 15)

Section 15 of the Charter provides that every person has the right to freedom of expression, including the freedom to hold an opinion without interference and seek, receive and impart information and ideas of all kinds through a variety of mediums. The right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality (section 15(3) of the Charter).

Clauses 4, 6 and 9 of the Bill may engage the right of persons to freedom of expression by amending sections 7 and 13 of the AIRA to require the Registrar to refuse to register a proposed association or registrable body with an industrial relations purpose, as defined by clause 4 of the Bill. Clause 11 may also engage the right of persons to freedom of expression by amending section 127 of the AIRA to require the Registrar to wind up an association which has an industrial relations purpose.

Under the AIRA, persons are currently able to form an incorporated association for the purpose of seeking, receiving and imparting information and ideas relating to a wide range of lawful purposes, including industrial relations. Incorporation allows the members of the association to pool and deploy property for the purposes of communicating ideas and information. For example, an incorporated association can enter into contracts, lease property, or open a bank account, with limited financial liability to individual members. Where the Bill has the effect of preventing specified associations from incorporating under the AIRA, it has the practical effect of the lessening these groups' ability to communicate ideas and therefore may engage members' right to freedom of expression.

The right to freedom of expression may be further engaged where a group with an industrial relations purpose is refused registration or directed to wind up and is unable to access incorporation through an alternative framework. This outcome is likely to occur where an association (or registrable body) is captured by the broad definition of 'industrial relations purpose' inserted by clause 4 of the Bill, but this is not the group's sole or dominant purpose. Such groups may be ineligible to register under the FWRO Act (for example, if they have fewer than 50 members), or to register under the Corporations Act if they are excluded on the basis of being a trade union. While such groups may continue to operate as informal groups or unincorporated associations, they would be unable to access the benefits of incorporation, and this may affect members' ability to impart ideas and information, and thus their right to freedom of expression.

Under the Charter, the right to freedom of expression may be subject to lawful restrictions, which may be assessed according to the considerations provided in section 15(3) and the proportionality test set out in section 7(2). With reference to section 15(3), it is not clear that the limitation on this right is reasonably necessary to respect the rights and reputation of other persons, or to protect national security, public order, public health or public morality. However, with reference to section 7(2), the nature and extent of the limitation on the right to freedom of expression is reasonable, as affected individuals can continue to impart information without incorporating or can seek membership of an organisation incorporated under another framework (such as the FWRO Act).

Therefore, while the Bill may impose some limits on the right to freedom of expression, I consider that these limitations are reasonable in accordance with section 7(2) of the Charter.

Accordingly, I consider that these provisions under the Bill are compatible with the right to freedom of expression under section 15 of the Charter.

Peaceful assembly and freedom of association (section 16)

Section 16(2) of the Charter provides that every person has the right to freedom of association with others, including the right to form and join trade unions.

Industrial relations reform

Clauses 4, 6 and 9 of the Bill may engage, and in some circumstances limit, the right to freedom of association, including the right to form and join trade unions, of individual members of associations. Clause 4 amends section 3 of the AIRA to introduce a broad definition of an ‘industrial relations purpose’, which is then used in amendments made by clauses 6 and 9 to sections 7(2) and 13(2) of the AIRA to require the Registrar to refuse registration where an association or registrable body has an industrial relations purpose. Clause 11 may also engage this right by amending section 127 of the AIRA to require the Registrar to wind up an association that has an industrial relations purpose, except in certain circumstances.

Although corporations do not themselves hold rights under the Charter, these provisions may limit the way in which natural persons choose to associate for collective purposes. While the Bill does not prevent natural persons from associating with one another, forming or joining unions, or collectively pursuing industrial relations or other lawful activities, it does limit the ability to do so as an incorporated entity. Incorporation provides a range of benefits to individual members of an association, including limiting their financial and legal liability for activities undertaken by the association. The Bill removes access to incorporation under the AIRA, which is a general framework for not-for-profit community associations. Given this, the AIRA typically has lower registration fees, broader eligibility criteria and less onerous regulatory oversight than alternative frameworks.

These reforms may limit individuals’ rights to freedom of association where an affected association is unable to access incorporation under another framework. While groups seeking to operate as trade unions may seek registration under the FWRO Act, some may not meet the strict eligibility requirements under that framework. Additionally, groups may be ineligible for other regulatory frameworks; for example, trade unions are ineligible to register under the Corporations Act 2001 (Cth). Consequently, the amendments made to exclude associations with an industrial relations purpose from the AIRA may result in affected groups being unable to incorporate. While individuals remain free to associate privately or through an unincorporated body, they will be subject to greater individual liability and may be unable to take actions as a body, such as legal action in courts.

The limitation of individuals’ rights to freedom of association is more likely where associations are captured by the broad definition of an ‘industrial relations purpose’ inserted by Clause 4 of the Bill. This definition may capture organisations where an industrial relations purpose is not the sole or dominant purpose, but rather one among other purposes. Where such associations are refused registration or directed to wind up, they may be ineligible or not suitable for registration under the FWRO Act or Corporations Act 2001, and therefore prevented from pursuing their purposes as an incorporated body. This also risks limiting individuals’ rights to freedom of association in relation to purposes outside those targeted by the reforms, if those purposes are related to an industrial relations purpose.

The engagement of the right to freedom of association may in the future be ameliorated by the regulation-making power introduced by clause 13 of the Bill. The Bill provides for regulations to be made to prescribe associations or classes of association (or registrable body) with an industrial relations purpose that may register under the Act. However, as there is no obligation or requirement to make such regulations and this regulation-making power has not yet been used, it is not yet possible to assess how such regulations may affect any limitation of individual rights under the Charter.

I am of the view that the proposed limitation is reasonable because it does not prevent collective activity and ensures that individuals seeking to associate for an industrial relations purpose can have their activity

regulated under the legislative framework designed for that purpose. However, there is some question of whether the limitation is justified in the circumstance that an association prevented from registration under the AIRA is not eligible or appropriate to incorporate under an alternative framework. In that circumstance, individual members' freedom of association will be limited to the extent that they cannot undertake actions that are limited to incorporated bodies. Affected individuals will still have the option to associate informally or join an existing incorporated body with a similar purpose.

Accordingly, I consider that these provisions under the Bill are compatible with the right to freedom of association under section 16 of the Charter.

Cultural rights (section 19)

Section 19 of the Charter protects the cultural rights of all persons with a particular cultural, religious, racial or linguistic background, and acknowledges that Aboriginal persons hold distinct cultural rights that should be protected.

Hate group reform

Clauses 6 and 9 of the Bill may engage cultural rights by amending sections 7 and 13 of the AIRA to require the Registrar to refuse to register a proposed association or registrable body on the grounds that it is a prohibited hate group or listed terrorist organisation, as defined by clause 4 of the Bill. Clause 11 may also engage cultural rights by amending section 127 of the AIRA to require the Registrar to wind up an association which is a hate group or a terrorist organisation.

I am of the view that clauses 6, 9 and 11 do not limit the cultural rights of individual members of prohibited hate groups and listed terrorist organisations as membership of these groups is unlawful under the Criminal Code. To the extent that these clauses affect the ability of members of other associations with a hate purpose to practise or promote their culture, language or religious beliefs, they engage, but do not limit, the cultural rights of those members. This is because the purpose of these clauses is not to prevent Victorians from enjoying cultural life, but to prevent groups with a hate purpose from obtaining the legal and financial benefits of incorporation under the AIRA.

Clauses 6 and 9 of the Bill promotes the broader cultural rights of the Victorian community, including the distinct cultural rights of Aboriginal persons under section 19(2) of the Charter by amending section 7(2) and 13(2) of the AIRA to require the Registrar to refuse an application to incorporate a body if that association is registered as a listed terrorist organisation or prohibited hate group under the Commonwealth Criminal Code.

Clause 11 of the Bill also promotes broad cultural rights, including the distinct cultural rights of Aboriginal persons under section 19(2) of the Charter, by introducing section 127(2B) into the AIRA to require the Registrar to wind up an incorporated association by certificate if the Registrar certifies that the association is a prohibited hate group or a listed terrorist organisation.

Groups with a hate purpose give rise to a range of risks to community safety as they may engage in physical violence or other hate crimes, or cause psychological harm or fear, inhibiting expression of a person's culture. Preventing such groups from receiving the benefits of incorporation under the AIRA, such as limited personal liability for individual members, is likely to support a safer and more inclusive environment in which cultural practices and traditions may be enjoyed free from hatred. This may be particularly significant for First Peoples, and for people from multicultural and multifaith communities, whose ability to feel safe to enjoy and maintain their culture and traditions may be adversely affected by the actions of groups with a hate purpose.

Public interest test reforms

Clauses 6, 9 of the Bill may also engage cultural rights by amending sections 7 and 13 of the AIRA to provide that the Registrar may refuse to register an association if circumstances exist which, in the public interest, justify that decision. Clause 11 of the Bill may also engage cultural rights by amending section 127 of the AIRA to require the Registrar to consider, when forming an opinion that it is in the public interest to wind up an incorporated association, to have regard to the effect or likely effect that the association's purposes and conduct would have on the public, including a person or group of persons because of a protected attribute as defined in section 102B of the EO Act.

I am of the view that clauses 6, 9 and 11 do not limit the cultural rights of individual members of organisations who are refused registration under the AIRA or wound up in the public interest. To the extent that these clauses affect the ability of members of associations to practise or promote their culture, language or religious beliefs, they engage, but do not limit, the cultural rights of those members. This is because these clauses are directed not at preventing Victorians from enjoying cultural life, but at preventing groups whose purposes and activities may cause serious harm to the public from obtaining the legal and financial benefits of incorporation under the AIRA.

Clauses 6 and 9 of the Bill promote cultural rights, including the distinct cultural rights of Aboriginal persons, by amending sections 7(3) and 13(3) of the AIRA to allow the Registrar to refuse to incorporate a body if reasons exist that mean it is in the public interest to refuse incorporation. Clauses 6 and 9 of the Bill insert sections 7(3A) and 13(3A) into the AIRA to require the Registrar to consider, as part of determining the public interest, the effect or likely effect of the purposes and conduct of the association on the public, including their effect on any person or groups of persons because of a protected attribute as defined in section 102B of the EO Act. Clause 11 of the Bill also promotes cultural rights, including the distinct cultural rights of Aboriginal persons, by inserting section 127(2A) into the AIRA to require the Registrar to consider, as part of determining the public interest test for the decision to wind up an incorporated association, the effect or likely effect of the purposes and conduct of the association on the public, including their effect on any person or groups of persons because of a protected attribute as defined in section 102B of the EO Act.

I consider that the public interest test reforms promote cultural rights, including the distinct cultural rights of Aboriginal persons, because the prevention of groups with a hateful purpose from receiving the benefits of incorporation under the AIRA, such as limited personal liability for individual members, is likely to support a safer and more inclusive environment in which cultural practices and traditions may be enjoyed free from hatred. This may be particularly significant for First Peoples, and for people from multicultural and multifaith communities, whose ability to feel safe to enjoy and maintain their culture and traditions may be adversely affected by the actions of groups with a hateful purpose.

Accordingly, I consider that these provisions under the Bill are compatible with cultural rights under section 19 of the Charter.

Conclusion

For these reasons, in my opinion, the provisions of the Bill are compatible with the rights contained in the Charter.

Ingrid Stitt MP

Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:45):
I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In accordance with section 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Associations Incorporation Reform Amendment Bill 2026.
2. 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

3. The purpose of the Bill is to:
 - 3.1. prevent groups with industrial relations purposes from registering as incorporated associations under the Associations Incorporation Reform Act 2012 (AIRA) or, if they are already registered, remove them from the register through winding up;
 - 3.2. prevent prohibited hate groups or specified terrorist organisations from registering as incorporated associations under the AIRA or, if they are already registered, remove them from the register through winding up;
 - 3.3. provide powers to the Registrar to refuse registration or wind up an association if it is against the public interest for the applicant or the association to be incorporated. In making these decisions, the Registrar of Incorporated Associations (the Registrar) must have regard to the effect or likely effect of an association's purpose or conduct on the public, including on any person or group of persons because of a protected attribute as defined in the Equal Opportunity Act 2010 (the EO Act); and
 - 3.4. enable the Registrar to request additional information about an association's proposed purposes or activities, to inform any decision relating to incorporation.

Consultation with the First Peoples' Assembly of Gellung Warl

4. The First Peoples' Assembly was not given an opportunity to advise on and did not make representations on the Bill, based on my understanding that it is unlikely to have a significant impact on First Peoples or Statewide Treaty.

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

5. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the Statewide Treaty Act 2025:
 - 5.1. advancing the inherent rights and self-determination of First Peoples; and
 - 5.2. addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
 - 5.3. ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
6. In my opinion the Bill does not affect any of the objects specified in section 66(3)(d)(i)–(ii) of the Statewide Treaty Act 2025 and is therefore compatible with each of those objects.
7. In my opinion the Bill may promote the equal enjoyment of human rights and fundamental freedoms by First Peoples as specified in section 66(3)(d)(iii) of the Statewide Treaty Act 2025.
8. First Peoples are at higher risk of being targeted by hate groups. This may limit First Peoples' rights to enjoy their human rights without discrimination including First Peoples' distinct cultural rights. It is expected that the Bill will promote social cohesion and increase protections for First Peoples by removing the legal framework that can assist hate groups to target First Peoples and affect their ability to equally enjoy human rights and fundamental freedoms. The measures relating to hate groups are therefore likely to positively affect the object at section 66(3)(d)(iii) of the Statewide Treaty Act 2025, by promoting the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Conclusion

9. Accordingly, in my opinion, for the reasons stated above, the Bill is compatible with each of the objects in section 66(3)(d)(i)–(iii) of the Statewide Treaty Act 2025.

Ingrid Stitt MP

Minister for Health
 Minister for Mental Health
 Minister for Ambulance Services
 Special Minister of State

Second reading

Jaelyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:46):
 I move:

That the bill be now read a second time.

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

This Bill will strengthen the framework governing not-for-profit associations operating in Victoria by amending the *Associations Incorporation Reform Act 2012* (AIRA). Specifically, it ensures that the benefits and legitimacy of incorporation are restricted to genuine, lawful community organisations, while explicitly preventing associations with industrial relations, terrorism and hate-motivated purposes from incorporating, or remaining incorporated, under that Act.

The AIRA establishes a robust scheme for incorporating associations with lawful not-for-profit purposes. Currently, the framework supports around 45,000 associations across the state, providing essential governance and financial accountability safeguards to these associations. The scheme is administered by the Registrar of Incorporated Associations (the Registrar).

Incorporation under the AIRA provides significant legal and practical benefits. These include:

- limited legal liability for members and volunteers
- a clear, structured governance framework under the Model Rules or customised Rules
- the ability to enter into contracts and hold property, and
- the ability to undertake lawful fundraising arrangements.

Registration (or incorporation) offers legitimacy to a group, delivering a flexible framework that caters to a diverse range of community endeavours, from local sport clubs, cultural groups to charitable networks and neighbourhood services.

The AIRA is intended to support associations with appropriate community purposes. Groups whose purpose or activities undermine our democratic values, foster social division, or pose public safety risks should not be afforded the statutory protections conferred by incorporation.

Further, other associations pursue objectives that, while lawful and important, are better suited to specialised regulatory frameworks, such as laws that govern industrial relations.

This Bill will establish a clear, more effective statutory scheme to identify and exclude associations whose objectives are either fundamentally incompatible with the objectives of the AIRA, or those that should be governed by another specialised regulatory scheme.

The Bill will prevent terrorist organisations and hate groups from registering, or remaining registered, as incorporated associations

Across Australia, governments are taking action to address increasing reports of vilification, hate crimes, and extremist violence. The Bill forms part of Victoria's broader commitment to social cohesion by ensuring Victorian incorporated associations law cannot be used to shield or legitimise groups that foster vilification or endanger the public.

Earlier this year, the Criminal Code Act 1995 (Cth) was amended to provide for organisations to be listed as prohibited hate groups, supplementing existing powers in respect to terrorist organisations. A declaration of an organisation as a specified terrorist organisation or a prohibited hate group is the outcome of a rigorous process by which the Minister for Home Affairs forms the opinion that the organisation engages in, prepares, plans, assists, or advocates for a terrorist act or conduct constituting a hate crime, and that listing the organisation is reasonably necessary to protect the community from harm.

The Bill requires the Registrar to refuse an application for registration or direct an incorporated association to wind up its operations where it has been listed as a prohibited hate group or listed terrorist organisation under Commonwealth laws.

In addition, the Bill strengthens and clarifies the Registrar's discretionary powers. The Registrar will be empowered to refuse registration if doing so is in the public interest. This is consistent with the Registrar's existing power to direct an association to wind up on public interest grounds. In exercising these discretionary powers, the Registrar must consider the effect or likely effect of the association's purposes and conduct on the public, including whether the effect or likely effect on a person or group of persons is because of a protected attribute under section 102B of the *Equal Opportunity Act 2010* (EO Act).

These measures ensure that the groups operating contrary to the public interest cannot use incorporation under the AIRA to advance harmful agendas, thereby maintaining public confidence in the operation of that Act and the broader not-for-profit sector.

Clarifying jurisdiction boundaries for industrial relations bodies

In Victoria, workplace relations are generally governed under the Fair Work Act 2009 (Cth) and the Fair Work (Registered Organisations) Act 2009 (Cth) (FWRO Act). Registration as a trade union under the Commonwealth framework provides organisations with statutory rights to represent their members' industrial relations interests, and ensures they are subject to the regulatory oversight of the Fair Work Commission.

In contrast, state incorporation under the AIRA does not, and cannot, confer these federal industrial rights. Currently, certain entities incorporated under the AIRA pursue an industrial relations purpose without holding registration under the FWRO Act. This creates regulatory risk: individuals joining these state incorporated bodies may mistakenly believe they are accessing full statutory industrial protections and genuine lawful representation in workplace disputes.

To address this risk, the Bill introduces a clear statutory delineation between genuine industry relations organisations with rights under Commonwealth laws to represent members in industrial matters, and state level not-for-profit community associations.

The Bill achieves this by introducing a definition of "industrial relations purpose", meaning an association or registrable body with a purpose of furthering, protecting or representing the industrial relations interests of its members. The Registrar will be required to refuse to register new associations or registrable bodies and issue a certificate to wind up an existing incorporated association under the Act if:

- they have an industrial relations purpose;
- if they are the type of association that the Registrar is satisfied may apply for registration under the FWRO; and

- they are not an exempt association.

In addition, if an association has an active application for registration under the FWRO Act made before 1 July 2026, the Registrar will not take any action pending the outcome of the application.

Recognising that certain community or professional entities may risk being captured under a broad definition of ‘industrial relations purpose’, even if they are unable to register under the FWRO Act and are not primarily formed to pursue those objectives, the Bill introduces a regulation-making power to exempt associations with an industrial relations purpose from refusal of registration or mandatory winding up. These regulations are intended to protect entities that might otherwise fall within scope, including social or cultural groups affiliated with trade unions (such as union choirs), or professional associations established primarily for educational or social networking purposes that incidentally engage in member support.

Decisions by the Registrar to refuse an application to register as an incorporated association will continue to be reviewable by the Victorian Civil and Administrative Tribunal (VCAT). However, decisions by the Registrar to refuse to register a registrable body with an industrial relations purpose will instead be reviewable by the Supreme Court, which is the appropriate jurisdiction for complex issues regarding incorporated bodies. In addition, decisions to wind up an incorporated association will continue to be reviewable by the Supreme Court.

Importantly, under the AIRA, the Registrar may only direct an incorporated association to wind up its operations after requesting the association to show cause why it should not be wound up. This process enables legitimate associations, for example organisations with a mix of industrial relations and other social or charitable purposes, to modify their purpose and activities to ensure they do not come within scope of associations excluded from the AIRA.

These reforms will encourage associations with industrial relations purposes into more appropriate alternative frameworks and avoid confusion for their members.

The Bill will empower the Registrar to assess eligibility for registration

To support the effective administration of the reforms, the Bill will empower the Registrar to request information about an applicant or an incorporated association’s purposes and conduct.

If the Registrar requests this information as part of an application to register and it is not provided within 14 days, the Registrar will be permitted to refuse that application.

Together, the reforms in this Bill will protect the integrity of the regulatory framework for incorporated associations by ensuring that the protections and benefits of incorporation are extended only to associations with appropriate purposes.

I commend the Bill to the House.

Melina BATH (Eastern Victoria) (21:46): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026

Introduction and first reading

The PRESIDENT (21:46): 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 **Education and Training Reform Act 2006** to provide for a new regulatory scheme for apprenticeships and traineeships and in relation to the permission to teach scheme and school community safety orders and to amend the **Workforce Inspectorate Victoria Act 2020** to provide for the appointment, functions and powers of the Apprenticeship and Traineeship Commissioner and for other purposes.’

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:47): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:47): 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 Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) 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 Bill introduces reforms to regulation of apprenticeships and traineeships, the permission to teach scheme administered by the Victorian Institution of Teaching, and the school community safety order scheme, and other matters. The apprenticeship and traineeship reforms are dealt with in Chapter 2 of the Bill, and the reforms related to schools and other matters are contained in Chapter 3 of the Bill. This section provides an overview of the amendments in each Chapter of the Bill.

The Bill seeks to deliver the following objectives regarding apprenticeships and traineeships regulatory reform:

1. **Economic outcomes:** to strengthen the State's economic base by providing a modern and skilled workforce that meets the current and future needs of industry, government and the community through successful completion of qualifications.
2. **Safety and support:** to support a proactive regulatory system that prevents as far as practicable the risk of harm to apprentices and trainees undertaking a workplace training arrangement.
3. **Training quality:** to support the continued development and provision of high-quality workplace training by employers of apprentices and trainees.

Implementing recommendations of the Apprenticeships Taskforce, which reported to government in early 2024, the purposes of the Bill in respect of apprenticeships and traineeships regulatory reforms, are to amend:

1. the *Education and Training Reform Act 2006* (**ETRA**) to provide for a new regulatory scheme for apprenticeships and traineeships, including by:
 - a. transferring functions relating to apprentices from the Victorian Registration and Qualifications Authority (**Authority**) to the Workforce Inspectorate Victoria (**WIV**), providing for the collection, use and disclosure of information in relation to apprenticeships and traineeships by the WIV, and establishing the Apprenticeship and Traineeship Consultative Committee;
 - b. providing for a new licensing system that authorises entry into training contracts to train apprentices or trainees, and providing for the execution, approval, cancellation and suspension of training contracts; and
2. providing for registrations of group training organisations (**GTO**), the making of approved training scheme determinations, and the preparation of training plans; and
3. the *Workforce Inspectorate Victoria Act 2020* (**WIV Act**) to provide for the appointment of the Apprenticeship and Traineeship Commissioner, and for the Commissioner's functions and powers.

The Bill also seeks to deliver the following objectives for schools and other matters:

4. introduce a new statutory principle which enshrines the expectation and intention that all Victorian schools are safe and respectful places of learning and work;
5. improve and strengthen the permission to teach registration scheme administered by the Victorian Institute of Teaching (**the Institute**);
6. implement a number of recommendations of the statutory review of the school community safety order scheme (**SCSO scheme**) and make other amendments; and

7. make minor consequential amendments to the Commission for Children and Young People Act 2012 and the Children, Youth and Families Act 2005.

In relation to the SCSO scheme, the Bill will make amendments to:

8. the process for making and extending immediate school community safety orders (**immediate orders**) in Division 2 and ongoing school community safety orders (**ongoing orders**) in Division 3 of Part 2.1A of ETRA; and
9. the process for reviewing ongoing orders in Division 4 of Part 2.1A of ETRA; and
10. introduce powers to make and review digital content school community safety orders (**digital content orders**) in new Divisions 4A and 4B of Part 2.1A of ETRA, which will prohibit the use of communication platforms or channels to harm members of the school community (including making orders to a person to remove or amend content or material published, or information communicated, on communication platforms and channels outside of the school environment).

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are listed below, together with an overview of the scope of each.

Apprenticeships and traineeships regulatory reforms

Right to equality before the law 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 relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

Freedom from forced work (section 11)

Section 11 of the Charter provides that a person must not be made to perform forced work or compulsory labour. ‘Forced or compulsory labour’ relevantly does not include work or service that forms part of normal civil obligations. While the Charter does not define ‘normal civil obligations’, comparative case law has considered that, to qualify as a normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, and must not be exceptional or have any punitive purpose or effect.

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 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.

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 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 proven guilty according to law. The right is relevant where a statutory provision allows for the imposition of criminal liability without the need for the prosecution to prove fault. The right is also 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.

Right to protection against self-incrimination (section 25(2)(k))

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

Right not to be tried or punished more than once (section 26)

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However, the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Penalties and sanctions imposed by professional disciplinary bodies generally do not usually constitute a form of 'punishment' for the purposes of this right as they are not considered to be punitive.

Rights promoted by Bill: right to life (section 9) and protection of children (section 17(2))

The Bill also seeks to promote the right to life in section 9 of the Charter of apprentices and trainees, by mitigating risks to, and promoting, their safety. Noting also the particular vulnerability of young people, and the power imbalances between employers, and apprentices and trainees (who can be under 18 years old), the Bill also promotes the right to protection of children in section 17(2) of the Charter. Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by the child by reason of being a child.

Collection, use and disclosure of information

The sharing of information between government regulators who deal with the apprenticeships and traineeships system is necessary to ensure the safety of apprentices and trainees. Sharing of relevant information is key to the operation of an effective regulatory system.

The Victorian Registration and Qualifications Authority

Clause 7 of the Bill inserts new sections 4.9.3A and 4.9.3B, which permit the Authority to, respectively, collect information from any person or body for the purposes of performing its functions or exercising its powers under the Bill or any other Act, and use any information it holds for the purposes of performing its functions or exercising its powers under the Bill or any other Act. Clause 8 amends section 4.9.4 of the ETRA to specify the WIV and any other prescribed person or body (or class of person or body) involved in the regulation of apprenticeships or traineeships as entities to which the Authority may disclose information that relates to the performance of their functions.

To the extent that the information collected, used or disclosed pursuant to new sections 4.9.3A and 4.9.3B, and amended section 4.9.4, includes personal information, clauses 7 and 8 would engage the right to privacy in section 13(a) of the Charter.

The Workforce Inspectorate Victoria and the Apprenticeship and Traineeship Commissioner

The functions of the WIV include collecting, analysing and publishing information in relation to apprenticeships and traineeships to assist in performing any of its functions under the Bill (section 4A.2.1(1)(f)). Pursuant to section 31G(1)(a), inserted by clause 68, the Apprenticeship and Traineeship Commissioner has this same function provided for in section 4A.2.1(1)(f).

Part 4A.9 provides for the collection, use and disclosure of information by the WIV. As information includes health information and personal information (section 4A.9.1), Part 4A.9 engages the right to privacy in section 13(a).

The powers provided for in new sections 4A.9.2, 4A.9.3 and 4A.9.4 permit the WIV to, respectively, collect information from a specified person or body for the purposes of exercising or performing a Chapter 4A function, duty or power, use any information it holds for the purposes of exercising or performing a Chapter 4A function, duty or power, and disclose that information to specified persons or bodies if the WIV reasonably believes it is necessary for the purposes of the person or body exercising its powers or performing its functions under the Bill or any other enactment.

Transitional and consequential amendments

Section 6.3.24, inserted by clause 51, provides that, as soon as practicable after commencement day, the Authority must provide to the WIV any information held by the Authority that relates to the Authority's apprentice functions.

The Workforce Inspectorate Victoria Commissioner and the Apprenticeship and Traineeship Commissioner may also disclose information acquired in carrying out a function under, respectively, the WIV Act and Chapter 4A of the ETRA (introduced by the Bill) if satisfied that it is in the public interest to do so. Clause 72 of the Bill extends the prohibition on disclosing information obtained by a person in performing their functions or exercising their powers under the WIV Act to include those functions or powers under Chapter 4A, subject to disclosures authorised under section 77 of the WIV Act. Further clause 72 of the Bill amends section 77 of the WIV Act to provide that both the Workforce Inspectorate Victoria Commissioner and the Apprenticeship and Traineeship Commissioner may disclose information acquired in carrying out their statutory functions if they are satisfied it is in the public interest to do so.

To facilitate the sharing of information between government regulators who deal with the apprenticeship and traineeship system:

- clause 89 provides for Energy Safe Victoria to collect from, and disclose to, specified bodies (including the WIV) information, and to use that information; and
- clauses 94 and 95 provides for the Labour Hire Licensing Authority to disclose to specified bodies (including the WIV) information about an apprentice or a trainee.

The right to privacy (section 13)

Each of the provisions discussed above interferes with the right to privacy in section 13(a) by enabling the sharing of information between regulators, which may include sensitive personal information, including about apprentices and trainees. However, any interference is lawful, as it is authorised under legislation. Further, interferences with privacy are not arbitrary, as collection and disclosure of information is confined to specified bodies. Finally, each provision is appropriately tailored to achieve the legitimate purpose of ensuring the regulators can effectively perform their functions and exercise their powers by accessing, using and sharing information as required.

Further, where regulators are subject to any secrecy or confidentiality requirements under relevant laws, these laws would continue to apply, ensuring that information is managed appropriately once collected, used or disclosed. Finally, those bodies that are public authorities under the Charter will be obliged to act compatibly with the right to privacy when performing their functions or exercising their powers. I therefore consider that the provisions discussed above are compatible with the right to privacy under the Charter.

Scheme fundamentals

Clause 9 of the Bill establishes the fundamentals of the new apprenticeships and traineeships scheme, including: establishing the objectives of the scheme (Part 4A.1), which include ensuring the health and safety of apprentices and trainees, and providing high-quality training to build a modern, skilled workforce for Victoria; outlining the functions of the WIV under the scheme (Part 4A.2); providing for the establishment of the Apprenticeship and Traineeship Consultative Committee (Part 4A.3); providing for the determination of approved training schemes (Part 4A.4); providing for an employer licensing regime (Part 4A.5); providing a process for the approval of training contracts and related matters (including with respect to the form and content of training contracts and their execution, the obligations of parties, and cancellation, suspension and variation of contracts (Part 4A.6); providing a process for development and oversight of training plans, as well as obligations regarding assessment of skills of apprentices and trainees under a training plan (Part 4A.7); the establishment and operation of a registration scheme for GTOs (Part 4A.8); information sharing arrangements for the collection, use and disclosure of information (Part 4A.9, discussed above); other miscellaneous provisions (Part 4A.10); and internal and VCAT review (Part 4A.11).

Right to equality (section 8)

A determination under new section 4A.4.1(1) in respect of an approved training scheme may include 'requirements as to age, education, knowledge, skills and experience of an apprentice or a trainee' (under new section 4A.4.1(2)(i)). To the extent that the regime sets any requirements in respect of a person's 'age' or

‘profession, trade or occupation’, the right to equality under section 8(2) of the Charter may be engaged, as these are protected attributes under the *Equal Opportunity Act 2010* (EOA). Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. The Charter imports the definition of ‘discrimination’ in the EOA which provides that direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that attribute, or occurs indirectly where a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of unreasonably disadvantaging persons with a protected attribute (sections 7, 8 EOA).

I am of the view that while these provisions may constitute direct discrimination, any resulting limit on the right is reasonably justified, given the discrimination will be occurring in circumstances recognised as lawful under the exceptions in the EOA.

In setting any requirements outlined in new section 4A.4.1(2)(i), the WIV may reasonably discriminate on the basis of a person’s education, knowledge, skills and experience when considering whether a person is a suitable candidate for a traineeship or apprenticeship, because the requirements set by the WIV will be based on the genuine occupational requirements for the role, and a person’s experience, education or skills will be relevant to their employment under the relevant training contract (which are very similar circumstances to the genuine occupational requirements exception provided for in section 26(5) EOA in relation to discrimination in employment). I note further that the WIV will be a public authority under the Charter and will therefore be obliged to give proper consideration to the right to equality when setting the terms of a determination of approved training schemes, including whether any discrimination on the basis of education, knowledge, skills or experience is reasonable and justified in the circumstances.

The WIV may also reasonably discriminate on the basis of age when setting these requirements where it is necessary to prevent a person who does not yet have legal capacity from entering into a contract (i.e. a person under 18 years of age) (per the general exception in section 85(2) EOA relating to legal incapacity). A person’s age and ability to understand the obligations of their training contract is relevant to their ability to safely undertake the requirements of the contract.

I am ultimately of the view that the power to make a determination under new sections 4A.4.1(1) and 4A.4.1(2)(i) in respect of the requirements as to age, education, knowledge, skills and experience of an apprentice or trainee is a reasonably justified limitation on this right having regard to the matters outlined above, and so is considered lawful under the Charter.

Right to privacy (section 13(a)) and right to freedom of expression (section 15(2))

New sections 4A.5.2, 4A.5.3, 4A.5.6, 4A.5.12, 4A.5.13, 4A.5.23, 4A.8.1 and 4A.8.2 will engage the right to privacy in section 13(a) to the extent that they require personal information to be disclosed to the WIV, and the right to freedom of expression in section 15(2) to the extent that this extends to a right not to impart information (including where compelled). However, I am of the view that neither right is limited.

A person who has sought to take part in the regime (i.e. as a licence holder, including a GTO) will have done so voluntarily and on the understanding that they are engaging in a regulated industry which has certain requirements and obligations of disclosure. Such persons are also voluntarily submitting to the WIV’s powers to request and take into account relevant information received through information gathering processes for the purposes of assessing ongoing suitability for, and compliance with, the regime.

Accordingly, any interference with the right to privacy or freedom of expression is lawful and (with respect to the right to privacy) not arbitrary in that any powers to request or require disclosure of information are set out in clearly articulated legislative provisions, are voluntarily assumed by persons engaging with the regulatory regime, and are confined to information which is reasonably necessary for the WIV to inform its decision-making processes and to have sufficient transparency to ensure the effective administration of the regime.

Right to privacy and reputation (section 13)

Section 4A.9.5 provides that the WIV must establish and maintain a Register of Employer Licences that contains certain particulars, including a licence holder’s name and, in respect of a person whose employer licence has been cancelled, that person’s name and date on which their employer licence was cancelled. The WIV must publish the Register of Employer Licences on its Internet site (section 4A.9.6).

I do not consider that these requirements would arbitrarily interfere with the right to privacy in section 13(a) of the Charter, or limit the right not to have a person’s reputation unlawfully attacked in section 13(b). This is because, other than a person’s name, the Register would not include personal information of a private nature and would serve the legitimate and important purpose of making it known to the public that an employer’s licence is, or has been, cancelled. In relation to a person’s name, the requirement to include this in the Register of Employer Licences, and the requirement to publish this Register, would be lawful and would serve the

legitimate and important purpose of ensuring visibility of those employers who do not comply with regulatory standards so that the health and safety of apprentices and trainees can be protected.

Right to fair hearing (section 24(1))

The right to a fair hearing in section 24(1) of the Charter may be engaged with respect to the administrative powers exercised by the WIV that hold the power to determine private rights and interests. These include decisions to grant an employer licence subject to a condition or refuse to grant an employer licence, to renew an employer licence subject to a condition or refuse to renew an employer licence, to impose a condition on an employer licence, or to refuse to vary, or revoke a condition imposed on, an employer licence (under new sections 4A.5.5, 4A.5.8, 4A.5.9 and 4A.5.14 respectively), to suspend, immediately suspend, or cancel an employer licence (under new sections 4A.5.15, 4A.5.16 and 4A.5.19 respectively), to refuse to reduce a disqualification period, or refuse to accept the surrender of an employer licence (under new sections 4A.5.21 and 4A.5.23 respectively), to refuse to approve a training contract, or refuse to approve a variation of an approved training contract, or suspend or cancel an approved training contract (under new sections 4A.6.6, 4A.6.10 and 4A.6.12), to refuse to issue a GTO registration, or suspend, cancel or immediately cancel a GTO registration (under new sections 4A.8.3, 4A.8.4, 4A.8.7 and 4A.8.8). Such decisions might affect the employment rights or interests of a person.

