Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 19 February 2026

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

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

Deputy Leader of the Opposition in the Legislative Council

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

Member	Region	Party	Member	Region	Party
Bach, Matthew[1]	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira[2]	Western Metropolitan	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

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Thursday 19 February 2026

The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an Acknowledgement of Country.

Wendy Lovell: On a point of order, President, I want to make a formal complaint about an incident in the gallery last night in which Mr McCracken and I were both abused by a person from the gallery while we were in our workplace. It was intimidation, I did feel threatened and I was given no protection from the Chair. The person should have been removed from the Parliament and banned, as people who have yelled out from the gallery in the lower house have been. The attendants were trying to quieten that person down, but the Chair did not help the attendant to bring that person under control. We are in our workplace, and we should not have to put up with bullying and intimidation from the gallery.

The PRESIDENT: I heard some murmuring, but I did not know what was going on until you approached me. The person had gone. I did speak to one of the MLCs that sponsored those people coming in, after you spoke to me. Our expectation is that the people that sponsor the crowds that come in, particularly as it seems to be that with every petition there is a crowd in here, investigate them. We will follow it up. I am not too sure if there is some sort of footage that we can use to identify that person, but I am happy to follow that up and see if we can. I am happy to ban someone from here for a period of time if they have interrupted proceedings. I will follow it up.

Wendy Lovell: The person yelled out several times. He yelled out twice when he was over there at Mr McCracken when he was speaking. He then yelled from over here while Mr McCracken was speaking, before he started to abuse me. There were two interjections at me from the gallery, so it was going on over a sustained period of time.

The PRESIDENT: Actually, at the time I was a bit confused because I thought they were people that may have some angst towards the government, and I thought there might have been some murmuring towards government. That is why I did not identify that it may have been directed towards Mr McCracken. I could look at the video footage, if there is some there, so that we can identify that. But as I said, I heard some murmurings. This is the thing about –

David Davis interjected.

The PRESIDENT: No, we want people to come into the gallery. MPs make impassioned speeches, and a lot of them look towards the gallery when they make these speeches. Some people may not be able to control themselves, but they should control themselves. I am 100 per cent big on that.

Joe McCracken: On the point of order, President, I might be able to assist in tracking down who this person is. I was doing my adjournment speech at the time, and I think it was after the debate on the petition that was here last night. Not to cast aspersions on anyone, but I assume it was one of the people that was here for that particular debate. I could not exactly hear what was said to me, because I was obviously doing my adjournment speech. But I did hear the tone of it, and it was aggressive. Ms Lovell alerted me to that, and I thank her for that. But I do think it is worth following up.

The PRESIDENT: I am happy to, Mr McCracken. As I said, I heard some murmuring, and I was happy people were leaving. I heard some murmuring and I, rightly or wrongly, thought they were not attributing it towards your contribution because I assumed they may have had some angst towards the government rather than the opposition. Maybe one should never assume anything, particularly as I think it would be very unfair if it was towards you, because the contribution from your side of the chamber was very much championing their thoughts. I apologise, Mr McCracken, if I misconstrued the attitude. If it was towards you, I actually would be surprised, and probably it was somebody who might have been confused.

Wendy Lovell: On a point of order, President, I do not think it matters whether the aggression was aimed at the opposition or at the government. There are rules about the gallery being silent, and I just

think that we are allowing those standards to drop too much, allowing participation. The lower house certainly have not done that. People have been banned from the gallery for having signs. People have been banned from the gallery for yelling out. A person who was accompanying a group that came down from Wodonga, a doctor, actually yelled out from the gallery. The staff member of the MP who had signed them in was banned from Parliament for six months because of that incident, and that staff member was not even with them; he had been instructed by the attendants to go and look after another group that were in Queens Hall. It is not about who it was at or who it was not at, it is about keeping control in the gallery.

The PRESIDENT: It is not a point of order. You can write to the Procedure Committee. I have got to say I really like that people come in here and watch the debates. I like that, and there is no way I will guarantee you there will not be a hiccup in the future. I think it is great that people come in here and watch these debates. If we want to get all oingy-boingy about it, then I will direct members not to put their contributions towards the gallery in the future when their groups are in, because that does not help. But I am pretty relaxed about that as well. If we want to mirror exactly what is happening in the Assembly, let us have a conversation in the Procedure Committee. Let us have that conversation, and I will have a conversation with other people in this chamber about whether that is the way we want to go in this chamber going forward.

Wendy Lovell: On a point of order, President, we all enjoy people coming into the gallery. We all want to bring our people into the gallery, but safe workplaces are important.

Sonja Terpstra: Further to the point of order, President, there is no point of order, and I think we should move on.

The PRESIDENT: Yes, there is no point of order.

Wendy Lovell: You don't support safe workplaces?

The PRESIDENT: I am actually pretty sick of this. I will just reiterate: I personally really like the access to this chamber for people to be able to listen.

Wendy Lovell: Nobody is disputing that.

The PRESIDENT: I personally appreciate it. I have told you the action I will take. We will see where that leads.

Petitions

Montessori method

Nick McGOWAN (North-Eastern Metropolitan) presented a petition bearing 232 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Montessori education is a respected, evidence-based teaching method used worldwide to support children's development through hands-on learning, independence, and a child-led environment. The Department of Education has chosen to remove the Mitcham Montessori stream from the public system, without community consultation or clear justification despite Montessori being offered successfully in some public schools for decades. The Department's official position is that the decision to offer an alternative curriculum program in a government school is devolved to the respective school leader. Yet, we understand that surrounding school principals have been advised not to take on the program. Families relying on this program are left with one alternative - private schooling. This creates an equity issue, limiting access to high-quality education based not on the child's needs, but on the family's income.
>
> Public school should be places where different educational approaches can thrive to meet diverse learning needs. Instead, we see the erosion of parent choice and the marginalisation of alternative methods like Montessori. We believe this is not in the best interest of the future of public education. Public education should support a range of approaches that meet the needs of all children, not just those who can afford it.
>
> **The petitioners therefore request that the Legislative Council call on the Government to protect Montessori education in public schools ensuring families continue to have access to diverse, evidence-based teaching approaches; recognise Montessori, Steiner and Reggio Emilia as legitimate, valuable**

public education options; require the Department of Education to work with schools, experts, and families to maintain and support such programs; pause further closures of public alternative education streams until a transparent, community review is in place; and ensure funding and compliance frameworks support alternative pedagogies.

Papers

Papers

Tabled by Clerk:

Education and Training Reform Act 2006 – Order in Council of 9 December 2025 for the amalgamation of the Wodonga Institute of Technical and Further Education and the Goulburn Ovens Institute of Technical and Further Education, under section 3.1.11 of the Act *(Gazette S691, 9 December 2025)*.

Family Violence Protection Act 2008 – Report on the implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework, 2024–25.

Office of Public Prosecutions – Report, 2024–25*.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rules Nos. 10 and 12.

Victims of Crime Commissioner – Report, 2024–25.

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

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

Transport Legislation Amendment Act 2025 – Parts 1, 2 and 5 and sections 4, 5, 7, 9, 10, 11, 13, 14, 15 and 20 – 1 March 2026 *(Gazette S88, 17 February 2026)*.

Business of the house

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:58): I move:

That the Council, at its rising, adjourn until Tuesday 3 March 2026.

Motion agreed to.

Petitions qualifying for debate

Sarah MANSFIELD (Western Victoria) (09:59): I move, by leave:

That this house authorises the petition tabled by Bev McArthur on 5 February 2026, titled 'Colorectal and Pelvic Reconstruction Service at the Royal Children's Hospital', to be given precedence over all other items listed under petitions qualifying for debate on the next sitting Wednesday.

Motion agreed to.

Members statements

Biyala Primary School

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:59): It was a great pleasure to join the Minister for Education Ben Carroll and Labor's candidate for South Barwon Rebecca Thistleton to officially open Biyala Primary School at Armstrong Creek recently. With a capacity of up to 650 students, Biyala Primary School features bright, modern learning spaces designed to grow alongside this fast-expanding community. Under the leadership of principal Shannon Cormack, who brings passion, experience and a genuine commitment to students and families, the school is already building a strong and connected culture. Armstrong Creek is one of the fastest

growing areas in our region, and this is exactly the investment local families deserve, ensuring children can learn close to home in a school built for the future. Importantly, Biyala Primary School includes an onsite kindergarten, integrating early learning with primary education and making that transition to school much easier for families, and of course it has the one-stop pick-up in the same location. Thanks to the Labor government's record investment, Victoria's students and schools are leading the nation. The Allan Labor government have delivered a further $1.5 billion in education infrastructure in this year's budget, bringing our total investment in building, upgrading and modernising schools to $18.5 billion since coming to government. In fact around half of all new schools built right across Australia since 2018 have been built right here in Victoria. That is an investment in our children. It is an investment in our communities and our state's future.

Judy Gray

Richard WELCH (North-Eastern Metropolitan) (10:01): I would like to acknowledge the passing of Judy Gray, the devoted wife of Russell and cherished and valued local branch member of the Liberal Party in Box Hill. To those who knew Judy, she was a woman of deep faith and firm convictions. She was the loving mother of Stuart, Richard and Alastair and a proud grandmother to Jack, Charlie, Bailey, Baxter and Jake. She was a keen observer of the proceedings of this house and would regularly give me advice on getting my head up when I spoke. On behalf of our community I extend our sincere condolences to Russell and the entire Gray family. Judy was a blessing to many, and she will be deeply missed.

Lunar Outpost Oceania

Richard WELCH (North-Eastern Metropolitan) (10:02): I recently visited the Lunar Outpost Oceania business in Melbourne. They are helping build Australia's first lunar rover, the Roo-ver, backed by $42 million from the Australian Space Agency, an investment which is slated to fly it to the moon before 2030. What I saw was real capability, with engineering that survives in extreme conditions and autonomy that works where no-one can intervene, built on continuous problem-solving and exquisite engineering. I would like to emphasise the importance to Melbourne and Victoria of this advanced manufacturing and how this is a key part of our future economic ecosystem.

Cannabis law reform

Rachel PAYNE (South-Eastern Metropolitan) (10:02): Six years on the evidence is clear: the sky did not fall in when the Australian Capital Territory decriminalised cannabis. 'Surely more people are using cannabis in the ACT,' I hear you say. Actually, no – cannabis use has remained stable in the ACT, with 8.7 per cent of adults reporting using cannabis in the previous 12 months, which is well below the national average and consistent with pre-reform levels. 'Oh, but hospital admissions will go up.' Again, no – there has been no increase in cannabis-related hospital admissions. Ambulance call-outs involving cannabis have remained steady, averaging between six and 10 attendances per 100,000 people – minuscule. 'What about road safety?' Again, outcomes have remained stable. There has been no demonstrated increase in serious injuries resulting from crashes or fatalities that are attributable to decriminalisation. But what has changed? The burden on the justice system. Cannabis possession charges fell significantly following reform, down some 90 per cent. The ACT experience shows sensible reform reduces unnecessary criminalisation without increasing harm. Evidence, not fear, should guide cannabis law reform.

Paynesville infrastructure projects

Tom McINTOSH (Eastern Victoria) (10:04): Paynesville is a beautiful town on the Gippsland Lakes, and I rise to update the Parliament on the investments we are making there. We have officially opened the new synthetic green at the bowls club recently, we have made massive $4 million upgrades at the primary school, we have opened new cricket nets and we have the new change rooms at the netball courts. I joined the paramedics, auxiliaries and local volunteers when we opened the new ambulance station. We have had upgrades at the RSL, and there is a massive investment in the

community hub. Paynesville is a beautiful town. It is a short ferry ride to Raymond Island to go and check out the koalas, and there are friendly locals galore. I encourage all Victorians to be tourists in their own state and to get out to Paynesville. It is another beautiful spot in East Gippsland.