If a broad reading of section 24(1) were adopted and it was understood that the fair hearing right was relevant to the reviewable decisions outlined above, this right would not be limited. The right to a fair hearing is concerned with the procedural fairness of a decision. The entire decision-making process, including the availability of review, must be examined to determine whether the right in section 24(1) is limited. For example, in the context of a decision to cancel or suspend an employer licence, the WIV is required to provide the licence holder written notice of the proposed suspension or cancellation, which sets out the grounds for the proposed suspension or cancellation and that the licence holder may make submissions within 14 days, which the WIV must consider before making their decision (under new sections 4A.5.15(3) and (4), and 4A.5.19(3) and (4)). The WIV must also provide the reason for the decision in relation to suspension and cancellation, and advise the licence holder of the availability of internal and VCAT review (under new sections 4A.5.17 and 4A.5.19(5)).

All of the decisions outlined above are reviewable (see new section 4A.11.1) under new sections 4A.11.2 (internal review) and 4A.11.3 (review by VCAT of an internal review decision). The WIV acts with relative independence, as it is established as an independent body corporate under section 19 of the WIV Act although it may be subject to direction by the Minister (section 24 of the WIV Act). Section 22 of the WIV Act provides that, when executing its functions, including when acting in its review capacity, the WIV must act in a fair, impartial and independent manner, and act in a manner that is transparent, accountable and consistent. In conducting an internal review, the WIV must have regard not only to material that informed its initial decision and the reasons for its initial decision, but also to any relevant new material that was not available at the time of the initial decision and the reasons for the application for review. The WIV has only 28 days to make an internal review decision, otherwise their original decision is deemed upheld (new section 4A.11.2(8) and (9)), and a person can then appeal to VCAT. For these reasons, I am of the view that the right to a fair hearing is not limited in respect of those decisions outlined above which are reviewable under new sections 4A.11.2 and 4A.11.3.

Right to be presumed innocent (section 25(1)) and right not to be tried or punished more than once (section 26)

The WIV has the power under new sections 4A.5.2(3)(f), (g), (h) and (i), and (4)(c) and (d), and 4A.5.4(1) and (2), and 4A.8.4(1), to consider past criminal convictions or contraventions of this Act, the regulations or other relevant Acts when exercising its powers in respect of the licensing regime for employers and GTOs. Under new sections 4A.5.2(3)(g)(v) and (4)(d)(v), the WIV must also consider whether the applicant for an employer licence, or any director of the applicant, is being or has been investigated in relation to a contravention of a specified law.

The right not to be punished more than once for the same offence under section 26 of the Charter may be relevant in respect of offences for which a person has already been finally convicted or acquitted in accordance with law, and on which the WIV may rely as a basis to refuse an application for a licence or suspend a person's GTO registration. This right may also be relevant to new sections 4A.5.2(3)(g)(v) and (4)(d)(v), which requires the WIV to also consider alleged offending.

Detrimental treatment, penalties and sanctions imposed by professional disciplinary bodies generally do not constitute a form of 'punishment' which this right is concerned with, as they are not generally considered to be punitive. The mere fact that a law operates to impose a detriment on a person does not make it punitive. Rather, the question of whether the imposition of a detriment is properly characterised as punitive will depend

upon a range of factors including the nature of the detriment, the criteria by reference to which that detriment is imposed, and the purpose(s) for which the detriment is imposed.

The nature of the detriment in this instance – preventing a person from qualifying or continuing as a licenced or registered member of this regime – is not typically associated with criminal punishment. The WIV's powers to consider past criminal convictions, and also alleged offending, is intended to serve a protective rather than punitive purpose, especially in the context of employers working closely with young people. These clauses ensure the integrity and good governance of the scheme, promote the health and safety of trainees and apprentices, are limited to matters directly connected to integrity, competency and good governance of the scheme, and do not extend to circumstances that could be considered arbitrary or punitive.

As such, I am of the view that section 26 of the Charter is not limited by new sections 4A.5.2(3)(f)–(i), and (4)(c) and (d), and 4A.5.4(1) and (2), and 4A.8.4(1).

Further, existing authority suggests the right to be presumed innocent until proved guilty according to law in section 25(1) of the Charter appears to primarily apply in relation to criminal proceedings only. In the event that section 25(1) was found to have application beyond criminal proceedings to the exercise of powers in respect of a licensing regime, section 25(1) may be limited by new sections 4A.5.2(3)(g)(v) and (4)(d)(v). However, I consider that any such limitation would be reasonably justified. As noted above, these clauses serve the legitimate and important purpose of ensuring the integrity and good governance of the scheme, and promoting the health and safety of trainees and apprentices. The WIV as a public authority under the Charter would need to give proper consideration to the right when making a decision on the basis of unproven or pending charges or allegations. Accordingly, I consider that any potential limitation would be in proportion to its aim and that new sections 4A.5.2(3)(g)(v) and (4)(d)(v) would be compatible with section 25(1) of the Charter, if it were found to have application beyond criminal proceedings.

Powers of entry and seizure by the WIV in relation to Chapter 4A employees

Clause 19 of the Bill inserts Division 3A into Part 5.8 of the ETRA to provide authorised officers appointed by the WIV with certain entry powers, and powers to seize items and to seek and execute a search warrant in relation to Chapter 4A employees.

The Bill introduces powers for authorised officers to enter premises during business hours and with the consent of the occupier of the premises, if they reasonably believe an apprentice or trainee is trained, or purportedly trained, under an approved training contract by a Chapter 4A employer at the premises (new section 5.8.3ZB(1)). If these conditions are met, the officer may do a number of things at the premises, subject to certain requirements, including searching the premises, making inquiries of any person, seize any thing and require an occupier, or their agent or employee, to provide reasonable assistance (new section 5.8.3ZB(2)–(4)).

The Bill also permits the entry into and search of a premises if authorised by a search warrant applied for by an authorised officer and issued by a magistrate where they are satisfied by evidence that there are reasonable grounds for believing that there is, or may be, a particular thing (including a document or device) that may afford evidence of the contravention, or potential contravention, of Chapter 4A, or the failure to comply with a notice to produce issued under section 5.8.10A or notice to comply issued under section 5.8.18A (new section 5.8.3ZC). The search warrant may authorise a named authorised officer to enter a particular premises, and search for, seize, secure, require production of, or examine and inspect the thing described in the warrant that the officer believes on reasonable grounds may afford evidence of the contravention, or potential contravention, of Chapter 4A, or failure to comply with a notice under section 5.8.10A or 5.8.18A (new section 5.8.3ZC(3)). The exercise of these powers authorised under the warrant are subject to a number of requirements, including to announce that the authorised officer named is authorised by the warrant to enter the premises and to give details of the warrant to the occupier (new sections 5.8.3ZD and 5.8.3ZE).

The seizure powers outlined above are subject to a number of requirements and protections: a receipt must be given for any thing seized (new section 5.8.3ZG), copies of seized documents must be provided for any documents retained by the officer (new section 5.8.3ZH), the officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists (new section 5.8.3ZI(1)), or after 3 months unless a proceeding for which the thing was retained has commenced and is ongoing, or the Magistrates' Court makes an order under new section 5.8.3ZJ extending the period during which the thing may be retained (new section 5.8.3ZI(2)).

Right to privacy (section 13(a))

These powers of entry and seizure engage a person's right in section 13(a) of the Charter not to have their privacy unlawfully or arbitrarily interfered with by permitting authorised officers to enter and search premises, to take records and make inquiries of persons. I consider that these powers are compatible with section 13(a) because these provisions are precise and appropriately circumscribed, and are proportionate to the legitimate

aim of monitoring compliance with the regulatory scheme, and investigating possible breaches of the Bill, ultimately protecting the safety of apprentices and trainees undertaking workplace training. In particular, I note that as the potential gravity of interferences with the right increases, that is, where entry and search of a premises may be authorised under warrant in the absence of consent from the occupier, there is greater oversight by a judicial body (being the Magistrates' Court) and the officer is required to prove, with evidence, the necessity for such authorisation. For these reasons, I do not consider the right to privacy will be limited by these provisions.

Right to property (section 20)

The seizure powers outlined above also engage the right to property in section 20 of the Charter (which would include a thing owned by a person). However, I consider that deprivation of a person's property pursuant to these seizure powers would be in accordance with law because the legal authorisation for the deprivation is publicly accessible, and governed by a clear and accessible process. Authorised officers may only seize a thing for the clear purposes provided for in the Bill, which support the legitimate protective objectives of the Bill. The safeguards outlined above also allow for the return of the item as soon as practicable, only allowing for the retention of an item for particular purposes and with the oversight of a magistrate where the retention is for an extended period of time. As such, I consider that the right to property is not limited by these provisions.

Reverse onus provision

New section 5.8.3ZK, as inserted by clause 19 of the Bill, provides that a person must not refuse or fail to comply with a requirement of an authorised officer under new section 5.8.3ZB(2)(h) to give reasonable assistance to the authorised officer if the authorised officer reasonably believes there is a serious risk to the health, safety or wellbeing of an apprentice or trainee without reasonable excuse. Under new section 5.8.3ZB(3)(a), before requiring a person to give reasonable assistance under new section 5.8.3ZB(2)(h), the authorised officer must warn the person that refusal or failure to comply with the requirement, without reasonable excuse, is an offence.

Presumption of innocence (section 25(1))

This offence is relevant to the right to be presumed innocent in section 25(1) of the Charter as it contains an excuse (also known as an exception) which places an evidential burden on the accused – that is, the accused is required to present or point to evidence that suggests a reasonable possibility of the existence of facts that would establish the exception or excuse. The Supreme Court has held that evidential onus provisions on an accused to establish an exception do not transfer the legal burden of proof and do not limit the right to the presumption of innocence. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution, who must prove the essential elements of the offence to a legal standard. Further, the existence of a reasonable excuse is something which is peculiarly within an accused's knowledge and would be unduly onerous for a prosecution to disprove at first instance.

Accordingly, I am of the view that this offence provision is compatible with the right in section 25(1) of the Charter.

Notices to produce and to comply issued by the WIV and related injunctions

Notice to produce (sections 13(a) and 15(2) of the Charter)

Under section 5.8.10A, which clause 25 inserts into the ETRA, the WIV may issue a written notice requiring a regulated entity to produce any document or information for the purposes of prescribing the regulated entity's compliance with Chapter 4A. A notice to produce is required to be in a prescribed form and include particular information, including specifying what must be produced, the date by which the document or information must be produced, being not less than 14 days after the issue of the notice, and the enforcement action that may be taken for failing to comply with the notice (new section 5.8.10A(2)). Failure to comply with a notice to produce without reasonable excuse can constitute both a criminal offence and give rise to a civil penalty (clause 30 inserting section 5.8.15A into the ETRA).

Clause 25, to the extent a notice is issued to a natural person, is relevant the right to freedom of expression in section 15(2) of the Charter, by compelling a person to impart information. Further, to the extent that personal information of a private nature (rather than information relating to a corporation) is required to be given, the right to privacy in section 13(a) of the Charter may also be engaged. However, I consider that these rights would not be limited, as information gathering notices serve the important purpose of monitoring and investigating compliance with new Chapter 4A of the ETRA, investigating potential offences, and protecting apprentices and trainees from detriment or harm resulting from non-compliance with the regulatory scheme. The scope of the provision extends only to documents or information relevant to monitoring compliance with Chapter 4A. It is necessary for the WIV to be able to seek such information to ensure the effective administration of the regulatory scheme, and to use it to bring enforcement action where appropriate. Further,

the requirement to provide documents or information in this context is consistent with the reasonable expectations of persons who are engaging within a regulated scheme and assuming the responsibilities and duties that apply to a person's behaviour towards and engagement with apprentices and trainees.

Notice to comply (sections 11, 13(a), and 25(1) of the Charter)

Under new section 5.8.18A, which clause 33 inserts into the ETRA, the WIV may give a licence holder a notice to comply if the WIV believes on reasonable grounds that the licence holder is not complying with the following sections introduced by the Bill: sections 4A.5.10(1), 4A.5.12(1), 4A.5.13(1), 4A.8.12(1), 4A.10.1(1), 4A.10.2(2), 4A.10.3(1), 4A.10.5(1), 4A.10.5(2), 5.8.3ZK(1) or 5.8.3ZL(1) or (2). Failure to comply with a notice to comply without a reasonable excuse can constitute both a criminal offence and give rise to a civil penalty (clause 38 inserting new section 5.8.22A into the ETRA).

Notices to comply may engage a bundle of rights, including privacy, to the extent that the notice restricts freedom to engage in certain conduct, and the protection against forced work in section 11 of the Charter, through the power to compel a person to take action (e.g. to comply with any condition imposed on their employer licence under new section 4A.5.10(1)).

However, I am of the view that any interference with rights will be compatible with the Charter. The notices have a threshold precondition, requiring the WIV to believe on reasonable grounds that the licence holder is not complying with the obligations listed above. These obligations serve the important purpose of protecting the welfare of apprentices and trainees, including by requiring employers of apprentices to be participating in the regulatory scheme in accordance with the law, including by complying with conditions on an employer licence, complying with prescribed standards and notifying the WIV of relevant matters. Notices to comply also prohibit behaviour that threatens the safety of apprentices and trainees (e.g. prohibiting advertising as a GTO registration holder without GTO registration under new section 4A.8.12(1) and threatening detrimental action against an apprentice or trainee under new section 4A.10.5(1)). Any action required to be undertaken pursuant to a notice would constitute work or service that forms part of normal civil obligations, so as not to limit section 11 of the Charter.

Further, as the WIV may give a licence holder a notice to comply in relation to criminal offences, new section 5.8.18A also engages the right to be presumed innocent under section 25(1) of the Charter. I note that nothing in the Bill limits a person's right to seek judicial review of a notice to comply. To the extent that a person's right to be presumed innocent in section 25(1) of the Charter is limited by these sections inserted by the Bill, I consider that this would be justified by the importance of the compliance notice scheme. It is a targeted mechanism for compelling a person to take necessary action, or for prohibiting harmful conduct, to prevent apprentices or trainees experiencing harm. Further, it can only be issued in relation to a licence holder, who has voluntarily assumed compliance responsibilities. A failure to comply is subject also to a reasonable excuse defence.

Accordingly, I am satisfied that the framework is an appropriate balance and compatible with Charter rights.

Injunctions (section 24(1) of the Charter)

Sections 5.8.14A and 5.8.21A, inserted into the ETRA by clauses 28 and 36 respectively, empower the Magistrates' Court, on application by the WIV, to grant an injunction in the terms it considers appropriate if satisfied a regulated entity has failed to comply with a notice to produce (section 5.8.14A) or if satisfied a licence holder has failed to comply with a notice to comply (section 5.8.21A). Sections 5.8.14B and 5.8.21B, inserted into the ETRA by clauses 28 and 36 respectively, also empower the Court, on application by the WIV, to grant an interim injunction pending the determination of an application for an injunction under new sections 5.8.14A or 5.8.21A. An application for an injunction under these provisions may be made on an *ex parte* basis (new sections 5.8.14A(3), 5.8.14B(2), 5.8.21A(3) and 5.8.21B(2)).

The right to a fair hearing under section 24(1) of the Charter is engaged by the provisions in the Bill enabling *ex parte* applications to be brought for injunctions. In these circumstances, parties affected by injunctions may not have the opportunity to be heard.

In relation to new sections 5.8.14B(2) and 5.8.21B(2), the aim of these provisions is to enable interim injunctions to be quickly put in place in circumstances where it is not possible or appropriate to notify the other party (for example, in circumstances of great urgency). However, the making of an injunction on an *ex parte* basis remains at the discretion of the Magistrates' Court, which will need to be satisfied that it is appropriate to make the injunction in all of the circumstances of an application, including having regard to the obligation to afford procedural fairness and natural justice to all parties to a proceeding. Further, affected parties will have the opportunity to be heard prior to the making of a final injunction. I therefore consider that any limitation of the right to a fair hearing is reasonably justified in the circumstances.

Similarly, in relation to an application under new sections 5.8.14A(3) and 5.8.21A(3), the right to a fair hearing is protected by the procedures and judicial processes of the Court, which may bound both by

obligations under s 6(2)(b) of the Charter and common law obligations such as the requirement to afford parties natural justice when deciding an injunction application. I consider that these protections are sufficient to ensure that any limitation of this right, which may be occasioned by the Court deciding an application on an *ex parte* basis, will only occur in exceptional or urgent situations and where justified in all the circumstances.

Strict liability offences

The Bill includes a number of criminal offences that do not require proof of fault, for example, being that the relevant party acted ‘intentionally or recklessly’. These strict liability offences inserted into the ETRA include:

- New section 4A.5.1(1) provides that a person must not enter into, or purport to enter into, a training contract to train an apprentice or trainee unless the person holds an employer licence that is in force.
- New section 4A.5.22 provides that a person in respect of whom an employer licence has been cancelled must not apply for an employer licence while a disqualification period that applies to them is in effect.
- New section 4A.6.1(1) provides that an employer must not train an apprentice or trainee unless the employer holds an employer licence that is in force and trains the apprentice or trainee under and in accordance with an approved training contract that is in force.
- New section 4A.6.4(1) provides that an employer must ensure that a training contract is executed in accordance with section 4A.6.4.
- New section 4A.6.4(4) provides that an employer who is a party to the training contract must ensure that a copy of the executed training contract is given to each party to the training contract.
- New section 4A.7.6(2) provides that a registered education and training organisation that is given a notice under section 4A.7.6(1) to provide a copy of the training plan to the WIV must not contravene the notice.
- New section 4A.10.3(1) provides that a licence holder must notify the WIV in writing within 48 hours after becoming aware of an incident or the death of an apprentice or trainee who is trained by the licence holder that occurs while the apprentice or trainee is at work or attending an approved training scheme course.
- New section 4A.10.4 provides that a registered education and training organisation that provides an approved training scheme course must notify the WIV in writing within the prescribed period after becoming aware of a prescribed circumstance relating to an apprentice or trainee.
- New section 5.8.2AA, inserted by clause 15, provides that an authorised officer appointed under section 5.8.1(1) must return the authorised officer’s identity card to the WIV as soon as practicable after the appointment is revoked.
- New section 5.8.3ZK(1) provides that a person must not refuse or fail to comply with a requirement of an authorised officer under section 5.8.3ZB(2)(h) without reasonable excuse.
- New section 5.8.15A(1) provides that a regulated entity that is given a notice to produce issued under section 5.8.10A must not fail to comply with that notice without reasonable excuse.
- New section 5.8.22A(1) provides that a licence holder who is given a notice to comply under section 5.8.18A must not fail to comply with that notice without reasonable excuse.

By imposing a strict liability offence which does not require proof of fault, these new sections may limit the right to be presumed innocent under section 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. These provisions operate as a deterrent against breaches of regulatory requirements, which are designed to both protect the safety of apprentices and trainees, and to support the continued development and provision of high-quality workplace training. These provisions also provide incentives for licence holders and education and training organisations to provide certain information that will assist the WIV to monitor compliance with the regulatory regime set out in this Bill, facilitating the taking of appropriate action by the WIV as required. I consider that the penalties provided for by these provisions are reasonable and in proportion to the identified need for deterrence.

For example, offences which deal with more administrative or minor matters, such as new section 4A.7.6, requiring the provision of a copy of a training plan to the WIV, attract a lower penalty in proportion to the consequences of failure to comply and the need for deterrence. By contrast, certain strict liability offences provide for a maximum of 120 penalty units where a more significant deterrent is needed. For example:

- training an apprentice or trainee without employer licence and approved training contract (new section 4A.6.1(1));

- failing to comply with a notice to produce (new section 5.8.15A(1)); and
- failing to comply with a notice to comply (new section 5.8.22A(1)).

The higher penalty of 120 penalty units is required to deter the core behaviours targeted by these offences. They also align with similar offences and penalty levels in other states and under other Victorian Acts. The addition of a fault element would undermine the WIV's ability to prosecute these serious offences because it would be too high a threshold for effective enforcement.

Further, these strict liability provisions are reasonable in that they do not exclude the common law defence of honest and reasonable mistake of fact. Finally, the penalties are strictly financial with no possible imprisonment.

For these reasons, I consider that any limitation of section 25(1) by these provisions is reasonable and justifiable within the meaning of s 7(2) of the Charter.

Civil penalties

Clause 41 of the Bill inserts in Part 5.8 of the ETRA (concerning enforcement) new Division 7A (concerning civil penalties in relation to Chapter 4A matters) and Division 7B (concerning infringements in relation to Chapter 4A matters). The Bill responds to the risk of harm to apprentices and trainees in a proportionate manner by applying civil penalties in respect of more serious conduct by employers than that enforceable by infringement notice.

Under new section 5.8.23J(1) of Division 7B, an authorised officer may serve an infringement notice on any person or body that the officer reasonably believes has committed a prescribed offence (being an offence against Division 3A or Chapter 4A or section 5.8.15A or 5.8.22A).

Under Division 7A, a person must pay a civil penalty (new section 5.8.23C) if:

- on an application by the WIV, the Magistrates' Court is satisfied on the balance of probabilities that the person has contravened a civil penalty provision (defined in new section 5.8.23A as a provision listed in Schedule 4, as substituted by clause 52) and makes a contravention order (new section 5.8.23B); and
- the Court makes a civil penalty order, requiring the person to pay a civil penalty of an amount not exceeding those provided for in Schedule 4 (new section 5.8.23C(1)).

The civil penalty provisions listed in Schedule 4 include offences in connection with licensing of employers (Part 4A.5) and training contracts (Part 4A.6).

Right to fair hearing and to have a criminal charge decided by a court (section 24(1) of the Charter)

The right to have a criminal charge decided by a competent court, which is a component of the right to a fair hearing in section 24(1) of the Charter, may include an implied protection against punishment being imposed outside of a court process and following a finding of guilt.

Accordingly, it is necessary to discuss the characteristics of the civil penalties which, in my view, do not constitute a criminal penalty for the following reasons:

- Civil penalties are imposed primarily for the purpose of deterrence and promoting compliance with the framework introduced by the Bill. They are intended to deter employers from committing the offences specified in Schedule 4 and to encourage behavioural change in employers. Civil penalties are one tool in the new compliance and enforcement framework, used because they are a faster, more flexible enforcement tool to deter unlawful behaviour.
- The penalty amounts are aligned with the seriousness of the offences, supporting the Bill's purpose to respond to risk in a proportionate way, and aligned with similar penalties and those in the ETRA. I consider that the amounts, being no more than 120 penalty units for a contravention by a natural person, are reasonably necessary to deter contraventions of the Bill's provisions.
- To the extent that the civil penalties in the Bill are considered to serve a punitive purpose (e.g. to punish offending against the regulatory framework), this does not make the penalties criminal, or akin to criminal punishment or a criminal charge. A civil penalty may be recovered by the WIV in a court of competent jurisdiction as a debt due to the State (new section 5.8.23I). Accordingly, any necessary enforcement of this civil debt would be governed by the civil debt recovery system, not the criminal law (e.g. a person would not be imprisoned for a failure to discharge the debt).

For the reasons listed above, I do not consider that the criminal process rights under the Charter are engaged by clause 41 of the Bill. Similarly, as the civil penalties provided for by clause 41 would not be considered as imposing criminal consequences, they do not result in the determination of a criminal charge pursuant to section 24(1) of the Charter.

Right not to be tried or punished more than once (section 26 of the Charter)

As noted above, section 26 of the Charter only applies in respect of criminal offences. It will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, and vice versa.

As I have concluded above that the civil penalties provided for by clause 41 of the Bill would not be considered punitive or a criminal sanction, and therefore would not be of such a nature and magnitude to constitute truly penal consequences, a person's right not to be punished more than once under section 26 of the Charter would not be engaged by new section 5.8.23F. Section 5.8.23F, inserted into the ETRA by clause 41, provides that a criminal proceeding may be commenced against a person for conduct that is substantially the same as conduct constituting the contravention of a civil penalty provision, noting that:

- the Magistrates' Court must not make a contravention order in respect of a person if that person has been convicted of an offence constituted by that conduct (new section 5.8.23D); and
- a proceeding for a contravention order in respect of a person must be stayed if a criminal proceeding has been commenced against that person for an offence, and the offence is constituted by that conduct (new section 5.8.23E).

Accordingly, I consider that clause 41 of the Bill is compatible with the right not to be tried or punished more than once under section 26 of the Charter.

Protection against self-incrimination (section 25(2)(k) of the Charter)

By providing that information given and documents produced by a person in a proceeding for a contravention order are not admissible in evidence in a criminal proceeding against that person for an offence constituted by conduct that is substantially the same as the conduct for which the contravention order was sought, I consider that new section 5.8.23G is compatible with the protection against self-incrimination in section 25(2)(k).

Adverse publicity orders and publication of details of non-compliance

By expanding the Court's power in section 5.8.30 of the ETRA to make adverse publicity orders, clause 47 of the Bill engages sections 13 and 15(2) of the Charter.

As amended by clause 47, section 5.8.30 of the ETRA will relevantly empower the Court to order a person (or body) to publicise or notify of certain matters including the basis for the conviction and any penalty imposed if the person (or body) to whom a notice to produce or a notice to comply is issued is convicted or found guilty of an offence against new sections 5.8.15A(1) (offence to fail to comply with notice to produce issued by the WIV) or 5.8.22A(1) (offence to fail to comply with notice to comply given by the WIV).

Further, clause 48 of the Bill inserts new section 5.8.31A, which provides that the WIV may publish on a website it maintains details including the person's name and the offence to which the finding of guilt relates if a person (or body) to whom a notice to produce is issued or a notice to comply is given is found guilty of an offence against new section 5.8.15A(1) or 5.8.22A(1) and the WIV considers it in the public interest to do so.

These powers engage:

- the right to privacy in section 13(a) of the Charter, and the right not to have a person's reputation unlawfully attacked in section 13(b), by making the commission of an offence known to a specific group of people or to the general public; and
- the right to freedom of expression in section 15(2) of the Charter, by compelling a person to impart information.

To the extent that the rights in sections 13 and 15(2) are limited, I consider any limitations to be justified. Adverse publicity orders and further publication of details of non-compliance serve the important purpose of seeking to promote accountability by preventing a person from concealing that they have been convicted of offences and required to pay penalties under the Bill, and ensuring that participants in the apprenticeship and traineeship scheme are aware of relevant matters when deciding whether to engage with, or train with, that person. For some individuals or organisations, the financial penalties imposed by the Bill may not be a sufficient deterrent to reoffend. In these cases, potential damage to reputation via adverse publicity may be a greater incentive to comply with the Bill.

In relation to publication under new section 5.8.31A, that section includes various protections for people (and bodies), including that:

- as noted above, the WIV can only publish the information specified if it considers it is in the public interest; and

- procedural fairness is afforded to the person (or body) affected. Before making a decision to publish information, the WIV must give the affected person (or body) written notice of its intention to publish the information, its reasons for making the decision, and that the person or body may make a written submission setting out why the WIV should not publish the information, which the WIV must consider before making a decision (new section 5.8.31A(3) and (4)).

For these reasons, I consider that clauses 47 and 48 of the Bill are compatible with sections 13 and 15(2) of the Charter.

Apprenticeship and Traineeship Commissioner: ceasing to hold and removal from office

Under new section 31C of the Bill (inserted by clause 68), the Apprenticeship and Traineeship Commissioner ceases to hold office if the Commissioner is convicted of an indictable offence (or of an offence that, if committed in Victoria, would be an indictable offence) (section 31C(c)), or if the Commissioner is removed from office under section 31D (section 31C(e)). Under new section 31D(1)(b), the Governor in Council, on the Minister's recommendation, may remove the Apprenticeship and Traineeship Commissioner from office on grounds including misconduct by the Commissioner in carrying out the duties of the office.

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);
- right to a fair hearing (section 24(1)); and
- right to be presumed innocent until proved guilty (section 25(1)).

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 Apprenticeship and Traineeship Commissioner under new section 31C(c) 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 new sections 31C(e) and new section 31D(1)(b), which allows for the possibility that a criminal charge could be considered by the Governor in Council as misconduct. 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, sections 31C and 31D do not engage sections 24(1) or 26 of the Charter because the vacation of, or removal from, office of Apprenticeship and Traineeship Commissioner by reference to a criminal charge (as part of an assessment of misconduct), or to a conviction 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. Sections 31C and 31D serve a protective purpose, being to ensure the integrity and good governance of the Apprenticeship and Traineeship Commissioner, and to safeguard the public's trust and confidence in the office. Consistent with this purpose, a criminal charge will not result in automatic removal from office. Rather, a criminal charge may be a factor in the Governor in Council's consideration of what constitutes misconduct.
- The nature of the detriment being imposed (i.e. 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, sections 31C and 31D do 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

As noted above, 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 the Apprenticeship and Traineeship Commissioner under new sections 31C and 31D of the Bill.

In the event that section 25(1) was found to have application beyond criminal proceedings, then if the Governor in Council were to take a criminal charge into account in considering whether the Apprenticeship and Traineeship Commissioner had engaged in misconduct under new section 31D(1)(b), section 25(1) may be limited. However, I consider that any such limitation would be reasonably justified. As noted above, the

purpose of these sections is to safeguard the integrity of the office, which is legitimate and important. The Minister, in making a recommendation, will be bound to act compatibly with rights under the Charter and would need to be satisfied that removal from office on the basis of pending charges was reasonable and justified in the circumstances. Accordingly, I consider that any potential limitation would be in proportion to its aim and that sections 31C and 31D would be compatible with section 25(1) of the Charter, if it were found to have application beyond criminal proceedings.

Schools and Other Matters reforms

Section 11(2) of the Charter provides that a person must not be made to perform forced work or compulsory labour. 'Forced or compulsory labour' relevantly does not include work or service that forms part of normal civil obligations. While the Charter does not define 'normal civil obligations', comparative case law has considered that to qualify as normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, must not be exceptional or have any punitive purpose or effect.

Freedom of movement (section 12)

Section 12 of the Charter relevantly provides that every person lawfully within Victoria has the right to move freely within Victoria. The right extends, generally, to freedom to move throughout the State without impediment or restrictions (both physical and procedural) and a right to access places and services used by members of the public. However, this right is not absolute and may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society, including the property rights of others and restrictions legitimately made in the public interest.

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.

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.

Human Rights Issues

Supervision and support agreements and improvement plans

Part 3.3 of the Bill establishes obligations in relation to supervision and support agreements for conditional authority to teach applicants or grantees. Clause 150 will introduce new section 2.6.14AA, which will require that a responsible person at the place at which an applicant for conditional authority to teach will be employed or engaged by must enter into a supervision and support agreement with the Institute, which will set out the way in which supervision and professional support will be provided to the applicant.

Clause 147 will insert a definition of 'responsible person' into section 2.6.1 of ETRA, to mean the person in charge of the place at which a person with, or an applicant for, conditional authority to teach is employed or engaged or proposed to be employed or engaged. In the case of a registered school, the responsible

Under new section 2.6.14AA(4), for the purposes of assessing compliance with a supervision and support agreement, the Institute may request that the responsible person provide information to the Institute that the Institute considers necessary (new section 2.6.14AA(4)(a)), and the responsible person must comply (new section 2.6.14AA(5)). In addition to requests for information, the Institute may conduct a site visit of the place

at which the applicant for conditional authority to teach is proposed to be employed or engaged to assess compliance with a supervision and support agreement (in accordance with new section 2.6.14AB in clause 150). In conducting a site visit, the Institute may:

- conduct an interview with the responsible person, any other representative of the place at which the person with conditional authority to teach is employed or engaged, and/or the person granted conditional authority to teach (new section 2.6.14AB(3)(a)(i)–(iii));
- request documents that the Institute considers relevant (new section 2.6.14AB(3)(b)); or
- take copies of any documents provided (new section 2.6.14AB(3)(c)).

Under new section 2.6.14AB(4), the Institute must not conduct a site visit unless the principal has consented in writing to the site visit.

Further, clause 150 will introduce new section 2.6.14AC, which will allow the Institute to create improvement plans if the Institute reasonably believe that a responsible person is not complying with a supervision and support agreement. An improvement plan will specify the actions that the Institute requires to be taken to remedy the noncompliance (new section 2.6.14AC(2)(c)). Under new section 2.6.14AC(4), the responsible person must ensure that the improvement plan is complied with.

Freedom from forced or compulsory labour (section 11)

The compulsion to undertake an activity or ‘do’ something as required by an improvement plan under new section 2.6.14AC could potentially, if a broad view of the right was adopted, be relevant to the right to freedom from forced work, specifically on prohibition on compulsory labour in s 11(2) of the Charter. An improvement plan may result in the responsible person, or the person granted conditional authority to teach, being compelled to undertake additional work.

However, I am of the view that if the right is engaged, any work required by an improvement plan issued by the Institute would either fall within the scope of the exception in section 11(3)(c) of the Charter, being work or service that ‘forms part of normal civil obligations’ (assumed in performing a role in a regulated sector), or to the extent that it did not, would be reasonably justified in the circumstances. An improvement plan can only be issued in the context of a supervision and support agreement, which has been entered into with the Institute. The improvement plan is issued for a preventive or remedial purpose; namely, to remedy non-compliance with a supervision and support agreement. The obligation for implementing any remedial action is placed on the responsible person (or their nominee) who has assumed the responsibilities associated with a supervision and support agreement. Finally, the Institute is a public authority under the Charter and must act compatibly with Charter rights when determining the content of an improvement plan.

Accordingly, I am satisfied that any compulsion to perform work effected by this provision will be reasonable and justified.

Right to privacy (section 13)

New sections 2.6.14AA and 2.6.14AB may authorise interference with the privacy, to the extent that the Institute requests information, including documents, regarding matters relevant to the actions of a person subject to a supervision or support agreement, or performs a site visit.

In my view, a site visit will not engage the right to privacy as a low expectation of personal privacy attaches to the premises of a school or other place where a person is employed or engaged with conditional authority to teach, and any visit will occur in non-arbitrary circumstances including adequate notice and consent.

To the extent that the power to interview persons and request further information is relevant to privacy, the right will not be limited. The power will only permit gathering of information necessary to assessing compliance with a supervision and support agreement, which will principally concern information in the course of a person’s employment or teaching engagement to which a person holds a lower expectation of privacy. To the extent that it may extend to information in the private sphere, it will not be arbitrary as it is preconditioned on the requirement of necessity and is directed at the important and legitimate purpose of ensuring that the Institute has sufficient information to effectively assess compliance from persons or bodies who have entered into agreements with the Institute. Further, I note that any information gathered will be subject to information privacy principles in the Privacy and Data Protection Act 2014 and the Charter.

Freedom of expression (section 15)

New section 2.6.14AB is relevant to the right to freedom of expression in section 15(2) of the Charter as it compels a person to impart information and documents. Further, to the extent that the information required to be given is of a private nature and is personal information (rather than information relating to a body corporate or other entity such as a school), the right to privacy in section 13(a) of the Charter may also be engaged (as discussed above).

However, I consider that these rights would not be limited, as these information gathering notices serve the important and necessary purpose of monitoring and investigating compliance with supervision and support agreements. The scope of the provision extends only to documents or information relevant to monitoring compliance in this context. It is necessary for the Institute to be able to seek such information to ensure the effective administration of the regulatory scheme, and to use it to determine whether an improvement plan is needed to remedy any defects. Further, the requirement to provide documents or information in this context is consistent with the reasonable expectations of persons who have assumed special roles and entered into an agreement to provide supervision and professional support.

Amendments to school community safety order scheme – immediate orders

The Bill makes amendments to the existing school community safety order scheme, which allows principals and other authorised persons in Victorian schools to make school community safety orders. Such orders can stop or restrict the actions of parents, carers and other adults who behave in harmful, threatening, or abusive ways towards people in the school community.