Ian Kreeck

Joe McCRACKEN (Western Victoria) (10:05): Today I would like to acknowledge the passing of Ian Stuart Kreeck. I attended Ian's memorial last week in Freshwater Creek near Geelong. Ian was a wonderful man, and I taught with him just for a very short time in Colac. He taught at a number of schools across his career, including at Belmont High School in Geelong, Damascus College in Ballarat and of course Trinity College in Colac. But Ian's true love was music. He taught with great passion and great enthusiasm, which was infectious to all those around him. He loved everything from Bach to the Beatles, Chopin to David Bowie. Ian was also involved in the Belmont Rhythmic Singers, performing dozens of times in front of adoring crowds. Ian was known for his wicked sense of humour, and the world is a poorer place without him. I pay tribute to Ian's wife Helen and his children Stuart and Georgina. Ian's legacy lives on through them. Ian, you will be greatly missed by many.

Political representation

David LIMBRICK (South-Eastern Metropolitan) (10:06): Sometimes people get to a point where they have run out of options. They have been dealing with some bureaucracy or trying for years to resolve an issue, whether it is a local road or possible corruption, and they have reached the end of the line. They have tried engaging with formal processes, petitioning relevant authorities or escalating issues to various oversight bodies. When all else fails, sometimes it is our doors that they knock on. Elected representatives are sometimes the last, desperate option for people to seek justice, fairness or simply a champion for a local issue. There has been a lot of talk about polls recently and questions about why support for major parties is falling. I think one reason for this is that it is often minor parties and independents that are willing to champion causes or take on issues that major parties see as high risk. They might not always be the most articulate or trained in the law and governance, but these renegades and dissidents can, however, be true champions of the people. In 2020 the Parliament passed reforms to local government which included new code-of-conduct provisions. Across the state we have seen these code-of-conduct policies weaponised to silence the dissidents and renegades. Elected representatives need to be able to speak freely and represent the concerns of their constituents. From Surf Coast to Hobsons Bay and Kingston we need to protect the dissidents and not allow a code of conduct to be used to silence these people and weaken democracy.

Pick My Park

Ryan BATCHELOR (Southern Metropolitan) (10:08): As the minister told the house yesterday, on the weekend I had the pleasure of joining Minister Shing at Clarke Reserve in Elwood to announce the 97 parks across Victoria being upgraded or introduced as new green spaces through Pick My Park. This is a great community-led initiative where ideas submitted by the community for the community are eligible for support. We talked about Clarke Reserve. I want to go through some of the other parks in Southern Metro that are getting support. Burnett Gray reserve in Ripponlea, which is the only playground in the suburb of Ripponlea, are getting brand new equipment. Alexandra Street in St Kilda, which is currently basically car parking, will be transformed into a new green corridor with tree canopy and new planting. The middle of the Caulfield Racecourse, which is a public reserve, will add seating and new paths to encourage the community to make better use of that public space. In Willis Street in Hampton just near the station, where there is a big new housing development that has gone in, we are creating a new pocket park at the old Scout hall with lawn and garden beds. In Federal reserve in Port Melbourne a new fenced area will transform that into a much safer dog park. St Kilda Botanical Gardens are getting an upgrade to their play space with new nature play and a new barbecue. We are helping the expansion of the Pakington Street Reserve in St Kilda. There are more facilities in Prahran, Cheltenham, Toorak and Camberwell. I am running out of time, this program is so good.

The Power of Choice

Gaelle BROAD (Northern Victoria) (10:09): My members statement is a bit different today. I thought I would do a bit of a book report. I have been reading *The Power of Choice* by Neale Daniher, and I had the privilege of meeting him at Parliament. I know, with Emma Vulin, he has done incredible work raising awareness of MND, and this book is just full of so many worthy quotes. But I will read you a little bit of his story. It says:

> This book was born from a cruel twist of fate. I was diagnosed with motor neurone disease in 2013 and MND has gradually taken away my ability to speak, to eat, to move freely. I rely on 24/7 care. To many, I must look like a man with no choices left. But let me tell you something: I still have a choice. Every day, I choose how I show up. I choose my attitude. And that, right there, is the heart of this book.

This is another one:

> If you are the average of the five people you spend the most time with, it follows that to be the best version of yourself your inner circle must be comprised of giving, trustworthy, community-minded people. They can help you live not just for yourself, but for something greater than yourself. They sharpen your thinking, test your values and help you discover who you really are.

Here is another one:

> And perhaps most profoundly, taking responsibility adds meaning to your life. You're no longer just reacting to events. You're choosing your response. Even in struggle, there's a sense of purpose because you know you're in the driver's seat.

I say to Neale: thank you for writing this book. It is a legacy not just for your grandchildren but for all of us.

Lunar New Year

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:11): Chūn jié kuài lé! Jīn nián shì Bǐng Wǔ Mǎ Nián, wǒ xiǎng xiàng suǒ yǒu huá rén péng you bài nián. Gǎn xiè nǐ men. Yīn wèi yǒu nǐ men, wǒ men de shè qū gèng duō yuán, gèng wēn nuǎn, gèng yǒu lì liàng. Yě xiè xie nǐ men bǎ chūn jié de kuài lè fēn xiǎng gěi suǒ yǒu rén. Wǔ shī, jiǎo zi, fú zì, zhè xiē dà jiā dōu hěn xǐ ài. Xīn de yì nián, xī wàng wǒ men yì qǐ nǔ lì, ràng shè qū gèng lǜ sè, gèng xìng fú. Wǒ dài biǎo Lǜ Dǎng, zhù dà jiā shēn tǐ jiàn kāng, hé jiā píng ān. Xīn nián kuài lè, mǎ dào chéng gong. Gung hei faat coi, daai gat daai lei.

Australian Motorcycle Grand Prix

Renee HEATH (Eastern Victoria) (10:12): I rise today to express my disappointment at the Allan Labor government's failure to secure the MotoGP for the people of Phillip Island. This failure is going to have a huge and negative impact on the people of the Bass Coast. Residents and business owners have warned what the loss of the MotoGP will mean and what it will cost their businesses. This event creates 284 full-time jobs, almost $30 million in direct local spending across the Bass Coast and $54.6 million in economic impact in Victoria. This is what the Labor government has failed to secure. I call on the Allan Labor government to stop minimising the economic damage that they have created. You have taken an economic sledgehammer to this state, and it is sickening to see, particularly over the last few days, the way it has been minimised and just humoured. The bill that this government is leaving the Victorian people with is completely reckless: $1 million per hour in interest alone has been completely minimised; $15 billion in corruption is being completely minimised. What I am calling on the government to do is to consider the people that are footing the bill, to stop minimising the mess and to take some responsibility.

Government accountability

Moira DEEMING (Western Metropolitan) (10:14): As accountability is so much in the press these days, I was reflecting on how we need accountability from the very, very bottom of society all the way up to the top. I was reflecting again on how important a free and fearless press is, so I want to give a bit of a shout-out to all the journos that are asking completely ordinary questions of the Premier and

to encourage them to keep going, because even though she is lambasting you and attacking your integrity and your professionalism, that really does give you all the information that you need to know. You have your answer. She cannot answer the questions. Keep up the good work.

Health system

Georgie CROZIER (Southern Metropolitan) (10:14): There are too many hospitals that remain cash strapped under the Allan Labor government, and it is very, very concerning for the communities that have these hospitals in their areas. Corryong Health has zero dollars; West Wimmera Health, zero dollars; Hesse Rural Health, $500,000 in reserve; Omeo District Health, $600,000; Beechworth Health Service, $700,000; Mansfield District Health, $1 million; and Kerang District Health, $1 million. They may sound a lot of figures, the million dollars. But the zero figure is very concerning, and this is what happens when you mismanage the budget. What that means for those hospitals and health services is that they cannot pay their bills and they cannot pay their staff. This is what Labor has intended to do – squeeze them of cash, and then they are forced to amalgamate. It was always a slow squeeze, and it is working according to the government's plan. But it is disgraceful because it is jobs and it is people not being able to access the health services that they need within their community. Yet again we have got hospitals with no reserves and annual reports where the government took out the cash reserves, which were always reported – the lack of transparency. Meanwhile, $15 billion of taxpayer money has gone in to line the pockets of bikies and criminals under the watch of this government. They refuse to acknowledge it, they deflect, they deny and then they gaslight – *(Time expired)*

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:16): I move:

> That the consideration of notices of motion, government business, 278 to 1280, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Lizzie Blandthorn:

> That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (10:16): I rise to speak to the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025, and I want to acknowledge the work that has gone in to this bill. Firstly, I thank the department and the government for providing information and also the various briefings that were undertaken and provided to the opposition. I also acknowledge those in the Legislative Assembly who spoke on this bill a couple of weeks ago and really did highlight some of the issues and very, very strongly spoke of their personal experience with family members and also the understanding for the people that are affected by the changes that this bill seeks to make.

I also acknowledge some of those people that have reached out to me. I want to say thank you for doing so and for providing me with your insights, your lived experience and the sometimes very personal accounts of what you and your family members have gone through. For those of us that are not affected by this very complex medical condition that is affecting a number of Victorians it is hard to contemplate, and I do thank them for being so willing to share their stories and their personal insights into those experiences. I do understand their advocacy in relation to the legislation that we are discussing today. I also want to acknowledge the many medical practitioners that reached out to me, giving their perspective on what this bill will mean. I will speak to that in more detail because it is a

complex area of medicine and it is an area that has had a very difficult past. Some of the practices that have occurred in the past, in decades gone by, thankfully do not now occur to the same extent that they had done.

Whilst I understand the intent of this bill, as I said, I have spoken to people about the opposition's concerns regarding the government bringing this piece of legislation forward. But if I can just speak to what the legislation does and the background to why we are debating this today, the bill is dealing with people with innate variations in sex characteristics, sometimes also referred to as the intersex community, where those sex characteristic variations do not fit typical definitions of either male or female, and there lies a very complex part of what we are discussing today. There are more than 40 known different variations, and these can occur in genitalia, reproductive organs, chromosomal and hormone levels and patterns and the body's response to hormones, as I have said. The intersex traits are natural biological variations, and I think it is important to understand that this occurs in about 1.7 per cent of births, affecting up to around 1500 babies born in Victoria each year.

Not all variations are identified at birth. Sometimes they are identified when puberty hits or when somebody is in adulthood and they are undertaking or undergoing fertility testing and they find out that they have one of these biological variations. It should be noted that the vast majority of these variations are relatively minor conditions and do not require immediate treatment, while some require urgent treatment to avoid life-threatening complications. I note the bill in those circumstances does not stop that life-threatening treatment or prevent that management from proceeding. What the bill intends to do is to provide greater clarity for practitioners and parents regarding the resolution of some of the common issues. However, some cases involve uncommon variations that require a very specific, individualised treatment plan, and that is what the bill also sets out. In Victoria, this involves around 60 to 120 cases per year around those more uncommon variations. As I said, it is a complex area of medicine.

While some medical intervention is indicated for some intersex variations, some intersex people have experienced lifelong physical and psychological consequences from deferrable medical treatment and interventions performed when they were infants or children. That is really where the essence of this bill has arisen from. Those consequences may relate to issues such as fertility, poor sexual health, urinary issues or the need for further treatments or surgeries. This has come about, as I said, as a result of some of those people who have come forward to express those very, very personal and deep and sensitive medical conditions where they have been directly affected, and it is those areas that this bill seeks to clarify and deal with. The bill also seeks to address the need for prevention of harm from such medical procedures, and treatment will not be able to proceed for cosmetic purposes or to normalise a body before the person is able to consent.

I understand and I appreciate the strong advocacy from the intersex community and the advocacy that they have done to government in relation to the government starting this process in 2021, when the Minister for Health and government committed to implementing the *(i) Am Equal: Future Directions for Victoria's Intersex Community* report, including the oversight of non-urgent medical treatment. I think it is again important to understand some of these differentiations because it is a complex area of medicine, as I have indicated. Intersex is about biological variations relating to how a person's body develops and it is not the same as gender identity or gender dysphoria. I think the government was very clear in explaining that, and I think it is important also to understand that this is a natural biological process. 'Intersex' refers to that natural biological process with different combinations of chromosomes or hormones that do not fit into typical male or female categories. It does have a very significant impact on those people who identify as intersex and have those medical combinations, as I have described.

There has been legislation that has come into being in other jurisdictions. I will just mention that some international jurisdictions include Spain, Portugal, Iceland, Malta and Germany, and here in Australia it is in the ACT. The ACT did enable their own legislation in 2023, but this legislation that we are discussing today is broader than the ACT model. The difference between the ACT bill and the

legislation we are debating today is that it includes more of a detailed oversight framework, more detailed consent and capacity requirements, more onerous reporting obligations and stronger enforcement and review mechanisms.

In going through the bill, it is as I said a detailed bill and it lays out the intent of what the bill does. I have spoken broadly about what it does. But the main purpose of the bill in establishing that legal framework, including safeguards and oversight, is to support people born with variations in sex characteristics and their parents in making decisions about medical treatment involving permanent or significant changes, particularly when they are unable to give informed consent. As I said, I have spoken to those affected by that and their family members, and they were very clear. I was so grateful for having that insight to understand the very significant and life-changing aspects that they are living with. I do appreciate the family members saying, 'If only we had known and had taken time on this, maybe our decision would have been different.' So I do appreciate that, and I can completely understand why the advocacy is very significant from some of those people that have been involved in the *(i) Am Equal* report and subsequently *The Missing Voice*. There are some powerful stories in *The Missing Voice* and some analysis around the stories of the medical interventions that did occur in the past, some of them with very significant outcomes for people.

The framework also strengthens the process for obtaining informed consent. That really is around ensuring the decisions regarding certain medical procedures or medical treatments are deferred until a person has the capacity to give informed consent, or if that is not possible, there is independent oversight. The other area around that, if I can just draw that out, is the capacity to give informed consent safeguards, which is further into the bill in clause 5. It speaks about informed voluntary consent being required before restricted medical treatment is given and it being the doctor's responsibility to assess the capacity to give that consent. I think that is pretty well laid out in the medical code of practice, the medical board Australian Health Practitioner Regulation Agency's (AHPRA) *Good Medical Practice: A Code of Conduct for Doctors in Australia*, which has been updated in recent years. It does go to this very point around obligations of medical practitioners and their professionalism. It says:

> Doctors have a duty to make the care of patients their first concern and to practise medicine safely and effectively.

It also says:

> Good medical practice is patient-centred.

It goes on to talk about informed consent, which is a very significant part of that medical practice, and having trust with medical practitioners. You are entrusting the decision-making from those doctors, or the team of doctors, around that particular treatment. Anyone who has been involved in extensive medical treatments will understand that. There is a very significant trust factor. It must be protected, and it must absolutely have that proper oversight and strength of oversight at all times. It says:

> Informed consent is a person's voluntary decision about medical care that is made with knowledge and understanding of the benefits and risks involved.

That is according to the code of practice. I think the vast, vast, vast majority of doctors would adhere to that and have that as their sole focus. It states:

> Caring for children and young people brings additional responsibilities and challenges for doctors.

It goes on to state that good medical practice involves:

> Placing the interests and wellbeing of the child or young person first.

And it recognises the role of parents or guardians in that when appropriate. I think that part of this bill and what we were discussing around this informed consent goes to the very heart of the issue around informed consent and when a child can effectively make those decisions on their own behalf. Again, the code is very clear about speaking with children and getting their understanding, but that can vary

according to the capacity of a child or young person. This bill is explicit in looking at the informed capacity and informed consent safeguards. It is assumed that people aged 18 years and over have capacity to consent, just as is the case for any medical treatment. But even somebody over the age of 18 may not have full capacity, so it is a very important aspect of medicine. For children under 18, a parent is usually the decision-maker, unless they are assessed by the treating doctor as being capable of giving consent for themselves, as I have just said. There is no specified age for having this capacity. It depends on the child's ability to understand the relevant information and nature of the treatment. If capacity is present, the medical practitioner must ensure there is fully informed consent, including assessment of a person's understanding and retention of relevant information, and ability to weigh information and communicate their decision to consent. This is an important part, and we do have some concerns around the parental involvement. I understand the intent of the bill, but we have concerns around the parental guidance and parental involvement in that consent and the capacity to be able to have that trust with their treating doctors and to use that to manage their child.

The bill goes on with a number of exceptions. I want to just speak to another part of the bill where there have been concerns raised from the medical fraternity, and that relates to clause 7, which creates a criminal offence with a maximum penalty of two years imprisonment or 240 penalty units. The AMA has said:

> The Bill applies heightened consent, reporting and criminal sanctions only to children with innate variations in sex characteristics.

As they say:

> Other paediatric interventions with comparable lifelong implications are not subject to equivalent statutory safeguards.

They are concerned about that element of criminality. They are concerned it will perhaps not support people coming into various disciplines, because of that low bar of sanction, because there are already regulators in place, such as AHPRA, that can deregister a medical practitioner if they are found to be not conducting their medical practice in the way they should. They can have sanctions imposed on them. They can have certain other restrictions placed on their ability to practise. Then of course there is a civil avenue for liability as well. The AMA is very strong on this, and they have got real concerns around that, as do I, and I have made that clear with the government and with those I have spoken with.

The restricted medical treatment oversight panel will consist of a chair, deputy chair and a pool of at least two ordinary members that must include people with expertise from the following categories: lived experience of innate variations; specialist medical practitioners from relevant fields, but they are not necessarily automatically included; human rights and ethics; mental health and wellbeing professionals; and health law. The oversight panel then assesses, as I said, the particular case and then can determine an individual case plan in a very complex case. If parents do not agree with that, then they can challenge that through a VCAT process. However, there are concerns that some of this process can delay treatments that could be dealt with earlier and that there could be unforeseen implications if treatment is deferred. There is a balance that I am trying to explain here about why some think that the treatment needs to be deferred so that people can have more time. I do appreciate that, and I do think there needs to be a proper management process to deal with those very complex cases. But the bill captures a very broad range of sex characteristic variations, and the general treatment plans for something like hypospadias, which is not uncommon, is captured in this bill. It is not in the ACT model, but it is in this. There really is, in my mind, no reason for it to be included in this bill, given that broad capturing of the characteristics, because medicos and teams of medicos are doing this work now. I have spoken to some of them who have raised their concerns around what the government is legislating – that this will become law and this is how medical practitioners will have to be operating. It takes away from how we operate medicine more generally, because of the strict requirements of this legislation. We want to get it right. We understand the intent of the bill. We understand the government's motivations, and I certainly understand the motivations for the advocacy that has been

provided to government and provided to me and to my colleagues; I certainly do. But I think that in terms of the balance of what the government are trying to do, they have not got it quite right.

There are some concerns, as I said, around the parental rights, the scope, the definitions of the innate variations and the composition of the panel. As I said, it does not really capture that broad understanding of what these complex cases need and whether that is a paediatric or adolescent endocrinologist, urologist, psychologist or others, just in those particular areas that have been raised with me. The panel will bring in subspecialities, but it really is very important that possibly the panel need those specialities at the outset so that they can have endocrinology, urology, gynaecology and psychology included in it. That is why the opposition is moving amendments to this bill, and I am wondering if I could have those circulated, please. We are moving a reasoned amendment to the bill only because we think it is important that we get this right. I move:

> That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and redrafted to reflect further consultation with the medical sector.'

The reasoned amendment is off the back of concerns from medical practitioners and specialists who work in this area already. They are working at Monash Children's Hospital and in other areas of paediatric medicine. Considerably, one of the areas that they are concerned about is that they were asked to provide feedback to the government, and in the *(i) Am Equal* report there is no reference to any of their concerns. So they feel that the government has not gone about the process in the way that it should have to get proper feedback so that the bill is right, so that we can get the balance right and that the intent of the bill and what is happening in current contemporary practice, not what has happened possibly in years gone by, is reflected in the bill. Many, many areas have expressed that concern. As I said, in regard to the member feedback from the AMA, I will read this statement:

> Members hold differing views about the desirability of a legislated oversight model. Some support the principle of statutory safeguards; others question whether diagnosis-specific legislation is necessary or proportionate. Despite this divergence, members consistently identify the same practical issues:
>
> - breadth and ambiguity of definitions
> - risk of capturing common conditions (for example, hypospadias) that require early intervention to preserve long-term function
> - proportionality of the criminal offence and potential chilling effects on clinician willingness to practise in this field
> - adequacy of medical representation on the Panel and committees
> - the absence of mandated timelines
> - limited consideration of anticipated psychosocial harm
> - the risk of delay, inequity, stigma and loss of clinical capability
> - concern that severe sanctions and administrative burden may deter trainees and erode the future workforce

They really do say this with the best intentions, because they again expressed to me that they want the government to get the bill right. I do think the bill needs to be taken out and rewritten so that those concerns are addressed. That is the reason for the moving of a reasoned amendment.

The other amendments that the coalition will be moving reflect many of those issues around the lack of paediatric and adolescent speciality disciplines on the panel, such as urology, gynaecology, psychology and endocrinology. They feel that those specialities are very much part of the smaller number that will be captured by this bill. For the very complex cases that need that multidisciplinary team approach, they should be on the panel. That is why we will be moving amendments to that effect as well as ensuring that the parent is very much part of the central decision-making process. There is just a concern that it is at arm's length. I understand, because I have spoken to those that have been affected and their parents. They have said they wish they had the guidance and the information. I think it is incredibly important that we understand that. When I have spoken to various stakeholders, they have said that we must be giving that information and guidance in a way that is contemporary and

understanding of the multidisciplinary team that works around these patients now. The parent must be really there. If they have considerations and concerns and are going through a process of challenging in VCAT – it misses the point in terms of what the government is trying to do here to provide those parents with the best guidance and support.

The other area my amendments go to concerns the review. Because it is such a change and it is a very stringent piece of legislation regarding the workings of medical practitioners, I think the five-year review is too long. I think we need to be monitoring this much more closely and have that constantly being monitored. Having a five-year review is too long, and that is why we have suggested three years.