Part 3.4 of the Bill proposes to insert new provisions amending the existing process for authorised persons (as defined in the Act) to make immediate orders under the scheme:

- Clause 154 inserts new section 2.1A.3A to require an authorised person, to the extent it is reasonable and proportionate in the circumstances, to attempt to notify a person who an immediate order may be made in respect of and give them an opportunity to respond to the proposal;
- Clause 155 will remove ‘imminent’ from the threshold of the condition precedent of ‘imminent and unacceptable risk of harm’ required to make an immediate order;
- Section 2.1A.7(2) of the ETRA is amended to require an authorised person who makes an immediate order orally to state that the order prohibits a person from entering or remaining at the specified ‘school-related place of the relevant school’ (and any other matters prescribed to be stated under Division 5 of Part 2.1A of the ETRA) (clause 156);
- Clause 158 inserts new section 2.1A.9A, which allows authorised persons to extend an immediate order by one further period of up to 7 days if the authorised person reasonably believes that the grounds for making the order still exist, and the authorised person (or another authorised person) requires additional time to determine whether to make an ongoing order in respect of a person who is the subject of an immediate order or to give notice that an ongoing order is proposed to be made, or has been made; and
- Clause 159 repeals sections 2.1A.11 and 2.1A.12 of the ETRA, which, respectively, allow a person to whom an immediate order applies to make submissions in respect of immediate orders, and allowed an authorised person to review the immediate order to either make an ongoing order or to revoke the immediate order.

Lowering the threshold for making immediate orders and power to extend the duration

As outlined in the Statement of Compatibility to the Bill which introduced the school community safety orders (Education and Training Reform Amendment (Protection of School Communities) Bill 2021) (**previous statement**), the powers to make school community safety orders are relevant to various human rights, including:

- the rights to privacy, freedoms of expression and association (through orders to prohibit a person from communicating with specified school staff or corresponding with others on school-related communications platforms);
- the right to freedom of movement (through orders which prohibit a person from entering or remaining on any relevant school-related place and their immediate surrounds);
- the right to protection of families and children (through the effect of orders interfering with the ability of family members to attend school events, accompany children on excursions or school camps, volunteer at the school, communicate with school staff, or otherwise engage with the child’s education at the school);
- the right to equality (through the potential for orders to be made in response to behaviours that are a symptom of the protected attribute of disability, such as mental illness or cognitive impairment); and
- fair hearing (through the procedures for making orders affecting rights).

The previous Statement assessed the scheme as compatible with the above rights, as the scheme serves an important purpose of protecting the rights and safety of school staff and students, it goes no further than necessary to achieve its purpose, and is subject to sufficient procedural safeguards to protect against disproportionate impacts on vulnerable individuals.

As this Bill will lower the threshold for making an immediate order and therefore expand the potential circumstances in which orders may be made, as well as provide for extending the duration of an immediate order, the Bill could be characterised as authorising greater interferences with the above rights than was previously provided for. However, I am of the view that these amendments are both warranted and moderate in their effects, and will not alter the assessment of compatibility in the previous Statement.

The removal of the requirement that an unacceptable risk be ‘imminent’ is to give effect to the recommendations of the *School Community Safety Order Scheme Statutory Review (the Review)* to make the immediate order scheme more practical to use. This arose in the context of the Review noting the declining use of immediate orders as the imminency threshold was considered to be too high to be workable in practice, and making it impracticable to also comply with the scheme’s procedural requirements. Although removing the word ‘imminent’ allows for a wider set of circumstances in which an order can be made, I am satisfied that the existing framework and safeguards outlined in the previous Statement of Compatibility, with new procedural safeguards I discuss below, ensures the scheme remains compatible with human rights.

The Bill also provides for the extension of immediate orders for up to seven days, if the grounds for making an order still exist and additional time is needed in order to transition the matter to an ongoing order. This is to reflect the fact that the Review found that it takes around 2 to 3 weeks for an authorised person to make an ongoing order, such as seeking any advice to inform their decision or to follow the relevant process for making the ongoing order. By having the option to extend the duration of an immediate order by an additional seven days, an authorised person will have additional time to decide whether to make an ongoing order. The Bill requires an authorised person to be satisfied that the grounds for making an immediate order still exist to justify an extension, which ensures that an extension is appropriately tied to the purpose of reducing harm, interference or disruption in schools. New section 2.1A.9A makes clear that immediate orders cannot remain in force for more than 21 days. Further, clause 153 of the Bill inserts a new restriction to limit the number of immediate orders that can be made against the same person within a certain period in the circumstances prescribed in Ministerial Guidelines, to prevent against misuse and ensure that any need for multiple orders is dealt with under the ongoing orders scheme.

Fair hearing (section 24)

The Bill makes a number of amendments to streamline the process and procedures for making immediate orders. To the extent that the decisions to make, extend, or revoke an immediate order provided for in clauses 155, 158 and 159 of the Bill would enliven a broad reading of the right to a fair hearing in section 24(1) of the Charter, I consider that the amendments continue to ensure procedural fairness is safeguarded so as to not limit this right.

The Bill abolishes existing provisions relating to making submissions and internal review, and replaces them with a new procedural fairness process that is reasonable and proportionate to the circumstances and in accordance with any guidelines made under Division 5 of Part 2.1A. New section 2.1A.3A introduces new requirements to notify persons to whom an immediate order may apply that an order may be made and the reasons for that order, give the person an opportunity to respond to the proposal, and consider any response by the person. These must be applied to the extent it is reasonable and proportionate in the circumstances, which ensures the procedural requirements are not a barrier to responding to urgent circumstances such as an imminent risk. The Bill removes the existing redundant requirement to immediately review an order, which was in place due to the previous displacement of procedural fairness. While this will mean immediate orders will generally continue to have effect for their short duration, if an authorised person wishes to revoke an immediate order or make an ongoing order, they may do so in accordance with the relevant provisions in the ETRA.

The Bill also makes amendments to clarify when an immediate order remains in force, ensuring greater certainty in the duration of orders. Under clause 159, the repeal of the authorised person’s power to revoke an immediate order following review of the order is supplanted by the fact that an immediate order expires after 14 days (or, if specified in the order, an earlier date), and an authorised person can allow it to lapse without further action (for example, where the authorised person has formed the view that the immediate order has been sufficient in addressing the relevant risk).

In relation to the new power to extend an order, while a person is not afforded procedural fairness in relation to the decision to extend the order, a further reasonable and proportionate opportunity to make submissions will be afforded if, and when, an ongoing order is proposed to be made. I am satisfied that it is not practicable to afford procedural fairness at this point given the short duration of this extension, which is predominantly aimed at facilitating a more informed decision as to whether to allow the order to expire or to seek an ongoing order.

I am therefore satisfied that the above process is on balance compatible with fair hearing.

Amendments to ongoing order scheme

Part 3.4 of the Bill also makes amendments to the current ongoing order scheme:

- Clauses 160 and 161 repeal the existing ‘show cause’ process and replaces it with an obligation for an authorised person to give the person to whom an ongoing order is to apply an opportunity that is reasonable and proportionate in the circumstances and in accordance with any guidelines made by the Minister for Education under Division 5 of Part 2.1A;
- Clause 162 amends section 2.1A.26(1) of the ETRA to allow an authorised person, whether or not they made the ongoing order, to vary an ongoing order;
- Clause 163 amends section 2.1A.27 to allow an ongoing order to continue for a period not exceeding 12 months from the day of the order or for an extended period under new section 2.1A.27A. New section 2.1A.27A allows an authorised person to extend an ongoing order for a further period not exceeding 12 months if the authorised person is satisfied that the grounds for the ongoing order continue to exist, and may vary any other term or condition of the order;
- Clause 164 makes a number of amendments to the internal review of an ongoing order in section 2.1A.29 of the ETRA, including providing for seeking review of an extension of an ongoing order made under new section 2.1A.27A of the ETRA, and the specified circumstances in which such review can be applied for;
- Clause 164 also inserts new subsection 2.1A.29(8), to provide that where internal review is expanded to include both the original decision to make an ongoing order, as well as the decision to extend the order a person may not make a separate internal review application in relation to the decision to extend the order; and
- Clause 167 which provides for expansion of VCAT’s jurisdiction to review extensions of ongoing orders where a VCAT review of the original order is on foot.

Extending existing interferences with rights

Drawing on my discussion regarding the immediate order scheme, the power conferred in clause 163 to extend an ongoing order will, when exercised, extend the duration of existing interferences with substantive rights effected by the order under the ETRA (as identified in my previous discussion).

As above, I consider that this amendment will not alter the previous assessment of the scheme’s compatibility. An extension period is limited to no more than 12 months on the basis that the authorised person is satisfied that the grounds for making the ongoing order continue to still exist, which ties an extension to the purpose of the order (being to reduce harm, interference and disruption in schools). As such, I consider that any continued interference with rights effected by the extension of an ongoing order is justified and serves the purpose of ensuring that schools are safe places for staff and for students. Further, it is also subject to a grant of additional procedural safeguards, which I now discuss.

Fair hearing (section 24)

To the extent that extending an ongoing order for a period not exceeding 12 months from the day of the order under new section 2.1A.27A, including making any variations to the terms or conditions of the order, may engage a broad reading of the right, I consider that the right would not be limited because the authorised person must exercise their powers in accordance with the processes set out in the Bill.

The Bill replaces the previous ‘show cause’ process with a reasonable and proportionate procedural fairness process. The previous show cause requirement was found to unduly impair an authorised person’s ability to make an ongoing order as well as to enliven risks of harm to authorised persons through the requirement to re-engage with a person in circumstances where the person is being hostile, threatening or violent. This new obligation balances procedural fairness with protection of others, and allows a flexible approach according to individual circumstances. Additional guidance will be provided in the Ministerial Guidelines on what will be considered reasonable and proportionate in the circumstances. Given that the scheme is designed to be a tool of last resort after all other mechanisms have been exhausted, an order is unlikely to be made without a history of prior engagement, nor be unexpected or unforeseeable by the person being subjected to it. In such cases, the opportunity to be heard before an order is made may be less than for isolated or once off incidents, and even so, any procedural fairness that is not afforded due to being considered unreasonable in the circumstances, is still required to be afforded under the internal and external review procedures.

In relation to extension of orders, the Bill safeguards procedural fairness by providing clear grounds for making an extension to an ongoing order, being that an authorised person (whether or not the authorised person who made the order) must be satisfied that the grounds on which the order was originally made continue to exist (new section 2.1A.27A(1)). Further, before an order is extended under new section 2.1A.27A(1), the authorised person must give written notice of the extension and any variation to the

terms and conditions of the order, with a copy of the extended and varied order (new section 2.1A.27A(3)). Finally, the Bill extends the existing entitlements to apply for internal and external review to decisions to an extend an ongoing order, subject to appropriate qualifications on reasonableness and fairness where a review is already on foot before VCAT.

Powers to make digital content school community safety orders

Clause 170 of the Bill introduces new Divisions 4A and 4B of Part 2.1A to grant powers to make digital content school community safety orders that extend to regulating behaviour on communication platforms or channels. A ‘communication platform or channel’ includes a social media platform, website, and an email or text messaging service. This includes all communication platforms or channels which enable electronic communication, and not just those operated or owned by a school.

New section 2.1A.34B will empower an authorised person to make a digital content order that prohibits a person from publishing content or material or communicating information on a communication platform or channel in order to:

- harm, abuse, intimidate or threaten a staff member of, or a student enrolled at the school specified in the order;
- interfere with the wellbeing and safety of students enrolled at the relevant school specified in the order;
- cause significant disruption to, or significant interference with, school operations or activities carried on by the relevant school specified in the order; or
- cause significant interference with the educational opportunities provided to students by the relevant school specified in the order.

This includes prohibiting the person from causing a third person to engage in the above behaviour (new section 2.1A.34B(1)(b)). A digital content order can, if applicable, require the person to amend or remove any content or material published or information communicated by the person on a communication platform or channel that does any of the things specified above (new section 2.1A.34B(1)(c)).

An authorised person may make a digital content order in respect of a person that requires the person to amend or remove any content or material published or information communicated by another person on a communication platform or channel that does any of the things described above, where the person who is subject to the order is able to amend or remove the content (new section 2.1A.34B(2)(a)–(b)).

Under new section 2.1A.34D, an authorised person can make a digital content order of a kind specified in new section 2.1A.34B(1) in respect of another person if they reasonably believe that there is an unacceptable risk of:

- harm to a staff member of, or student enrolled at, the relevant school; or
- interfering with the wellbeing and safety of students enrolled at the relevant school; or
- causing significant disruption to, or significant interference with the relevant school operations or activities carried on by the relevant school, or causing significant interferences with the educational opportunities provided to students enrolled by or at the relevant school.

Similar grounds are required to be satisfied if an authorised person makes a digital content order of a kind specified in new section 2.1A.34B(2).

An authorised person must consider the vulnerability of the other person of which the authorised person is aware and whether the order is the least restrictive means available to address the grounds on which the order is proposed to be made (new section 2.1A.34D(3)).

Under new section 2.1A.34D(4), an authorised person is not permitted to make a digital content order unless:

- the content, material or information to be prohibited, amended or removed directly impacts, or is reasonably likely to directly impact, the capacity of –
 - a student to participate in a school activity or engage in education or learning opportunities provided by the relevant school while at the school; or
 - a principal, teacher or any other staff member at the relevant school to perform their work or duties for or at the school; and
- the order is reasonably necessary to address the grounds on which the order is proposed to be made.

New section 2.1A.34E requires written notice to be given to the person to whom the order applies to. New section 2.1A.34G provides the form in which a digital content order must take, including naming the person to whom the order applies to, the grounds on which the order has been made, and any conditions that are attached to the order, and stating if the order requires the person to amend or remove content or material

published or information communicated, by the person on a communication platform or channel (and by what date).

New section 2.1A.34H requires an authorised person to not make a digital content order unless notice has been given to the person to whom the order would apply and an opportunity that is reasonable and proportionate to the circumstances to make submissions on the proposal. Any submissions received from the person to whom the order would apply must be considered in determining whether to make a digital content order, including for digital content orders made in respect of a person who is not a parent of a child at the school (new section 2.1A.34I(2)).

New section 2.1A.34I provides for communication and access arrangements to be made for digital content orders.

An authorised person making a digital content order must determine the period of duration that an order is to remain in force and may determine any conditions to be attached to the order (new sections 2.1A.34J and 2.1A.34M regarding the maximum duration of an order). An order can be revoked in accordance with the requirements in new section 2.1A.34L. An order can be varied by an authorised person under new section 2.1A.34L, and extended by new section 2.1A.34N.

Contravention of a digital content order may result in a civil penalty (new section 2.1A.34O).

New Division 4B provides for the internal and external review of digital content orders.

These provisions are relevant to the rights to freedom of expression, privacy and fair hearing.

Freedom of expression (section 15)

The exact scope of the right to freedom of expression in section 15(3) is still emerging. In comparative jurisprudence, the right has been found to protect criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions (see eg, *Sunday Times v United Kingdom (No 2)* [1992] 14 EHRR 123). However, the Supreme Court of Victoria has observed that the term ‘expression’ in section 15 of the Charter should not be regarded as unqualified or absolute, and what is protected expression must be informed by public policy considerations inherent in the nature of a free and democratic society (*Magee v Delaney* (2012) 39 VR 50, [86]).

The Bill restricts freedom of expression by enabling an authorised person to make an order prohibiting a person from communicating on a communication platform or channel about a staff member or a student, including by causing a third person to engage in the same communication. In addition, a digital content order may require that the person amend or remove the content or material published or information communicated on a communication platform or channel, which includes a social media platform, website, and an email or text messaging service. An order may also require that a person to amend or remove any content or material published or information communicated, by another person, which will inhibit the other person’s freedom to communicate.

I acknowledge that these provisions are novel and such orders are likely to significantly interfere with freedom of expression, to the extent that the right protects the freedom to engage in harmful, intimidating and abusive communications. It will do so in relation to an individual’s expression on platforms and in spheres that are beyond those controlled by the school, where an individual is generally free to communicate and express ideas without constraint (within the limits of the law and subject to the terms of service of these platforms).

However, I consider that these provisions will enliven the internal limit which permits restrictions reasonably necessary to protect the rights of others (section 15(3) of the Charter).

The provisions serve an important, legitimate and necessary purpose. This is to reduce harm to and harassment of staff and students and significant disruption of or, interference with school activities and operations, or the educational opportunities of students. These amendments are made in the context of recent and rapid increases in the number of e-safety (meaning electronic or online safety) incidents where staff and/or students are being abused, or threatened through social media and other forms of communication. Between 2022 and 2024, schools have reported hundreds of incidents of inappropriate social media behaviour from a parent, carer or advocate. Many of these incidents significantly impact the mental health and wellbeing of school staff, which has a flow-on detrimental effect on educational outcomes. In some circumstances they can pose a risk to physical safety where online comments incite or provoke aggression and violence in a person. Schools do not currently have sufficient means to deal with these diverse and emerging e-safety incidents and hazards. Existing tools provided by the ETRA are limited to school-owned or controlled platforms and channels. Social media companies often have a high bar for removal of content from platforms.

The scope of the provisions is appropriately tailored to achieve this important objective and ensure the orders go no further than necessary. The orders are limited to prohibiting communications for specific purposes that reach an appropriate threshold of seriousness. This includes publishing content or material, or communicating

information, on a communication platform or channel in order to harm, abuse, intimidate or threaten a staff member or student of a specified school, to interfere with the wellbeing and safety of students enrolled at a specified school, to cause significant disruption to or interference with school operations or activities, or to cause significant interference with the education opportunities of enrolled students. I consider these criteria to be sufficiently detailed and targeted so that they capture e-safety incidents of concern, and do not extend to targeting mere criticism or disagreement, or the communication of robust views.

Additionally, the order only targets communications for purposes specified in the order, and does not otherwise affect an individual's broader freedom to continue using such platforms or channels or communicating and expressing other ideas on those platforms or channels that do not engage the terms of the order. The framework for making the order also requires there to be nexus between the purpose of the order and the relevant school. This means that a digital content order cannot be made unless the content, material, or information to be prohibited, amended or removed directly impacts, or is reasonably likely to directly impact, students and staff of the relevant school in specified ways.

Various safeguards are built into the scheme. The Bill prevents such orders from being imposed on a staff member or student, or a child (new section 2.1A.34B(3)). The grounds for making an order under new section 2.1A.34D(1) in respect of a person requires a reasonable belief that there is an unacceptable risk of the person doing the actions or behaviours set out above. Similarly, the grounds for imposing an order on a person in relation to amending or removing content or material published, or information communicated, by another person requires the authorised person to have reasonable belief that the person is able to amend or remove the content, material, or information and that there is an unacceptable risk that the content, material, or information required to be amended or removed causes, or is likely to cause, the types of harm, interference or disruption outlined above. An unacceptable risk is a recognised legal criterion that involves considering both the likelihood and gravity of a specified risk to determine if that risk is unacceptable. Under new section 2.1A.34D(3), before making an order, an authorised person must consider any vulnerability of the other person (which the authorised person is aware) and whether the order is the least restrictive means available to address the grounds on which the order is proposed to be made. Further, new section 2.1A.34D(4) provides that an order cannot be made unless the authorised person is satisfied the order is reasonably necessary, and that the content, material, or information to be prohibited, amended or removed directly impacts, or is likely to impact, a student to participate in a school activity or engage in education or learning opportunities, or a staff member at the relevant school to perform their work or duties for or at the school. I consider this multi-stepped criteria to be sufficiently tailored and robust to ensure that any resulting order will occur in circumstances where there is a legitimate and pressing need to protect students or staff at the relevant school, will go no further than is necessary to address those protective aims and will constitute the least restrictive means in the circumstances.

The Bill also provides a process to ensure procedural fairness and accountability. New section 2.1A.34H requires written notice to be provided to the person to whom the order applies with a list of mandatory matters which must be outlined in the notice. A reasonable and proportionate opportunity must be provided to the person to make submissions in response to the proposed order, in accordance with any Ministerial guidelines, and an authorised person must consider those submissions if reasonable and proportionate in the circumstances to do so. In addition to the procedural requirements in the Bill, an authorised person will be a public authority for the purposes of the Charter and be obliged to consider human rights when making a digital content school community safety order. The Bill also provides discretion for an order to be revoked if the requested actions in the notice are undertaken. Similar procedural fairness provisions are afforded to any extension of an order. A person to whom a digital content school community safety order applies may apply for both internal review and external merits review by VCAT.

Finally, the administration of an order must be carried out in accordance with a communication and access protocol under new section 2.1A.34I to be prepared following the making of an order, which sets out the measures to be taken to ensure that a parent subject to an order may continue to communicate with the school and be informed about their child's education, and the arrangements to ensure their child's continued attendance at and safe access to the school and school activities. This is an important safeguard that seeks to mitigate the impact of the order on an affected person's human rights beyond what is necessary to give effect to the order. By obliging an authorised person to prepare a protocol for managing a person's access and communication with the school (where relevant), this protects the administration of the order from arbitrarily affecting a child's education or prejudicing their best interests, or from arbitrarily interfering with family life. Guidelines will be prepared requiring such protocols to set out certain matters, to better ensure their consistency and proportionality. Further, any enforcement of a contravention of an order (by way of a civil penalty) is to be effected by application to the Magistrates Court, which will determine such application in accordance with the administration of justice and provision of procedural fairness.

Accordingly, with recognition to the novel and potentially significant impact of a digital content school community safety orders, I am satisfied on balance that this new scheme is appropriately tailored and circumscribed, subject to sufficient safeguards and oversight, and for the important and pressing purpose to constitute a restriction reasonably necessary to protect the rights of others. I am satisfied that the new scheme is compatible with the freedom of expression.

Right to privacy (section 13(a))

The power to make a digital content order will also be relevant to the right to privacy in that restrictions on expression may also interfere with elements of a person's private life, including their use of technology and expression of ideas in their private life, as well as the ability to develop relationships with others. The right to privacy recognises the importance of a person's autonomy, among other things, in their own private sphere and protects the freedom from the unjustified involvement of public authorities in their private sphere. As such, content or material published, or information communicated, by an individual on an independent platform and, particularly, outside of a school environment will likely constitute interference in a person's private sphere. Further, an order has the potential to indirectly interfere with matters of family life as restrictions on a parent or carer that are relevant to participation in school life is likely to closely relate to things within the family sphere.

However, for the same reasons as I outlined above in my discussion on the right to freedom of expression, any interference with privacy will be lawful and not arbitrary due to the digital content order framework being appropriately tailored and circumscribed, subject to sufficient safeguards and oversight, and for the important and necessary purpose of safeguarding child safety, wellbeing and educational outcomes, and staff safety and wellbeing. I am satisfied that these provisions are compatible with the right to privacy.

Fair hearing (section 24)

I have already discussed the procedure for making these orders above, but for completeness, the right to fair hearing is engaged by these provisions because, to the extent that a school principal or school proprietor (or person authorised by the school) is an 'authorised person' who is able to make a digital content order, the decision may not be free from the perception of bias. Such a person may be closely connected to the matter at hand – for example, they may be the employer of a school staff member protected by the order, or they themselves may be one of the relevant school staff members protected by the order. As such, in some cases where a principal may have been involved in the matter, the right to have a proceeding decided by an impartial tribunal could be limited at the original decision-making stage.

Further, whether or not a person is afforded a fair hearing is considered in light of the decision-making process as a whole, having regard to the nature of the decision and the entirety of the decision-making process, including any avenue of appeal or review. As such, the absence of an impartial tribunal in the making of the original decision to make an order does not necessarily result in incompatibility with the right to a fair hearing.

To address this limit, the Bill introduces new Division 4B, which provides for a multi-layered internal and external review process in which a digital content order may be affirmed, varied or revoked. The Division allows a person affected by a digital content order to seek both internal and external review of the decision, which largely replicates the same review processes for immediate and ongoing orders. This includes requiring internal review procedures to provide opportunities for an affected person to make written or oral submissions, allowing representation for an affected person, providing a written statement on the outcome of the review and reasons for the decision, and being consistent with Ministerial Guidelines under Division 5 of Part 2.1A of the ETRA. Following the outcome of an internal review and if the order has not expired or been revoked, new section 2.1A.34T provides for application to VCAT for external review of an order.

As such, considering the decision-making process as a whole, I consider that the right to a fair hearing is not limited by these provisions.

Hon Lizzie Blandthorn MP

Deputy Leader of the Government in the Legislative Council

Minister for Children

Minister for Disability

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:47): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In accordance with section 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026 (the Bill).

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 Bill

The Bill introduces reforms to regulation of apprenticeships and traineeships in Chapter 2, and reforms to the permission to teach scheme administered by the Victorian Institution of Teaching, and the school community safety order scheme, and other matters, in Chapter 3.

Apprenticeships and Traineeships Regulatory Reforms (Chapter 2)

The Bill strengthens and modernises the regulatory framework for apprenticeships and traineeships, prioritising their safety and support. Key measures in the Bill include a greater range of enforcement tools for the regulator, introducing a licensing system for employers of apprentices and trainees and embedding an education-first approach to support employers to comply. The regulation of apprenticeships and traineeships will also move from the Victorian Registration and Qualifications Authority to the Workforce Inspectorate Victoria, complementing the Inspectorate's existing functions and capabilities as an industry-focussed regulator.

The Bill's reforms acquit the government's response to recommendations of the Apprenticeships Taskforce in relation to the regulatory framework for apprentices and trainees. The Taskforce consulted with apprentices and trainees from priority cohorts such as First Peoples apprentices and trainees, to inform its work.

Schools and other matters (Chapter 3)

The *Education and Training Reform Act 2006* (the ETRA) provides the statutory framework for Victoria's education and training system.

I have identified various matters relevant to the government education and training system in Victoria that are intended to be addressed by amendments to the ETRA. These matters include:

- a) the government's commitment to ensuring that Victorian schools are safe and respectful places of learning and work for students and staff;
- b) the review by the Victorian Institute of Teaching (Institute) of the 'permission to teach' scheme and report issued on 30 April 2025; and
- c) recommendations from the 2025 statutory review of the school community safety order scheme (the SCSO scheme).

In view of the above, the amendments to be made by the Bill include:

- a) improving and strengthening the permission to teach registration scheme administered by the Institute by:
 - i. replacing the name "permission to teach" (PTT) with "Conditional Authority to Teach" (CATT) to better reflect the circumstances in which that registration type is granted;
 - ii. providing that a responsible person such as a school principal, who intends to employ someone with PTT, must enter into a supervision and support agreement with the Institute setting out the way in which professional support and supervision will be provided to the person granted PTT;
 - iii. providing the Institute with appropriate regulatory tools for the purpose of supporting schools and other bodies with their obligations in relation to PTT holders;
- b) implementing a number of recommendations of the statutory review of the SCSO scheme and making other amendments to the scheme by:
 - i. expanding the power to make SCSOs to address behaviour on electronic communications platforms and channels (including social media and messaging platforms) to protect school staff and students from serious harm perpetrated online;

- ii. expanding the circumstances in which immediate orders may be made by removing the imminency element from each of the grounds for making such orders;
 - iii. requiring an authorised person to provide the person against whom an immediate order is proposed to be made with a reasonable and proportionate procedural fairness process;
 - iv. removing the requirement that an authorised person review an immediate order after making the order;
 - v. simplifying the requirements for making oral orders and empowering an authorised person to extend the duration of an ongoing order, for a further period not exceeding 12 months
 - vi. replacing the show cause notice process for ongoing orders with a reasonable and proportionate procedural fairness process; and
- c) introducing a new statutory principle which enshrines the expectation and intention that all Victorian schools are safe and respectful places of learning and work.

Consultation with the First Peoples' Assembly of Gellung Warl

The First Peoples' Assembly was not given an opportunity to advise on and did not make representations on the Bill, based on my understanding that it is unlikely to have a significant impact on First Peoples or Statewide Treaty.

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

I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the Statewide Treaty Act 2025:

- a) advancing the inherent rights and self-determination of First Peoples; and
- b) addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
- c) ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

In my opinion the Bill does not, in its terms, deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential impact on First Peoples.

Conclusion

For the reasons set out above, in my opinion the Bill is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the Statewide Treaty Act 2025.

Hon Lizzie Blandthorn MP

Deputy Leader of the Government in the Legislative Council

Minister for Children

Minister for Disability

Second reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:47):
I move:

That the bill be now read a second time.

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

Today, I introduce a Bill to amend the *Education and Training Reform Act 2006* (Act) to:

- a) strengthen protections for Victoria's apprentices and trainees;
- b) strengthen the permission to teach scheme; and
- c) ensure that schools remain safe places of learning and work by:
 - introducing a statutory principle into the Act which enshrines the expectation and intention that all Victorian schools are safe and respectful places of learning and work;
 - important updates to strengthen the permission to teach registration scheme administered by the Victorian Institute of Teaching; and
 - further protecting school staff and students from harm by strengthening and streamlining the school community safety order scheme.

I turn firstly to the apprenticeships and traineeships regulatory reforms in the Bill.

Victoria's 62,000 apprentices and trainees form a crucial element of our economy and society. Apprenticeships and traineeships play a critical role in enabling our workers to develop their skills, participate in the workforce and provide employers with access to a skilled supply of labour to support Victoria's economic growth and sustainability.

To do these things effectively, we need an apprenticeship and traineeship system that is modern and flexible, keeping pace with a dynamic and changing domestic and global environment, that is fair, that promotes safety, manages risk and drives a quality experience for workers.

But the framework that governs the Victorian apprenticeship system is outdated. It has not kept pace with the changing nature of apprenticeships and traineeships, and Victoria's rapidly transforming economy. The current legislation was established 20 years ago. It does not provide adequate protections for apprentices and trainees, it is not risk based in recognising the particular vulnerabilities of this cohort of workers, and it does not enable the regulator, the Victorian Registration and Qualifications Authority, to act quickly in response to harms, and risks of harm to our workers.

In recognition of the need to make the system safer and fairer for apprentices and trainees, a key Victorian Government election commitment in 2022 was to establish an Apprenticeships Taskforce.

In July 2023 the Government established the Taskforce, investing \$1.5 million to support its work. The Government stated its role would be to advise the Labor Government and provide recommendations to improve safety in workplaces across the state. The Government recognises that the perspectives and lived experience of apprentices and trainees is critical to informing this work, and further notes that an Apprentice and Trainee Reference Group would be established to advise the Taskforce.

The Taskforce was chaired by former President of the Australian Council of Trade Unions Sharan Burrow. Justice Iain Ross, former President of the Fair Work Commission served as special adviser. As well as being advised by apprentices and trainees, the Taskforce membership comprised numerous employer representatives and unions.

Additionally, the Taskforce consulted extensively with apprentices and trainees, including from priority cohorts such as women and First Nations apprentices and trainees, unions, peak bodies, regulators and employers.

The Taskforce finalised its report in March 2024 and made 16 recommendations to reform the apprenticeship system, strengthen the regulatory framework, improve the apprenticeship and traineeship journey and enhance collaboration and coordination across the regulatory landscape for apprentices and trainees.

The Victorian Government has accepted all of the recommendations in full or in part.

The Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026 delivers on the government's response to the recommendations to strengthen and modernise the regulatory framework for apprenticeships and traineeships.

Various regulatory schemes work together to ensure workers are safe and protected from harm. But there are specific vulnerabilities and regulatory risks in the context of apprentices and trainees that mean it is critical that we have a strong, robust, flexible and highly targeted risk based regulatory framework.

The Taskforce found there can be a significant power imbalance between apprentices and trainees and their employers which can make them vulnerable to workplace exploitation. In addition, they are young. The majority are less than 25 years old, and a relatively large proportion are less than 19 years old. This means many may have limited or no previous work experience and are inexperienced in understanding their rights, recognising appropriate treatment in the workplace and knowing where to go if they need help.

Younger workers have also been found to be more prone to workplace safety incidents. Apprentices and trainees in the construction industry face greater health and safety risks given the inherent risks associated with working on a building site.

Over the past few years there have been safety incidents in Victoria which have resulted in death and serious injuries to apprentices. These incidents are tragic, preventable and unacceptable.

We also know some apprentices and trainees have experienced workplace bullying, harassment, discrimination and wage theft.

These harms, risks and specific vulnerabilities of this cohort point to the imperative to introduce a strengthened regulatory framework that provides greater oversight and protections, and is proportionate and accounts for risk, rather than the current 'one size fits all' approach to regulating this sector.

The Education and Training Reform Amendment (Apprenticeships, Traineeships, Schools and Other Matters) Bill 2026 will deliver on these critical elements.

In summary the key amendments in the Bill regarding apprenticeships and traineeships will:

- a) transfer regulation of apprenticeships and traineeships from the Victorian Registration and Qualifications Authority to the Workforce Inspectorate Victoria
- b) establish an expanded set of compliance and enforcement powers for the new regulator
- c) establish a new licensing scheme for employers of apprentices and trainees
- d) establish a framework for new employer standards to set expectations for the employer's role
- e) provide additional protection for apprentices and trainees engaged by labour hire providers
- f) establish new requirements for training plans
- g) facilitate greater information sharing between co-regulators
- h) provide for a five-year statutory review of the new scheme
- i) provide for a dedicated statutory Commissioner position and a consultative committee.

I will now speak to each element of the reforms in the Bill regarding apprenticeships and traineeships in further detail.

Transfer of Regulatory functions from the Victorian Registration and Qualifications Authority to the Workforce Inspectorate Victoria

The Bill will transfer apprenticeship and traineeship regulatory functions from the Victorian Registration and Qualifications Authority to Workforce Inspectorate Victoria. With its strong capability in industry regulation the Workforce Inspectorate Victoria is positioned well to take on these functions.

It will also enable the Victorian Registration and Qualifications Authority to focus on its core remit, being a regulator of schools and vocational education and training.

More enforcement tools to enable the regulator to take action in response to risk of harm

The Victorian Registration and Qualifications Authority does not have a modern regulatory toolkit to enforce non-compliance with apprenticeship and traineeship laws. Enforcement action is limited to cancelling an employer's approval to engage a worker, cancelling or suspending a training contract or prosecuting an employer in relation to training contract obligations.

These tools are at the upper end of the enforcement pyramid, and do not provide the regulator with flexibility to deploy a graduated, proportionate approach based on risk relativities.

The Bill provides for the regulator to issue notices to produce, compliance notices, infringement notices, official warnings and enforceable undertakings. The regulator will also be able to issue adverse publicity orders and there will be civil and criminal penalties for breaches such as providing false information and failing to comply with an Authorised Officer.

These tools will enable the regulator to act quickly, effectively and proportionately relative to the level of regulatory risk. This approach is consistent with other Acts that give effect to contemporary regulatory schemes, such as those established under the Child Wellbeing and Safety Act 2005 and the Social Services Regulation Act 2021.

Ongoing Oversight of Employers through new Licensing Scheme

The Taskforce analysis found that the existing approvals process for prospective employers of apprentices and trainees is static, it occurs at the beginning of the process, and does not enable an assessment of employer suitability in an ongoing way. Employer suitability is also solely based on a self-assessment process.

The new licensing system will enable regulatory oversight over the lifecycle of the apprenticeship or traineeship.

It will provide the Workforce Inspectorate Victoria with greater capacity to manage poor performing employers which in turn will improve apprenticeship and traineeship completion rates.

Apart from the initial licence assessment process, a subsequent 'light touch' reaffirmation process allows the licence to continue for another 12 months. The requirement for annual renewal has been designed to minimise burden on employers.

The Bill envisages that the licensing scheme can be operationalised through the ICT system in a way that streamlines the application and approval processes for employers.

New employer standards

The Bill enables Standards to be prescribed in regulations to provide clarity to employers on what the expectations are for a successful apprenticeship and traineeship journey. These expectations are not explicit under the current scheme.