Finally, removing the clause on the criminality aspect – as practitioners and others have said, that could have unintended consequences and have a huge impact on those wanting to go into these disciplines, knowing that they could be facing criminal sanctions. They really think that there could be an unintended consequence to having this hard-line approach in this bill. It is unnecessary. We have the AHPRA. Medical practitioners who do the wrong thing can be deregistered. They can have sanctions applied to them or restrictions put on their practice; that already occurs now. People can sue a doctor; that already happens now. But to have this criminal element I think is too strong. It is too much and is unnecessary, and I do not really understand why the government think in 2026, when we have got such significant oversight with the regulator AHPRA, that they need to go down this line, when other paediatric treatments and other areas of medicine do not have the same consequences even though they can have lifelong implications as well.

In the last few moments I have left on this bill, I want to again say thank you to all of those that have given me their insights and their experiences; I do appreciate it. I understand the advocacy. I just want the government to get this bill right, and I feel that they have not.

Sarah MANSFIELD (Western Victoria) (10:46): I rise to speak on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025, and the Greens will be supporting this bill. At the outset, can I acknowledge the profound harms that many intersex people and people with innate variations of sex characteristics have experienced as a result of medical interventions and practices. As someone who is part of the medical profession, it is important to recognise that while we may believe that our work is largely motivated by good intentions and founded on ethical principles of beneficence, or doing good, and non-maleficence, or doing no harm, those intentions and ethics are shaped by societal views and attitudes. There are countless examples, not only from history but that continue to this day, where the influence of these social attitudes has resulted in prejudice, discrimination, inequity and, in some cases, profound harm. That is the case for many intersex people. While this bill in many ways seeks to prevent future harms, nothing can alter the harms already caused.

This bill is long overdue. In simple terms, it aims to protect the human rights of and promote positive health outcomes for people born with innate variations in sex characteristics and intersex people by ensuring that unnecessary and irreversible medical interventions are deferred until a person is able to provide consent. This bill is fundamentally about individual autonomy and centring the human rights of the individual baby, child or young person. It is about recognising that people have a right to make decisions about their own body, and where they are unable to make that decision yet, there must be safeguards in place to ensure nothing irreversible is done that will impact that person's quality of life or sense of self into the future.

Shamefully, we know that around the world, including here in Victoria, surgery and other medical interventions have been performed on babies and children to make their bodies conform to societal expectations of typical male or female appearance and function. In many cases these interventions were irreversible, in many cases they were not medically necessary and in far too many cases the individuals affected were not informed about what had happened to them until much later in life. I have found the pain and trauma described by people with lived experience, who have undergone irreversible interventions, profound, and some of these have been shared in Equality Australia's report *The Missing Voice*, which I commend to members of this place. It is these people sharing their stories

and advocating for the broader intersex community that has driven the development of the bill before us here today. It is the result of tireless advocacy from individuals and the LGBTQIA+ organisations who have campaigned tirelessly for change.

I do want to acknowledge that there are many excellent health workers and doctors who care deeply about the rights of young people with innate variations in sex characteristics, and in recognising the harms of some practices, we must also acknowledge that many people have benefited positively from the care they have received. Medical care for people born with variations in sex characteristics has evolved greatly over recent years. Decisions are not routinely made by individual practitioners in isolation but are more often the result of multidisciplinary teams consulting from a range of perspectives and coming to far more considered and holistic decisions. But that is not the universal experience, even to this day, and progress alone is not protection. Young intersex people remain at risk of undergoing unnecessary medical interventions that could be deferred until they are old enough to provide informed consent. This bill introduces a structured framework to address that gap.

I now want to briefly touch on the specifics of the bill. Firstly, the bill sets up a new independent assessment panel that will have oversight in specific circumstances where medical intervention would create a permanent, irreversible change to a person's sex characteristics. Sex characteristics in this bill are defined as they are in the Equal Opportunity Act 2010. Critically, among other expertise, these panels must include people with lived experience. The panels will also help with collecting and analysing data on treatments. Although I am aware of some of the concerns about the roles of these panels, and Ms Crozier has outlined some of those concerns that have been voiced by different stakeholders, given that this represents a new approach to decision-making, it is important to highlight that they are not a replacement for multidisciplinary teams. They play a pivotal role in care, but these panels will provide additional support for clinical decisions, oversight and transparency and ensure broad perspectives are considered. As I said earlier, critically, they will include people with lived experience, and this is a voice that is typically missing in many of the decisions that are made today.

Secondly, this bill will lead to the development of treatment plans. In hearing from many different people about this bill, some raised concerns in the frame of specific medical conditions, anatomy or chromosomal arrangements, and it is important to note this bill's focus is not on specific medical conditions or bodies. Rather, it is on the treatments. That distinction is really important as it shifts the focus away from the idea that bodies need to be changed and onto the merits of different treatments. There are two types of treatment plan that the panel will consider for approval: general and individual treatment plans. General treatment plans provide the standards and expectations of medical intervention in certain sex characteristic variations. This is applicable where a particular application of a treatment is widely accepted as best practice. Individual treatment plans are for less common or more complex treatments or applications of those treatments. These plans are not set-and-forget. A person may have multiple plans or variations over time, depending on their evolving circumstances. Crucially, where a person cannot provide consent, treatment cannot commence until an individual treatment plan has been approved by the panel. This bill, as Ms Crozier has outlined, does not prevent urgent life-saving treatment. It does not prevent treatment required to avoid serious harm. What it does do is ensure that irreversible interventions that can safely wait are not carried out before a person has the opportunity to participate in that decision.

Thirdly, the bill sets up a more contemporary approach to consent, known as supported decision-making, which is an evolution of the perhaps more familiar concept of Gillick competence or a mature minor test. Supported decision-making recognises the age and stage a person is at with respect to the specific decision that is being made. They are provided with age-appropriate information and access to support to comprehend, retain and weigh information relating to their specific variation and effectively communicate their decision. Where a person is deemed to be able to provide consent, no treatment plan or panel approval is necessary – treatment can commence. Where an individual cannot provide consent, their treating practitioners must apply for an individual treatment plan to be approved by the panel, and that treatment cannot commence until the approval is provided.

Finally, this bill introduces criminal liability for noncompliance. This is in large part in recognition of the profound harms that have been done in the past and the need for deterrence measures commensurate with those harms. I understand and I have really heard the concerns that introducing criminal provisions is worrying for many medical practitioners, particularly given that a lot of the details of this bill and how it will operate are yet to be determined in regulations. But if you look at the legislation, the bar has been set very high for these criminal penalties. Someone has to knowingly and recklessly break these laws. In other words, it has to be a deliberate act. A practitioner is not going to find themselves in breach of these provisions by accident.

The ACT has passed a similar framework, which was groundbreaking in Australia. However, being the first jurisdiction, lessons have been learned from their experience, and it is welcome to see that those lessons have been applied in forming the Victorian legislation. The most significant of these is the three-year implementation period. It was recognised in the ACT that more time was required for implementation. The three-year period in Victoria will allow the panel to approve many general treatment plans and create general guidance, as well as consult on regulations before individual treatment plans start coming before the panel. We have been assured that there will be broad engagement in forming this work with all those who may be impacted by these changes, including people with innate variations in sex characteristics as well as clinicians.

I have heard from some members of the medical profession regarding the lack of certainty about the practical application of some parts of this bill, given much of it, as I have said, is going to be left to regulations. While these concerns are understandable, we believe that the three-year implementation period will allow for these issues to be resolved and greater certainty to be achieved through the development of the supporting regulations. It will also allow for all those impacted by the changes, particularly clinicians and patients and families, to become familiar with the new processes. Additionally, another really important feature of this bill is the five-year review, which for clarity is actually effectively a two-year review. It will come into place two years after the panel has proceeded operating with its full responsibilities. So it takes account of that three-year implementation period, but then once everything is up and running there will be a review after two years. We believe that this is appropriate.

An early review of the panel's operations will ensure that it is actually achieving the purpose that it was set up for and that any issues can be addressed in a timely manner. It is my hope that any concerns raised in that review will be properly considered by the government of the day. We do not want to run the risk of being at the forefront of legislative reform, only to fall behind because it is considered done. Being open to legislative amendments to the framework may be necessary, particularly as this is an area where knowledge and best practice continue to evolve.

One concern we continue to hold is about the adequacy of resourcing to ensure this bill achieves what it actually sets out to do. Not only is there a need for additional funding to support the change process, treatment plans and training, there is also a need for greater investment in peer and family support services, and it is vital that adequate resourcing is provided to ensure that this framework provides the best possible outcome for intersex people and their families.

I also hope that beyond reforming health care this bill is a trigger for a broader conversation around the stigma, discrimination and harm people born with variations in sex characteristics can experience. As I said at the start, medical practices do not occur in isolation. They are typically a reflection of broader societal attitudes. There must be greater efforts to address stigma and discrimination, and that starts with government leadership and investment in education. There is a lot of work to do, but in passing this bill we are saying to intersex people and people with variations in sex characteristics that they deserve the same respect for their autonomy and dignity as anyone else. The Greens are proud to support this bill, and I hope everyone else in this place will do the same.

Michael GALEA (South-Eastern Metropolitan) (10:59): I am honoured to rise to speak on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. Today is a very

important day. Today is a very special day. It is the culmination of years and years of informed lived experience, of heartfelt and passionate advocacy from members of the intersex community and of a great deal of work that has been undertaken in engaging with Victoria's intersex community, with the medical community in great detail and with other stakeholders. It has been informed by reports such as *(i) Am Equal* and by working groups such as the LGBTIQA+ Taskforce. And it is time; it is well past time in fact. For generations, intersex Victorians had their identities concealed, hidden, papered over, ignored. Medical procedures done to them, many of which were irreversible and without their consent, and in many, many cases without the informed consent of their parents, radically altered their lives and set them up for a great deal of hardship. I want to acknowledge and pay tribute to all of the members of Victoria's intersex community who have raised their voice, made themselves heard and made this change happen – those from around Victoria and those who are here with us in the Parliament today. On an altogether different topic yesterday, I spoke about how people often bring issues that are of great importance to them into the Parliament, not necessarily for them to be fixed for their personal situation and circumstance but so that others do not have to go through the same hardship, the same trauma and the same suffering. I can think of no better epitome of that spirit of care for others and of righting wrongs than what is shown by the intersex community, and I applaud them for it.

For decades around the world infants and young children born with variations in sex characteristics have had medical procedures undertaken on them so that their body could appear more typically male or female. These interventions included things such as surgery and hormonal treatments, and they were quite often not medically necessary. They were in too many cases irreversible, and they were performed well before that person was able to consent. The intention of course was in most cases benign, but the consequences were anything but. We now have decades of lived experience to tell us just what those consequences are. We know that as many as 1.7 per cent of people born in this state, or at any jurisdictional level, have some variation of sex characteristics of one means or another. There is no single way of being intersex, of course. It is a deeply medically complex situation, but it is one that has for too long been ignored. We have made great steps towards it. As a recent motion from the AMA said, recognising this harm is the first step, but the next step is legislated protections with guidelines founded in lived experience and evidence. We are at that step today.

As has been noted by both previous contributions, we are not the first jurisdiction in Australia to be making these important reforms, although we are the first state. We have learned from the ACT, as well as from overseas jurisdictions including Malta, Germany and others. The bill before us incorporates those lessons, and I think it is important to note that what this bill also will not do is prevent medical professionals from undertaking surgeries or treatments or other practices where it is medically critical to do so. This is about those interventions that are not medically necessary or essential that have then gone on to cause such profound distress to people later in their lives.

Dr Mansfield touched on some of the key mechanisms of what this bill will do and how it will do it. There are four broad mechanisms by which this bill will take effect. The first is the informed consent safeguards, and these ensure that all people born with variations in sex characteristics and their families will have the information and support that they need to make the most informed decision that they can. This will include providing information tailored and specific to the details of their variation, including treatment options and what the most likely or expected outcomes would be of any particular or different course of action. If the person has capacity, they will be able to provide consent to approve treatment, and if they do not, they will be supported to contribute to decision-making as far as is appropriate for their age and developmental stage, with additional oversight.

In the case of extremely young children and infants, an oversight panel will need to approve the treatment first. That leads me to the second mechanism, which is the independent, legislated oversight panel, which will approve general and individual treatment plans. It will also provide and develop guidance and report on treatment data. The role of this panel will not be to obstruct care but to ensure that those irreversible decisions that are not medically necessary will not be made and that any irreversible decision will not be made without due considered care and accountability. It will ensure

that the children and parents will, insofar as is possible, be best informed to make the most appropriate decision for them. I do want to note in relation to Ms Crozier's remarks in relation to the oversight panels that parents who do want more direct engagement with the panel will not in any way be restricted by this bill from doing so. They will be able to speak with the panel assessment committee throughout the process.

The third mechanism is treatment plans, which will provide approval for treatments that can vary sex characteristics. This can include things such as preapproved general treatment plans which apply to more than one person, common treatments where there is an established evidence base or individualised tailored plans for those more unique circumstances. These will in effect become a flexible and responsive way of managing oversight and reducing any impact from regulatory duplication or overburden.

The fourth, which again has been canvassed by previous speakers today, is a prohibition with consequences for noncompliance. The criminal prohibition addresses that conduct which is intentional or reckless, where a medical treatment is provided to someone who is considered to be a protected person – that is, a person who is born with variations in sex characteristics who does not have the capacity to consent to a proposed medical treatment. The majority of any consequences out of this mechanism will be found in existing regulatory mechanisms, including through the Australian Health Practitioner Regulation Agency. That is specifically provided for through this bill. There is also, though, a proposed summary offence for breaches of the prohibition. The maximum penalty for the very much most serious, most intentional and/or repeated breaches is 240 penalty units or two years imprisonment. This is an important deterrent for that most extreme end of offending. But I do make the point that that offence only applies to the most egregious and reckless breaches. This does not apply to any doctor who is acting in genuine good faith. There are also of course exceptions for urgent restricted medical treatment.

This bill, as has been canvassed already by others in this chamber, is very specifically focused on supporting the intersex community and making sure that the mistakes of the past cannot be allowed to happen again. In terms of commentary pertaining to the bill, I do want to briefly address a couple of points. The first is that of unintentional consequences. There has been extensive consultation both with community and with the medical community. I do note on that point that the leadership of the Royal Children's Hospital is endorsing this approach and this bill, and in reference to the earlier motion I referred to from the AMA, certainly I would take that as an endorsement of this approach as well. The unintended consequences, though, are what we are already seeing. The unintended consequences are what the people, many of whom are in the gallery today, can tell us about. They have been happening for generations. This bill is about stopping that and about stopping, well intentioned or otherwise, medical treatments that cannot be changed. They permanently alter the course of someone's life without their consent. That is a very big unintentional consequence, and that is what this bill will stop.

The other one is in relation to parental rights. This bill will not in any way take away parental rights – quite the contrary. It will support parents by making sure that those irreversible mistakes are not made and that any irreversible decision is not made without genuine consultation and informed consent with the patient and/or their parents. At this point I would like to draw reference to some remarks I received and I believe many other members will have received in our communications and correspondence with community on this important bill. These are the words of Tony Briffa, who many will know as a fierce and long-term advocate for these reforms. Tony says this probably better than I could ever attempt to, because it comes from Tony's lived experience. They say:

> Had this Bill been law when I was a child it would have saved my parents and me from so much unnecessary pain and confusion. It would have also saved me from surgeries that removed my healthy gonads, from needing lifelong hormone replacement and numerous health complications, and it would have saved my mother from having a lifetime of guilt for what she believes she let doctors do to me even though I have never blamed her for any of those things.

The laws before us today are informed by many things, including an extensive and very long, detailed piece of consultation with the medical community. Today let the words of our intersex community carry the day and let the words of people like Tony and so many others be heard in our ears when we vote on this bill. I commend the bill to the house.

Aiv PUGLIELLI (North-Eastern Metropolitan) (11:12): I am really pleased to be able to stand here today to also speak in support of this bill and to add to the comments that have been made by my Greens colleague Dr Sarah Mansfield in her contribution, and to see changes that will make sure that children and young people who are born with innate variations in sex characteristics will not undergo deferrable medical interventions until such a time that they can consent and make decisions about their own bodies and their own lives. This bill is testament to the tireless work of many advocates from the intersex and broader LGBTQAI+ community, and I hope right now they are feeling very proud of this change. What has been achieved will make a real difference for young people born with innate variations in sex characteristics.

My colleague Dr Mansfield has already covered the Greens' position thoroughly with respect to this bill and has gone into more of its technical detail. I am here speaking today to add my strong support at a personal level for these reforms. As someone who identifies as part of the LGBTQAI+ community, something that I feel deeply in the work that I do, both with respect to this bill and more broadly in my work as an MP, is that I want to be staunch in my support for all members of our community who are represented by the letters LGBTQAI+. I know from speaking with many people who themselves would come under the letter 'i' for 'intersex' just how much these laws will mean to them and to future generations.

As has been mentioned today already, Equality Australia's *The Missing Voice* report really clearly lays out the case for these changes and the real-world impacts of failing to act. I have been honoured to meet with intersex community advocates and hear their personal stories, their experiences and their passion for this change. The harm that many people have experienced through medical interventions as babies and children is palpable. I commend all who have advocated in this space, particularly those who have advocated from their own story and their own lived experience. I commend their strength and their resilience in speaking up and pushing for this change.

People have had their choices removed before they have had the chance to have a say. Children with innate variations in sex characteristics have endured medical interventions that were not medically necessary and could have been deferred. Some of these procedures have altered their bodies in irreversible ways. Some procedures have caused them to be infertile. For some it has meant a lifetime of medication. Both the physical changes and the psychological impacts are significant. We still have more work to do to address the stigma that faces intersex people in our community, as well as to make sure that there are supports available for the community as well as their families. But I know this is work that we are willing to do. We want to end the shame and the secrecy that have only added to the harm. We want to make sure that people feel fully supported, and that parents of children with innate variations in sex characteristics have access to the information and the support that they need to truly understand what they can do to best support their children. Intersex people and people with innate variations in sex characteristics should never be made to feel ashamed of their bodies. We are all different in our own ways. There should be no shame in our differences, and no-one should be made to feel otherwise. This bill and these hard-fought, important changes are welcome, and I commend them to the house.

Sheena WATT (Northern Metropolitan) (11:16): Thank you for the opportunity to rise and make a contribution to the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. At its core this bill is about dignity and agency. It is about the fundamental right of every Victorian, regardless of the body they are born with, to make decisions about their own future and their own body. Our government committed to introducing an intersex protection system in 2021, as part of the *(i) Am Equal* report, which was developed by the Victorian Intersex Expert Advisory Group. This commitment is on the back of more than 20 years of campaigning and advocacy for people born

with variations in sex characteristics to have the same bodily autonomy as anyone else, a goal that has been backed up by human rights organisations and numerous national and international reports and studies.

Every person's body is unique, but people born with variations in sex characteristics are born with physical traits, including reproductive organs, chromosomes or hormones, that do not fit typical medical definitions or binary understandings of male or female bodies. These variations are natural, they occur in up to 1.7 per cent of all births, and many people born with them will not require medical treatment. People born with variations in sex characteristics have told us they want to make their own choices about what happens to their bodies, including being able to give informed consent to medical treatments that will impact them for the rest of their lives. This legislation recognises the experiences of people who have shared their stories of medicalisation, trauma and resilience, and it makes Victoria one of only a couple of jurisdictions in the country to enshrine these safeguards into law.

Through this bill, parents of children born with variations in sex characteristics will have access to more information and supports, enabling better healthcare outcomes and supporting informed decision-making. These children and their families deserve accurate information and access to peer and psychosocial support, and these reforms will deliver that. The bill supports parents in their responsibility, as medical decision-makers, for treatments that can have significant long-term consequences for their child. It also supports doctors to deliver best practice care by providing them with clearer guidelines and protection from some decision-making risks, through independent oversight. Importantly, there will be no change regarding urgent treatment required to save a person's life or prevent serious, significant damage to their health. Such urgent treatments will be able to proceed without additional oversight or delay. Every person deserves the right to make decisions about their own body, and this bill responds to the clear and consistent ask from people born with variations in sex characteristics to be given that right.

While many people born with variations in sex characteristics will not require medical treatment, we know that infants and young children have historically undergone primarily cosmetic procedures so that their body can appear more typically male or female. This practice has occurred in Australia and overseas, and it continues to occur here today. Equality Australia's *The Missing Voice* report found that Australian children remain at risk of harm from medical procedures that could be safely deferred. This report highlighted the ongoing risk of harm from medical procedures that could and should be deferred until the person is old enough to give their own informed consent. The report found repeated instances of treatments, including surgery and hormones, that were not medically urgent or necessary yet were performed on children far too young to understand the lifelong consequences.

We hear from people like Stephanie Saal, who underwent two invasive surgeries from the age of three, and as an adult Stephanie learned that she might have been able to conceive a child had those surgeries not taken place. We heard from Sarah, who was told by doctors to keep her medical history a secret, leading to a lifetime of shame and anxiety. Sarah said she would give anything for the same opportunity to defer surgery that this bill now provides. Can I thank Stephanie and Sarah for sharing their stories and let them know that this bill before us responds directly to those experiences and to the clear, consistent request from the community to be given the right to choose what happens to their own bodies.

Stories like these underscore the necessity of the reforms outlined in the bill. You see, this bill also supports better medical treatment decision-making for people born with variations in sex characteristics. It empowers people with variations and supports parents to understand and explore treatment options. Doctors need clearer guidelines and protection from some decision-making risks through independent oversight, as provided in this bill, and this protection system has been under careful development since 2021, with extensive consultation with people born with variations, their families, clinicians and other experts. The bill provides for the deferral of permanent or difficult-to-reverse treatment until the person with the variation can give informed consent, unless the treatment is approved by an expert panel.

The primary features of this bill are strengthened processes for obtaining informed consent, the establishment of an independent expert oversight panel and improved reporting requirements. Importantly, urgent treatment required to save a person's life or prevent serious damage to their health will not be delayed. Additional oversight will only apply if the treatment is not urgent and the person is unable to give informed consent – for example, because they are an infant or a child. Medical care for people born with variations in sex characteristics has come a really long way, and while it is true that some people are happy with the outcome of their treatment, these remain complex and very consequential medical procedures. It is vital that these reforms encompass all care and are backed up by the simple right of people to be able to make decisions about what happens to their own bodies. The proposed reforms consist of legislation and complementary improvements to the model of care. They cover definitions and scope, informed consent safeguards, an independent oversight panel, the development of treatment plans and consequences for knowing and reckless breaches of the law. Proceeding with treatment for a variation in sex characteristics can be complex and consequential, and these informed consent safeguards enshrine best practice for medical treatment. While some doctors are already practising in this way, these safeguards will ensure that it becomes the standard approach. The informed consent safeguards outline consistent criteria for doctors to use when assessing whether someone has the capacity to consent. These include explaining the advantages and disadvantages of proceeding with or deferring a treatment and providing an opportunity for the person to discuss their decision with a peer or a psychosocial support worker. This ensures that people born with variations in sex characteristics and their families may get tailored information and support.