Stronger regulation where apprentices and trainees are employed by labour hire providers

Labour hire providers employing apprentices and trainees attract a higher risk profile than other employers as these workers are working for a third party, meaning there is often limited or no oversight by the regulator.

The Bill provides for stronger obligations on labour hire providers who employ apprentices and trainees through the introduction of a specific standard to be prescribed in regulations, for this class of employer. The Workforce Inspectorate Victoria will also be able to consider current licences by the Labour Hire Authority in considering regulatory risk, and to impose additional licence conditions for this class of employer.

New requirements for training plans to promote quality

Effective training plans facilitate shared expectations between parties. The Bill proposes the inclusion of minimum requirements for information included in training plans, such as the vocation that the apprenticeship or traineeship relates to, details of employment-based training to be provided by the employer, details of the training scheme course which the apprentice or trainee is enrolled in, and intervals at which the registered education and training organisation must assess the skills of the apprentice or trainee.

Improved information sharing across co-regulators

Apprentices and trainees are relevant to the remit of multiple co-regulators, and these agencies often hold valuable intelligence about issues and incidents of concern for apprentices and trainees. The regulatory landscape can be fragmented and confusing, and there is no consistent approach to information sharing across agencies. The Bill will enable co-regulators to share information with each other consistently and comprehensively, creating opportunities for improved coordination – for example by sharing regulatory intelligence and opportunities for joint investigations.

Governance arrangements

A new Apprenticeship and Traineeship Commissioner will be established in Workforce Inspectorate Victoria. This will be a dedicated statutory role to support enforcement of the new regulatory scheme. Under the Bill, the Workforce Inspectorate Victoria Commissioner will be appointed to the role, in addition to their existing role.

The Bill will also provide for a consultative committee comprising industry, employee and other key representatives. The committee will advise the Apprenticeship and Traineeship Commissioner on current risks and issues requiring consideration in relation to regulatory priorities, ensuring broad stakeholder perspectives are taken into account by the new regulator.

Five-year review

To ensure the new scheme is efficient, effective and fit for purpose, the Bill proposes a statutory review of the scheme within five years of commencement, to be tabled in Parliament.

Implementation

The Bill outlines the apprenticeships and traineeships regulatory reforms will commence by 1 July 2029 or a date earlier to be proclaimed, but we have committed to deliver the reforms by 1 July 2028. There are a number of complex transitional activities required to support the new scheme, including transferring staff, assets and liabilities from the Victorian Registration and Qualifications Authority to the Workforce Inspectorate Victoria. An ICT solution for the new regulatory scheme is also required as the Victorian Registration and Qualifications Authority's existing ICT system is at end-of-life stage. A new ICT system will be required to be built.

A carefully designed system will be important to support a sophisticated, efficient, risk-based regulator that minimises regulatory burden for employers, and can also effectively support co-regulation and coordination with other entities.

These reforms are significant, there will be adequate opportunity for broad consultation with relevant sectors and key stakeholders on draft regulations and implementation, to inform careful implementation design.

The Victorian government will develop targeted communications informing relevant sectors and key stakeholders including employers, peak bodies, apprentices, trainees, unions and affected agencies about the reforms and the new obligations in the lead up to the reforms being implemented.

A range of regulations will be required to operationalise the scheme, including standards employers need to comply with, conditions on employers' licences and infringement offences and penalty levels. Development of regulations will be undertaken in a consultative manner.

I would like to take this opportunity to express my sincere thanks to Sharan Burrow, Ian Ross and the Apprenticeships Taskforce for the work and engagement they have undertaken throughout 2023 and 2024 which informs this Bill.

I would also like to acknowledge the important role of the Apprentice and Trainee Reference Group, and to thank numerous other stakeholders from unions, employers, peak bodies, regulators and apprentices and trainees, for your ongoing and thoughtful engagement in this process, and your contribution to the Bill before the house today.

I would now like to address the reforms to schools and other matters contained in Chapter 3 of the Bill.

In regard to these reforms, the key features of the Bill include the below amendments.

Statutory principle

The new statutory principle of the ETRA enshrines the expectation and intention that all Victorian schools are safe and respectful places of learning and work. This embeds the importance of safe and respectful school communities as a key principle underpinning the Education State.

Permission to teach

Permission to teach (PTT) is a form of teacher registration that enables an individual who does not meet the qualification requirements for registration as a teacher to undertake the duties of a teacher in a limited capacity based on their skills and experience. This registration can be used to address workforce shortages and is also granted to pre-service teachers on employment-based Initial Teacher Education pathways. In the majority of cases, PTT holders will be actively engaged in Initial Teacher Education and progressing towards provisional registration.

In 2025, the Victorian Institute of Teaching (VIT) reviewed the PTT scheme and recommended a suite of improvements to ensure the scheme is fit for purpose, including in response to sector concerns about adverse outcomes for the teaching workforce under the current PTT policy and its application.

The reforms I am introducing today will provide a clear co-regulatory lever to make sure PTT holders have access to the support they need to meet the conditions of their registration while appropriately balancing employment with study requirements and, for the many PTT holders who are engaged in Initial Teacher Education courses or pathways, increase the likelihood that they progress to provisional teaching registration and go on to long and successful teaching careers.

Changing the name of the scheme

The amendments update the name of the registration category of “permission to teach”, to “conditional authority to teach”, (CATT) to better reflect the conditional nature of this registration category where a person is only permitted to teach in a specific place, for a set time, under specific individualised circumstances.

Formalising employer obligations

The amendments formalise the existing employer obligations for CATT holders by providing the VIT with the ability to enter into supervision and support agreements with principals or other responsible persons of bodies engaging a person with CATT. A grant of CATT will be conditional upon an agreement being entered into by the responsible person. This benefits both CATT holders and the employer.

Sector stakeholders who employ CATT holders, and the VIT, have recognised a desire for a co-regulatory approach where the conditions of the CATT grant are sensitive to the context of the individual employer or school system and CATT holder, rather than being overly prescriptive. Formalising these agreements enables the VIT to apply grant conditions that are responsive to such context.

Supervision and support agreements will contribute to a greater awareness of and compliance with the scope of the roles that CATT holders can perform, the standards and outcomes that the CATT holders must attain during their employment and the support and supervision that an employer must provide to them.

The Bill will enable the VIT to monitor whether a responsible person is complying with supervision and support requirements. It enables the VIT to work collaboratively with the employer to assist it to improve its practice. Importantly, where a responsible person has contravened a supervision and support agreement, the Bill also enables the VIT to refuse to make future grants of CATT to the same responsible person or employer.

It is important that CATT holders receive the support they need to remain in the teaching profession and to provide quality teaching to Victorian students. Many CATT holders are still studying Initial Teacher Education, and it should be a priority for them to graduate successfully and become provisionally registered teachers.

The sector has expressed concerns about adverse outcomes for the teaching workforce under the current policy and its application. These reforms address these concerns and are a step towards a more sustainable teaching pipeline for Victoria.

School community safety order scheme

Our school staff work hard every day to educate students and ensure their wellbeing is supported. Sadly, there has been an increase in violence, threats, and abusive behaviour directed at school staff. School community safety orders help protect the safety and wellbeing of students and staff, reinforcing the right of everyone to learn and work in a safe and respectful environment.

The Bill amends the ETRA to strengthen the school community safety order scheme, giving principals simpler and more effective powers to protect staff and school communities from harmful, threatening and abusive behaviour. The changes implement recommendations from a recent statutory review into the scheme and aim to improve school safety, reduce red tape while maintaining the scheme as a last resort measure to protect school communities.

In particular, the Bill:

- a) expands the protections afforded by ongoing school community safety orders by enabling digital content school community safety orders to be made, which prohibit a person from using an electronic communication platform or channel, including social media and messaging platforms, to harm school staff and students;
- b) streamlines the process for making immediate school community safety orders (immediate orders) in Division 2 by:
 - i. expanding the circumstances in which immediate orders may be made by removing the imminency element from each of the grounds for issuing immediate orders;
 - ii. requiring an authorised person to provide the person to whom an immediate order is proposed to apply with a reasonable and proportionate procedural fairness process prior to the order being issued;
 - iii. removing the requirement that an authorised person review an immediate order after issuing the order;
 - iv. simplifying the requirements for issuing oral orders;
 - v. limiting the number of immediate orders that may be issued against the same person within a defined period specified in the Ministerial Guidelines;
 - vi. empowering an authorised person to extend the duration of an immediate order by a further 7 days where the authorised person requires additional time to issue an ongoing order;
- c) streamlines the process for issuing ongoing school community safety orders (ongoing orders) in Division 3 by:
 - i. replacing the show cause notice process with a requirement that an authorised person must provide the person to whom an ongoing order is proposed to apply with a reasonable and proportionate procedural fairness process prior to the order being made;
 - ii. empowering an authorised person, other than the authorised person who made the order, to vary an ongoing order;
 - iii. empowering an authorised person to extend the duration of an ongoing order for a further period not exceeding 12 months;
- d) improves the process for reviewing ongoing orders in Division 4 by:
 - i. allowing an application for internal review to be submitted to a reviewer directly, in addition to a school;
 - ii. empowering a reviewer to accept an application for internal review beyond 28 days after the reviewable decision was made in exceptional circumstances; and
 - iii. clarifying and putting beyond doubt that an application for internal review and external review cannot be made with respect to an ongoing order that has expired or been revoked.

Protecting school staff against social media abuse

Harmful online behaviour towards school staff and students is increasing. In many cases, the existing school community safety order scheme cannot protect staff and students from this type of conduct.

The school community safety order scheme will be expanded to enable authorised persons to make a new category of ongoing school community safety orders, to be known as digital content school community safety orders, which prohibit or require the removal or amendment of certain content or material published or information communicated, on social media or other communication platforms or channels, with the specific purpose of reducing harm to staff and students of the school and significant disruption of school activities and

operations. This includes platforms such as Facebook, Instagram and TikTok, as well as private messaging services such as WhatsApp. This change will ensure the education system is safe and effective for both staff and students.

Digital content school community safety orders will protect against the unacceptable risk of harm to staff members and students by targeting harmful, abusive, intimidating or threatening online communications. These orders will also protect against the unacceptable risk of interference with students' wellbeing and safety, or of significant disruption or interference with school activities or students' educational opportunities, by targeting online communications that directly impact a school or its students.

As social media and online content can occur anywhere and anytime, including outside of the school grounds or school hours, the Bill provides for the specific harm which it is seeking to prevent or address to have an appropriate nexus to school operations by requiring that the information, material or content to be prohibited, amended or removed, directly impacts or is reasonably likely to directly impact, the capacity of a staff member from being able to perform their duties or work for or at the school, or a student from being able to participate or engage with the educational and learning opportunities at or provided by the school.

Digital content school community safety orders will ultimately ensure students can fully engage in education, and that teachers and other staff members can safely and effectively perform their duties to provide education opportunities to students, without significant disruption or interference, as part of our state's strong compulsory system of education.

Simplifying immediate orders to protect the school community faster

The Bill simplifies the way immediate orders are made to allow swift action to address harmful behaviour towards the school community.

The circumstances in which immediate orders can be made will be expanded by removing the requirement for there to be an imminent risk. The review found that this threshold is too high to be practical and rules out the majority of circumstances that require an order to be made urgently.

The requirements to make an immediate order orally will be simplified, and the requirement that an authorised person review an immediate order as soon as practicable after making the order will be removed.

The Bill also empowers an authorised person who makes an immediate order to extend the order by a further 7 days and up to a total of 21 days, if they reasonably believe that the grounds for making the immediate order still exist.

To ensure the rights of parents and carers are protected despite these changes, there is a new requirement for authorised persons to provide reasonable and proportionate procedural fairness before making an immediate order. What is reasonable and proportionate will depend on the circumstances and will be expanded on in the Ministerial Guidelines underpinning the scheme. The number of immediate orders that can be made within a specified period is also limited to minimise misuse.

Simplifying ongoing orders to better manage longer term harmful behaviour

The Bill simplifies the process of making ongoing orders including by replacing the requirement that an authorised person provides notice that an ongoing order will be made, with a requirement to provide reasonable and proportionate procedural fairness to the person who will be subject to the order, prior to the order being made. The statutory review found that the time and administrative burden involved with preparing a notice and considering the response from the subject led to orders not being issued expediently, leaving school staff at risk of further harm.

The Bill also allows an authorised person to extend an order for a period not exceeding 12 months if the grounds continue to be met and the risks to the school community remain. This allows authorised persons to avoid repeating the process of making an order, which risks exposing the school community to harm if there is a gap in protection between the two orders.

Extensions would retain the same procedural safeguards as the original order, including providing reasonable and proportionate procedural fairness to a person ahead of the extension being made, and the right to have the order reviewed.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (21:48): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Fair Work (Commonwealth Powers) Amendment Bill 2026*Introduction and first reading*

The PRESIDENT (21:48): 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 **Fair Work (Commonwealth Powers) Act 2009** and the **Victoria Police Act 2013** and for other purposes.'

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:48): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:48): 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 *Fair Work (Commonwealth Powers) Amendment Bill 2026*.

In my opinion, the *Fair Work (Commonwealth Powers) 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 of the Bill

The key purposes of the Bill are to amend the *Fair Work (Commonwealth Powers) Act 2009* (Referral Act) to:

- extend various amendments to the *Fair Work Act 2009* (Cth) to public sector employees and employers, including Commonwealth provisions pertaining to restrictions on fixed term and casual employment, flexible working arrangements and pay secrecy;
- expand the category of matters that can be subject of enterprise bargaining and validly included in enterprise agreements and workplace determinations as these instruments apply to law enforcement officers;
- extend general protections provisions under the *Fair Work Act 2009* (Cth) to law enforcement officers in relation to the expanded category of matters that may be subject of enterprise bargaining and validly included in enterprise agreements and workplace determinations;
- provide for other, minor and technical related matters.

Human Rights Issues**Human rights protected by the Charter that are relevant to the Bill**

This Bill is compatible with the human rights protected by the Charter. As the amendments are of a technical nature, they do not limit any human rights.

Jaclyn Symes MP

Leader of the Government in the Legislative Council

Minister for Energy and Resources

Minister for Environment

Minister for Climate Action

Minister for the State Electricity Commission

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:48): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

In accordance with s 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Fair Work (Commonwealth Powers) Amendment Bill 2026.

In my opinion, the Bill is compatible with the objects 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

A key objective of the Bill is to amend the *Fair Work (Commonwealth Powers) Act 2009* (Vic) (Referral Act) to expand the category of matters that can be the subject of enterprise bargaining and validly included in enterprise agreements and workplace determinations (arbitrations) as they relate to law enforcement officers. The Bill will also ensure that the general protections regime under the *Fair Work Act 2009* (Cth) (FW Act) broadly applies to law enforcement officers in the same way that these protections apply to other public sector employees.

The Bill will extend the jurisdiction of recently enacted *Fair Work Act 2009* (Cth) provisions to the Victorian public sector, including provisions dealing with flexible work, pay secrecy, and limitations on casual and fixed term employment.

Details of the Bill

The Bill will amend the Referral Act to ensure that provisions in the *Commonwealth Fair Work Act 2009* (Cth) will extend to Victorian public sector employees, where these provisions do not currently apply as a matter of law. The Bill will ensure that provisions in the Commonwealth legislation dealing with flexible work, pay secrecy, limitations on casual and fixed term employment will apply to public sector employees.

The Bill will amend the Referral Act to ensure that the following matters are referred to the Commonwealth with respect to law enforcement officers:

- a. Probation
- b. Promotion
- c. Transfer from place to place or position to position (subject to a deployment exception of up to 14 days)
- d. Physical or mental fitness
- e. Discipline
- f. Termination of employment

The effect of the referral of these matters to the Commonwealth will mean that terms achieved through collective bargaining regarding these matters will be able to validly be included in enterprise agreements. This will ensure that where terms regarding these matters validly included in enterprise agreements as a result of collective bargaining, law enforcement officers have access to dispute resolution through the Fair Work Commission. The amendments will also ensure that terms regarding these matters they may be validly included in a workplace determination as it relates to law enforcement officers.

The referral of these matters will also ensure that law enforcement officers have access to the general protections under Part 3-1 of the *Fair Work Act 2009* (Cth) with respect to these matters. The Bill ensures that law enforcement officers will be able to bring general protections claim on the basis of any alleged adverse action taken by their employer based on a protected attribute, where the alleged adverse action was taken in relation to:

- a. Probation
- b. Promotion
- c. Transfer from place to place or position to position (subject to a deployment exception of up to 14 days)
- d. Physical or mental fitness
- e. Discipline
- f. Termination of employment

The Bill also makes other subsequent amendments to the *Victoria Police Act 2013* (Vic) (VP Act), which clarify that provisions of the VP Act will continue to apply, to the extent that they are consistent with a future enterprise agreement or a workplace determination. The amendments also provide the Police Registration and Services Board with dispute resolution powers if agreed in a future enterprise agreement, and clarify that neither the Fair Work Commission nor the PRSB will have jurisdiction in relation to disputes arising regarding emergency deployments of up to 14 days. The amendments also define the terms ‘transfer’ and ‘tasking’ to ensure the referred matters are clear and support the exclusion for Chief Commissioner to deployment law enforcement officers for up to 14-day days, as outlined in the Referral Act.

Consultation with the First Peoples’ Assembly of Gellung Warl

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*

- a. I have considered whether the Fair Work (Commonwealth Powers) Amendment Bill 2026 is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025* being:
 - a. advancing the inherent rights and self-determination of First Peoples; and
 - b. addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
 - c. ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
- b. In my opinion, the Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential effect on First Peoples.
- c. The Bill will expand the category of matters that can be the subject of enterprise bargaining and validly included in enterprise agreements and workplace determinations (arbitrations) as they relate to law enforcement officers. The Bill also seeks to ensure that the general protections regime under the Commonwealth Fair Work Act broadly applies to law enforcement officers in the same way that it applies to other public sector employees. The Bill applies these changes equally to all law enforcement officers, including those that identify as First Peoples. In my opinion there is no practical or differential effect on First Peoples.
- d. The Bill will extend the jurisdiction of recently enacted *Fair Work Act 2009* (Cth) provisions to the Victorian public sector, including provisions dealing with flexible work, pay secrecy, and limitations on casual and fixed term employment. The Bill applies changes with respect to fixed term and casual employment to non-executive public sector employees equally, including those that identify as First Peoples. The Bill applies these changes with respect to pay secrecy and flexible work to executive public sector employees equally, including those that identify as First Peoples. In my opinion there is no practical or differential effect on First Peoples.

Conclusion

I consider the Bill does not affect any of the objects specified in section 66(3)(d) of the *Statewide Treaty Act 2025* and is therefore compatible with each of those objects.

Jaclyn Symes MP

Leader of the Government in the Legislative Council

Minister for Energy and Resources

Minister for Environment

Minister for Climate Action

Minister for the State Electricity Commission

Second reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:49):
I move:

That the bill be now read a second time.

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

The Bill would amend the *Fair Work (Commonwealth Powers) Act 2009* (Referral Act) to ensure that provisions introduced to the *Fair Work Act 2009* (Cth) in 2022 will apply to public sector employees. These provisions deal with flexible working arrangements, pay secrecy, and fixed term and casual employment

provisions. Extending these provisions to public sector employees ensures that all Victorians continue to have the benefit and protection of federal workplace relations laws that are fair and balanced. The Bill would ensure that Victorian public sector and local council employees have access to recent amendments to the federal legislation, which will provide parity with protections that are afforded to other Victorian employees.

The Bill would also amend the *Fair Work (Commonwealth Powers) Act 2009* (Referral Act) to enable law enforcement officers to bargain over, and reach agreement on, a greater range of matters. The Bill would allow law enforcement officers to collectively bargain over, and make agreements, regarding terms pertaining to probation, promotion, transfer from place to place or position to position (subject to a deployment exception of up to 14 days), physical or mental fitness, discipline, and termination of employment. This will enable law enforcement officers to bargain over these matters in the same way that other public sector employees and employers, and employees of non-public constitutional corporations now bargain. It will ensure a greater level of fairness and consistency in the bargaining and enterprise agreement making process, across the Victorian public sector.

Background

In 2009, the Victorian Government took steps to ensure that all Victorians had access to the protections of the Commonwealth workplace laws by referring certain workplace relations matters to the Commonwealth government. The State Referral Act ensures that Victorian employees have broad access to provisions under the *Fair Work Act 2009* (Cth) in effect at the time. With some exceptions, without the Referral Act, the federal workplace laws would only apply to workplaces where the employer was a constitutional corporation.

At the time, Victoria did not refer certain matters in relation to public sector employees. These exclusions are referenced in section 5(1) of the Referral Act. These matters were excluded from the referral as they related to matters that the High Court in the *Re Australian Education Union; Ex parte Victoria* (Re AEU) decision held to be essential to the function of the States.

At various stages following the initial referral in 2009, the Government has made amendments to the Referral Act, including with reference to these previously excluded matters, to ensure that changes to the legislative and common law landscape are appropriately flowed onto public sector and local government employees. Legitimate use of fixed term and casual employment will continue to be permitted.

Key objectives of the Bill – extending provisions of the *Fair Work Act 2009* (Cth) to public sector and local council employees

The Fair Work (Commonwealth Powers) Amendment Bill 2026 is a further step to ensure that the objectives of the Referral Act continue to be met. A central objective of the Bill is to ensure that public sector and local council employees have broadly the same access to recently amended provisions to the *Fair Work Act 2009* (Cth) as other Victorian employees.

The Bill would amend the Referral Act to ensure that the exceptions at section 5(1) of the Referral Act do not prevent sections of the newly amended *Fair Work Act 2009* (Cth) from flowing onto Victorian public sector employees. The amendments would ensure that the matters in the *Fair Work Act* (Cth) pertaining to flexible working arrangements, pay secrecy, and provisions dealing with fixed term and casual employment broadly apply to public sector employees and employers, as well as employees and employers in local councils. These amendments seek to address the disparity in access to provisions in the federal workplace laws that currently exists between Victorian public sector and local council employees, and other Victorian employees.

Ensuring that provisions under the *Fair Work Act 2009* (Cth) that deal with fixed term and casual contracts also aligns closely with the Government's secure employment agenda, which preferences ongoing and secure forms of employment over non-ongoing and insecure employment models. The amendments that would extend provisions in the *Fair Work Act 2009* (Cth) dealing with fixed term contracts and casual employment will only apply to non-executive public sector and local council employees.

Key objectives of the Bill – addressing disparity between law enforcement officers and other public sector employees regarding enterprise bargaining and other protections under the federal legislation

In 1996, certain other matters in relation to law enforcement officers were not referred to the Commonwealth. These include matters outlined in section 5(2)(b) of the Referral Act pertaining to probation, promotion, transfer from place to place or position to position, physical or mental fitness, discipline or termination of employment. These exclusions were maintained in subsequent amendments to the Referral Act in order to ensure that the integrity and operational independence of the state laws government law enforcement officers. However, these exclusions mean that law enforcement officers are not able to validly bargain over and agree to terms regarding certain matters. The current operation of the exclusions in the Referral Act means that, unlike all other public sector workforces, where such matters are included in enterprise agreements by agreement between bargaining parties, these terms cannot be subject to dispute resolution processes at the Fair Work Commission.

Further, the current exclusions in the Referral Act prevent law enforcement officers from accessing general protections under the *Fair Work Act 2009* (Cth) with respect to these matters. As such, law enforcement officers are currently unable to bring general protections claims under the federal workplace protections on the basis of any adverse action taken by their employer based on a protected attribute in relation to these matters are excluded from the Referral Act. These exclusions mean that law enforcement officers are currently subject to different standards compared to other public sector employees.

The Bill would also make amendments to these exclusions to address the disparity between enterprise bargaining for law enforcement officers and other public sector employees by referring some of these previously excluded matters to the Commonwealth. In particular, in relation to matters pertaining to probation, promotion, transfer from place to place or position to position, physical or mental fitness, discipline and termination of employment. Doing so would enable law enforcement officers to validly bargain over and agree to terms pertaining to those certain matters in the same manner as other public sector employees. The Bill would also enable law enforcement officers to have access to protections under the federal legislation, such as general protections, in the same manner as other public sector employees.

The Bill also ensures that, where necessary, the Fair Work Commission may make workplace determinations that include terms pertaining to the referred matters (namely, probation, promotion, transfer from place to place or position to position (subject to a deployment exception of up to 14 days), physical or mental fitness, discipline, and termination of employment). This ensures that law enforcement officers are, as far as practicable, operating under the same industrial settings as other Victorian public sector employees.

It is critical that State law enforcement continues to operate effectively in response to emergencies, incident management and other community safety concerns. As such, while the Bill would refer matters pertaining to transfer of law enforcement officers from place to place or position to position to the Commonwealth, this referral is subject to an exception of deployments of up to 14 days. Matters pertaining to deployments up to 14 days to support law enforcement response to a major incident or emergency are not included in the scope of the amended referral. This will ensure that law enforcement officers are able to be readily mobilised and deployed to respond to critical incidents and emergencies in a timely manner. The powers of the Chief Commissioner of Police to legitimately deploy officers in these circumstances cannot be fettered terms in an enterprise agreement or workplace determination, or otherwise be subject to dispute resolution proceedings at the Fair Work Commission. However, the parties will be able to validly bargain on the entitlements that might attach to those deployments.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (21:49): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026

Introduction and first reading

The PRESIDENT (21:49): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Crimes Act 1958**, the **Criminal Procedure Act 2009**, the **Equal Opportunity Act 2010**, the **Family Violence Protection Act 2008**, the **Fines Reform Act 2014**, the **Infringements Act 2006**, the **National Domestic Violence Order Scheme Act 2016**, the **Personal Safety Intervention Orders Act 2010**, the **Road Safety Act 1986**, the **Sentencing Act 1991** and the **Youth Justice Act 2024** and for other purposes.'

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:50): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:50): 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 Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 (the Bill).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill contains a package of reforms designed to improve justice system responses to sexual and family violence, including strengthening accountability for perpetrators and improving court processes to minimise further harm to victim-survivors.

The Bill amends the:

- *Crimes Act 1958* (Crimes Act) to introduce an offence of coercive control
- *Sentencing Act 1991* (Sentencing Act) and *Youth Justice Act 2024* (YJ Act) to abolish the concept of good character (including its use as a mitigating factor) at sentencing
- *Family Violence Protection Act 2008* (FVPA), *Criminal Procedure Act 2009* (CPA) and *Personal Safety Intervention Orders Act 2010* (PSIOA) to:
 - enable a court to extend or vary a family violence intervention order (FVIO) on its own motion when sentencing an adult respondent for family violence offending
 - require police to indicate if there is an FVIO or recognised interstate domestic violence order in place when filing related family violence charges, and to indicate if an extension or variation application will be made
 - establish a default length of 12 months in addition to the total effective sentence when an FVIO is being extended if the respondent is serving a term of imprisonment for related family violence offending
 - provide considerations courts must take into account when determining an FVIO extension application
 - ensure earlier intervention and protection for vulnerable children and young people by enabling personal safety intervention orders (PSIOs) to be ordered against adults engaging in grooming behaviours
 - clarify that electronic signatures can be used for documents required to be signed in relation to FVIOs and PSIOs
 - clarify information-sharing obligations under the Family Violence Information Sharing Scheme (FVISS) and streamline reporting obligations under the Multi-Agency Risk Assessment and Management (MARAM) Framework
- *Infringements Act 2006*, *Fines Reform Act 2014* and *Road Safety Act 1986* to include court fines in the work and development permit (WDP) scheme and include speeding camera fines in the family violence scheme (FVS) where the victim-survivor was not the driver, and
- *Equal Opportunity Act 2010* (EO Act) to insert a new attribute of ‘subjection to family violence’ that would prohibit discrimination in areas of public life against a person who has been or is being subjected to family violence.

Human Rights Issues

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

Introducing an offence of coercive control

The Bill seeks to protect and promote the rights of victim-survivors of family violence by amending the Crimes Act to introduce a new offence of coercive control. The offence will apply where an accused person engages in a course of conduct towards a current or former intimate partner intending that course of conduct to coerce or control them in circumstances where the accused ought to have understood that the course of conduct will probably cause harm to the other person.

Right to life (section 9), right to protection from torture and cruel, inhuman or degrading treatment (section 10) and right to liberty and security of person (section 21)

Section 9 of the Charter provides that every person has the right to life and the right to not be arbitrarily deprived of life, which recognises that public authorities have a duty to safeguard lives. Section 10 of the Charter provides that a person must not be subjected to torture or treated in a cruel, inhuman or degrading way, which recognises the duty of public authorities to take reasonable steps to prevent, protect against, and respond to abuse, including in the private sphere. Section 21(1) of the Charter provides that every person has the right to liberty and security, which recognises that public authorities must take reasonable steps to protect people from interference with their personal integrity.

Introducing an offence of coercive control promotes each of these rights. In circumstances of family violence, coercive control is a particularly serious form of offending and is often a precursor and risk factor for homicides in the context of intimate partner violence. The conduct captured by the offence includes physical, sexual, economic, emotional or psychological abuse and conduct that, in any other way, coerces or controls a victim, and which causes them to feel fear for their safety or wellbeing. This includes conduct that can be fatal or cause serious injuries and conduct that is not physical in nature but is nonetheless cruel, inhuman or degrading. The definition of ‘emotional and psychological abuse’ in the offence expressly includes conduct that torments or degrades a person.

While some of the conduct captured by the new offence is already criminalised, creating a new offence will criminally denounce coercive control conduct that is cumulatively harmful and dangerous. It will assist police, early intervention services and justice agencies to better identify, monitor and respond to instances of coercive control.

Right to freedom of movement (section 12) and right to privacy (section 13)

Section 12 of the Charter provides that a person is entitled to move freely within Victoria, to choose where to live in Victoria, and to freely enter and leave Victoria. Section 13(a) provides that a person has the right not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The new coercive control offence promotes the right to freedom of movement and the right to privacy as the broad nature of prohibited conduct captured by the offence will ensure that the criminal law deters and punishes behaviour that interferes with a victim’s privacy, family, home or correspondence. For example, the offence captures unreasonably monitoring a person’s movements or activities, or use of social media, unreasonably disclosing certain personal information such as health information, and restricting or interfering with a person’s access to housing or other support services. This promotes victims’ privacy, individuality and identity as well as their ability to not have their actions or movements limited.

Protection of families and children (section 17)

Section 17(1) of the Charter recognises the family as the fundamental group unit of society and entitles it to protection by society and the State. Section 17(2) recognises that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

The coercive control offence promotes the protection of families and children by strengthening protections for intimate partners who are victims of family violence. By introducing a new coercive control offence, people will be able to report coercive and controlling behaviours to police which can result in an investigation and prosecution of an accused person, and if successful, a criminal conviction including an imprisonment order. It will also generally deter and denounce coercive control and strengthen perpetrator accountability by capturing forms of intimate partner violence which may otherwise go unchecked or unprosecuted, offering more protection for the family unit.

The Bill also promotes the best interests of the child by limiting the application of this offence to adult accused persons (18 years or older). Limiting the offence to adults recognises the complexities of children who use family violence. These children are often victims themselves and adopt the use of violence as a learned behaviour. This limitation protects children from being criminalised given their age, maturity and likelihood

of being a victim of misidentification. It is also consistent with Victorian Youth Justice principles around age-appropriate responses, diversion and minimising unnecessary contact with the criminal justice system.

Right to a fair hearing (section 24)

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has a right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

While the rights of an accused person under section 24(1) are engaged by the new offence, they are not limited as nothing in the new offence restricts an accused's right to have the charge or proceeding heard by an impartial criminal court. The accused will also have a right to a fair hearing, encompassing fundamental principles of procedural fairness, such as the reasonable opportunity to be informed of the prosecution case, and to respond and present the defence case accordingly.

Consistent with other recent offence reform, the new offence also promotes the right to a fair hearing by setting out the offence using a clear structure and simple, modern language. This makes the offence easier to read and understand. All elements of the offence that must be proven are set out and a defence is also clearly stated. Terms and definitions are consistent with existing terms and definitions where possible, as is the structure of the offence. This approach improves access to the law by making it easier to understand how the law applies.

Rights in criminal proceedings (section 25)

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.

This right is engaged, as the reasonableness defence available for the offence places an evidential burden of proof on the accused. To raise the defence, an accused person must point to evidence that the course of conduct was reasonable in the context of the relationship as a whole. The prosecution must then prove beyond reasonable doubt that the accused's conduct was not reasonable. This defence does not limit the right to be presumed innocent as the legal burden remains on the prosecution.

Abolishing the concept of good character (including its use as a mitigating factor) at sentencing

The Bill amends the Sentencing Act and YJ Act to:

- abolish the concept of 'good character' (including its use as a mitigating factor) at sentencing
- ensure that child offenders, as well as adults, may not rely on a lack of prior convictions to mitigate sentence when it facilitated their offending in child sexual offence cases (the 'special rule'), and
- require those providing written references for an offender to be aware of the offence or offences for which the offender may be sentenced.

The reforms to abolish 'good character' at sentencing are intended to prevent offenders from benefitting from a concept that the New South Wales Sentencing Council found to be vague, speculative and subjective, and as such an inappropriate reason to reduce sentence. The reforms are intended to reduce harmful effects on victim-survivors, including the distress, re-traumatisation and harm minimisation they can experience when offenders' good character is considered a mitigating factor at sentencing. The New South Wales Sentencing Council also heard concerns from some victim-survivors that the prospect of hearing an offender described as having 'good character' during sentencing may discourage offence disclosure.

It is anticipated that the reforms may lead to minor increases in sentence lengths, but that any increase would be modest and within the existing penalty range of the offence at the time it was committed.

Expanding the special rule to apply to children who commit child sexual offences will ensure that the same restrictions apply to both adults and children. The amendment reflects that children can obtain positions of trust in the community because of a lack of prior convictions (for example, as sporting coaches or workplace supervisors) and then use those positions to facilitate committing child sexual offences. However, this expansion is likely to have limited practical application given the small cohort of children who commit child sexual offences, coupled with the requirement to prove that a lack of priors facilitated the offending.

Right to recognition and equality before the law (section 8)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. The first limb of section 8(3) is directed to the enforcement and administration of laws. It requires that public authorities, courts and tribunals treat all people equally when applying the law, and do not apply the law in a discriminatory or arbitrary way, or in a manner that has no objective justification.

The Bill promotes this right by abolishing the concept of good character (including its use as a mitigating factor) at sentencing. Currently, relying on ‘good character’ at sentencing contributes to differential treatment in the sentencing process as the concept is vague and subjective, and courts assess ‘good character’ inconsistently. Further, relying on ‘good character’ at sentencing engages in a form of moral and social accounting which can entrench systems of privilege, as not all offenders have equal access to evidence that can support a finding of ‘good character’ at sentencing. Removing this vague, subjective consideration from the sentencing process will help to ensure that courts only consider evidence about an offender’s circumstances and characteristics when it is relevant to other sentencing considerations.

Protection of families and children (section 17), rights of children in the criminal process (section 23) and rights in criminal proceedings (section 25)

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. Section 23(3) of the Charter provides that a child who has been convicted of an offence must be treated in a way that is appropriate for their age. Section 25(3) of the Charter provides that a child charged with a criminal offence has the right to a procedure that takes account of their age and the desirability of promoting the child’s rehabilitation.

By abolishing the concept of good character at sentencing, the Bill will remove a mitigatory factor in the sentencing process, including for children. Expanding the special rule to apply to children will also prevent a small number of children from relying on a lack of prior convictions as a mitigating factor, when that lack assisted them to commit a child sexual offence.

These changes may result in marginally increased sentence lengths for child offenders, engaging rights under sections 17(2), 23(3) and 25(3) of the Charter. However, courts will still be able to consider information or material about a child offender’s circumstances and background and evidence regarding a child’s individual characteristics, vulnerabilities and strengths where this information is relevant to other sentencing considerations, including where provided to courts in written references. The reforms will also not impact YJ Act sentencing principles, including specific sentencing principles for Aboriginal children, or the requirement to prioritise rehabilitation and the positive development of children. For these reasons, I consider that although the rights in sections 17(2), 23(3) and 25(3) are engaged by the good character reforms, they are not limited.