The independent oversight panel will assess and approve proposals for permanent or difficult-to-reverse treatments for people who cannot give informed consent. The panel consists of a chair, a deputy chair and ordinary members with expertise in relevant specialist medical practice, human rights, ethics, mental health, health law and lived experience of a variation in sex characteristics. In what would be a difficult and unexpected time for parents, the panel provides that layer of reassurance that their child is receiving necessary treatment in line with recognised best practice. The panel also supports doctors by protecting them from some decision-making risks and providing some clearer guidance. Outcomes will be strengthened by the development of the two forms of treatment plans: the preapproved general treatment plans for common variations with an established evidence base and individual treatment plans submitted by doctors on a case-by-case basis for less common or more complex variations. Reforms like this would not be trusted or supported by people with lived experience without an appropriate offence, and that is what we heard. However, doctors acting in good faith have nothing to fear as the offence is carefully worded to capture only the most egregious, knowing and reckless of breaches.

We know that parents love their kids and want the very best for them, which is why this bill recognises that parents deserve more information and support. The bill strengthens support for parents so they can better understand the variations and treatment options for their child, including the risks and benefits of deferring treatment until the child can express their own preferences or provide informed consent. Some parents have expressed regret that they consented to treatment that had very long-term adverse impacts and could have been deferred. The bill upholds and enables parents in their responsibilities to make decisions in the best interests of the child while providing oversight of treatment that can have significant consequences, such as sterilisation or pain. If a child needs treatment before they can consent, this legislation ensures parents are better informed, with the reassurance of a panel confirming that the treatment is necessary and follows best practice. Parents must still give consent for treatment to proceed, and if there is a disagreement with a panel decision, internal and external review pathways are available.

Doctors at our children's hospitals are some of the best in the world, and they have been significantly involved in the design of this bill. Doctors will be central to the work in implementing these changes, including developing treatment plans, templates and guidelines that are fit for purpose and not onerous. The legislation will assist doctors in providing best practice care and ensure that they are more

protected from decision-making risks. They will be supported through tailored training and guidance and specialist clinical expertise being embedded into the panel processes.

One thing I just want to say is that some people are born with variations and are really happy with their treatment, but what I heard and saw was that others describe the trauma of having these invasive treatments undertaken before they could voice their preference. I just want to acknowledge and thank Equality Australia for their really substantial work in developing *The Missing Voice* report. The very real consequences of these decisions are captured in that report, and I know many of us have looked at it with great interest.

Informed consent is required under the bill before any person receives medical treatment, and for those under 18 it is up to the treating doctor to assess their capacity also to give informed consent. A parent or guardian is usually the decision-maker for a person under 18, unless a child is assessed as capable of giving consent themselves. These safeguards do not change existing laws regarding who can make medical decisions, and that is really important to note. Instead, they ensure that all doctors are providing parents with some easy-to-understand information and the opportunity to discuss options with expert, peer or psychosocial support workers. Like other laws that protect children's best interests, this bill limits parental decision-making only if it is safe to defer treatment until the child can make the decision for themselves.

We would not be here today debating this law if it was not for the many decades of advocacy from people born with variations in sex characteristics, including Victoria's own Tony Briffa, and I just want to acknowledge the extraordinary efforts of Tony in helping get us to this point where we are debating this today. By passing this legislation, we in this chamber are choosing to protect the bodily autonomy of all Victorians and ensuring that our health system reflects the values of dignity and respect that every person deserves. This ensures that Victoria remains a leader in compassionate health care, and I commend this bill to the chamber.

Georgie PURCELL (Northern Victoria) (11:29): I rise to speak in support of the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. As the title states, the bill creates safeguards where there is a proposal for a person to undergo medical treatment to alter their sex characteristics in circumstances where they cannot provide informed consent. As others have noted, it is important to make it very clear that these safeguards will not prevent treatment that is urgent or necessary to prevent significant harm. Sadly, though, most procedures that have been performed on unconsenting intersex people unnecessarily are deferrable and, importantly, irreversible. Instead, the parents and guardians of children with variations in sex characteristics are often pressured into consenting to these procedures for their children, being told it is the best or only option for their child's health. New parents have limited access to the information or support when making what are significant decisions about their child's care.

The bill will improve this through the creation of a new independent expert panel. Membership of the panel will include medical practitioners, mental health professionals, those with experience in health law and, most importantly, those with lived experience of having variation in sex characteristics. The panel will provide oversight for deferrable or elective medical treatments that will result in permanent change, deferring them until they are able to provide informed consent. For health practitioners this will give clear legal and ethical frameworks, reduce decision-making and legal risk and provide best practice treatment guidance. The reporting requirements placed on the panel will also provide ongoing improvements in data collection, provide better visibility of variations and procedures and create a framework for the monitoring of treatment data. These changes are essential because the harms caused by these operations are immense and lifelong, both physically and emotionally.

Recently I heard the deeply personal story of a young intersex woman from Melbourne, M, who was born with XY chromosomes. At birth she was taken from her parents for testing without explanation. What followed was years of hospital appointments, some invasive, without her understanding why. At three she underwent surgery to 'correct her body'. A few years later doctors realised that they had

misdiagnosed her, yet she was not told the truth for years because her parents had been advised to keep it a secret. Imagine learning as a woman in early adolescence, just as your peers are forming their identities, that you had irreversible surgery as a child, that you will never have biological children, that you have XY chromosomes and that decisions about your body were made without your knowledge or your consent. M describes it as a moment in which everything she knew about herself was unravelling.

The irreversible consequences of her treatments were not minor. The surgery left her unable to produce her own hormones, resulting in reliance on medication for life. But the physical harm is only part of her story. When doctors advise parents to 'correct' a child's body and keep the truth from them, what message does that send? M felt a deep sense of shame and need to maintain secrecy for many years. She felt that who she is must be hidden. She spoke of searching online for answers she did not yet have the language for. For M, the silence, shame and secrecy manifested in resentment towards her parents. Her parents have also felt immense guilt after making a decision that was based on their trust in doctors' advice and went directly against what M would have wanted for her own body. M's father has told MPs in this chamber that he wishes this legislation was in place when his daughter was born so that a fully informed decision could have been made based on much greater information and transparency.

This bill is not about preventing medical interventions that are life-saving or required to prevent serious harm. It is about supporting families of people with innate variations in sex characteristics so that they are fully informed by experts from different disciplines, not just medical, before a decision is made that could lead to irreversible consequences, parental guilt and child resentment. It is about preventing medical interventions like M's, which she wishes never happened – unnecessary, deferrable and irreversible interventions that have lifelong physical and psychological implications for people born with variations in sex characteristics and their families. I know both M and her dad are watching today's debate, and I want to extend my heartfelt thanks to her for allowing me to share her story and tell the importance of this bill. I would also like to acknowledge the advocacy of the Victorian commissioner for LGBTIQA+ communities Joe Ball, Equality Australia, the Victorian Pride Lobby, Tony Briffa, Dr Sean Mulcahy and every other person and organisation who have advocated for this bill for better protections for intersex children. This bill recognises a simple but important truth, and one that I think is worth repeating: intersex bodies do not need fixing. I am proud to commend this bill to the house.

Jacinta ERMACORA (Western Victoria) (11:36): I am very proud to make a contribution on this bill today, the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. The bill brings Victoria in line with the Australian Capital Territory, the only jurisdiction in Australia to have banned non-consensual medical procedures on intersex people. I recognise the many decades of advocacy and activism from people born with variations in sex characteristics who have led us to this point right here today in this chamber. This includes Victoria's own Tony Briffa, who I just met this morning, who is known by many for being the world's first intersex mayor and public office holder. I thank Tony for her correspondence with me, and agree it is significant that the bill has the support of the senior leadership of the Royal Children's Hospital. If I can just quote Tony's letter to me:

> Had this Bill been law when I was a child it would have saved my parents and me from so much unnecessary pain and confusion.

She did go on to provide more detail.

The overall objectives of this bill are to establish new safeguards, oversight and reporting processes to better protect people born with variations in sex characteristics, particularly infants and young children, from harm. These include safeguards for informed consent that provide consistent criteria for clinicians to use when assessing whether someone has capacity to consent to treatment, additional oversight for medical treatments that permanently change a person's sex characteristics or make changes that may only be reversed through further treatment, and reporting provisions for improved

monitoring of treatment data. The bill also seeks to better support clinicians with the provision of new, clear, consistent information and guidelines to mitigate decision-making risks. With these objectives, the bill affirms our government's unwavering commitment to the health of all Victorians. Our government is determined to respect the dignity and the wellbeing of people born with variations in sex characteristics, especially infants and young children.

Every person's body is different. Being born with a variation in sex characteristics, sometimes referred to as 'intersex', means that a person's body does not fit typical definitions or understandings of male or female. In that sense, it is not one or the other, it is between the two binaries that we might normally perceive. Being intersex is a naturally occurring biological variation in humans. These variations are not a disease; they are not a disorder. These variations can relate to reproductive organs, chromosomes or hormones. It is important to be clear this is not the same as being transgender or gender diverse. This bill is not about gender identity; it is about people whose biological sex characteristics vary from typical, medical or what we in our broad society would assume in our community. It is about health care. It is about ensuring that our health system does no harm. It is about recognising that diversity in sex characteristics is a natural part of the human condition and that every person should have the right to make decisions about their own body.

This legislation has been considered with great care and is the culmination of years of advocacy, consultation and consideration. It responds directly to the lived and living experiences of people born with variations in sex characteristics who have courageously shared stories of medicalisation, trauma and resilience. I want to acknowledge those who are in the chamber and those who might be watching online who are in that category of people who have advocated in this space, whether it is through personal experience of their own or their family.

Our society's cultural expectation that sex characteristics are binary – that is, either male or female – has led to the pathologisation of what we now know and understand to be normal variations, not disease or illness and not something that needs to be necessarily corrected. Unfortunately, many have spoken about the procedures performed in infancy or early childhood to erroneously correct that assumption – procedures that were irreversible, not medically necessary and undertaken before they were able to consent. In the past, intentions may have been well intended, with a belief that normalising appearance – back to that binary perception – would protect children from stigma. The consequences have too often been devastating and lifelong. We have heard about sterilisation, chronic pain and loss of sexual function. We have heard about psychological trauma and a profound sense of violation. These characteristics have been condemned not only by people with lived experience but by human rights bodies and medical ethicists around the world. There is a growing international consensus that unnecessary medical interventions on infants and young children must end. We have listened and we have learned. Critically, there will be no change regarding urgent treatment required to save a person's life or prevent serious or significant damage to their health. Urgent treatments will proceed without additional oversight or delay, and we will continue to rely on the expert advice of dedicated clinicians, specialists et cetera to determine urgency and act appropriately.

As mentioned, the bill before us strengthens ethical care through four key mechanisms. The first mechanism is informed consent safeguards. These safeguards ensure that people born with variations in sex characteristics and their families receive accurate and tailored information. Families will have access to peer workers and counsellors to support them in understanding options for proposed treatment and what would happen if treatment does not proceed. They will be given reasonable time to consider decisions. If a person has capacity, they will be able to consent to approved treatment themselves. If a person does not have capacity, they will still be supported to contribute to decision-making in a manner appropriate to their age and developmental stage. In the case of infants and young children there will be additional oversight before treatment can proceed. Parental decision-making is not removed. Parents and guardians will continue to consent to treatment for their child, and where proposed treatments are irreversible and not urgently required, an independent oversight panel must first approve the treatment plan.

The second mechanism will establish an independent, legislated oversight panel. This panel will approve general and individual treatment plans. It will develop guidance, report on treatment data and ensure that irreversible decisions are made with the utmost care, accountability and evidence. It will support families. It will also support clinicians by reducing the burden of uncertainty that many practitioners have described when navigating the complex ethical terrain without clear guidance. The third mechanism is the introduction of treatment plans. Treatment plans will provide formal approval for treatments that vary sex characteristics. There will be general treatment plans for common treatments with an established evidence base, and individual treatment plans for less common or more complex circumstances, with the treating clinician ordinarily drafting the treatment plan to seek the panel's approval. General treatment plans will allow for flexibility and responsiveness. They will both reduce duplication and regulatory burden while maintaining those safeguards.

The fourth mechanism is a prohibition with consequences for noncompliance. The criminal prohibition applies to the intentional or reckless provision of restricted medical treatment to a protected person who was born with variations in sex characteristics who does not have the capacity to consent to the proposed treatment. Consequences for noncompliance will largely be supported through existing regulatory mechanisms. For example, failure to meet informed consent obligations can result in referral to the Australian Health Practitioner Regulation Agency for unprofessional conduct. However, for the most serious breaches with intentional or repeated violations of the prohibition there is a proposed summary offence. The maximum penalty is two years imprisonment or 240 penalty units. This is intended to be a meaningful deterrent.

The bill also recognises that legislation alone is not enough. Cultural change is needed within medicine, within families and within society, which is why these reforms will be supported by complementary system enhancements; improvements to the model of care; strengthened data collection to better understand variations and procedures; and resources, guidance and education to support clinicians and families in understanding their roles and responsibilities.

Implementation will be careful and considered. We will continue working closely with clinicians and people with lived and living experience to ensure individuals remain at the heart of these reforms. This legislation, after all, has been actively shaped by those with lived experience. It has been shaped by people who have spoken bravely and honestly about what happened to them, often at significant personal cost. I also recognise the clinicians who are already practising in line with the principles of this bill.

This bill reflects our government's commitment to evidence-based policy, human rights and inclusive healthcare. It is not about ideology or politics; it is about justice and ensuring every Victorian born with variations in sex characteristics has the right to make decisions about their own body. I am particularly proud of the way this bill is structured, because it brings in the human side of the story. It provides a framework for practitioners and families. It provides community education. It provides the regulatory expectations, and it provides the punishment if proper conduct is not complied with. So really the full suite of protections are there, and I look forward to its implementation.

John BERGER (Southern Metropolitan) (11:49): I rise today to speak on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. This bill covers an issue which only affects a very small number of Victorians, but for those who are impacted by its provisions those impacts can be profound. While the issue of unwarranted and unnecessary medical treatments for people born with variations in sex characteristics is something most people would not have to think about in their daily lives, this bill does speak of many of the values which we hold as Victorians, values such as equality, personal choice and the importance of consent. These values are widely held in the Victorian community and are directly applicable to questions related to unnecessary and potentially dangerous medical procedures being conducted on somebody without their consent. I suspect that very few of my constituents in Southern Metropolitan Region would appreciate having unnecessary, irreversible and potentially dangerous medical procedures conducted on them without their consent. Likewise, parents do not usually appreciate being rushed into making sometimes life-altering medical

decisions for their children for procedures which are unnecessary and potentially dangerous without being able to consult with expert advice first. The simplest way to think about this bill is to ask why it would be different for people who have variations in sex characteristics and their parents. The medical science behind this issue can be quite complicated, but the questions of equality, choice and consent are not.

Importantly, this bill does not impede the ability and duty of medical professionals to conduct urgent treatments. In cases where a treatment is genuinely urgent and necessary to protect the life or health of an individual, this bill will not stand in a doctor's way. This is because the targets of this bill are surgeries which are not medically necessary and are often done for aesthetic reasons, to make a person's body more typically male or female. Situations in which a young person, often in infancy, has undergone a surgical or hormonal treatment which was not considered medically necessary and which would often have irreversible effects have in the past led to serious ongoing medical problems. For some, these long-term problems might be pain, sexual dysfunction or sterilisation, as well as other issues which often vary case by case. Others are left with psychological trauma, being made to feel as if society sees the way they were born as unnatural. For some it is a simple offence to their personal right to choose for themselves. If a surgery was neither urgent nor medically necessary, then they believe that it would have been their right to choose when they were old enough to provide informed consent.

This bill creates a legal framework to help doctors, families and individuals navigate these situations and decisions, creating four key mechanisms. The first mechanism relates to the importance of informed consent and creates new safeguards to ensure that intersex people can have access to accurate and accessible medical information and the ability to seek expert advice. Next is the creation of an independent legislative oversight panel with the power to approve treatment plans, ensuring accountability and supporting children and their families through the process. The third is the creation of evidence-based, preapproved general treatment plans. The final mechanism is penalties for those clinicians who do not meet the compliance standards.

Whether they do not meet the informed consent obligation or act recklessly in their practice, this bill introduces serious consequences. The maximum penalty under this bill is a two-year prison sentence. While two years is a long time to spend in prison, people who have sex normalisation operations conducted on them without their consent sometimes face negative consequences which are lifelong. Given the seriousness of the issue and the potential harms which it can cause people, we on this side of the chamber believe that prison sentences for this behaviour can be warranted in certain situations.

Should this bill be successful and pass into law, we would not be the first jurisdiction in Australia to implement these sorts of protections, but it would be the first for a state. In 2023 the ACT government passed a similar bill offering similar protections. A number of European nations also have similar protections under law, including Spain, Germany, Portugal, Malta and Greece. Victoria is not venturing off into the unknown with this bill, but we are ahead of the other Australian states in passing historic medical protections for intersex people. The reasons we have done this here in Victoria are to do with the values which I outlined earlier: equity, choice and consent. One does not have to dig too deeply into the Allan Labor government's record to see that this bill is not only a manifestation of these values but a continuation of these values being promulgated and actualised into public policy once again.

Equality is at the heart of the agenda of every Labor government. This includes equality of opportunity, building a society where everyone is given a chance to succeed based on their merits rather than on circumstances beyond their control. Labor governments believe that people who are born poor should not have to live their entire lives stuck in a cycle of poverty, that people in rural areas should not be denied the opportunities which are given to those in the city, that public school students are just as deserving of world-class education as private school students and that equality under the law and freedom from discrimination should protect all Victorians regardless of race, religion, gender, sexual

orientation or disability. Personal choice is another one of the key planks of any Labor government's agenda and very much a part of the Allan Labor government's agenda.

Our policies have empowered Victorians, giving them more power to make more decisions about their own lives. Free TAFE allows young Victorians who do not want to go to university to find a pathway into a fulfilling and often quite well paying career. It also gives people already in the workforce more options, and many are taking up the opportunity to retrain and start a career in a new field. We are building more houses in every part of the state – the inner city, the suburbs and the regions. We are giving the next generation of Victorians a chance to live, rent and buy a home where they actually want to live. This may enable them to live closer to where they want to work and allow them to better accommodate their lifestyles and preferences. For those who already own a home, we have made it easier for them to make decisions about what they want to do with their own property, for example, reducing approval times for home owners to subdivide their property. Consent is another key value championed by this Labor government. Victoria's nation-leading Respectful Relationships program in our schools teaches young people throughout primary and secondary school ages appropriate content about consent, rights, relationships and resilience. We have made legislative changes relating to consent, such as banning stealthing and adopting an affirmative consent model under the law to better protect victims of sexual offences.

While these three values are not only the values which we in the Allan Labor government hold, they are three which apply to this health safeguards bill and which apply across various areas of public policy. But they are not just the values which are held by members of the Australian Labor Party, they are values held all across all sections of the Victorian community, and it is important that they apply to all Victorians. We are seeking to pass this bill to ensure that equity, choice and consent are all put at the heart of the medical system that treats intersex people.

What is so important is leading a cultural change. Legislative change is important in creating the protections under the law, and that is exactly what this bill seeks to do. We hope on this side of the chamber that if this bill is successfully signed into law, it will be one that brings a cultural change within medicine and within society more broadly towards the acceptance of intersex people. Some people are born with variations in their sexual characteristics, and this is just part of the natural diversity of humans. Unfortunately, in the past an overenforcement of gender ideals and a lack of respect for the dignity of the individual have led to people having these unnecessary and potentially damaging medical procedures performed on them without their consent. Doing this is essentially telling them that there was something inherently wrong with them as a person in how they were born. Children should not have to grow up thinking that there is something wrong with them when there is not.

Parents everywhere, throughout every part of Victoria, worry about the mental health and self-image of their children. They want to see their children become confident and comfortable in their own skin. Part of that is teaching young people to be accepting of their own bodies. Parents have a good reason to worry about the mental health and self-image of young people these days. No teenager in history has been told that they are not good enough more times in 1 hour than a 14-year-old kid who spends an hour trolling through TikTok. It may be social media giving young people unrealistic expectations about what their bodies should look like or schoolyard bullying or anything else. No parent wants their child to hate or feel ashamed of their body. The same goes for children who are born intersex and their parents. In some ways the challenges which these children face are different from those of their peers, but in other ways they are very similar. While it might be difficult for a lot of people to understand what it would be like to be born with these sorts of variations in sex characteristics and how it might affect a person's sense of identity, there are also areas where we can all empathise with those families who face the sorts of decisions which are being addressed in this bill. Society should not be saying that we have a problem with how they were born and that they ought to undergo irreversible medically unnecessary or potentially damaging procedures. Doing this without even waiting until they are old enough to consent to it or without providing the parents with adequate time and support to make an informed decision is irresponsible and offensive to the personal dignity of the individual.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Construction industry

Richard WELCH (North-Eastern Metropolitan) (12:00): (1229) My question is to the Treasurer.

Jaclyn Symes: I hope it's better than yesterday's.

Richard WELCH: Well, let's see. We'll see.

Georgie Crozier: Let's hope the answer is.

Richard WELCH: Yes. The CFMEU corruption and this government's turning a blind eye to it has cost taxpayers $15 billion, yet this government's ham-fisted response has been to argue the cost, blame Geoffrey Watson, blame wage rises, blame construction costs and even yesterday attack Robert Redlich. Multiple government MPs are now said to privately support a royal commission into the CFMEU misconduct on Big Build worksites, and a motion endorsing a royal commission was supported in this house yesterday by every MP other than those from the Australian Labor Party. Why won't you now put your party-political interests aside, put Victoria first and finally support funding a royal commission into the CFMEU misconduct in this year's budget?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:01): There was a lot in that, Mr Welch. Just to be clear, it appears to be your side that are blaming wages for the cost escalation on –

Members interjecting.

Jaclyn SYMES: No, no. You are claiming overpaid workers – that is what you are saying – and in fact the cat was out of the bag yesterday when the Queensland Liberal Premier made it quite clear that the cost escalation is because of the wages being paid to CFMEU members. Those are wages and conditions that are negotiated and approved by the Fair Work Commission for a fair day's work, and the Liberal Premier said he is going to claw that back. He was very, very overt about it. This is exactly what you guys plan on doing. There is no, no doubt.

Melina Bath: On a point of order, President, I am just concerned that the Treasurer, the Leader of the Government, has inadvertently misled this house, because on Tuesday in a response she made an exact –

A member interjected.