Right to protection from retrospective criminal laws (section 27)

Section 27(2) of the Charter provides that a person must not have a penalty imposed on them that is greater than the penalty that applied to the offence when it was committed.

The Bill’s reforms to abolish the concept of good character (including its use as a mitigating factor) at sentencing will apply to the sentencing of offenders who have been found guilty of an offence on or after commencement, regardless of when the offence being sentenced was committed, and may result in marginally increased sentence lengths. However, the reforms do not limit section 27(2) of the Charter, as the Bill does not change the maximum penalty that applies to any offence.

For the reasons set out above, I consider that the good character reforms in this Bill do not limit any Charter rights. However, to the extent that any limitation may be perceived, then I consider it would be reasonably and demonstrably justified, noting that:

- good character is not an appropriate reason to mitigate a sentence given it is based on a vague and subjective concept that cannot predict risks of re-offending or prospects of rehabilitation, and using and referring to good character in mitigation of sentence is harmful and may be re-traumatising for victims
- these concerns about the use of good character to mitigate a sentence apply equally to both adults and children, and
- courts will not be prevented from considering information about a person’s circumstances or characteristics if it applies to another relevant sentencing consideration.

Improvements to family violence intervention orders to better protect victim-survivors

Intervention orders are an important mechanism to protect victim-survivors and hold perpetrators of family violence to account. The primary purpose of the reforms to existing FVIO extension and variation processes in Parts 2–3 of the Bill is to enable courts to act more efficiently to reduce the risk of further harm, minimise the trauma caused to victim-survivors by having to attend multiple court proceedings, and promote more consistent and victim-survivor centred decision-making in respect of family violence risk.

Right to life (section 9), protection from torture and cruel, inhuman or degrading treatment (section 10), protection of families and children (section 17) and right to liberty and security of person (section 21)

The amendments in Parts 2–3 of the Bill promote these rights by enabling courts to more swiftly respond to a clear risk of further family violence by strengthening or extending an FVIO on their own motion when

sentencing a family violence offender; introducing a default extension length where a family violence offender receives a custodial sentence to ensure protections remain in place during the post-release period of heightened risk; and requiring courts to consider the views of victim-survivors, including their self-assessed risk, when determining an application to extend an FVIO. These reforms will ensure protections are more responsive to the risk posed to families and children by family violence and reduce the trauma associated with having to return to court to seek stronger conditions or longer orders.

Right to freedom of movement (section 12) and association (section 16), privacy (section 13), property (section 20), and liberty and security (section 21)

The proposed reforms limit certain rights protected under the Charter insofar as they create new processes under which a court may extend the duration of an FVIO or strengthen its conditions to further restrict the respondent's conduct to reduce the risk of further family violence.

In particular, the reforms engage the right to freedom of movement insofar as the conditions of an FVIO may restrict the respondent's movement by prohibiting them from entering or residing in a certain property or from going within a specified distance of the protected person or their workplace. The conditions of an FVIO may also engage the right to freedom of association by restricting who the respondent can associate with and prohibiting contact with protected persons.

FVIO conditions can also restrict a respondent's relationships with family members and ability to enter their home, which engages the right of a person to not have their privacy and the privacy of their family and home unlawfully or arbitrarily interfered with, property rights and the right to liberty and security.

The limitation of these rights is necessary to achieve the purpose of protecting victim-survivors from an identified risk of harm, and proportionate insofar as these restrictions can only be imposed where a court is satisfied on the balance of probabilities that they are necessary to protect a person's safety. In particular, the exercise of the own motion power and the determination of an appropriate period by which to extend an FVIO ultimately remain at the court's discretion. As such, any interferences with these rights are not unlawful or arbitrary insofar as they are authorised by legislation, subject to judicial oversight, and responsive to an identified risk of family violence.

Right to a fair hearing (section 24)

The Bill may also engage the respondent's right to a fair hearing by empowering a court to extend or vary an FVIO on its own motion when sentencing the respondent for related family violence offending. This right entitles a person facing criminal charges or a party to a civil proceeding to a reasonable opportunity to be heard in those proceedings, including a fair chance to call witnesses or present evidence.

The own motion power reform is designed to recognise the link between criminal offending and an escalation of family violence risk, and to enable courts to respond effectively without requiring victim-survivors to attend further hearings or provide additional evidence. Accordingly, the own motion power will be enlivened by a finding of guilt in a criminal proceeding, and can only be exercised on the basis of evidence admitted during the criminal hearing or for the purposes of sentencing, taking into account the views of an adult protected person or a child who is the victim or sole protected person on the FVIO. Unlike the hearing of an application to extend or vary an FVIO under the FVPA, parties will not have an opportunity to test evidence when the own motion power is exercised.

The information that courts can consider for the purposes of exercising the own motion power is purposefully limited to avoid creating delays in protections for victim-survivors and to mitigate any risk to the integrity of the criminal proceeding. However, in accordance with the principle of procedural fairness, the court will be required to have regard to all the circumstances of the case and provide the respondent with an opportunity to be heard in respect of any extension or variation being contemplated by the court. The limitation on the respondent's ability to challenge evidence is not arbitrary or absolute insofar as the exercise of the own motion power will remain entirely at the court's discretion. That is, the court need not exercise the power if it considers a substantive application hearing would be more appropriate. As such, any constraints on procedural rights are balanced against the need to promote the rights of families and children, and reasonably necessary to ensure courts can respond expeditiously to a clear risk of family violence.

The parties may appeal under the FVPA a decision made by the Magistrates' Court but cannot appeal any appellate decision or a decision of the County Court or Supreme Court to extend or vary an FVIO on its own motion. While there is no general right to an appeal, alternative avenues of review, including judicial review, remain available, and the Bill does not limit appeals from the County Court or Supreme Court on the basis of jurisdictional error. The Bill also does not provide an appellate court, when hearing an appeal against the related criminal offending or sentence, with any power in relation to an FVIO. This may result in circumstances where a respondent is acquitted of the related family violence offence that enabled the

sentencing court to exercise the own motion power under new section 125E but the FVIO, as varied or extended, remains in place.

Both parties may apply to vary or revoke an FVIO that has been extended or varied on the court's own motion under the existing civil framework in the FVPA. When making such an application, parties are not required to demonstrate a change in circumstances if the County Court or Supreme Court exercised the own motion power in the first instance. The respondent must seek leave from the court to apply for an FVIO to be varied or revoked to protect victim-survivors from vexatious applications which may be used to perpetrate systems abuse. However, the Bill removes this requirement in circumstances where the FVIO was extended or varied under new section 125E but the related criminal conviction or sentence was changed on appeal, given the appellate court will not be able to make any further changes to the FVIO.

Any limitation on the right to a fair hearing is balanced with the importance of protecting families and children from repeated exposure to the stress and trauma of a protracted appeals process and multiple court proceedings.

In my view, to the extent that any right is limited by the changes to FVIO extension and variation processes, the limitation is reasonable and justified under section 7(2) of the Charter.

Better protecting children and families from 'grooming' behaviours

The amendments to the PSIOA in Part 7 of the Bill will provide greater safety for children under the age of 16 by including grooming as a 'prohibited behaviour' under that Act, enabling courts to disrupt predatory behaviour before it escalates to sexual offending and better hold perpetrators to account.

Protection of families and children (section 17) and right to liberty and security of person (section 21)

Perpetrators of sexual offences against children may purposely establish relationships with children, parents, carers or other family members to create situations in which abuse can take place. The Bill recognises the importance of protecting children and their families from this exploitative and harmful conduct by defining grooming as a 'prohibited behaviour' alongside similarly serious behaviours, such as assault and harassment. This empowers courts to make a PSIO before a sexual offence is committed, thereby promoting the rights of the child and the family unit to protection and the right to liberty and security of person.

Rights to freedom of movement (section 12), privacy (section 13), freedom of association (section 16) and property (section 20)

Expanding the circumstances in which a court can impose a PSIO will limit certain rights protected under the Charter. As discussed above, the conditions of an intervention order may engage the rights to freedom of movement, privacy, freedom of association and property by restricting who the respondent can contact or associate with, and where they can reside or travel.

Any limitations on these rights imposed by the Bill are reasonable and justified insofar as they are balanced against the importance of protecting families and children, and necessary to achieve the purpose of effectively responding to and disrupting grooming behaviour. The imposition of a PSIO with conditions that restrict these rights can only occur where a court is satisfied that they are necessary to protect a person from grooming, subject to judicial discretion and in accordance with established legal rules and procedures.

Recognising the validity of electronic signatures

Part 4 of the Bill amends the FVPA and PSIOA to make it clear that if a signature is required by or under one of these Acts, that signature can be done by electronic means.

Right to recognition and equality before the law (section 8)

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

The electronic signature reforms will promote this right by ensuring that Victorians living in regional or remote communities, and those limited by mobility challenges, have equal access to legal services and participation in legal proceedings. The reforms also help to make FVIO and PSIO proceedings less disruptive to the lives of victims by allowing them to sign documents without attending court or a police station.

The reforms will also promote the right to equal protection of the law by making clear that the consent of any other party is not required, preventing perpetrators from using a consent requirement to frustrate proceedings.

In circumstances where an electronic signature is not preferred by the person signing, the existing means of physically signing a printed document remains available.

Clarifying the responsibilities of ‘information sharing entities’ under the FVISSRight to privacy and reputation (section 13)

The Bill includes amendments to the FVISS in Part 5A of the FVPA. The scheme provides that prescribed ‘information sharing entities’ are enabled or required to share information about persons believed to be either at risk of perpetrating, or being subjected to, family violence and those linked to such persons.

The scheme deliberately prioritises the safety of people experiencing family violence over the privacy of people using family violence. The Statement of Compatibility for Part 5A noted that appropriate safeguards are provided and that information sharing under the scheme is neither unlawful nor arbitrary.

The amendments in the Bill will clarify the operation of existing provisions but will not alter the scope of the scheme as it currently operates. Accordingly, I am satisfied that these amendments do not impose any further limitation on the right to privacy and reputation.

Right to protection of families and children (section 17)

The MARAM Framework and FVISS exist to protect the safety of families and children and to identify and manage risks to that safety. By providing further clarity on the operation of the scheme, the Bill promotes the rights outlined in section 17 of the Charter.

Expanding the family violence scheme to include fines issued for excessive speed infringements detected by camera where the victim-survivor was not the driverRight to protection of families and children (section 17)

The amendments to expand the family violence scheme for infringements fines to include excessive speed infringements where the family violence victim-survivor was not the driver promotes the right to protection of families in section 17(1) of the Charter. The change means that family violence victim-survivors can access the scheme to ensure they are not held liable for excessive speed infringements where family violence has substantially contributed to them being unable to nominate the offender or reject a nomination. Limiting the expansion to excessive speed infringements where the family violence victim-survivor was not the driver of the vehicle ensures that road safety is not compromised.

Prohibiting discrimination on the basis of a person’s subjection to family violenceRecognition and equality before the law (section 8), protection of families and children (section 17), taking part in public life (section 18), and rights in criminal proceedings (section 25)

The inclusion of subjection to family violence as an attribute in the EO Act will promote the rights in sections 8, 17, 18 and 25 of the Charter, specifically for Victorians that have been or are being subjected to family violence.

The amendments will promote the right of recognition and equality before the law, as outlined in section 8 of the Charter. This right is central to anti-discrimination reforms. Under section 8(2), every person has the right to enjoy their human rights without discrimination. The amendments will prohibit discrimination on the basis of a person’s subjection to family violence in areas of public life, including employment, education, provision of goods and services, disposal of land, accommodation, clubs, sport and local government, which directly links to a person’s right to take part in public life, as enshrined in section 18 of the Charter.

Similarly, the reforms will promote equality before the law and a person’s entitlement to equal protection of the law without discrimination, and equal and effective protection against discrimination, as set out in section 8(3) of the Charter. The amendments will add subjection to family violence as an additional attribute protected from discrimination under the EO Act and will provide victims of family violence with equivalent protections to persons that are discriminated against on the basis of other attributes, such as age, disability, race, religious belief or activity, or sex.

I note that the amendments will also promote substantive equality for family violence victim-survivors through the operation of section 8(4) of the Charter, which enables targeted measures and initiatives to support them without those measures constituting discrimination.

The Charter defines ‘discrimination’ by reference to the definition in the EO Act where the discrimination is on the basis of an attribute set out in section 6 of that Act. The Bill amends section 6 of the EO Act to include subjection to family violence as an attribute, which has the effect of expanding the application of the definition of discrimination under the Charter. This will also impact non-discrimination provisions in sections 17(2), 18, and 25(2) of the Charter.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the vulnerability of children. The amendments include a definition of ‘family violence’, which has the same meaning as defined in section 5 of the *Family Violence Protection Act 2008*. For the purposes of the new

attribute, this would include a child that hears or witnesses, or is otherwise exposed to the effects of family violence. The reforms will therefore directly strengthen protections against discrimination for children.

Section 18 of the Charter protects the right to take part in public life without discrimination, including the right to vote, be elected at State and local government elections, and to have access, on general terms of equality, to the Victorian public service and public office. The amendments are likely to promote these rights by protecting family violence victim-survivors from discrimination and supporting their equal participation in the areas of public life under Part 4 of the EO Act.

Section 25(2) of the Charter sets out the minimum guarantees to which a person charged with a criminal offence is entitled, without discrimination. As noted above, the Charter defines 'discrimination' by reference to the meaning in the EO Act. The reforms will add a new attribute, which in effect expands the scope of the protections against discrimination in both the EO Act and the Charter. This would, in practice, extend the minimum guarantees for a person charged with a criminal offence to include protection against discrimination on the basis of their subjection to family violence.

The EO Act contains exceptions and exemptions to discrimination prohibited under the Act, including exceptions generally and specific to different areas of public life. The Bill does not amend the exception and exemption provisions in the EO Act, however it does have the effect of expanding the scope of exceptions that already apply to all attributes. This would permit discrimination on the basis of a person's subjection to family violence in some circumstances, for example, employment in relation to domestic or personal services in the employer's home under section 24 of the EO Act.

The Charter limitations of the exception and exemption provisions are addressed in the Statement of Compatibility to the EO Act. In my view, for the same reasons therein, any further limitations arising from adding a new attribute are reasonable and justified under section 7(2) of the Charter.

For the above reasons, I am satisfied that the Bill is compatible with the Charter.

Jaclyn Symes MP

Minister for Energy and Resources

Minister for Environment

Minister for Climate Action

Minister for State Electricity Commission

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:50):
I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 (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. The Bill introduces a package of legislative reforms that are intended to improve legal and justice system responses to family and sexual violence and prioritise the safety of victim-survivors. In particular, the Bill will:
 - 2.1 amend the *Crimes Act 1958* to introduce an offence of coercive control
 - 2.2 amend the *Sentencing Act 1991* and *Youth Justice Act 2024* (YJ Act) to abolish the concept of 'good character' at sentencing (including its use as a mitigating factor) for all offences, and all offenders
 - 2.3 amend the *Family Violence Protection Act 2008* (FVPA) to:
 - a. introduce an own motion power for sentencing courts hearing criminal proceedings to extend or vary a family violence intervention order (FVIO)
 - b. introduce a police application process that requires police to indicate whether there is a current FVIO on the charge sheet and if an extension or variation application will be made
 - c. provide considerations for the court when it is determining an application to extend an FVIO and introduce a default length of extension when the respondent is serving a term of imprisonment

- d. clarify that electronic signatures are permissible for documents required to be signed under the FVPA
 - e. promote timely responses to information sharing requests under the Family Violence Information Sharing Scheme (FVISS), to more effectively manage family violence risk, and to clarify the purposes for which information can be shared
 - f. introduce a new approach to Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework annual reporting processes focused on more efficient, meaningful and transparent reporting
- 2.4 amend the *Personal Safety Intervention Orders Act 2010* (PSIOA) to expand the definition of ‘prohibited behaviour’ to include grooming, and to clarify that electronic signatures are permissible for documents required to be signed under the PSIOA
- 2.5 amend the *Infringements Act 2006*, *Fines Reform Act 2014*, and *Road Safety Act 1986* to:
- a. expand work and development permit scheme (WDPS) to include court fines, and
 - b. expand the family violence scheme (FVS) to include fines issued for excessive speed infringements detected by camera where the victim-survivor was not the driver, and
- 2.6 amend the *Equal Opportunity Act 2010* (EO Act) to insert a new attribute of ‘subjection to family violence’ that would prohibit discrimination against a person in areas of public life on the basis of that person having been or being subjected to family violence.

Consultation with the First Peoples’ Assembly of Gellung Warl

3. The First Peoples’ Assembly of Gellung Warl (Assembly) was provided with information regarding the Bill and an opportunity to advise on the Bill in June 2026. In July 2026, the Assembly accepted a briefing on the Bill in which information was provided on the Bill and its impacts on First Peoples. I note that, respecting Cabinet processes, the Bill itself was not provided during this briefing. Following this briefing the Assembly provided a representation as follows:
- 3.1 The First Peoples’ Assembly was not provided with a copy of the Bill. The Assembly understands that extensive feedback was provided by First Peoples experts and organisations to the State and that several substantive concerns have not been addressed. The Assembly expects ongoing engagement with First Peoples experts and organisations throughout the implementation of the reforms, including consideration of any further legislative or policy changes and appropriate safeguarding mechanisms.
4. I note that the Assembly was notified of the EO Act reforms separately and provided with information on the Bill in July 2026.
5. I note that, as highlighted through engagement with First Peoples experts and organisations, the Bill may have a disproportionate impact on First Peoples. As detailed in the compatibility assessment below, these concerns have been considered and the Bill has been adapted to include some measures and safeguards in response to these concerns. However, I acknowledge that not all aspects of the Bill align with the concerns raised regarding its potential impacts on First Peoples. I note that the State will continue to work with First Peoples in the implementation of these reforms, and any related policy changes.

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

6. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the Treaty Act:
- 6.1. advancing the inherent rights and self-determination of First Peoples
 - 6.2. addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation, and
 - 6.3. ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Introduction of an offence of coercive control

7. I note that the coercive control offence introduced by this Bill does not apply specifically to First Peoples, as it creates an offence that applies equally to any adult. However, it may, in its practical effects, engage the objects at section 66(3)(d) of the Treaty Act in light of the significant overrepresentation of Aboriginal people in the criminal justice system.

Advancing the inherent rights and self-determination of First Peoples

8. I acknowledge that the exercise of the right to self-determination will necessarily be limited by the criminal justice system, given the loss of liberty inherent in aspects of policing, court processes and the

conditions of custody. However, particular consideration has been given to whether this offence further affects the right to self-determination.

9. While the government seeks to enable self-determination rights in the justice system where possible, for example through the operation of Koori Courts and by supporting Aboriginal programs and access to culture in prisons settings, the nature of criminal offences (when individuals are charged, prosecuted and sentenced) and broader policing, judicial and custodial systems are not self-determined. As the Bill only introduces an additional offence within these broader system settings, these amendments do not affect the self-determination of First Peoples.
10. To the extent that the offence introduced by this Bill may lead to increased overrepresentation of Aboriginal people in the criminal justice system and in custody, this may affect some inherent rights of First Peoples as outlined in the United Nations Declaration into the Rights of Indigenous Peoples (UNDRIP).
11. The offence of coercive control introduced by this Bill may indirectly limit the right to culture (article 11) noting the significant disruption that imprisonment presents to access to Country (see also articles 25 and 26) and places of spiritual significance, cultural practices and cultural connections, including kinship networks. Increased contact with the criminal justice system and/or a term of imprisonment may also limit the right to improvement of economic and social conditions (article 5) and the right to the enjoyment of the highest attainable standard of physical and mental health (article 24).
12. However, with regard to the above considerations, in my opinion the introduction of the offence of coercive control is nevertheless compatible with the object of advancing the inherent rights of First Peoples due to the importance of preventing this offending conduct and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

Addressing unacceptable disadvantage inflicted on First Peoples

13. To the extent that the offence of coercive control introduced by this Bill may lead to increased contact with the justice system and incarceration of First Peoples, it may compound the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation.
14. The Yoorrook Justice Commission's *Yoorrook for Justice* report notes the significant overrepresentation of First Peoples in the justice system and the subsequent impacts on First Peoples including:
 - 14.1. the disproportionate rate at which Aboriginal women are victim-survivors of family violence
 - 14.2. the frequent misidentification of Aboriginal women as the predominant aggressor by police, which places them at greater risk of further violence and criminalisation, while leading to a profound sense of distrust in the police and legal system, and
 - 14.3. the significant disruptions to family and the community when people face increased contact with the criminal justice system and/or are imprisoned.
15. Misidentification can occur in a range of circumstances, including where the victim-survivor's presentation and characteristics are misinterpreted, or they use retaliatory force to protect themselves or another person from family violence. Certain groups of people are more at risk of being misidentified, including First Peoples, and particularly women.
16. The Yoorrook Justice Commission's *Truth be Told* report noted that Aboriginal women are more likely to experience family violence than non-Aboriginal women and yet, Aboriginal women in Victoria are also the fastest growing prison demographic. The report noted that First Peoples are over-policed as people who use violence, but simultaneously under-supported by police as affected family members in need of protection.
17. Regarding the overrepresentation of First Peoples in prison, *Yoorrook for Justice* also notes that 'removing them from their community can have devastating effects on their personal and social wellbeing, with many families experiencing ongoing trauma and grief as a result'. Disproportionate rates of imprisonment compound the unacceptable disadvantage of First Peoples which can have profound, far-reaching and intergenerational impacts.
18. The report also found that the overrepresentation of First Peoples in the criminal justice system 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'. In this context, I note that the introduction of this offence creates a further risk of over policing and criminalisation of First Peoples, both as a result of misidentification of the primary aggressor, as well as in the general application of the offence. In particular, given the complexity and long-term nature of investigating and demonstrating behaviours regarding this offence, I note that there is a risk of First Peoples being subject to sustained contact with police as victim-survivors, broader family members and those accused of the offence. I acknowledge

that even where this does not result in conviction, this contact with the criminal justice system can result in harmful social, economic and health effects.

19. I note that the proposed maximum penalty of 10 years' imprisonment for the new coercive control offence, may lead to more custodial sentences both generally and specifically for First Peoples due to their overrepresentation in the criminal justice system. While courts will continue to have the full range of options for sentencing offenders, including non-custodial options, I acknowledge that this Bill does not address, and may compound, the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation given the profound impacts of overrepresentation of First Peoples in the justice system and imprisonment.
20. However, with regard to the above considerations, in my opinion the Bill is nevertheless compatible with the object of addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation due to the importance of preventing this offending conduct and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

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

21. While the Bill applies to any adult who engages in coercive control of an intimate partner, I acknowledge that the Bill may, in its practical effects, limit the equal enjoyment of human rights and fundamental freedoms of First Peoples. I consider that the Bill may engage human rights, including the rights to liberty (section 21, *Charter of Human Rights and Responsibilities Act 2006* (the Charter)), freedom of movement (section 12), right to privacy (section 13(a)), the rights to practice religion and enjoy cultural rights (sections 14(1)(b) and 19), freedom of expression (section 15(2)), right to peaceful assembly and freedom of association (section 16) the protection of families and children (section 16) and the right to property (section 20). As noted above, the Bill may also engage First Peoples' inherent rights, particularly the rights to culture, country, improvement of economic and social conditions and enjoyment of the highest attainable standard of physical and mental health.
22. To the extent that First Peoples are overrepresented in the criminal justice system and may therefore be overrepresented in those charged with the new offence of coercive control, First Peoples' equal enjoyment of these rights may be limited. These limitations may occur as a result of increased contact with police, being remanded and/or a possible sentence of imprisonment, which requires the deprivation of liberty and the exercise of powers held by officers in charge of custodial facilities. The family unit may also be affected when an intimate partner is investigated for this offence and/or made subject to an imprisonment order. This is a particularly acute and sensitive issue in the context of this offence, where the imprisonment is a result of family violence. In circumstances where First Peoples are subject to disproportionate criminalisation and detention, this may limit the equal enjoyment of human rights and fundamental freedoms by First Peoples.
23. However, with regard to the above considerations, in my opinion the Bill is nevertheless compatible with the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples due to the importance of preventing this offending conduct and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

Proportionality assessment

24. While the new offence may limit the achievement of the objects in section 66(3)(d)(i)–(iii) of the Treaty Act as outlined above, in my opinion it is not incompatible with them having regard to the following matters:
 - 24.1. the new offence applies to any adult who engages in coercive control of an intimate partner, not specifically or only First Peoples
 - 24.2. the new offence denounces and criminally recognises behaviours that extend to a pattern of ongoing, continuous abuse used by a person to control and coerce an intimate partner, which can have a significant impact on victim-survivors and the community, including First Peoples women and children. Whilst the offence may lead to more custodial sentences, the maximum penalty of 10 years' imprisonment is appropriate given the insidious and damaging impact of coercive control
 - 24.3. the scope of the new offence is limited to the extent that it only applies to adults, who must intend to coerce or control an intimate partner by engaging in the conduct, and does not apply to other relationships. This limits the risk of misidentification of the primary aggressor, which disproportionately impacts First Peoples victim-survivors, and limits the risk of increased criminalisation and incarceration of First Peoples more broadly, while addressing the key context in which coercive control occurs – in intimate partner relationships. Further, the courts will retain

discretion to sentence offenders according to their relevant culpability, including imposing non-custodial sentences if appropriate

- 24.4. to the extent that misidentification of the primary aggressor is disproportionately experienced by First Peoples women, the Bill includes important safeguards to minimise the risks of misidentification, including a defence that the course of conduct alleged to constitute coercive control was reasonable in the context of the relationship as a whole. This defence can be raised by the misidentified person where relevant and allows for consideration of the broader context in which the alleged offending occurred
 - 24.5. the elements of the offence also incorporate protections against misidentification including the requirements that an accused engaged in relevant conduct, that this conduct must be part of a course of conduct (that is, conduct that is protracted or occurs on more than one occasion), the course of conduct must show a continuity of purpose towards the victim and both intentional fault and objective fault elements – that the accused intends to coerce or control the victim by engaging in the course of conduct and ought to understand, in the particular circumstances, that the course of conduct will probably cause harm, and
 - 24.6. noting the complexity of this offence and the need for carefully considered implementation and monitoring, the offence will be supported by a statutory review requirement and longer commencement timeframes for implementation, which will allow for training for key workforces, broad-based awareness building and targeted education campaigns, and structured and resourced pathways to support services, including culturally appropriate support services for First Peoples.
25. For the reasons set out above, in my opinion the introduction of the offence of coercive control is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the Treaty Act.

Abolishing the concept of ‘good character’ (including its use as a mitigating factor) at sentencing for all offences and introducing procedural requirements for written references

26. I note that the ‘good character’ reforms in the Bill do not in their terms include any provisions that apply specifically to First Peoples, as they abolish the concept of good character (including its use as a mitigating factor) at sentencing for all adults and children.
27. However, these reforms may, in their practical effects, engage with the objects at section 66(3)(d)(i)–(iii) of the Treaty Act in light of the overrepresentation of First Peoples in the criminal justice system. For example, I note that First Peoples represent less than 2 per cent of the Victorian population but in 2025 made up 14 per cent of alleged offenders proceeded against by police via arrest or summons as a result of alleged offender incidents.
28. The reforms abolish the concept of good character at sentencing for all offences, so that it can no longer be relied on as a reason that may reduce a sentence. There is therefore a risk the reform could lead to increased rates and/or lengths of custodial sentences for both children and adults, which has a risk of further increasing First Peoples’ overrepresentation in custody.

Advancing the inherent rights and self-determination of First Peoples

29. I acknowledge that the exercise of the right to self-determination will necessarily be limited by the criminal justice system, for the same reasons detailed above regarding the introduction of the offence of coercive control. However, the good character reforms do not, in their terms or in their practical effects, further affect First Peoples’ self-determination.
30. To the extent that abolishing the concept of good character (including its use as a mitigating factor) at sentencing may lead to increased overrepresentation of First Peoples in the criminal justice system and in custody, this may impact some inherent rights of First Peoples as outlined in UNDRIP.
31. The good character reforms may, in practice, limit the right to culture (article 11) noting the significant disruption that imprisonment presents to access to Country (see also articles 25 and 26) and places of spiritual significance, cultural practices and cultural connections, including kinship networks. A term of imprisonment may also limit the right to improvement of economic and social conditions (article 5) and the right to the enjoyment of the highest attainable standard of physical and mental health (article 24).
32. However, with regard to the above considerations, in my opinion these reforms are nevertheless compatible with the object of advancing the inherent rights of First Peoples due to the importance of removing the concept of good character (including its use as a mitigating sentencing factor) at sentencing and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

Addressing unacceptable disadvantage inflicted on First Peoples and ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

33. To the extent that abolishing the concept of good character (including its use as a mitigating factor) at sentencing may lead to increased custodial sentences for First Peoples, the reforms may also compound the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation and limit the equal enjoyment of human rights and fundamental freedoms of First Peoples.
34. The Charter rights likely to be engaged include the rights to liberty (section 21), freedom of movement (section 12), right to privacy (section 13(a)), the rights to practice religion and enjoy cultural rights (sections 14(1)(b) and 19), freedom of expression (section 15(2)), right to peaceful assembly and freedom of association (section 16), right to protection of families and children (section 17) and the right to property (section 20). These rights may be limited due to a possible increase in custodial sentences, which requires the deprivation of liberty.
35. The *Yoorrook for Justice* report considered the significant impact of First Peoples' over-representation in the justice system, including the disruptions to family and the community when people are imprisoned. The report notes that '[r]emoving them from their community can have devastating effects on their personal and social wellbeing, with many families experiencing ongoing trauma and grief as a result'.
36. The *Yoorrook for Justice* report also notes that First Peoples are estimated to be at least two to five times more likely to experience violence than non-Aboriginal people. As outlined above, good character is not an appropriate reason to mitigate a sentence given it is based on a vague and subjective concept that cannot predict risks of re-offending or prospects of rehabilitation, and using and referring to good character in mitigation of sentence is harmful and may be re-traumatising for victim-survivors.
37. However, with regard to the above considerations, in my opinion these reforms are nevertheless compatible with the objects of addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation and ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples due to the importance of removing the concept of good character (including its use as a mitigating sentencing factor) at sentencing and the nature of the impacts on these Treaty objects, as detailed in the proportionality assessment below.

Proportionality assessment

38. For the reasons set out above, these reforms may limit the achievement of the objects in section 66(3)(d)(i)–(iii) of the Treaty Act. However, in my opinion, the reforms are a proportionate means of achieving the policy purposes of helping ensure fairer sentencing outcomes and improving victims' experience of the justice system, and are therefore compatible with those objects, noting:
 - 38.1. the good character reforms universally apply to any person who is sentenced for an offence, not specifically or only to First Peoples
 - 38.2. good character is not an appropriate reason to mitigate a sentence given it is based on a vague and subjective concept that cannot predict risks of re-offending or prospects of rehabilitation. It may perpetuate inequality and systemic disadvantage as there is unequal access to the benefits of good character as a mitigating factor given it can be more readily available to certain groups (who have social status and means) than others, including First Peoples. In addition, using and referring to good character in mitigation of sentence is harmful and may be re-traumatising for victims, particularly as First Peoples are disproportionately represented as victim-survivors
 - 38.3. courts will not be prevented from considering an individual's lack of prior convictions and information about their circumstances and characteristics if it relates to another sentencing consideration. For example, this could include information relating to an individual's connection to community, culture or Country where such information helps a court assess prospects of rehabilitation or risk of reoffending. When sentencing children, this includes the YJ Act sentencing principles and the requirement to prioritise the rehabilitation and positive development of children, as well as the specific sentencing principles for Aboriginal children
 - 38.4. the reforms will also introduce procedural requirements for written references to ensure that courts receive appropriate information about an offender that is relevant to a sentencing consideration, and
 - 38.5. delayed commencement of the reforms will allow stakeholders to conduct training and update practice guides as appropriate to implement the reforms effectively and without unintended impacts on First Peoples, victim-survivors, offenders, the judiciary and legal practitioners.

39. For the reasons set out above, in my opinion the good character reforms in the Bill are compatible with the objects specified in section 66(3)(d)(i) to (iii) of the Treaty Act.

Family violence and personal safety reforms

40. I note that the family violence and personal safety reforms introduced by this Bill do not in their terms include any provisions that apply specifically to First Peoples, nor is it expected that most aspects of these reforms will, in practice, affect the objects at section 66(3)(d)(i) to (iii) of the Treaty Act.
41. However, it is expected that the new power for criminal courts hearing a criminal proceeding to extend or vary an FVIO on their own motion, without requiring an application to be filed or requiring a separate proceeding (own motion power), may engage with the objects in sections 66(3)(d)(i) to (iii) of the Treaty Act, as detailed below.

Advancing the inherent rights and self-determination of First Peoples

42. To the extent that the own motion power may have an impact on First Peoples right to autonomy and self-government, this may impact some inherent rights, including the right to self-determination, as outlined in the UNDRIP.
43. The Bill may, in practice, limit the right to decision-making and consent (articles 18 and 19), noting the own motion power allows a court hearing a criminal proceeding to extend or vary an FVIO on their own motion. This may also have a limiting effect on the right to improvement of social conditions (article 21) and the right to culture (article 11), given that matters relating to family and intimate relationships involving First Peoples may be more appropriately addressed through First Peoples laws, customs and community-led responses.
44. However, I note that the own motion power can only be exercised with consent of the protected person and may also be exercised by Koori Courts hearing a related family violence offence, which may offer a more culturally sensitive way for FVIO extensions or variations to be considered.
45. With regard to the above considerations, in my opinion these reforms are nevertheless compatible with the object of advancing the inherent rights of First Peoples due to the importance of preventing family violence and protecting victim-survivors, as detailed in the proportionality assessment below.

Addressing unacceptable disadvantage inflicted on First Peoples

46. To the extent that the own motion power reform may exacerbate the risk of First Peoples being misidentified as the predominant aggressor in family violence cases, there is a risk that this may compound the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation. Accordingly, the risks of misidentification discussed above in the section on the introduction of the coercive control offence are also relevant to these reforms.
47. For First Peoples who have been misidentified, the own motion power could further reinforce and prolong the consequences of that misidentification, which can disrupt family and community connections and create barriers to employment, housing and cultural participation.
48. However, with regard to the above considerations, in my opinion these reforms are nevertheless compatible with the object of addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation due to the importance of preventing and protecting against family violence and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

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

49. While the Bill applies to all those experiencing family violence, I acknowledge that the Bill may limit the equal enjoyment of human rights and fundamental freedoms of First Peoples, due to the risks associated with misidentification described above and how this may lead to criminalisation. I consider that the Bill may, in its practical effects, engage human rights, including Charter rights to a fair hearing (section 24) and the right to be presumed innocent until proven guilty (section 25). As noted above, the Bill may also engage First Peoples' inherent rights, particularly the rights to decision-making and consent.
50. These rights may be limited because First Peoples who have been misidentified as the predominant aggressor may experience increased police involvement and criminal charges for alleged FVIO breaches, all in circumstances where the original allegations of family violence have not been properly examined. This can weaken the practical effect of being presumed innocent and undermine the right to a fair hearing. It may also be a contributing factor to the overrepresentation of First Peoples in the criminal justice system, both due to misidentification and due to the overall effects of extensions and variations of FVIOs through the own motion power.

51. In addition, if the own motion power is exercised with First Peoples respondents, this may also have a direct impact on Charter rights such as freedom of movement (section 12) and freedom of association (section 16). For example, the own motion power could vary the FVIO to include conditions that restrict a respondent from contacting or being within a certain distance of the protected person. These restrictions would directly impact the respondents' ability to move freely around the State and associate with certain people.
52. However, with regard to the above considerations, in my opinion these reforms are nevertheless compatible with the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples due to the importance of preventing and protecting against family violence, including First Peoples victim-survivors, and the nature of the impacts on this Treaty object, as detailed in the proportionality assessment below.

Proportionality assessment

53. While the own motion power may limit the achievement of the objects in section 66(3)(d)(i) to (iii) of the Treaty Act as outlined above, in my opinion the limitations are proportionate and therefore compatible with these objects. In particular, I note that:
 - 53.1. the Bill universally applies to those experiencing family violence where the own motion power may be available
 - 53.2. there is a significant public interest in preventing family violence and protecting victim-survivors from further family violence, particularly noting the disproportionate rates of family violence experienced by First Peoples victim-survivors
 - 53.3. the Bill complements the reforms in the *Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026*, which will commence no later than 10 November 2026, and will require police and courts to consider misidentification factors when considering whether to issue a family violence safety notice, or when making an interim or final FVIO. Although misidentification that pre-dates these reforms may persist, the reforms will reduce the risk of misidentification in the making of new orders, thereby reducing the risk of misidentification in the own motion power context
 - 53.4. the Bill includes important safeguards such as requiring a court to hear the views of a protected person before exercising the own motion power, which is intended to minimise any potential negative impacts on victim-survivors
 - 53.5. the Bill similarly requires that the respondent has had the opportunity to be heard in respect of an extension or variation. This may provide an opportunity for the court to assess whether misidentification is a relevant issue and whether it may be inappropriate to exercise the own motion power, and
 - 53.6. the Bill does not replace the existing civil application pathways to extend, vary or revoke an FVIO available to parties under the FVPA.
54. For the reasons set out above, in my opinion the own motion power under the family violence and personal safety reforms, and the reforms more broadly, are compatible with the objects specified in section 66(3)(d) of the Treaty Act.

Family Violence Information Sharing Scheme (FVISS) and Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework reforms

55. I note that the amendments to the FVPA seek to clarify the existing responsibilities of prescribed organisations to share information and streamline reporting requirements. Amendments seeking to promote timely response to information sharing requests allow sufficient flexibility to ensure that Family Violence Specialist Aboriginal Community Controlled Organisations, which may receive a higher volume of such requests, can define 'timely' in a way which best promotes the needs of their service users and organisations.
56. In light of the above, in my opinion, the MARAM and FVISS reforms in this Bill do not in their terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential effect on First Peoples.
57. Accordingly, in my opinion, the MARAM and FVISS reforms in this Bill do not affect the objects specified in section 66(3)(d)(i)–(iii) of the Treaty Act and are therefore compatible with each of those objects.

Fines and infringements reforms

58. I note that the reforms to the fines systems outlined in the Bill do not in their terms include any provisions which apply specifically to First Peoples. However, in their practical effects, in my opinion the reforms are likely to promote the objects at section 66(3)(d)(i) to (iii) of the Treaty Act.
59. In considering the compatibility of these reforms with section 66(3)(d) of the Treaty Act, I have considered the effects of the fines system on First Peoples. Although data specific to Victoria is not available, in its 2018 report *Pathways to Justice*, the Australian Law Reform Commission (ALRC) found that Aboriginal and Torres Strait Islander people were over-represented as fine recipients, less likely to pay a fine on time and, as a result, more likely to be subject to enforcement measures (ALRC Report 133, 2018), 387.
60. There is a lack of data to quantify the unequal impact of the Victorian fines system on First Peoples, but it is known that the system has the potential to impact adversely on people experiencing vulnerability and disadvantage. This is particularly relevant to First Peoples, noting the unacceptable disadvantage inflicted on First Peoples due to the historic wrongs and ongoing injustices of colonisation. As a result, it is reasonable to conclude that the fines system may have a disproportionate impact on First Peoples.
61. To address the potential disproportionate effects of the fines system on First Peoples in progressing any fines-related reforms, the government has regard to the importance of appropriate remedial and social justice mechanisms within the fines system. This requires a continuing focus on protecting and enhancing these measures to ensure the fines system is fair and flexible, so that people who cannot or should not pay due to a specified kind of vulnerability or disadvantage, are effectively diverted away from the criminal justice system or have options other than payment to expiate their fines.

Advancing the inherent rights and self-determination of First Peoples

62. The reforms do not expressly advance the inherent rights and self-determination of First Peoples, as the Bill applies to all people who are fine recipients. However, the Bill is likely to support this object by broadening access to the Work and Development Permit Scheme (WDPS), which provides eligible individuals with a non-financial way to address their fine debt thereby reducing the risk of non-payment and enforcement measures.
63. There are 27 Aboriginal Community Controlled Organisations delivering culturally appropriate activities to First Peoples who are fine recipients under the WDPS. This supports the inherent rights of First Peoples as outlined in the UNDRIP, particularly rights to self-determination (article 3), allowing Aboriginal Community Controlled Organisations to deliver the WDPS in ways that are tailored to local First Peoples' communities and needs, and rights to culture (articles 11 and 12) and Country (articles 25 and 26), where WDPS activities include relevant cultural and on Country activities.

Addressing unacceptable disadvantage inflicted on First Peoples and ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

64. I note that the reforms to expand the family violence scheme (FVS) for infringement fines to include some excessive speed infringements, and the amendments to expand the WDPS to include court fines are likely to promote the objects in section 66(3)(d)(ii) and (iii) of the Treaty Act to the extent that First Peoples may be more likely to access these schemes as a result of historic wrongs and ongoing injustice and are therefore more likely to benefit from the broadening of access to the schemes.
65. The following Charter rights may also be enlivened and supported by these reforms:
- 65.1. rights to freedom of movement (section 12) and to liberty and security of person (section 21(1)) – the broadening of access to the WDPS and FVS is likely to reduce the non-payment of fines by recipients who will now be eligible for the schemes, thereby reducing the risk of enforcement actions for unpaid fines, including the seizure of assets, and driver licence and vehicle registration sanctions, and
- 65.2. right to protection of families and children (section 17(1)) – expanding the FVS may reduce the impact of family violence on families who are victim-survivors, and support their capacity to subsist, as fines not previously eligible for the scheme may be withdrawn, and demerit points reversed under the expanded provisions.
66. The amendment to clarify that the Director, Fines Victoria's power to deregister infringement fines does not apply to infringement offences that take effect as a deemed conviction will not (directly or indirectly) engage any of the objects in section 66(3)(d)(i)–(iii) of the Treaty Act because: the amendment is minor in nature in the context of the legislative scheme for fines; it is a clarification only to reflect that the deregistration power has never been used for deemed conviction infringements because the use of the power is problematic in the context of offences that take effect as a deemed conviction; and there are

other pathways available for people experiencing vulnerability and disadvantage (including First Peoples) to deal with their fines.

67. Accordingly, in my opinion, the fines-related reforms in this Bill are compatible with the objects specified in section 66(3)(d)(i) to (iii) of the Treaty Act.

Adding family violence as protected attribute under the EO Act

68. I note that the reforms to the EO Act introduced by this Bill do not in their terms include any provisions that apply specifically to First Peoples. However, in their practical effects, in my opinion the reforms are likely to promote the objects at section 66(3)(d)(i) to (iii) of the Treaty Act, noting the disproportionate impact of family violence on First Peoples. For example, I note that First Peoples represent less than two per cent of the Victorian population but in 2024–25 made up over six per cent of victim-survivors with Family Violence Intervention Orders. I further note that 60 per cent of First Peoples women in Australia have experienced physical or sexual violence by an intimate partner since age 15.

Advancing the inherent rights and self-determination of First Peoples

69. I note that the reforms may indirectly affect the object at section 66(3)(d)(i) of the Treaty Act by advancing the inherent rights of First Peoples. Providing protection from discrimination for people subjected to family violence is expected to support the inherent rights of First Peoples as outlined in the UNDRIP, particularly the right to equality and freedom from discrimination (article 2) and subsequently the rights to the improvement of economic and social conditions (article 21), education (article 14) and the enjoyment of the highest attainable standard of physical and mental health (article 24) by providing protection from discrimination based on family violence impacting employment, access to education and healthcare and economic opportunities.
70. Therefore, in my opinion, these reforms are compatible with advancing the inherent rights of First Peoples.

Addressing unacceptable disadvantage inflicted on First Peoples

71. I note that the reforms may affect the object at section 66(3)(d)(ii) of the Treaty Act by addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation.
72. The amendments to the EO Act would prohibit discrimination based on a person's subjection to family violence, providing protections and avenues for redress for First Peoples who, as noted above, are disproportionately impacted by family violence. Noting that addressing discrimination can support First Peoples' employment, economic, health and education opportunities and work to counter the historic and ongoing disadvantage inflicted by colonisation.
73. Therefore, in my view, the reforms to the EO Act are compatible with the object in section 66(3)(d)(ii) of the Treaty Act.

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

74. Noting that family violence has a disproportionate impact on vulnerable communities, particularly First Peoples women, in my view, the reforms are likely, in their practical effect, to have a positive effect on First Peoples and support their equal enjoyment of human rights and fundamental freedoms. The reforms will prohibit discrimination on the basis that a person, including First Peoples, has been or is being subjected to family violence in an area of public life, such as employment, education or housing.
75. In addition to the UNDRIP rights detailed above this may promote First Peoples' human rights, including Victorian Charter rights to the protection of families and children (section 17), taking part in public life (section 18) and peaceful assembly and freedom of association (section 16). As these reforms will provide a beneficial legal protection, against discrimination experienced by First Peoples in these areas of public life, they are expected to promote their enjoyment of these rights by preventing a form of discrimination that arises against First Peoples because of their disproportionate experience of family violence.
76. I note that the EO Act contains exceptions and exemptions that permit discrimination on the basis of an attribute protected under the Act, in some circumstances. This would also apply to the new attribute in the Bill. Provisions of the EO Act that would permit discrimination on the basis of a person's subjection to family violence may disproportionately impact First Peoples, given their overrepresentation as victims of family violence.
77. However, without the Bill, victims of family violence are not protected from discrimination under the EO Act. The limited relevant exceptions and exemptions apply to all attributes protected under the EO Act and were considered by reference to Charter rights when the EO Act was passed in 2010.

78. Some exceptions may also operate to protect and provide tailored services to specific groups. For example, one exception under the EO Act would allow providers to deliver targeted family violence welfare services, such as emergency accommodation for women and/or First Peoples, and limit eligibility of that service to support the welfare and special needs of specific people or groups that are protected under the EO Act. The Bill would extend these recognised attributes to include victims of family violence.
79. Noting that the Bill overall increases protections for victims of family violence, including overrepresented First Peoples, in my opinion it is compatible with the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Conclusion

80. For the reasons set out above, in my opinion the Bill is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the *Statewide Treaty Act 2025*.

Jaclyn Symes MP

Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for State Electricity Commission

Second reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:50):
I move:

That the bill be now read a second time.

Ordered, by leave, that second-reading speech, except for the statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard*:

Before I begin, I would like to acknowledge all of the women and children whose lives have been taken by family violence.

I would like to also recognise that nobody bears the brunt of this epidemic at the same rate or intensity as First Nations women and children.

Across Victoria and indeed Australia, family violence is the number one law and order issue that is destroying lives, harming children across generations and destabilising homes, communities and our broader society.

This Government has done more than any other Government in history to better protect women and children, and hold perpetrators to account.

But the work is never done.

Today, we take a further step.

This Bill is about listening and responding to the voices of victim-survivors.

It contains a number of significant reforms to prioritise victim-survivor safety, improve the efficiency of justice processes and ensure perpetrators of all forms of interpersonal violence can be held to account.

Before I get into further detail about the Bill, I would like to highlight the advocacy of those whose lives have been impacted by family and sexual violence and whose voices have contributed to the reforms in this Bill.

Some of you are here today.

It is an incredible thing to go through the trauma you have been through and transform that experience into advocacy and change.

I am honoured to be standing here today on your behalf – because make no mistake, this Bill would not be possible without you.

So thank you.

Now to the Bill and its reforms.

Coercive control

Coercive control is an insidious form of abuse used (usually by a man) to intimidate, humiliate, surveil, gaslight or isolate another person (usually a female intimate partner) and strip them of their sense of autonomy and self-worth so as to have control over them.

We know the devastating impacts this can have - increasing the risk of victims becoming homeless, suicidal, having poor health outcomes, sliding into poverty and committing offences themselves.

And, heartbreakingly, in some cases, it can be fatal.

While I acknowledge this is a complex area for law, it is unthinkable today that this kind of harm is not criminal.

Currently, there is no criminal justice response available for victim-survivors of coercive control unless there is a family violence intervention order (FVIO) in place or a physical criminal offence has taken place, like assault or a sexual offence.

Victim-survivors deserve to feel seen, heard and to know that the system can work to make them feel safe and protected.

Considerable work has gone into developing this offence, and I want to acknowledge the many complexities raised by stakeholders throughout the process, and thank you for your collaboration to ensure we do this well.

While it has not been possible to reconcile all views, the offence balances and addresses concerns where possible.

We will continue to work with stakeholders to ensure family violence services, police, courts and the legal profession are adequately supported to implement the offence and are engaged in the implementation process.

While the Bill focuses on coercive control within intimate partner relationships, we know that coercive and controlling behaviours happen in other relationships too and this should be taken seriously.

Relationships and behaviour that fall outside the scope of this offence may continue to be dealt with by existing civil and criminal interventions, including FVIOs, breaches of those orders and other criminal offences.

The new offence will increase awareness of the harms caused by coercive control in all relationships. Importantly, the statutory review will specifically consider whether the scope of the offence should be expanded to capture coercive control in other relationships.

I know that misidentification of the predominant aggressor in family violence offending is a significant issue, and has been a concern for stakeholders during the development of this offence.

The offence has been carefully crafted to minimise this risk, but for this offence to work, it is critical that justice agencies, from police to the courts, are provided training and support to fully understand the dynamics of coercive control.

The delayed commencement of approximately 18 months will allow for education and training for these workforces, to minimise the risks of misidentification.

The statutory review of the offence will also provide an opportunity to ensure the offence is operating as intended, and to consider whether changes are required to further reduce the risk of misidentification.

Good character

Now, to 'good character' reform.

The Bill will abolish the concept of good character (including its use as a mitigating factor) at sentencing for all offences.

Currently, victim-survivors are having to sit in court and hear that the person who harmed them is a person of 'good character'. This can compound the trauma and diminish their experience.

The concept of 'good character', on its own, is generally only about someone's reputation, community standing, or their past 'good deeds'. This is not an accurate way to predict an offender's prospects of rehabilitation or risk of reoffending.

These reforms seek to enable courts to continue to take into account relevant information at sentencing, while ensuring they no longer receive or consider vague, subjective opinions about an offender's supposed moral worth as a person of 'good character.'

Courts will still be able to consider information about an offender's circumstances and characteristics, such as social background and employment history, including in written references, where that information is relevant to the remaining sentencing considerations, such as prospects of rehabilitation and risk of reoffending.

Equal Opportunity Act reform

This Bill is amending the *Equal Opportunity Act 2010* to add a new attribute of 'subjection to family violence'.

This will make it unlawful to discriminate against someone because they have experienced, or are experiencing, family violence.

This new protection will apply to areas of public life, including employment, education, the provision of goods and services, disposal of land, accommodation, clubs, sport and local government.

No victim-survivor should lose a promotion, be performance managed or be denied a rental because they needed to attend court, relocate for safety or access support.

Victim-survivors will be able to challenge discrimination based on this new attribute by dispute resolution at the Victorian Equal Opportunity and Human Rights Commission (Commission), or by applying to the Victorian Civil and Administrative Tribunal for civil redress, including compensation.

There will also be a positive duty on organisations, such as employers and accommodation and service providers, to take proactive, reasonable and proportionate steps to eliminate discrimination based on the new attribute. The Commission has powers to investigate contraventions of this duty.

Family violence and personal safety reforms

The Bill also contains a number of reforms to:

- deliver more victim-centric processes for extending or varying an FVIO, and
- better protect children and families from predatory behaviour under the personal safety intervention order (PSIO) system.

Currently, victim-survivors are often required to attend court multiple times to seek protection from their perpetrator, forcing them to relive their experiences of violence and subjecting them to further trauma, even when there is proven criminal family violence offending.

Victims should not have to feel like they have to fight so hard for protection.

Reforms in this Bill will allow a criminal court, on its 'own motion' and with the consent of the victim-survivor, to extend or vary an FVIO when sentencing a perpetrator for relevant family violence offences.

To encourage earlier consideration of whether stronger protections are needed, the Bill will require police to indicate if there is an FVIO in place and if an application to extend or vary that FVIO will be made when filing a charge sheet for a related family violence offence.

The Bill will also ensure courts more consistently prioritise consideration of victim-survivor views when extending an FVIO and encourage longer extensions when a perpetrator is serving a term of imprisonment for a related family violence offence, to avoid victim-survivors needing to return to court multiple times.

Fines and infringements reforms

This Bill will strengthen supports for fine recipients experiencing vulnerability and disadvantage.

The Family Violence Scheme will be expanded to include excessive speeding fines, so that victim-survivors can access relief in these circumstances.

The Work and Development Permit Scheme will be also expanded to apply to court fines, where it is currently only available to infringement fines.

Electronic signatures

The Bill clarifies that electronic signatures can be used for FVIO and PSIO documents.

This change will help to make proceedings less disruptive to the lives of victims, by confirming they can sign documents without having to attend court or a police station.

Grooming

The Bill will strengthen protections for children and families by enabling PSIOs to be made against adults engaging in 'grooming' behaviours.

Grooming is a predatory behaviour undertaken to facilitate child sexual abuse. It is insidious, deeply traumatic and deserves to be captured by the PSIO framework.

This will enable the conduct to be disrupted before it escalates to sexual offending.

Multi-Agency Risk Assessment and Management Framework (MARAM)

Finally, the MARAM Framework and the Family Violence Information Sharing Scheme are flagship reforms implemented by this Government following the Royal Commission into Family Violence.

This Bill includes reforms to support more effective, sustainable, and fit-for-purpose risk management and information sharing.

Together, these amendments will support prescribed organisations to better meet their legislative obligations and strengthen how professionals assess, manage and share information about family violence risk to keep victim-survivors safe and hold people who use violence accountable.

Section 85(5) of the Constitution Act 1975

Jaclyn SYMES: It is my intention to make a statement under section 85(5) of the Constitution Act 1975 setting out the reasons for altering or varying that section. It is the intention of clause 8 of the Justice Legislation Amendment (Family Violence, Coercive Control, Good Character, Risk Assessment and Other Matters) Bill 2026 to alter or vary section 85 of the Constitution Act.

Clause 8 inserts new sections 125S, 125T and 125U into the Family Violence Protection Act 2008. New section 125S provides there is no appeal against an own motion order made by the County Court or the Supreme Court. New section 125T provides that an appeal against an own motion order made by the Magistrates' Court must not be started or continued if the final order was extended or varied since the Magistrates' Court made the order that is subject of the appeal.

New section 125U provides there is no appeal against a decision of the County Court following an appeal against an own motion order made by the Magistrates' Court. These new sections will limit the Supreme Court's ability to hear an appeal in certain circumstances and therefore engage section 85 of the Constitution Act. Clause 10 inserts new subsection (3) after section 208(2) of the Family Violence Protection Act to make clear that it is the intention of new sections 125S, 125T and 125U to alter or vary section 85 of the Constitution Act.

The right to appeal an own motion power variation or extension is limited to ensure that victim-survivors are prevented from having to attend court on numerous occasions. This risks further traumatising the protected person, which would undermine the purpose of promoting and protecting the safety of victims of family violence. These limitations are also consistent with existing limitations in sections 114 and 120 of the Family Violence Protection Act. Parties can still seek to vary, extend or revoke a family violence intervention order under existing provisions in the Family Violence Protection Act, if they so choose.

I commend the bill to the house.

Melina BATH (Eastern Victoria) (21:52): On behalf of Georgie Crozier, I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Local Government Legislation Amendment (Stronger Communities) Bill 2026

Introduction and first reading

The PRESIDENT (21:53): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Local Government Act 2020** to enhance the integrity and governance standards of Councils, to enable the prescription of a Fair Jobs Code and to make provision for the appointment of a Local Government Fair Jobs Code Regulator and to amend the **City of Melbourne Act 2001** to increase the permitted ratio between the lowest and highest differential rates if the Melbourne City Council uses the net annual value system of valuation and for other purposes.'

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:53): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:53): 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 Local Government Legislation Amendment (Stronger Communities) Bill 2026 (Bill).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The main purposes of the Bill are to amend the *Local Government Act 2020* (LGA 2020) to:

- enhance the integrity and governance standards of Councils
- introduce a mandatory Fair Jobs Code (Code) for local government to minimise all forms of insecure work in the local government sector
- and to make other miscellaneous amendments to improve the operation of the LGA 2020.

Amendments to the LGA 2020 carried by the Bill include amendments to:

- permit councils to declare the office of a mayor or deputy mayor vacant where they have been elected for a one-year term
- provide for councillors to take candidate leave of absence when nominating for election as a member of the Victorian Parliament
- require councils to establish a Chief Executive Officer Employment Matters Committee to provide independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy
- strengthen requirements for managing and reporting conflicts of interest
- clarify the application of the stand down provisions to councillors under the LGA 2020
- enable the Minister for Local Government to request that a council attempt to resolve an internal dispute or issue in the first instance.
- enable the prescription of a Fair Jobs Code in regulations
- provide for the appointment of a Local Government Fair Jobs Code Regulator (Regulator)
- to make any related and consequential amendments to enable monitoring, assessment and review of a CEO's compliance with the Code by the Regulator.

The Bill will also amend the *City of Melbourne Act 2001* to increase the permitted ratio between the lowest and highest differential rates if the Melbourne City Council uses the net annual value system of valuation.

Human Rights Issues

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

- The right to privacy and reputation (section 13)
- The right to freedom of expression (section 15)
- The right to take part in public life (section 18)
- Property rights (section 20).
- The right not to be tried or punished more than once (section 26).

Right to privacy and reputation (section 13)

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

Clause 13 inserts new section 38A into the LGA 2020 that provides that when a councillor has nominated for election as a member of the Victorian Parliament, the councillor is taken to have been given a candidate leave of absence until the election result is publicly declared. This ensures that there is no conflict between a councillor's role under the LGA 2020 and their campaigning activities when running for another office. New section 38A(4) provides that a councillor on a candidate leave of absence cannot perform the duties of a councillor under the LGA 2020 and are not entitled to receive their allowance.

New section 38B, to be inserted by Clause 13, also imposes a requirement for councillors to notify the CEO as soon as possible after being selected by a political party to be a candidate as a member of the Victorian Parliament or after they publicly announce an intention to be a candidate for election as a member of the Parliament. A councillor who becomes a candidate for election is prevented from being elected or appointed to the office of mayor, deputy mayor or acting mayor during the initial candidacy period. Additionally, if a relevant councillor holds the office of mayor, deputy mayor or acting mayor, they are taken to be incapable of performing the duties of that office during the initial candidacy period. Mayors, deputy mayors and acting mayors can continue to serve as councillors until such time as they lodge their nomination. New section 38B requires a councillor to provide written notice to the CEO of the councillor's nomination for election, of them being selected by a political party to be a candidate for election or of them publicly announcing an intention to be a candidate for election.

Section 38B requires a councillor to divulge information that might otherwise be private in nature, thus engaging the right to privacy. However, any impacts on the right to privacy and reputation are not arbitrary or unlawful and seek to promote transparency and compliance with the candidate leave of absence provisions of the Bill. The requirement to notify the CEO of these matters also ensures that councils are given adequate notice to put in place any arrangements needed to accommodate a candidate leave of absence, such as arrangements for appointing an acting Mayor. As such, to the extent that disclosure of such information will interfere with privacy, any such interference will be lawful and not arbitrary, and will therefore be compatible with the right to privacy.

Clause 28 amends section 45 of the LGA 2020 to require the council to establish an independently chaired Chief Executive Officer Employment Matters Committee the purpose of which is to provide independent professional advice in relation to the CEO's employment and remuneration, including recruiting and appointing a new CEO, performance monitoring and annual performance reviews. Clause 28 may engage the right to privacy to the extent that the amendments may result in the committee having access to, and giving advice on, personal information pertaining to a CEO's contractual arrangements, remuneration and performance. However, any impacts on the right to privacy and reputation are not arbitrary or unlawful.

One of the most important decisions a council can make relates to the employment and performance management of their CEO. The aim of the Chief Executive Officer Employment Matters Committee is to ensure that the council is provided with independent professional advice to guide their decision making relating to the employment and performance management of the CEO. Additionally, members of the committee would be required to comply with any council processes regarding the management of confidential information.

Strengthened requirements for managing and reporting conflict of interests.

Clause 32 introduces a new prohibition on councillors and members of delegated committees who have a conflict of interest in a matter from directing, influencing or attempting to influence or discuss the matter with another relevant person who is participating in, or is expected to participate in, the decision-making process in relation to that matter. Clause 32 also introduces a new requirement for CEOs to notify the Chief Municipal Inspector as soon as they become aware that a councillor has failed to disclose a conflict of interest and exclude themselves from the decision-making process in relation to the matter before council. Information provided to the Chief Municipal Inspector under new section 130(5A) may be used to determine whether an investigation is warranted under the LGA 2020 but will not itself trigger an investigation or the taking of further action by the Chief Municipal Inspector.

While mandatory reporting may be said to limit the right to privacy and reputation (s 13), it is necessary to ensure that the Chief Municipal Inspector is notified of breaches of the LGA 2020. Failures to appropriately declare and manage conflicts of interest, as required under the LGA 2020 and the council's Governance Rules, are potential signs of integrity issues at a council which erodes the public trust in councils and their ability to act in the communities' best interests. There is a public interest in ensuring that councillors make decisions impartially and are not driven by self-interest. I therefore consider that any limitation imposed by clause 32 on the right to privacy and reputation is demonstrably justified under the Charter.

Clause 41 of the Bill engages the right to privacy and reputation because it inserts –

- new section 54H which gives the Regulator power to request that a CEO provide information or documents to the Regulator
- new section 54I that gives the Regulator the power to issue a CEO with a Fair Jobs Code (FJC) notice which must:
 - specify the details of an alleged failure to comply with the Code and how compliance may be addressed, and
 - state that the CEO may respond by a specified date in writing to the Regulator to provide reasons for the alleged failure to comply with the Code or provide information to demonstrate compliance with the Code.

To the extent that clause 41 of the Bill engages the right to privacy and reputation by giving the Regulator the abovementioned function and powers to investigate a Council CEO, I consider that any interference with the right to privacy and reputation will neither be unlawful nor arbitrary.

The power to request that a CEO provide information or documents to demonstrate compliance with the Code is at the discretion of the Regulator and is not a coercive power. The documents or information provided by a CEO to the Regulator may be used by the Regulator in investigating their compliance with the Code, in tandem with the FJC notice process.

Where the Regulator has reasonable grounds to believe that the CEO is not complying with the Code they must issue the CEO with a FJC notice. The FJC notice must contain specific information including the details of the alleged non-compliance so that the CEO has an opportunity to respond to any non-compliance alleged by the Regulator and ensures procedural fairness is afforded to the CEO.

To the extent that documents specify personal information that have been provided by a CEO to the Regulator in response to a request for information or FJC notice, the Bill may limit the right to privacy however any such limitation is lawful, reasonable and proportionate in the circumstances. These powers are clearly set out in the Bill, are not coercive and serve the legitimate purpose of promoting effective oversight, accountability and integrity in public administration. The use of such information and documents by the Regulator is limited to determining compliance with the Code.

Regulator power to refer matters

Clause 41 of the Bill further engages the right to privacy because it inserts new section 54J that gives the Regulator a discretion to refer suspected breaches of the Act by a CEO that extend beyond the obligations and requirements of the Code to the Chief Municipal Inspector and Council.

To the extent that proposed section 54J engages the right to privacy by giving the Regulator the discretion to refer matters, I consider that any interference with the right to privacy and reputation is reasonably justified. While personal information may be included in such referrals, this is reasonably necessary to ensure that they can be properly investigated.

Regulator powers to publish findings

Clause 41 of the Bill also engages the right to privacy, in respect of a person's reputation, by inserting new section 54M that gives the Regulator the power to publish reports on the compliance with the Code by a CEO on a website maintained by the Secretary of the Department of Government Services (DGS).

To the extent that proposed section 54M engages the right to privacy and reputation by giving the Regulator the abovementioned powers to publish findings related to a CEO's compliance with the Code, I consider that any interference with a CEO's reputation will be limited to the extent to which a CEO has complied with the Code. The power to publish findings related to a CEO's compliance with the Code is intended to promote CEO compliance with the Code across the local government sector.

The Bill also only permits details of previous non-compliance from the past 5 years to be published and requires that the Regulator redact any 'confidential information', as defined under section 3 of the Act, from any reports published by the Regulator.

The Bill does not limit a CEO's right to pursue any legal action in response to the Regulator publishing any findings related to their compliance with the Code, including the right to seek an administrative review of the Code Regulator's decision or any other proceedings in a court of competent jurisdiction. In this regard, the Bill also provides that the Regulator can recall a notice of decision issued to a CEO following an investigation into whether the CEO has complied with the Code if there are legal proceedings on foot that relate to an issue that is dealt with in a notice of decision.

For these reasons, I am of the opinion that these provisions are compatible with the right to privacy and reputation in section 13 of the Charter.

Right to freedom of expression (section 15)

Section 15(2) of the Charter provides that every person has the right to freedom of expression. Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons and for the protection of national security, public order, public health or public morality.

Strengthened requirements for managing and reporting conflict of interests

Clause 32 of the Bill may impact the right to freedom of expression by providing that councillors and members of a delegated committee cannot discuss a matter for which they have a conflict of interest, with another relevant person who is participating in, or is expected to participate in, the decision making process in relation to that matter. This provision is reasonable and proportionate as it is consistent with those persons' existing obligations to remove themselves from the decision-making process and is limited and directed at preventing the exercise of influence over other decision-makers in relation to matters in which that person has a conflict of interest.

Right to take part in public life (section 18)

Section 18(1) of the Charter provides that every person in Victoria 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. Section 18(2)(b) further 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.

Declaration of office of Mayor or Deputy Mayor to be vacant

Section 23 of the LGA 2020 currently provides a process for councils to bring a notice of motion to declare the office of Mayor or Deputy Mayor vacant in respect of Mayors or Deputy Mayors that are elected for a two-year term.

Clause 8 of the Bill amends section 23 of the LGA 2020 to enable a council to bring a notice of motion to declare the office of Mayor or Deputy Mayor vacant for Mayors or Deputy Mayors elected for a one-year term.

It also amends this provision to provide additional procedural requirements to be followed where a notice of motion to declare the office of Mayor or Deputy Mayor is proposed. This includes that a notice of motion to declare the office of Mayor or Deputy Mayor vacant must specify the reasons for the proposed motion, be signed by an absolute majority of the councillors and be lodged with the CEO of the council at least 14 days prior to the consideration of the motion at a council meeting. Additionally, the Mayor or Deputy Mayor in respect of whom the proposed motion relates may provide a written response to the motion which must be provided to each councillor.

Clause 8 may engage the right to take part in public life as it broadens the application of the process for a council to declare the office of Mayor or Deputy Mayor vacant to Mayors or Deputy Mayors elected for a one-year term.

In my view, any limitation to the right to participate in public life is reasonable and justified.

The Mayor and Deputy Mayor hold leadership positions that rely on the confidence of the councillors who elected them to perform their roles effectively and to support the council in carrying out its functions in accordance with the LGA 2020. Where an absolute majority of councillors no longer have confidence in the Mayor or Deputy Mayor, this provision enables the council to move a motion to declare the office vacant and by a three quarters majority vote declare the office vacant to ensure effective leadership.

Importantly, this clause includes additional procedural fairness requirements, including an opportunity for the Mayor or Deputy Mayor who is the subject of a notice of motion to be provided with the reasons for the proposed motion and to respond before any decision by the council is made. Additionally, if the office is declared vacant, the person remains an elected councillor and continues to serve on the council.

Candidate leave of absence

The proposed candidate leave of absence provisions may limit the right to take part in public life insofar as they temporarily prevent a councillor from performing their role as a councillor once they nominate for election as a member of the Parliament.

The proposed candidate leave of absence provisions may also limit the right to take part in public life insofar as they prevent a councillor from performing the role of Mayor, Deputy Mayor or Acting Mayor where they have been nominated by a political party to run in an election or have publicly announced their intention to run in an election.

Currently councillors are encouraged through council policies or guidance to consider taking a leave of absence from their role as a councillor if they have nominated as a candidate for another election. Mayors and Deputy Mayors are also encouraged to consider stepping aside from their role and putting in place acting arrangements after stating their intention to stand as a candidate.

Once a councillor becomes a candidate in a Parliamentary election, there is an increased risk of actual or perceived conflicts between their responsibilities as a councillor and their participation in campaign activities. This also creates confusion for community members who do not know if a candidate is speaking on behalf of the council or in their capacity as a candidate, particularly when the candidate is the Mayor and therefore the spokesperson for the council.

These amendments therefore pursue the legitimate objective of providing a clear and consistent framework for councillors to keep campaigning activities separate from the performance of their role as councillor and to manage potential conflicts of interest during election periods.

Further, I consider that any limitation of the right is reasonable and proportionate. In the case of a councillor nominating for election, it applies only for a defined period being from the day after nominating for an election until their nomination is withdrawn or the election results are declared. Similarly, to the extent that it prevents a councillor from performing the role of Mayor, Deputy Mayor or Acting Mayor, it applies only from the period that they provide notice that they have been preselected or publicly announce their intention to contest the election, to the period they nominate for election. The councillor is not removed from office in either case and is able to resume their duties of that office if not elected to Parliament.

Councillors are democratically elected to carry out public duties and responsibilities. This is both a privilege and a burden. The standing down of a councillor in these circumstances promotes community understanding and clarity around when a councillor is no longer performing the role of councillor and is instead acting as a candidate. This further justifies the limitation.

For these reasons, I am of the opinion that these provisions are compatible with the right to take part in public life as set out in section 18 of the Charter.

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. While the Charter does not define ‘property’, case law indicates that the term should be interpreted ‘liberally and beneficially to encompass economic interests’.

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.

Declaration of office of Mayor or Deputy Mayor to be vacant

Declaring the office of Mayor or Deputy Mayor to be vacant could be said to authorise the deprivation of the Mayor or Deputy Mayor’s property (i.e. their Mayoral or Deputy Mayoral allowance) and therefore engages the right to property.

That being so, the deprivation of property will be ‘in accordance with the law’ where the law providing for the legal authorisation for the deprivation is publicly accessible, clear and certain. A notice to declare the office of Mayor or Deputy Mayor vacant must go to a council meeting, ensuring that the council and Mayor or Deputy Mayor the subject of the proposed notice is notified of the proposed motion and the reasons it is being proposed. Procedural fairness is also provided for, as the Mayor or Deputy Mayor has an opportunity to respond in writing to the motion to ensure that these decisions are not made arbitrarily.

To the extent that any limitations result, I consider any limits to be justified, on the basis that if a Mayor or Deputy Mayor no longer has the confidence of the councillors in their ability to perform their role, it is in the public interest that the office is vacated and the Mayor or Deputy Mayor no longer receive the higher allowance provided to perform the duties.

Candidate leave of absence

Clause 13 could be said to authorise the deprivation of the councillor’s property and engages the right to property by providing that a councillor, Mayor or Deputy Mayor who has nominated for election is on a councillor leave of absence and not eligible to receive their allowance during the period after they have nominated for an election until the election results are publicly declared.

The provision is drafted in clear and precise terms, making it clear that the allowance is not payable in specified circumstances and for specified time periods.

I consider any limits to be justified, on the basis that it is not in the public interest for a person to continue receiving an allowance while carrying out campaign activities and no longer performing the duties of

councillor. Further, the deprivation of property is only temporary, in that their entitlement to an allowance resumes if the councillor, Mayor or Deputy Mayor is not elected and returns to their duties. If a councillor is elected to the State Parliament, section 34(2) of the LGA 2020 provides that they can no longer continue to be a councillor and would therefore have no continuing entitlement to receive an allowance.

I therefore am of the view that these clauses are compatible with the rights set out in the Charter.

The right to be presumed innocent (s25(1))

Section 25 of the Charter sets out rights in criminal proceedings. Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Standing down of a councillor

Clauses 9, 10, 11, 12, 19 and 24 of the Bill make various amendments to the LGA 2020 to clarify the operation and effect of a councillor being stood down under section 228 and 229 of the LGA 2020.

Clause 11, for example, amends section 35(5) of the LGA 2020 to clarify that a councillor is not taken to be absent from a meeting while the councillor is stood down for the purposes of section 35(1)(e). Clause 24 provides that the automatic standing down of a councillor under section 229 of the LGA 2020 only applies if proceedings for an offence are commenced by or on behalf of a law enforcement agency within the meaning of the LGA 2020. While councillors are already prohibited from performing the role of a councillor while stood down, clause 12 inserts new offence provisions to make this obligation enforceable.

These clauses promote the right to take part in public life (s 18) and the right to property (s 20) by ensuring that the LGA 2020 provides greater clarity to councillors about their obligations when stood down.

Limiting the automatic stand down provisions under section 229 of the LGA 2020 to criminal proceedings commenced by or on behalf of law enforcement agencies will also provide an important safeguard to ensure this provision only operates where serious criminal charges have been brought by agencies exercising established prosecutorial discretion.

I therefore am of the view that these clauses are compatible with the rights set out in the Charter.

Dispute resolution procedures

Clause 33 requires councils to implement and adopt any prescribed procedures for dealing with alleged breaches of the Model Councillor Code of Conduct, alleged serious misconduct or disputes between two or more councillors.

Clause 34 empowers the Minister to require a council to deal with a dispute involving two or more councillors in accordance with any prescribed procedure or advice obtained by the council on sufficient and appropriate steps to resolve the dispute.

While these clauses relate to obligations imposed on councils, they create new processes for councillors engaging with the councillor conduct processes in the LGA 2020. Applications by a councillor, councillors or a council for an arbiter or Councillor Conduct Panel to be appointed to hear an application that alleges misconduct or serious misconduct must include the steps that council has taken to resolve the matter or a justification of why steps have not been taken. Clause 33 enables regulations to be made to support councils to attempt to resolve conduct issues through mediation in the first instance.

The rights under the Charter relating to criminal or civil hearings are not engaged by clauses 33 and 34 as they provide for an efficient and less litigious councillor conduct resolution process and do not limit existing procedural requirements or review rights. I therefore am of the view that these clauses are compatible with the rights set out in the Charter.

Ingrid Stitt MP

Minister for Health

Minister for Mental Health

Minister for Ambulance Services

Special Minister of State

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:54):
I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In accordance with section 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Local Government Legislation Amendment (Stronger Communities) Bill 2026.

2. 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

3. The main purposes of the Bill are to amend the *Local Government Act 2020* (LGA 2020):
 - a. to enhance the integrity and governance standards of Councils
 - b. to acquit the Victorian Government's commitment to introduce a Local Government Fair Jobs Code (LGFJC) and establish a Local Government Fair Jobs Code Regulator (Regulator) to oversee compliance with the LGFJC, and
 - c. to make other miscellaneous amendments to improve the operation of the LGA 2020.
4. The Bill also amends the *City of Melbourne Act 2001* to increase the permitted ratio between the lowest and highest differential rates if the Melbourne City Council uses the net annual value system of valuation.
5. The amendments to the LGA 2020 in the Bill include amendments to:
 - a. strengthen requirements for managing conflicts of interest;
 - b. provide for Councillors to take candidate leave of absence when nominating for election as a member of the Parliament;
 - c. permit Councils to declare the office of the Mayor or Deputy Mayor vacant who have been elected for a one-year term;
 - d. require Councils to establish a Chief Executive Officer (CEO) Employment Matters Committee to provide independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy;
 - e. enable the prescription of model governance rules to be adopted or incorporated as part of a Council's Governance Rules;
 - f. enable the prescription of a standard form of contract of employment between a Council and its CEO;
 - g. require Councils to implement and adopt an expanded council internal resolution procedure that can deal with a wider range of internal disputes, and to enable the Minister to request a council to attempt to resolve an internal dispute or issue in the first instance, before deciding whether Ministerial intervention is warranted;
 - h. provide for the LGFJC to be prescribed in regulations, which the Chief Executive Officer (CEO) of a council must comply with;
 - i. provide for the appointment of a Regulator to monitor compliance with the LGFJC;
 - j. set out the functions and powers of the Regulator to monitor compliance by investigating and making findings in relation to non-compliance with the LGFJC, publishing reports of non-compliance, providing guidance and education to a CEO and preparing and publishing annual reports on CEO compliance with the LGFJC;
 - k. require a CEO of a council to demonstrate compliance with the LGFJC by undertaking an annual compliance assessment and providing this to the Regulator; and
 - l. set out the process for investigating CEO compliance with the LGFJC via own motion or complaint driven investigations by requesting information, issuing show cause notices and notice of decision including findings and reasons for decisions.
6. The Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential impact on First Peoples. It therefore does not affect the objects in the *Statewide Treaty Act 2025*.

Consultation with the First Peoples' Assembly of Gellung Warl

7. 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*

8. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025* of:
 - a. advancing the inherent rights and self determination of First Peoples; and

- b. addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
 - c. ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
- 9. The proposed amendments implement recommendations made by independent bodies, including by the Independent Broad-based Anti-Corruption Commission, to improve local government governance and integrity, provide a regulatory mechanism to prescribe and oversee compliance with the LGFJC, and enable the City of Melbourne to levy differential rates up to 4 times the lowest rate using Net Annual Value as their valuation base for rates.

Advancing the inherent rights and self-determination of First Peoples

- 10. In my opinion the Bill does not affect the objects specified in section 66(3)(d)(i) of the *Statewide Treaty Act 2025* and is therefore compatible with this object.

Addressing unacceptable disadvantage inflicted on First Peoples

- 11. In my opinion the Bill does not affect the objects specified in section 66(3)(d)(ii) of the *Statewide Treaty Act 2025* and is therefore compatible with this object.

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

- 12. In my opinion the Bill does not affect the objects specified in section 66(3)(d)(iii) of the *Statewide Treaty Act 2025* and is therefore compatible with this object.

Ingrid Stitt MP

Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Second reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:54):
I move:

That the bill be now read a second time.

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

It is an honour to rise today and speak in support of a Bill which will enhance the integrity and governance standards of councils across Victoria, improve the operation of the *Local Government Act 2020* (Local Government Act), enable the establishment of the Local Government Fair Jobs Code and a regulatory framework for monitoring and enforcing compliance with the Code by council Chief Executive Officers (CEO), and amend the *City of Melbourne Act 2001* to increase the ratio between the lowest and highest differential rates for Melbourne City Council.

This Bill will deliver a range of reforms to prevent corruption, improve councillor conduct and accountability, strengthen the integrity of councils and improve job security, fairness and accountability for the thousands of Victorians working in the local government sector.

Victorians deserve a local government sector that is delivering for the public benefit. Governance failures and corruption in local government hurts the community and erodes public trust in the sector.

Strengthening council governance and integrity

The Independent Broad-based Anti-corruption Commission's (IBAC) *Operation Sandon Special Report* and the *Commission of Inquiry into the Whittlesea City Council* uncovered a range of deficiencies in council processes. It is essential that the lessons from these independent inquiries are adopted to prevent similar failures from occurring again.

Operation Sandon made eighteen recommendations to improve council governance and reduce corruption risks under the Local Government Act, many of which have already been implemented. This Bill addresses the remaining recommendations and translates the lessons learned, and the work already underway with the sector, into enduring legislative reform.

The Bill will require all councils to adopt the prescribed model governance rules. This will standardise meeting procedures across all councils and strengthen the conduct of meetings to ensure good governance. Councils will retain a discretion to adopt supplementary meeting procedures, provided they are not inconsistent with or contradict the mandatory rules, preserving the flexibility for councils to reflect local

circumstances while ensuring a consistent baseline of conduct across the State. This reform will acquit recommendation 19 of the Operation Sandon Special Report.

Another four recommendations will be acquitted through the delivery of the model governance rules, which are currently being developed by a sector-led technical working group and will be released for public consultation prior to finalising.

One of the most important decisions a council makes is the employment and performance management of their CEO. Councils must approach this responsibility with rigour and ensure that appropriate independent oversight mechanisms are in place to support sound decision making. The Bill will require councils to establish an independently chaired CEO Employment Matters Committee that will be responsible for providing independent professional advice on a CEO's employment and remuneration, including on recruitment and appointment, performance monitoring and annual performance reviews. The Bill also requires that CEO appointments must be made in accordance with any prescribed contract of employment.

These reforms are essential for the promotion of consistency and enabling greater oversight of the employment of council CEOs. Councillors must have the tools at their disposal to ensure that their CEO is delivering the best outcomes for the community they serve. These reforms address recommendation 34 of the Operation Sandon Special Report and will ensure that all councils are following best practice when it comes to the employment of their CEO.

The Bill further strengthens conflict of interest provisions in the Local Government Act to ensure that councillors are making decisions impartially and are not driven by self-interest. First, the Bill introduces reforms to prevent councillors with a conflict of interest from attempting to influence other councillors, where a failure to comply will be an offence that carries a maximum penalty of 120 penalty units. Secondly, it introduces a new mandatory reporting requirement for CEOs to notify the Chief Municipal Inspector if they become aware that a councillor has failed to disclose a conflict of interest and exclude themselves from a council decision making process. These reforms will give effect to recommendations 29 and 33 from the Operation Sandon Special Report and are a significant step forward in preventing corruption in local government.

The Bill will give effect to recommendation 32 from the Operation Sandon Special Report by requiring the Principal Councillor Conduct Registrar to report annually on the number of internal arbitration processes and councillor conduct panels, strengthening the transparency of the conduct system.

Strengthening council leadership, accountability and internal governance

The Bill also introduces a series of reforms to give effect to the 2025 findings of the Commission of Inquiry into the Whittlesea City Council, which highlighted the vital role of the mayor in guiding council decision-making, representing the interests of the council and the community, and promoting a culture of good councillor conduct. Where a mayor fails to perform that role, councils must have the capacity to respond swiftly and effectively.

The Commission recommended amendments to the Local Government Act to enable councils to act when a mayor fails to perform appropriately in that role and to enable internal dispute resolution to improve council cohesion. In response, the Bill makes amendments to the Local Government Act to provide all councils with the ability to pass a vote of no confidence to remove a mayor or deputy mayor from office, regardless of whether they have been elected for a one- or two-year term. Appropriate safeguards will apply to ensure this power is exercised fairly, including that reasons for a proposed vote of no confidence must be provided, and the mayor or deputy mayor must be given an opportunity to respond before any vote is taken.

The Bill also addresses issues arising when a councillor stands for election to the Victorian Parliament, particularly where the candidate is a mayor who holds the function of being the principal spokesperson for the council. It is essential that councils continue to operate effectively during a State election and that the community knows who is representing the interests of the council and who is campaigning as a parliamentary candidate. To achieve this, the Bill introduces a requirement for councillors to take a leave of absence when nominating for a Victorian State election, codifying what has long been considered best practice for managing conflicting duties and ensuring there is a clear separation between the role of councillor and candidate. The reforms will also require mayors and deputy mayors to stand aside from performing their roles during the candidacy period, ensuring that council decision making and public representation are not compromised.

In addition, the Bill includes reforms addressing how council meetings are to be chaired if a question before the meeting relates to the personal conduct of a councillor. The Commission found that in these circumstances a councillor should have a right to defend themselves and that where the conduct in question relates to the mayor, the mayor should step aside from acting as the chair of the meeting where there is a question about their individual conduct. The Bill mandates the Commission's recommendations by requiring a council

meeting to be chaired by another councillor when the question before the council relates to the conduct of the chairperson.

The Bill also responds to the Commission's finding that councils should do more to resolve conduct and behavioural issues internally before matters are escalated. The Bill will empower the Minister to request that a council take steps to resolve internal disputes in the first instance, including through its internal resolution procedures, before external intervention, such as the appointment of a municipal monitor or Commission of Inquiry, is considered.

To further strengthen internal dispute resolution by councils, the Bill requires councils to implement and adopt an expanded council internal resolution procedure to be set out in regulations that can deal with a wider range of internal disputes. Under this framework, Ministerial intervention can be appropriately reserved for those situations where a council has taken reasonable steps to resolve issues internally, but external support is needed to alleviate risks to a council's ability to deliver good governance.

The Bill also makes miscellaneous amendments to improve clarity and consistency throughout the Local Government Act, including by clarifying that a councillor is only automatically stood down in relation to proceedings for an offence brought by or on behalf of a law enforcement agency, and that when a councillor is stood down, they are expressly prohibited from performing the role of a councillor.

The Bill will make several administrative improvements to the councillor conduct framework to provide procedural clarity and ensure the framework operates effectively and as intended.

Delivering a Fair Jobs Code for local government

This Bill will establish the framework to deliver the Government's commitment to introduce a Fair Jobs Code for local government. It provides for a fair, practical and enforceable code to be prescribed to ensure that the essential public services delivered by local government are underpinned by safe, secure and fair work practices.

We know the critical role local government plays in ensuring our communities function, grow and thrive. Councils are on the frontline of service delivery, providing essential services that Victorians rely on every day – from waste management and the maintenance of local roads and footpaths, to planning and building approvals, and the management of valued community spaces such as parks, libraries and swimming pools. Councils also support community health services, manage pet registration and animal control, and bring communities together through local events.

It is therefore no surprise that local government is one of Victoria's largest employers, with a diverse workforce delivering these essential services across a wide range of occupations. And given the vital role these workers play, it is only right that they are supported by fair, secure and stable employment.

But increasingly, these Victorians are experiencing insecure and unstable employment conditions. The Australian Services Union has reported that more than half of local government workers have observed a rise in insecure forms of employment at their council over the past five years. Insecure employment comes with real consequences – fewer rights and protections, limited opportunities for progression, and the uncertainty of not knowing whether the next shift will be available.

That is why, in 2022, this government committed to making sure that those Victorians were given the dignity of secure and stable employment for the important work they do in our communities. We committed to creating a tailored Fair Jobs Code for local government to minimise all forms of insecure work in the sector, and prioritising wages, conditions and secure jobs for workers.

The Local Government Fair Jobs Code (the Code) will complement other initiatives to promote local, secure jobs and support ethically and socially responsible businesses, including Local Jobs First, Victorian Fair Jobs Code, Community Sector Fair Jobs Code and the Victorian Sick Pay Guarantee, just to name a few.

The Bill provides for the Fair Jobs Code to be prescribed in regulations, ensuring there is ample opportunity for consultation and meaningful stakeholder engagement. This will allow any impacts on councils, businesses and communities to be properly identified, addressed and managed.

The Bill also provides for a legislative review every five years, ensuring the framework remains responsive and fit for purpose over time. This will enable the Government to continue to respond to stakeholder feedback and, where necessary, strengthen the Code to support its objectives – including reducing insecure work and promoting fairer and safer employment practices.

The Bill makes clear that CEOs of councils will be responsible for compliance with the Code, consistent with their functions under the LGA 2020. As the statutory officers responsible for all staffing matters within a council – including the appointment, direction, management and, where necessary, dismissal of staff – Chief Executive Officers are appropriately placed to ensure the Code is effectively implemented and upheld.

The Bill also establishes a regulatory framework to support the administration of the Code, including provision for the appointment of a Local Government Fair Jobs Code Regulator by the Secretary to the Department of Government Services (Secretary). The role of the Regulator is clear – to monitor, investigate and promote compliance with the Code, supported by robust public reporting requirements that will drive transparency and accountability across the sector.

The Regulator must publish reports about CEO compliance with the Code annually or at any time the Regulator considers necessary. This will be published on a government website maintained by the Secretary.

Importantly, the Regulator also has a key role in guiding and educating CEOs and councils on their obligations under the Code and can refer matters to relevant integrity and oversight bodies where necessary.

The Bill establishes a clear and proportionate compliance framework. Under this framework, CEOs will be required to submit an annual compliance assessment report to the Regulator, using an approved form, by 31 October each year.

The Regulator will also have the power to investigate suspected non-compliance with the Code. This may arise, for example, through complaints, referrals from municipal monitors, or other evidence coming to the Regulator's attention – including issues identified through a council's own self-assessment.

Where concerns arise, the Regulator may issue an 'FJC notice' to the CEO, setting out the alleged non-compliance and providing an opportunity to respond.

Following an investigation, the Regulator must determine whether there has been compliance with the Code and issue a notice of decision. Where non-compliance is found, that decision will be made public, supporting transparency and accountability across the sector. The Regulator may also request information and documents from councils at any time to assess potential non-compliance.

Importantly, the framework is not solely enforcement focused. The Regulator will also play an educative role, working with councils and CEOs to support compliance and continuous improvement. Where appropriate, matters may also be referred to other relevant regulators.

Local government will be closely consulted in the development of the Local Government Fair Jobs Code. Following the making of the regulations, councils – and in particular CEOs – will be provided with adequate time to prepare for, and comply with, the requirements of the Code before it comes into effect. Councils will also be supported the provision of detailed guidance material and supplementary resources to assist with compliance.

The Local Government Fair Jobs Code is about ensuring that every local government worker – no matter which of Victoria's 79 councils they serve – has a fair go. It is about providing greater security and stability in employment and supporting a workforce that delivers essential services to communities across this state.

Amendments to the City of Melbourne Act 2001 to provide for higher differential rates

The Bill also amends the City of Melbourne Act 2001 to provide Melbourne City Council greater flexibility in its differential rating provisions.

Currently, the highest differential rate Melbourne City Council can set is no more than twice the lowest rate. The Bill will enable Melbourne City Council to declare a higher differential rate that is no more than four times the lowest differential rate while retaining the use of Net Annual Value as the valuation base for rates.

This reform responds to concerns raised by the Melbourne City Council about the number of vacant or derelict properties within the city due to their unsightly appearance and which become a target for vandalism and vagrancy. The number of properties considered by Melbourne City Council to be of specific concern as of 2026 is approximately 20 to 30 in number. The proposed differential rate settings are intended to address this issue by incentivising these property owners to develop or take other action to improve the property.

The Bill will deliver stronger communities through better governance, more secure local government jobs, and a capital city that is vibrant, liveable and safer for all Victorians

This Bill responds to a clear and demonstrated need for reform. The findings of independent bodies revealed real harm done to communities by governance failures and corruption in local government, and it is incumbent on the Government to act on those findings.

More broadly, this Bill reflects the Government's commitment to supporting those who support our communities – those who deliver essential local services across Victoria's 79 councils.

It also establishes a fair, practical and enforceable Local Government Fair Jobs Code, to be developed in partnership with councils, unions and workers, to promote secure, safe and fair employment practices across the sector.

Together, these reforms build on and strengthen the governance and conduct framework in the Local Government Act, ensuring that robust systems are in place to support integrity, prevent corruption and ensure councillors are representing the interests of their community.

The reforms reinforce the Government's broader commitment to ensuring local government workplaces are safe, secure and fair, where compliance with employment, industrial relations and workplace health and safety obligations is standard, and best practice is always part of the culture.

Victorians deserve councils they can trust. This Bill strengthens that trust by putting in place the legislative framework to enhance transparency, integrity and fairness in local government.

I commend the Bill to the House.

I would like to advise the house that amendments to the Local Government Legislation Amendment (Stronger Communities) Bill 2026 were passed in Legislative Assembly. The house amendments will (1) address the consequences of private prosecutions by providing that the automatic standdown provisions in section 229(1) will only apply to proceedings for offences commenced by or on behalf of a law enforcement agency and will clarify that a councillor is not to be taken as absent from a council meeting while they are stood down for a period of four months and (2), to address the risk of private prosecutions being brought by individuals before the reforms can come into operation, provide for their retrospective application. These house amendments are practical, proportionate and necessary. They close a loophole, they reduce disruption and they strengthen the operation of the law. I commend the amended bill to the house.

Bev McARTHUR (Western Victoria) (21:55): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Workplace Legislation Amendment (Accident Compensation and Other Matters) Bill 2026

Introduction and first reading

The PRESIDENT (21:55): I have a final message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Workplace Injury Rehabilitation and Compensation Act 2013** in relation to guarantees and supported accommodation, the **Accident Compensation Act 1985** in relation to supported accommodation, the **Transport Accident Act 1986** in relation to supported accommodation, the **Occupational Health and Safety Act 2004** in relation to the powers of representatives and coercive conduct and to make consequential amendments to the **Occupational Health and Safety Amendment (Dangerous Goods) Act 2026** and for other purposes.'

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:56): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:56): 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 **Workplace Legislation Amendment (Accident Compensation and Other Matters) Bill 2026** (the Bill).

In my opinion, the Bill, 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 of the Bill

The Bill makes various amendments to the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act), the *Accident Compensation Act 1985* (AC Act), the *Transport Accident Act 1986* (TA Act), the *Occupational Health and Safety Act 2004* (OHS Act) and the *Occupational Health and Safety Amendment (Dangerous Goods) Act 2026* (OHS (DG) Act) to:

- expand the forms of security self-insurers and non-WorkCover employers under the WIRC Act may use to fulfill their financial guarantee requirements;
- enhance the ability of Health and Safety Representatives (HSRs) and Authorised Representatives of Registered Employee Organisations (ARREOs) to identify and resolve occupational health and safety (OHS) issues;
- safeguard against conduct that undermines the effectiveness and integrity of the OHS representation framework;
- make administrative improvements to the OHS representation framework;
- enable the OHS Act amendments to survive the later commencement of the OHS (DG) Act and ensure amendments made to the same sections are not in conflict;
- clarify that the Transport Accident Commission (TAC) and WorkSafe Victoria (WorkSafe) are not liable to fund accommodation costs associated with specialist disability accommodation (SDA);
- align approval of the terms and conditions of the Chair of WorkSafe Board with that of the Board Directors; and
- clarify how Medical Panels fees are set.

Human Rights Issues

The following rights are relevant to the Bill:

- the right to recognition and equality before the law (section 8);
- the right to privacy and reputation (section 13);
- the right to freedom of expression (section 15); and
- the right to property (section 20).

For the reasons detailed below, I am satisfied that the Bill is compatible with the Charter and, if any of the abovementioned rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors within section 7(2) of the Charter.

Right to recognition and equality before the law – section 8

Section 8(1) of the Charter provides that every person has the right to recognition as a person before the law. 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. The purpose of the right in section 8(3) is to ensure that all laws and policies are applied equally, and do not discriminate against a person or class of persons.

‘Discrimination’ under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* and refers to discrimination based on an attribute in section 6 of that Act, which includes age, race, sex, disability and parental status amongst many others. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Ensuring the TAC is not liable to fund the accommodation costs associated with SDA

The TAC is a public-funded, no-fault compensation scheme designed to provide lifetime care for thousands of Victorians. To ensure the transport accident compensation scheme’s viability and prioritisation of funds for specialised treatments, the long-standing legislative intention underpinning the scheme is to fund accident-related treatment, disability services and loss of earning benefits, and not overall living expenses. Ordinary daily living costs, including accommodation-related costs, are generally excluded as they are needs common to all members of the public and would be incurred regardless of the accident.

Changes the *Disability and Social Services Regulation Amendment Act 2023* (DSSRA Act) made to the definition of supported accommodation in the TA Act, to include SDA dwellings, unintentionally expanded this definition and could potentially result in the TAC being deemed liable to fund accommodation and other expenses related to SDA dwellings, in circumstances inconsistent with the long-held legislative intention.

Part 4 of the Bill proposes amendments to the TA Act, primarily to the definition of ‘supported accommodation’, that would return the transport accident compensation scheme to its previous statutory position. These amendments clarify that the TAC is not liable to compensate a person, whether or not they have the protected attribute of disability, for the accommodation component of SDA costs. As a preliminary point, it is arguable as to whether the winding back of a beneficial entitlement is capable of constituting a ‘disadvantage’ to enliven discrimination. If the concept of disadvantage is interpreted broadly to encompass the loss of a statutory entitlement to compensation on the basis of disability, I am satisfied that any limitation on the right is reasonable and justified in the circumstances.

It is anticipated that the cohort of affected persons, identified to be a small cohort currently in SDA, will not be materially impacted by this amendment, which reinstates the previous operation of the TA Act. All identified claimants are joint participants in the National Disability Insurance Scheme (NDIS) and their costs are currently funded by the National Disability Insurance Agency (NDIA). No claims have been made to the TAC pursuant to the expanded definition of ‘supported accommodation’ nor has additional funding been provided by the TAC.

Additionally, the proposed amendments to the TA Act in Part 4 of the Bill have been appropriately tailored to remedy this statutory misalignment with the legislative intention of the scheme, while preserving the additional protections and safeguards that residents in both state-funded and NDIS disability accommodation gained as a result of the major reforms effected by the DSSRA Act.

I am satisfied that the amendments are compatible with the right to recognition and equality.

Ensuring WorkSafe is not liable to fund the accommodation costs associated with SDA

WorkSafe administers Victoria’s statutory, compulsory, no-fault workers’ compensation scheme. The scheme has two core purposes: preventing workplace injuries and illnesses and supporting workers who experience work-related injury or illness through compensation, treatment, rehabilitation and return-to-work support.

To support the sustainability of the workers’ compensation scheme, the long standing legislative intent of the scheme is to fund reasonable and necessary treatment, rehabilitation, income support and other benefits arising from a work-related injury or illness. Consistent with this, WorkSafe does not generally cover ordinary living expenses, including accommodation and other day-to-day costs, as these are expenses a person would ordinarily incur regardless of a workplace injury or illness.

Changes the DSSRA Act made to the definition of supported accommodation in the AC Act and WIRC Act, which extended the definition to include SDA dwellings, could potentially result in WorkSafe being deemed liable to fund accommodation and other expenses related to SDA dwellings, in circumstances inconsistent with the long-held legislative intention.

As with the amendments to the TA Act, Division 2 of Part 2 and Part 3 of the Bill propose amendments to the WIRC Act and AC Act respectively, primarily to the definition of ‘supported accommodation’. The amendments return the WorkCover scheme to the previous statutory position, removing any potential obligation on WorkSafe to compensate a person for the accommodation component of their SDA costs. As a preliminary point, it is arguable as to whether the winding back of a potentially beneficial entitlement is capable of constituting a ‘disadvantage’ to enliven discrimination. If the concept of disadvantage is interpreted broadly to encompass the loss of a statutory entitlement to compensation on the basis of disability, I am satisfied that the amendment is reasonable and justified in the circumstances.

WorkSafe’s analysis indicates that the cohort of affected persons, identified to be a very small number of injured workers currently residing in SDA, will not be impacted by these amendments, which reinstates the previous operation of the WIRC Act and the AC Act.

All identified claimants are joint participants in the NDIS and their costs are currently funded by the NDIA. No claims have been made to WorkSafe pursuant to the expanded definition of ‘supported accommodation’ nor has additional funding been provided by WorkSafe.

Additionally, these amendments have been appropriately tailored to remedy this statutory misalignment with the legislative intention of the workers’ compensation scheme, while preserving the additional protections and safeguards that residents in both state-funded and NDIS disability accommodation gained as a result of the major reforms effected by the DSSRA Act.

I am satisfied that the amendments are compatible with the right to recognition and equality.

The right to privacy and reputation (section 13)

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

Interferences with privacy will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will not be 'arbitrary' if it is not capricious, unpredictable, unjust or unreasonable in the particular circumstances, in the sense of being disproportionate to the legitimate aim sought.

Enhancing the ability of HSRs and ARREOs to identify and resolve OHS issues

Currently, ARREOs have the power to inspect 'any plant, substance or other thing' at the place during an entry to enquire into a suspected contravention. Employers also have obligations to provide HSRs access to OHS information.

Part 5 of the Bill amends section 58(1) of the OHS Act to provide that HSRs can access information and make copies of documents relevant to a suspected contravention. It also amends section 89 of the OHS Act to make an equivalent provision for ARREOs.

Providing HSRs and ARREOs with the right to copy documents will increase their capacity to identify OHS risks and participate in discussions with employers and WorkSafe to resolve OHS issues. However, there is a risk that copies of documents could be disclosed to parties that have no direct interest in an OHS issue – for example, publishing documents that disclose sensitive or private information about individuals or information that could harm a person's reputation.

The power for HSRs and ARREOs to make copies of documents, and any subsequent use of those copies, will not displace existing privacy, secrecy or confidentiality provisions under other laws. Such provisions apply unless expressly displaced and the Bill does not expressly displace those laws. WorkSafe will also develop non-legislative guidance about the secure storage, handling and disposal of copied documents after an investigation has been completed. These measures further support the protection of privacy.

Part 5 of the Bill also includes additional safeguards against the misuse of information, including a prohibition on HSRs from intentionally using or disclosing information from an employer or employee for a purpose not reasonably connected with their statutory powers, and a prohibition on HSRs and ARREOs publishing online information obtained through the exercise of their powers under Parts 7 and 8 of the OHS Act.

These amendments build on existing provisions in the OHS Act. Currently, it is an offence for ARREOs to use or disclose information not reasonably connected with the exercise of their powers, and HSRs may be disqualified if they use information obtained from employers with intent to harm them. HSRs can also be subject to disciplinary action, as an employee.

In my view, HSRs and ARREOs having greater access to information and the ability to make copies of documents will support improved OHS outcomes in Victorian workplaces. The legislative safeguards in place to prevent that information being shared for purposes not connected to the exercise of their powers will limit the interference on a person's right to privacy under the Charter.

Therefore, I consider that the amendments are proportionate and appropriately justified such that they are compatible with the right to privacy and reputation in section 13 of the Charter.

Safeguarding against conduct that undermines the effectiveness and integrity of the OHS representation framework

Part 5 of the Bill amends section 56(1) of the OHS Act to provide that an HSR may be disqualified for intentionally using or disclosing information obtained from an employer, or photographs, measurements, sketches or recordings, for a purpose not reasonably connected with the exercise of a power under Part 7 of the OHS Act. It also provides that an HSR may be disqualified for contravening new section 58A, which expressly prohibits an HSR from publishing online information obtained through the exercise of powers under Part 7 of the OHS Act. For the purposes of this prohibition, publishing online includes broadcasting on the internet or by other electronic communication, including on social media.

Part 5 of the Bill also imposes an equivalent prohibition on ARREOs publishing online information obtained through the exercise of powers under Part 8 of the OHS Act. It additionally provides that it is an offence for an ARREO to contravene the prohibition or to intentionally use or disclose copies of documents obtained through the exercise of statutory powers, as well as photographs, measurements, sketches and recordings, for a purpose not reasonably connected with the exercise of powers under Part 8 of the OHS Act.

The recording and information-gathering powers conferred on HSRs and ARREOs are intended to support the raising, investigation and resolution of occupational health and safety concerns, including by enabling possible contraventions to be reported to WorkSafe and discussed with employers. Those powers are not

intended to facilitate the broader public dissemination of workplace information, including sensitive or identifying material, to persons with no direct connection to the OHS matter.

Although online publication of photographs, recordings or other material might in some cases draw attention to occupational health and safety risks, the Bill recognises that any such benefit is outweighed by the risk of serious and potentially irreversible harm to privacy and reputation arising from unauthorised online disclosure. Material obtained in the exercise of statutory powers may contain personal and other sensitive information. Once published online, that material may be difficult or impossible to remove and may be further disseminated beyond the control of the person who first published it.

The amendments are also appropriately confined. They do not prevent HSRs or ARREOs from obtaining information, making recordings, or raising health and safety concerns through lawful channels connected with the exercise of their statutory functions. Rather, they clarify that information and material obtained under Parts 7 and 8 of the OHS Act must only be used for purposes reasonably connected with those functions, and not for unrelated publication or disclosure to the public. In this way, the amendments support the proper operation of the OHS representation framework while preserving the integrity of investigations and informal workplace resolution processes.

Part 5 of the Bill amends the OHS Act to introduce new criminal offences prohibiting coercion in relation to matters under Part 7 and Part 8 of the OHS Act. This supports the integrity of the statutory framework by reducing the risk that HSRs and ARREOs are pressured or intimidated into improper or unlawful conduct, including conduct that may adversely affect the rights or reputations of others.

For these reasons, any limitation on the right to privacy and reputation is reasonable and justified in accordance with section 7(2) of the Charter. I am therefore satisfied that the amendments are compatible with the right to privacy and reputation in section 13 of the Charter.

The right to freedom of expression (section 15)

Section 15 of the Charter protects the right of every person to hold opinions without interference and the right to freedom of expression. This includes the freedom to seek, receive and impart information and ideas, whether within or outside Victoria and through any medium of communication. The right is not absolute and carries special duties and responsibilities. The right may therefore be subject to lawful restrictions that are reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality.

Safeguarding against conduct that undermines the effectiveness and integrity of the OHS representation framework

Part 5 of the Bill limits the right to freedom of expression by restricting the online publication, use and disclosure by HSRs and ARREOs of information and other material obtained through the exercise of statutory powers under Parts 7 and 8 of the OHS Act. For the reasons set out above in relation to section 13, these amendments pursue the legitimate purpose of protecting privacy and reputation and preserving the integrity of the OHS representation framework.

This limitation is targeted and proportionate. It does not prevent HSRs or ARREOs from raising health and safety concerns, consulting with employers or workers, or referring matters to WorkSafe. Rather, it ensures that information obtained through statutory powers is used only for purposes reasonably connected with the exercise of those powers, and not for unrelated online publication or disclosure.

Further, material obtained through the exercise of statutory powers may include sensitive personal, workplace or commercial information. Unauthorised online publication may cause substantial harm to privacy and reputation and may undermine confidence in the proper use of OHS powers. Although publication may in some circumstances draw attention to safety concerns, the Bill recognises that this potential benefit does not outweigh the risks of misuse, broader dissemination and harm to affected persons. Less restrictive means would not adequately address those risks, particularly given the ease and permanence of online publication and the availability of alternative lawful avenues for raising and pursuing OHS concerns.

Accordingly, to the extent that the amendments limit the right to freedom of expression, that limitation is compatible with section 15 of the Charter because it is lawful and reasonably necessary to respect the rights and reputation of others, including the rights protected by section 13 of the Charter.

I am therefore satisfied that the Bill is therefore compatible with the right to freedom of expression in section 15 of the Charter.

The right to property (s 20)

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

Existing authority also points to laws that arbitrarily permit or require a deprivation of property as limiting the property right under the Charter. While the Charter does not define 'property', it is understood to be interpreted liberally and beneficially to encompass economic interests.

It is arguable whether liability for compensation (including a legal right to bring an action) constitutes property under the Charter. However, I note that the Victorian Government has previously adopted the view in Parliament that an accrued right to bring a claim would constitute property under the Charter.

The effect of the amendments proposed in Division 2 of Part 2 and Parts 3 and 4 are to remove any liability on the TAC and WorkSafe to fund the accommodation costs associated with SDA under the TA Act, the AC Act, and the WIRC Act. Accordingly, it would appear open that the removal of a right to statutory compensation in part, such as accommodation costs in SDA, constitutes an economic interest that should be considered a property right under section 20 of the Charter, notwithstanding that such a right was previously excluded by legislation.

As to whether a person is deprived of property, I note that while the proposed amendment removes the TAC's and WorkSafe's potential liability to fund accommodation costs for their claimants in SDA, in practice these costs are currently being funded by the NDIA, and claimants themselves will not be out of pocket, deprived of funding or facing a loss of accommodation. I accept that, even if in practice these costs will be funded by another entity, the removal of the TAC's and WorkSafe's potential liability for those costs under the TA Act, AC Act and WIRC Act respectively, particularly in circumstances where those costs may have already been accrued, is likely to constitute a deprivation of property.

However, in my view, any deprivation of property will occur in accordance with law and not be arbitrary. The amendments to the TA Act, AC Act and WIRC Act are aimed at achieving a legitimate and important objective, namely restoring the transport accident compensation and the workers' compensation schemes to their long-standing legislative purposes. In particular, the amendments would support the TAC and WorkSafe in administering those schemes as effectively, efficiently and economically as possible. Neither scheme is intended to operate as an all-encompassing welfare provider.

Integral to this objective is the principle that the TAC and WorkSafe should not be liable to pay for accommodation or general living costs that a claimant would have incurred regardless of whether they had experienced a transport accident or workplace injury or illness. Maintaining this principle is fundamental to the sustainability of both schemes and to the appropriate allocation of a limited pool of compensation to transport accident and workplace-related injuries and illnesses. To give effect to this principle, clear boundaries are needed to ensure that scheme funds are not used to subsidise general living expenses unrelated to a transport accident or workplace injury or illness, and which fall outside the purposes of the schemes. Such costs are more appropriately met through other parts of the social support system, including Centrelink or the NDIS, rather than by the TAC in its role as a statutory motor vehicle accident insurer, or WorkSafe in its role as a workplace injury insurer. Additionally, the TAC and WorkSafe already provide significant financial support to claimants, through income benefits and common law pecuniary loss damages payments, that may be applied towards daily living expenses, including accommodation costs. Funding accommodation in addition to these forms of support may result in claimants being compensated twice for the same or substantially similar expenses.

As the transport accident compensation scheme is self-funded through the transport accident charge component of vehicle registration fees, it is in the public interest that the transport accident charge paid by vehicle owners to fund the scheme remains affordable. Similarly, the workers' compensation scheme is funded through employer premiums, and it is in the public interest that those premiums remain affordable. If employer premiums were to become unaffordable, this could adversely affect the financial sustainability and competitiveness of businesses.

In terms of the retrospective effect of these amendments, although I accept a theoretical limit on the right would arise in circumstances where an existing entitlement to compensation that has already accrued is removed – in these circumstances these amendments will not have a material effect on existing claimants, which constitute a small cohort of persons. Neither the TAC nor WorkSafe have received any claims to fund SDA costs for claimants with these costs currently funded by the NDIA.

I am satisfied that the amendments are compatible with the right to property.

Jaclyn Symes MP

Leader of the Government in the Legislative Council

Minister for Energy and Resources

Minister for Environment

Minister for Climate Action

Minister for the State Electricity Commission

Statement of treaty compatibility

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:56): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In accordance with section 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Workplace Legislation Amendment (Accident Compensation and Other Matters Bill 2026 (the Bill)).
2. 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

3. The Bill makes various amendments to the *Workplace Injury Rehabilitation and Compensation Act 2013*, the *Accident Compensation Act 1985*, the *Occupational Health and Safety Act 2004*, the *Occupational Health and Safety Amendment (Dangerous Goods) Act 2026* (OHS (DG) Act) and the *Transport Accident Act 1986* to:
 - (a) expand the forms of security self-insurers and non-WorkCover employers under the *Workplace Injury Rehabilitation and Compensation Act 2013* may use to fulfill their financial guarantee requirements;
 - (b) enhance the ability of Health and Safety Representatives (HSRs) and Authorised Representatives of Registered Employee Organisations (ARREOs) to identify and resolve occupational health and safety (OHS) issues;
 - (c) safeguard against conduct that undermines the effectiveness and integrity of the OHS representation framework;
 - (d) make administrative improvements to the OHS representation framework;
 - (e) enable the OHS Act amendments to survive the later commencement of the OHS (DG) Act and ensure amendments made to the same sections are not in conflict;
 - (f) clarify that the Transport Accident Commission (TAC) and WorkSafe Victoria (WorkSafe) are not liable to fund the accommodation costs associated with specialist disability accommodation;
 - (g) align approval of the terms and conditions of the Chair of the WorkSafe Board with that of Directors of WorkSafe; and
 - (h) clarify how Medical Panels fees are set.

Consultation with the First Peoples' Assembly of Gellung Warl

4. Based on my understanding that the Bill is unlikely to have a significant effect on First Peoples or Statewide Treaty, the First Peoples' Assembly of Gellung Warl was not given the opportunity to advise on, and did not make representations on, the Bill.

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

5. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025*:
 - a. advancing the inherent rights and self-determination of First Peoples; and
 - b. addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
 - c. ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
6. In my opinion, the Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential effect on First Peoples.

Conclusion

7. Accordingly, in my opinion, for the reasons stated above, the Bill is compatible with each of the objects in in section 66(3)(d)(i)–(iii) of the *Statewide Treaty Act 2025*.

Jaclyn Symes MP

Leader of the Government in the Legislative Council

Minister for Energy and Resources

Minister for Environment

Minister for Climate Action

Minister for the State Electricity Commission

Second reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:56):
I move:

That the bill be now read a second time.

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

The Bill makes several amendments to the *Workplace Injury Rehabilitation and Compensation Act 2013* to improve the effectiveness, efficiency and equity of Victoria's workers' compensation scheme, and to improve the experience of injured workers.

The Bill will reduce regulatory burden, and the cost of the financial guarantee requirements, for employers that self-insure workers' compensation claims and non-WorkCover employers in Victoria.

The Bill also makes several amendments to the *Occupational Health and Safety Act 2004* to streamline and modernise health and safety representative and authorised representative powers as well as address coercion and misuse of information. This will deliver immediate health and safety improvements for workers, reduce red-tape and complement efforts of the Victorian Government to combat misconduct in the construction sector.

These changes deliver on the Victorian Government's commitment to enhancing Victoria's reputation as a business-friendly jurisdiction, while simultaneously ensuring that Victoria is one of the safest places in the world to work.

The Bill's amendments to the OHS Act will commence upon proclamation, with a default commencement date of 10 September 2027 if not proclaimed earlier. The Bill therefore also requires consequential amendments to the *Occupational Health and Safety Amendment (Dangerous Goods) Act 2026*, which commences in April 2028. These amendments are administrative in nature to update structure and will not impact the operation of the *Occupational Health and Safety Amendment (Dangerous Goods) Act 2026*.

The Bill also includes amendments to the *Transport Accident Act 1986*, the *Accident Compensation Act 1985* and the *Workplace Injury Rehabilitation and Compensation Act 2013* to avoid the potential for unintended interpretations of the TAC's and WorkSafe's legislation that may result in the TAC and WorkSafe being required to fully fund specialist disability accommodation.

The Bill also includes some amendments to improve administrative efficiency.

I will now address the key amendments in more detail.

Surety bonds as an alternative option to fulfil self-insurers' and non-WorkCover employers' financial guarantee requirements

Self-insurers under the *Workplace Injury Rehabilitation and Compensation Act 2013* are currently required to obtain a bank guarantee to ensure their claims obligations can be met if they experience financial difficulty or insolvency. This is designed to avoid self-insurers being subsidised by scheme-insured employers.

Further, when an employer ceases to be a self-insurer, and their workers' compensation assets and liabilities are transferred to the WorkCover scheme, or an employer moves from the Victorian WorkCover scheme to the Commonwealth workers' compensation scheme, Comcare, the employer must provide a bank guarantee. This requirement mitigates the risk to WorkSafe if the transferred assets are insufficient to meet the associated liabilities.

The Bill amends the *Workplace Injury Rehabilitation and Compensation Act 2013* to enable surety bonds to be accepted to meet a self-insurer's and non-WorkCover employer's financial guarantee requirements, in addition to the existing option of a bank guarantee.

In the context of self-insurers and non-WorkCover employers, surety bonds are a legally binding agreement under which the provider guarantees that the self-insurer (or non-WorkCover employer) will fulfil their obligations to WorkSafe. If the self-insurer (or non-WorkCover employer) defaults, the provider will compensate WorkSafe and recover costs from the self-insurer (or non-WorkCover employer).

Key advantages of surety bonds relative to bank guarantees include:

- creating additional liquidity for self-insurers and non-WorkCover employers which can be deployed for business growth purposes; and
- being more cost and time effective for self-insurers and non-WorkCover employers.

To reduce the risk associated with surety bonds, the Bill requires that the surety bond issuers are regulated by the Australian Prudential Regulation Authority and meet any further requirements, including credit rating requirements, set out in a new Ministerial Direction.

Independent Review of Employee Representatives

In August 2025, the Government commissioned Mr Eugene White, a respected barrister, to conduct an independent review into the powers and supports for employee representatives, under the *Occupational Health and Safety Act 2004*. Over the course of the Independent Review, the Independent Reviewer held over 30 meetings and received over 60 written submissions to help inform his findings.

Employer and employee representatives, as well as people with lived experience, individuals and government departments and agencies, all contributed to the Independent Review.

The Independent Review made 17 recommendations to improve the effectiveness of the employee representative frameworks. This Bill acquits four of them in full and three of them in part. The Government will consider the remaining recommendations once further policy analysis, consultation and an assessment of the regulatory impact have been conducted.

Enhancing the ability of health and safety representatives and authorised representatives to identify and resolve occupational health and safety issues

The Bill amends the *Occupational Health and Safety Act 2004* to enable health and safety representatives and authorised representatives to inspect and make copies of documents that are relevant to a suspected contravention. This will strengthen their ability to participate meaningfully in discussions with employers and WorkSafe and will better equip them to identify risks and support the timely resolution of occupational health and safety issues.

These amendments do not disturb the operation of existing privacy, secrecy or confidentiality provisions under other laws. Those provisions will continue to apply unless expressly displaced, and the Bill contains no such express displacement.

The Bill also removes an unnecessary inefficiency in the existing process. Currently, an authorised representative is limited to investigating the suspected contravention that they provided notice of prior to entering a workplace. Under the Bill, if a further suspected contravention is identified during the visit, the authorised representative may investigate that matter as well, provided a new Notice of Suspected Contravention is issued.

This change prioritises dealing with occupational health and safety issues sooner and removes an unnecessary administrative step for both authorised representatives and employers.

Safeguarding against conduct that undermines the effectiveness and integrity of the OHS representation framework

The Bill amends the *Occupational Health and Safety Act 2004* to prevent the misuse of health and safety representative and authorised representative powers and to prohibit coercion in relation to matters arising under Parts 7 and 8 of that Act.

The Bill makes several amendments to clarify that information, photographs and recordings obtained by health and safety representatives and authorised representatives must not be used for purposes not reasonably connected with the exercise of their statutory functions.

The Bill amends the *Occupational Health and Safety Act 2004* to provide that a health and safety representative may be disqualified for intentionally using, disclosing or providing material that has been obtained to another person for a purpose not reasonably connected with the exercise of a statutory power.

The Bill also amends the *Occupational Health and Safety Act 2004* to expressly prohibit health and safety representatives and authorised representatives from publishing online information obtained through the exercise of their statutory powers, including the live streaming and online publication of photographs and

recordings. A contravention of this prohibition by a health and safety representative constitutes grounds for disqualification, while a contravention by an authorised representative is a criminal offence.

These amendments clarify the scope of existing powers relating to the use and dissemination of information. They make clear that the inappropriate use or disclosure of information obtained for occupational health and safety purposes is unacceptable. In doing so, they protect privacy, safeguard sensitive information, and support the integrity of the occupational health and safety representation framework.

The Bill further amends the *Occupational Health and Safety Act 2004* to introduce a new offence of coercion in relation to matters under Parts 7 and 8. This will extend protections to participants in the occupational health and safety representation framework and strengthen WorkSafe's ability to address unlawful conduct. It will also expressly prohibit coercion in relation to the nomination and election of health and safety representatives, helping to prevent interference and maintain confidence in the integrity of elections.

Administrative improvements to the OHS representation framework

The Bill makes administrative improvements to the occupational health and safety representation framework to support more consistent and effective outcomes.

Currently, WorkSafe inspectors can make binding determinations for single-employer designated work group negotiations but can only provide advice and guidance in relation to multi-employer designated work groups. The Bill amends the *Occupational Health and Safety Act 2004* to enable WorkSafe inspectors to make binding determinations in relation to multi-employer designated work groups as well.

This will ensure that employees working at sites involving multiple employers or businesses, such as building sites, have the same access to binding determinations as other employees. It will support the prompt and effective resolution of occupational health and safety matters.

The Bill also amends the *Occupational Health and Safety Act 2004* to require health and safety representatives to issue Provisional Improvement Notices in a WorkSafe-approved format. This will help ensure that all parties are provided with the information necessary to support a timely and appropriate health and safety response. The amendment will also support the digitisation of the Provisional Improvement Notice process.

Clarifying that the Transport Accident Commission (TAC) is not liable to fund specialist disability accommodation (SDA)

The Bill also amends the *Transport Accident Act 1986* to address an issue in the legislative drafting from 2024.

In 2024, this Government introduced reforms to strengthen tenancy rights and protections for people living in specialist disability accommodation. A key change was moving group homes regulated under the *Disability Act 2006* into a broader definition of "SDA dwelling" in the *Residential Tenancies Act 1997*. This ensured residents in disability accommodation funded by both the State and the National Disability Insurance Scheme receive consistent tenancy protections. As part of this reform, references to group homes in other Victorian legislation were replaced with "SDA dwelling".

This resulted in the definition of supported accommodation in the *Transport Accident Act 1986* being amended to include "SDA dwellings". However, this was not a like for like substitution and was not consistent with the policy intent of the legislative change.

Under the *Transport Accident Act 1986*, the TAC generally does not pay for accommodation, as these costs are part of daily living expenses, and would be incurred regardless of a transport accident. TAC's severely injured clients, such as those requiring supported accommodation, are typically eligible to receive compensation for loss of earnings that they may use to fund these daily living expenses.

However, for people that cannot return home after an accident, the TAC funds supported accommodation for up to 18 months after hospital discharge. Traditionally, supported accommodation meant homes where accommodation and care costs are bundled together in a single fee. After 18 months, the TAC may continue to fund supported accommodation, but TAC clients are required to pay a daily living contribution which reflects the cost of daily living expenses.

By including "SDA dwellings", the definition of supported accommodation unintentionally includes NDIS-funded housing. Unlike traditional supported accommodation, these dwellings have clearly identifiable accommodation costs that the TAC is generally unable to fund. For this reason, they were previously, and appropriately, excluded from the definition of supported accommodation.

To correct this drafting oversight, the Bill will remove the reference to "SDA dwelling" from the definition of supported accommodation, to avoid ambiguity regarding TAC's liability to fund accommodation. These amendments will not affect any of TAC clients and are primarily designed to avoid the definition being interpreted in an unintended manner.

The Bill also makes a technical amendment to clarify that TAC clients are only required to commence paying a daily living contribution after 18 months of being discharged from hospital. This reflects operational practice and improves the drafting of the *Transport Accident Act 1986*.

Clarifying that WorkSafe is not liable to fund specialist disability accommodation (SDA)

Similar to the amendment to the *Transport Accident Act 1986*, the Bill will also amend the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985* to address the same drafting issue. This addresses amendments made to both Acts in 2024 which unintentionally expanded the definition of supported accommodation in those Acts and created ambiguity regarding the WorkCover scheme's liability to fund accommodation costs associated with SDA dwellings.

Under the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985*, similar to TAC, WorkSafe does not generally pay for accommodation, as these are ordinary living costs that would be incurred regardless of injury.

However, like TAC, WorkSafe may fund supported accommodation for up to 18 months after hospital discharge, and in some cases beyond that where hospital services continue to be required.

By including "SDA dwelling", which includes "SDA-enrolled dwelling", the amended definition of supported accommodation was unintentionally expanded to include NDIS-funded housing. This change was not consistent with the intent of the reforms or WorkSafe's longstanding position regarding the funding of accommodation costs. Unlike traditional supported accommodation, SDA dwellings have clearly identifiable accommodation costs that, like TAC, WorkSafe is generally unable to fund. For this reason, they were previously, and appropriately, excluded from the definition of supported accommodation.

Accordingly, the Bill will remove the reference to "SDA dwelling" from the definition of supported accommodation in the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985*, to restore the previous statutory position and avoid unintended liability.

Improving administrative arrangements for WorkSafe

Lastly, the Bill also makes amendments to improve the administration of the Victorian workers' compensation scheme and its operational effectiveness.

The Bill amends the *Workplace Injury Rehabilitation and Compensation Act 2013* to provide that the terms and conditions of the WorkSafe Board Chair, including remuneration, are set by the Minister, and that the WorkSafe Board Chairperson may resign by writing to the responsible Minister rather than to the Governor in Council. These amendments will improve and align the appointment, resignation and remuneration arrangements for the WorkSafe Board Chairperson with those of the WorkSafe Board Directors.

The Bill amends the *Workplace Injury Rehabilitation and Compensation Act 2013* to provide that the fees and costs payable to members of Medical Panels for Victorian workers' compensation referrals are set by the responsible Minister and gazetted. This amendment will align this process with equivalent arrangements under the *Wrongs Act 1958* and reduce administrative burden.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (21:56): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (21:56): I move:

That the house do now adjourn.

Dental services

Sonja TERPSTRA (North-Eastern Metropolitan) (21:56): (2746) My adjournment request this evening is for the Minister for Health. Oral health is fundamental to overall health, yet for too long many in our community have delayed seeing a dentist due to cost-of-living pressures. Our government's commitment to establishing new public dental clinics and delivering over 100,000 free appointments every year is a game changer for Victorian families, seniors and vulnerable residents.

This initiative is a testament to what Labor stands for: lowering daily cost of living while expanding high-quality public health care so that no-one gets left behind. In my electorate local families are thrilled to see our government putting oral health care right where it belongs: in the public health system. The action I seek is for the minister to provide an update on how the Carroll Labor government's historic \$230 million investment in free public dental care will benefit people across the North-Eastern Metropolitan Region.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (21:57): (2747) My adjournment tonight is for the Premier, and it concerns the absolutely outrageous secret public transport tax that was put on by this government. The Victorian Auditor-General exposed the shocking truth: Labor had secretly imposed an additional levy on public transport fares above the normal annual inflation increase without telling the Victorian people what they were doing. The Auditor-General found the government planned to direct 60 per cent of revenue raised through this levy for the Suburban Rail Loop East, making it the single largest source of value capture for the project. This is an absolute outrage. The budget and finance committee then actually discussed whether it should announce it along with all the other taxes, including land taxes, stamp duty, uplift taxes and car parking levies. But no, the budget and finance committee kept it secret. This government has lied to Victorians, and the Premier today said that he cannot recall whether he knew about it, even though the Auditor-General found, while he was on the budget and finance committee as Deputy Premier, it was discussed. But he cannot recall. We have heard that before, because we have heard it from Daniel Andrews. We know he was on this committee with Jacinta Allan, which makes him just as bad as Jacinta Allan. He has been there for every failure – every Labor failure.

I recall running through the figures of the value capture arrangements with the then Treasurer Minister Symes at the table, going through how the mechanisms and the numbers did not get up. The then Treasurer knew about this tax and about how 60 per cent of the revenue from this tax was hidden from Victorians. What other taxes is this government hiding? We need to know. What other taxes? The government should have been honest with Victorians and announced it as part of its value capture changes. I recall them saying, 'Look at all these other cities doing value capture.' No-one ever charged a hidden secret tax and did not tell anyone about it. It also means, now that the Premier has said he is abolishing this tax, we now know the value capture for this project does not add up to \$11.5 billion. It does not have enough money. So I seek the action of the minister to clarify if the \$11.5 billion worth of value capture is actually there, is actually funded, because with this tax scrapped, we know it is not. This government lies to the Victorian people, and it is an absolute disgrace.

Haemophilia Foundation Victoria

Sarah MANSFIELD (Western Victoria) (22:00): (2748) My adjournment matter is for the Minister for Health, and the action I am seeking is for her to urgently reinstate funding for Haemophilia Foundation Victoria. HFV is a unique service that has supported Victorians with bleeding disorders since 1954. Thirty years ago Victoria was the first government to provide funding support to an organisation like this, doing so as part of the response to bloodborne viruses because of the historical impact of contaminated blood products on the bleeding disorders community. Bleeding disorders are chronic, often complex conditions even when they are able to be managed well. They can be hereditary or spontaneous and be diagnosed at birth or much later in life. The balance between blood flowing and clotting is delicate and critical, and this is disrupted in bleeding disorders like haemophilia and Von Willebrand disease. What would be a minor cut, bump or fall, or something like surgery or childbirth, can become catastrophic for someone with a bleeding disorder. It is not only acute bleeding that is a risk. Chronic minor bleeding can cause problems like arthritis in joints, which is increasingly being found in women who are carriers of haemophilia genes. It can be particularly overwhelming for families of children diagnosed with bleeding disorders.

Advances in treatment mean that these conditions are much more manageable than they were in the past, but the availability of treatments is not enough. People with bleeding disorders need to actually use the treatment and develop skills in navigating life with a bleeding disorder, and families need connection and support. That is where HFV comes in. They currently provide invaluable support to 1647 people. They do everything from running youth programs and education to peer support with learning to inject critical therapies. They help people to connect with one another and to connect new people who have been diagnosed to help them navigate similar challenges and fears and empower people with bleeding disorders to navigate their chronic condition and participate fully in all aspects of life.

Without warning, in the recent budget the Victorian government decided to cease funding for HFV, with current funding expiring on 1 September this year. While it was partly because the bloodborne viruses umbrella is no longer appropriate, there was no alternative funding pathway to replace it. HFV found out via a brief email. This is despite 30 years of dedicated service, meeting every funding and performance commitment and a record of delivering better outcomes for people living with bleeding disorders, including earlier access to treatment, better management and prevention of complications and hospitalisations, and they do all of this for a mere \$244,000 per year. This has been devastating for members of the community living with bleeding disorders who rely on HFV. Without funding, this vital service will cease to exist, and there is nowhere else for people with bleeding disorders to go. Minister, I urge you to restore funding for the Haemophilia Foundation Victoria so they can continue to provide this critical support for people with bleeding disorders and their families.

Family violence

Jacinta ERMACORA (Western Victoria) (22:03): (2749) My adjournment is for the Attorney-General Sonya Kilkeny. New reforms are strengthening the protections for victim-survivors of family violence. The action I seek is an update on how these changes will put victim-survivors' safety and voices first while holding perpetrators to account.

Daylesford Hospital

Wendy LOVELL (Northern Victoria) (22:04): (2750) My adjournment matter is for the Minister for Health, and the action that I seek is for the minister to fund the redevelopment of the urgent care area at the Daylesford hospital. Daylesford hospital is in the electorate of Mary-Anne Thomas, the retiring member for Macedon and former Minister for Health. Despite the local member having been the health minister for the past four years, Daylesford hospital has been ignored repeatedly in the last several state budgets and there has been no significant funding to upgrade the ageing and run-down buildings. The chair of the Daylesford Hospital Upgrade Appeal Committee expressed her dismay with the condition of the hospital, saying in 2022:

... we have a hospital facility ... where the staff is great, the services are terrific ... that has a roof that leaks in poor weather.

The existing facilities at Daylesford hospital have not been upgraded for well over 20 years and are in desperate need of refurbishment and improvement. The disappointing reality stands in contrast to recent comments made by the former health minister. In her valedictory speech the retiring member for Macedon Mary-Anne Thomas said that the Daylesford community had benefited from major investments in health. Anyone who has visited Daylesford hospital, as the candidate for Macedon and I have, will know that it is just not true. Far from receiving major investments, the hospital has been ignored and allowed to fall into disrepair. The former Minister for Health totally neglected this important hospital in her own electorate, and the only upgrade in recent memory was a slightly enlarged theatre room.

The Labor government has so neglected the Daylesford health service that the community had to fundraise \$100,000 themselves just to pay for the redevelopment master plan. It is a well-designed master plan which has been seen and approved, with some changes, by the Victorian Health Building

Authority. It outlines staged upgrades for the gradual improvement of the hospital over time, and yet no new money has been allocated for this vital health service. Community advocates for a better Daylesford hospital are prioritising an upgrade to the urgent care area, where presentations continue rising by up to 5.8 per cent year on year. In accordance with the master plan, the urgent care area has been identified as needing significant redevelopment to address existing access constraints, patient privacy, security and service capacity. The upgrade would increase the hospital's ability to respond to increasing patient demand and changing service requirements. A major component of the proposal is a reconfiguration of the ambulance access to establish a separate, dedicated entrance and patient transfer area. There would also be alterations inside the building to improve the waiting area and enable a more efficient patient flow.

Antidepressants

Moira DEEMING (Western Metropolitan) (22:07): (2751) My adjournment matter is for the Minister for Health, and the action that I seek is that the minister initiate a rapid review to improve plain-language warnings for patients before an SSRI or serotonin–norepinephrine reuptake inhibitor is started about the serious irreversible sexual side effects which can continue long after the drug is stopped and that the minister write to the federal health minister asking the TGA to strengthen the warning in the same terms. Some people who take these antidepressants and then stop do not get their sexual function back at all. That is post-SSRI sexual dysfunction – loss of libido, difficulty reaching orgasm and genital numbness. It can last for months or years or be permanent. The TGA itself says the harm can persist long after the drug is stopped and that it is likely under-reported. We need to accelerate research to find a cure.

I would also like to acknowledge the work of the Post-SSRI Sexual Dysfunction Network. I have spent a lot of my time in this Parliament defending the rights of Victorians whose sexual function is risked by government policy. PSSD Network is a Victoria-based patient charity. Its volunteers have used FOIs and pushed the TGA to count cases properly and have refused to let this condition be treated as a rumour. They have done the work that others have neglected to do. In May 2024 the TGA added a thin line to the product information. The PSSD Network said it was not good enough. By April 2026 the TGA database still showed only a handful of cases coded as PSSD, which does not match the overseer's records. Therefore this cannot be proof that the condition is rare, only that patients are not sufficiently warned to know that they have it.

mRNA research

John BERGER (Southern Metropolitan) (22:09): (2752) My adjournment matter is directed towards the Minister for Medical Research in the other place. It is no secret that Victoria leads the nation when it comes to medical research. We have the facilities, we have the scientists and we have a state government which has backed the sector for more than a decade. The minister recently announced \$2 million in new grants as part of the of the mRNA Victoria pipeline program, but this is not the only investment which our government is making in mRNA technology. We have seen the promise of mRNA research in recent announcements on how the cancer vaccine reduced the risk of recurrence and the spread of melanoma in a late-stage trial. The action I seek is for the minister to report back on how the Carroll Labor government's investments into mRNA research are supporting Victoria's medical research sector to maintain its position as a national leader.

Planning policy

David DAVIS (Southern Metropolitan) (22:10): (2753) My matter is for the Minister for Planning, who has distinguished herself in recent days with the high-density high-rise fiasco in Moorabbin, where she has obviously drawn boundaries which are very favourable to her own property. But we will leave that aside on this occasion and deal with the matters around high-density high-rise zones – so-called activity centres. I note Bayside council's August 2026 document, notice of motion 347: response to state government planning reforms; this is a formal Bayside council document tabled at their regular meeting. It followed a request from councillors for some sorts of costings about the impact

of the state government's high-density high-rise program, and this is what the document came back with. These are obviously not definitive statements, but they are worthwhile to start to put some parameters around what this means:

At a high-level, the study estimates that Council may need between \$1.3 billion and \$3.2 billion to provide transport, drainage and open space infrastructure required to respond to the increase in housing and population from the ACP –

the activity centre program, or the high-density high-rise program, in common parlance –
and SRL programs.

Obviously, we know a special tax has been applied for the Suburban Rail Loop in recent times, but of course none of that special tax went to help the councils deliver services in the area. There is going to be a massive increase in the number of people in these areas, and they will need schools, they will need hospitals, they will need open space. They will need a whole range of things.

Fortunately, Bayside has gone to the effort of starting to cost some of these things in a thoughtful way. They looked at the public open space charge and how much that is likely to bring in and a number of the infrastructure charges and how much they are likely to bring in as well. Talking about public open space, it estimated:

There could be a funding deficit of between \$278 million and \$1.3 billion to acquire land for public open space servicing the ACP areas even if all the revenue collected from the public open space charge is used to fund open space to service the ACP areas. In reality it is unlikely all revenue from the public open space charge will be used to fund that, because the revenue needs to also fund a range of construction.

That is from page 60 of this document. What I am asking the Minister for Planning to do is to work with councils to cost up these massive increases in these high-density high-rise zones, and in costing that up to provide some additional support to councils. Councils are going to be left carrying the can, as it were, for these massive additional costs. It seems that the state government's approach with the Suburban Rail Loop and the high-density high-rise zones has not fully understood that they have got to get development happening in the area, but development also supported by proper infrastructure. We cannot have people forced into a high-density high-rise area and forced to live without schools, without open space, without parks, the works. It is shocking.

Defamation law

Georgie PURCELL (Northern Victoria) (22:13): (2754) My adjournment is for the Attorney-General and relates to the weaponisation of the legal system to silence activists, academics, journalists and victim-survivors. Recently I was very privileged to be invited to the Melbourne premiere of the powerful documentary *Silenced* featuring human rights lawyer Jennifer Robinson, Amber Heard and Brittany Higgins.

Research from the University of Sydney found that defamation concerns notices, the first formal step in a defamation claim, are being routinely used against victim-survivors who speak up about sexual harassment at work, and it found that the threat is frequently enough on its own to force a victim-survivor to stop. Australia is seriously lagging behind the rest of the world when it comes to protections against lawsuits to ensure free speech. The ACT is the only Australian jurisdiction with legislation to protect against strategic litigation against public participation through its Protection of Public Participation Act 2008. But even the Human Rights Law Centre has said that although it is 'a commendable and crucial first step', it is nonetheless 'not fit for purpose'. Most European countries and American states have some kind of protection against SLAPPs. California, whose model is seen as the best and most tested worldwide, has had a robust anti-SLAPP statute since 1992, with specific protections for victim-survivors' own accounts of gendered violence.

The government has done commendable work on the prevention of gendered violence and improving the way victim-survivors engage with our justice system. However, they must commit to robust SLAPP reform to ensure that victims-survivors can actually tell their stories in the first place. We need

anti-SLAPP laws that allow early dismissal of meritless cases, shift the burden of proof to claimants, protect action against excessive costs and include a public interest defence and transparency mechanisms such as court reporting to track SLAPP cases. This is the exact sort of complex issue that the Victorian Law Reform Commission is designed to investigate. An inquiry led by them would ensure the work continues and a report is published, no matter who is elected to govern in November. The action that I seek is for the Attorney-General to refer the protection of public participation and the weaponisation of defamation law for an inquiry by the VLRC, because as Brittany says, ‘A problem we can’t talk about is a problem we can’t fix.’

Land tax

Bev McARTHUR (Western Victoria) (22:16): (2755) My adjournment matter is for the Treasurer. The action I seek is that, before this Parliament ends, the Treasurer commence a reform process to give charities certainty under section 74 of the Land Tax Act 2005, directing the Department of Treasury and Finance to consult and prepare drafting instructions for future legislation and formally requesting interim guidance from the commissioner of state revenue while that work proceeds. There is of course no longer time to pass a taxation bill before November, but that is no reason to leave charities in perpetual uncertainty. The problem could be significantly reduced even now. Across western Victoria, churches, community halls and charitable trusts provide spaces where children’s playgroups meet, support groups gather and organisations hire a room. Yet section 74 exempts land only where it is used and occupied by a charitable institution exclusively for charitable purposes. Charities are worried that one small non-charitable hire may put the exemption for that space at risk for an entire tax year. By contrast, section 72 gives non-profit sporting, recreational and cultural organisations a more workable test: their land need only be used primarily substantially for the relevant purpose. Charities receive no equivalent certainty.

This problem is neither hypothetical nor new. In 2022 Northern Community Church of Christ raised it with the then Treasurer. It was told that low-value community hiring should generally be regarded as incidental and that Treasury and the State Revenue Office would review the matter, yet it has been subsequently reported one church was tax-assessed after allowing a local children’s playgroup ad hoc use of its hall and another following a solitary hire of meeting space to a non-charity. Former National Party leader Peter Walsh raised this absurdity in the Assembly in May 2024. The current public ruling LTA-009v2 still provides no example involving a church hall, playgroup or occasional community hire. It leaves local charities guessing and fearful and likely to reject even reasonable use for fear they will be found in breach. A public ruling cannot rewrite the act, but interim guidance could explain explicitly how that occasional low-value community hire will be treated as incidental and what records charities should retain. There may be too little time to complete this reform. There is still time to begin it. I ask the Treasurer to commence that work and report to the house before this Parliament ends.

Avian influenza

Michael GALEA (South-Eastern Metropolitan) (22:19): (2756) My adjournment this evening is for the Minister for Environment, and it is something of a follow-up from my adjournment of last sitting week. Since that time I am very excited to hear that the world’s largest wildlife vaccination program to protect our beloved little penguins – some might say fairy penguins – is well underway, and between Phillip Island and St Kilda I understand that 1555 dear little penguins have now received their first vaccination. The update that I seek from the minister is to confirm whether the facts I have this evening are correct.

South-Eastern Metropolitan Region road safety

Ann-Marie HERMANS (South-Eastern Metropolitan) (22:19): (2757) My adjournment is to the Minister for Roads and Road Safety, and the action I seek is for the minister to clearly outline the steps that the Victorian government will take to improve road safety in the South-Eastern Metropolitan Region, especially in areas where dangerous and sometimes fatal accidents have occurred. Recently I visited the intersection of Hallam South, Centre and O’Grady roads in Hallam with former councillor

Rosalie Crestani. She used to work off this road. This is a crossroad intersection on a main road in the area, yet this government has not installed any traffic lights. That was not a problem before they removed the level crossing, but now that the level crossing has been removed and there have been improvements done to the station we have traffic banking up, and it is extremely dangerous for those who are using the road.

Locals have explained to me that they are filled with fear every time they turn onto the busy Hallam South Road. A local business owner has even shared footage of a car being rolled over. They describe regularly seeing accidents while at work and worry about how many more are occurring when they are not in the area. A mere 5- to 10-minute drive away is Pound Road, where a 16-year-old boy was fatally hit while walking home from school. The whole community came together, rallying behind petitions which received thousands of signatures to improve safety on this road. I do want to say I attended a couple of services for this young man, and the funeral was so well attended by the community I was actually standing outside. It really was a very, very terrible tragedy, and for this family, their only son has been lost. Finally, there was a fatal accident on Belgrave-Hallam Road, where a 33-year-old was struck by a car and killed while going on his daily run. Constituents have reported to me that they have approached their local member of Parliament about this tragic accident, with disappointing outcomes.

What this Carroll Labor government is forgetting is that when a road accident occurs, especially a fatal one, it impacts the whole community. The accidents I have described are only headlines, but the reality is that Victorians are scared, and they are not asking for miracles, just a bit of common sense. They want simple, practical solutions: a safety barrier, a set of traffic lights, a reduced speed limit. Yet this Carroll Labor government continues to ignore Victorians who are telling them exactly how they want their hard-earned tax money spent. Instead those opposite have spent taxpayer money on things like machete bins that were totally useless and did not serve their purpose and on \$15 billion of corruption to the CFMEU and criminal bikie cartels. Only a Wilson-led Liberal government will listen to Victorians, respect every taxpayer and put Victoria's safety and wellbeing first.

Responses

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (22:22): Tonight there were 12 matters raised by members for ministers. I will pass on 11 of them to relevant ministers. Mr Galea asked me about the penguin vaccination program. I really appreciate your interest, Mr Galea. Yes, you are correct: 1555 penguins have thus far been vaccinated.

The PRESIDENT: The house stands adjourned.

House adjourned 10:23 pm.