Melina Bath: I am concerned that she is misleading the house, and I ask you to bring her back to the question.

The PRESIDENT: The minister was relevant to the question.

Jaclyn SYMES: Mr Welch, there are many reasons that you might want to have a royal commission, and this government have demonstrated our commitment into matters such as family violence, matters such as mental health. In relation to these matters, we take them very seriously, and that is why we have acted. It is why we have resourced Victoria Police and Taskforce Hawk to take the action they have. It is why we have made changes to the Labour Hire Authority. It is why we have made changes in our contracts. It is why we continue to invest in the interventions and prevent further things from happening.

We have had royal commissions into these matters. What we are looking at is action and prevention – and I am not the only person. We have just had evidence of 15 people arrested and 69 charges being laid. When it comes to royal commissions, I would point to comments from Mr Irving. I would point

to comments from the general manager of the Fair Work Commission, and they agree with one another in this instance. I will read from a letter. He said that many of us:

> … have … been trying to eradicate criminal influence and corruption from the Construction Industry. And we have failed.
>
> …
>
> Four Royal Commissions, 20 years of various forms of a building and construction agency, and all have failed …

Mr Welch, the actions we have taken, as I have continued to outline, is important work, and we support the work of the Labour Hire Authority to stamp out this behaviour and Victoria Police to continue to respond to any criminal behaviour, which they have demonstrated they are doing.

Richard WELCH (North-Eastern Metropolitan) (12:04): I would love to know how much of the $15 billion all of that is going to get us back. How much of it is it going to get, I wonder. Your party room is leaking and it has even starting to brief against the Premier, and it looks like you are caught in the middle. Why won't you do the right thing by Victorians –

Members interjecting.

The PRESIDENT: Order! Mr Welch has got a right to ask a question that we can all hear.

Richard WELCH: The question is, Treasurer: why won't you do the right thing by Victorians and give IBAC the funding it has been pleading for to properly investigate the misappropriation of taxpayer money?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:05): Mr Welch, again you are jumping around – your supplementary does not relate to your substantive – but in any event, we have increased funding to our integrity agencies. In terms of giving them the power and the resources they need, those conversations always continue, but they are not with me, they are with the Attorney-General.

Greyhound racing

Georgie PURCELL (Northern Victoria) (12:06): (1230) My question is for the Minister for Racing in the other place. Last week the Victorian Racing Tribunal handed down a decision in relation to a greyhound named Baba Bear. Baba Bear was only two years old and ran only one race in Victoria. His trainer sent him to a property where he was put on a treadmill for training. Baba Bear was left unsupervised, lost his balance and was strangled to death. Thirteen photos were uncovered showing the dead dog attached to the treadmill. For this his trainer only received a warning-off period, which prevents him from entering races for a short period of time. He did not receive a fine. If this happened to any other breed of dog, the perpetrator would be facing serious charges under the Prevention of Cruelty to Animals Act. Why does the government continue to allow the greyhound racing industry to self-regulate despite ongoing incidents of animal cruelty?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:07): I thank Ms Purcell for her question and interest in this matter. In line with the standing orders, I will pass it on to the Minister for Racing in the other place for a response.

Georgie PURCELL (Northern Victoria) (12:07): Thank you, Minister, for referring it on. Every single time that I make inquiries about the self-regulation of the greyhound racing industry, Greyhound Racing Victoria responds and states that although greyhounds are governed under the rules of racing and code of practice, GRV stewards do have powers under the Prevention of Cruelty to Animals Act and are able to provide Animal Welfare Victoria with a brief of evidence if they believe there have been breaches of the POCTA. How many times has this happened?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:07): I thank Ms Purcell for her supplementary question. In line with the standing orders, I will make sure it is passed on to the Minister for Racing in the other place for a response.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:08): This week I visited the Inkerman Street, St Kilda, towers with the members for Southern Metropolitan John Berger and Ryan Batchelor. I am incredibly grateful to every resident who took the time out of their day to talk with me, particularly Rhonda, Irene and Tom, who had some really valuable feedback about where they would like to live when they move and what we can do to make the towers more comfortable in the meantime. These visits are part of supporting towers residents with facts and supporting them through the high-rise redevelopment program so that when they move their rent settings will not change, that every household will have a dedicated relocation officer and all the support that they will need and that every household will have a right of return to the homes at the new towers or the neighbourhood if they want to come back.

We are rapidly approaching 12,000 homes complete or underway through the Big Housing Build and Regional Housing Fund. The high-rise redevelopment program represents a brand new pipeline of homes for 30,000 Victorians through to 2050 across 18 of Melbourne's neighbourhoods – 39 hectares of land. But of course there are certain commentators who say this program should not proceed. There are certain property barons, who may or may not be elected, who will say we desperately need more affordable housing, but this – the high-rise towers redevelopment – is not the answer. Our government is doing the hard work of building more and better homes for Victorian families in the places where they want to live. The Liberals and the Greens are happy to say we need more homes, but what follows then is always, 'But not in my backyard.'

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:09): (1231) My question is to the Minister for the Suburban Rail Loop. Minister, the *Rotting from the Top* report by eminent integrity expert Geoffrey Watson SC estimates the cost of the Big Build has blown out by a massive $15 billion in rorts. Given this, how can you possibly stand by your half-decade-old business and investment case that claims the SRL will cost a maximum of $34 billion?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:10): Thanks, Mr Mulholland. Well, it is always interesting to hear how you characterise various commentators who express various opinions and views on various matters. When it suits your purposes, certain people are eminent, but what also does not suit your purposes is, for example, that same draft report, which was in fact in parts not accepted by the independent administrator because it did not stack up when certain opinions were expressed, which refers to 30,000 workers across construction industries and job sites who do a power of good work, who are good, hardworking and honest people, who deserve fair pay and terms and conditions and who deserve safe workplaces. Mr Mulholland, yet again, if you had your way, construction workers in this state would not be paid any more than the minimum wage. Consistently, you oppose any increases to minimum terms and conditions. Consistently, you vote against legislative reforms, wage theft, industrial manslaughter and nurse-to-patient ratios. Time and time again, you show the fact that you care not one jot for workers' terms and conditions.

Members interjecting.

Harriet SHING: See, you do not even want to hear the answer to the question, Mr Mulholland.

Evan Mulholland: On a point of order, President, my question was about the half-decade-old cost estimate of $34 billion and how the minister can claim it is not going to go over.

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

Harriet SHING: Again, you refer to a report and you refer to eminent commentary, and again I am in a position to talk to you about what is in a draft report, what remained in a draft report and where certain opinions and views did not stack up and were removed by the independent administrator, an administrator who deals in facts alongside Victoria Police, who deal in facts, and alongside the work that is being undertaken by a range of assessment processes to address the issues that have been raised time and time again. Members of your own party have raised matters and referred them on to integrity agencies, Mr Mulholland. Let us let that work continue.

Mr Mulholland, for the third time, I am really happy to see about tabling this business and investment case if you would like to see it again. We have had workers, thousands of workers, on sites across Suburban Rail Loop East since 2022. These workers have terms and conditions negotiated with contractors, which are subject to tests by the Fair Work Commission in order to make sure that those agreements have been made genuinely and without coercion – the only basis upon which such agreements can be certified.

Mr Mulholland, this is a project that is on time and on budget. You hate this project. We have only ever had one position in relation to this project; you have had three times more positions on this project than you have had leaders, and that is no small number. We are continuing to build this project. We have got one position on it. Victorians have voted on it time and time again. It is on time and on budget. Tunnel-boring machines are arriving this year. Tunnel boring starts this year. Thousands of workers are working hard on this project. If you are saying that those workers are criminals because they have got fair terms, conditions and safe systems of work, then that just shows that they can expect a knock on their door if you are ever in power.

Evan MULHOLLAND (Northern Metropolitan) (12:13): Minister, the cost of construction has risen by at least 21 per cent since the business and investment case was printed, and as the Treasurer stated on Tuesday in this house, cost escalations within the construction industry have very much been driven by things such as 'labour shortages and indeed increased costs in relation to raw materials'. Can the minister explain why the Treasurer's claim of widespread cost escalation does not apply to the Suburban Rail Loop's 2019 cost estimate of $30 billion to 34 billion?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:14): Mr Mulholland, you do not seem to know very much about business cases and the things that go into factoring the TEI as it relates to the development and delivery of major projects, and the reason that you do not know anything about them is because your party never build anything when they are in government. What we have done is deliver a pipeline of work. Whether it is building the new Footscray hospital, whether it is the Melbourne Metro Tunnel or whether it is the removal of more than 86 level crossings, the work goes on. What happens when you manage the work and infrastructure that is delivered by tens of thousands of hardworking people in dangerous conditions, Mr Mulholland, is that as that work tapers off you are able to deliver more work. That is exactly what is happening under the Suburban Rail Loop.

Evan Mulholland: On a point of order, President, the question went to explaining why the Treasurer's claim did not apply to the Suburban Rail Loop, and I have not heard an answer to that.

The PRESIDENT: She did respond to the question at the start of her answer.

Harriet SHING: Well, if you had ever delivered a major project, you would know that to publish an outcome of negotiated envelopes before that has actually been concluded is, I would say, the height of economic irresponsibility, Mr Mulholland. Again, we will continue this project on time and on budget. You will continue your dozens of different positions on it, and – *(Time expired)*

Early childhood education and care

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:16): (1232) My question is to the Minister for Children. The Productivity Commission found that breaches and serious incidents, including one tragic death, across approved early education care services have increased by 15.8 per cent in the past year. Confirmed breaches occur when providers fail to comply with legislation or regulatory conditions. Serious incidents include emergency services attending a service, children being locked in or out, or serious injury, trauma, illness or death. We are hearing from educators the sector is stretched thin, with this Labor government only increasing kindergarten funding rates by 2.5 per cent, not in line with inflation. High turnover and workforce instability compromises children's safety. Minister, has your department undertaken any risk assessments or analysis on the effects an underpaid, overworked sector is having on children's safety, and if that is resulting in the increased number of incidents?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:17): I thank Ms Gray-Barberio for her question, or perhaps all of the questions and statements that are within that. But at the outset let me take this opportunity to acknowledge the Productivity Commission and their work. What it does show is that Victoria is leading the nation in investment in our early childhood services. On that basis, the premise of your actual question is indeed incorrect. But when it comes to child safety, I think this house has had some long conversations in recent times around child safety in our education and care settings, wherever children learn and play, and indeed our investment in the facilities. Indeed just this morning I was with the federal education minister and the federal early education minister at one of our Early Learning Victoria centres, one of 14 that have opened this year. Our investment in early education has never been greater, whether it be our programs, from our free kinder for three- and four-year-olds through to our infrastructure, such as the 50 Early Learning Victoria centres we are building, 14 of which have opened this year; or more than 100 kinders on school sites, which is another milestone that we have reached this year; through to the recent investments that we have made – almost $140 million in child safety. Indeed this very Parliament debated the national law changes which go to improving child safety. For each of the questions within your question, and indeed your statements, I reject their premise outright. But if you want to talk to the work of the Productivity Commission, so too does the Productivity Commission, which finds that Victoria leads the nation in investment in our early education settings.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:18): Minister, I did not hear in your answer there whether you or your department have undertaken any risk assessments or analysis, and because you have not openly admitted that, that is quite concerning, particularly when the data in the Productivity Commission report is clear: harm against children is on the rise. It is vital that all educators and professionals who work with children are supported to have the appropriate resourcing to reduce these incidents and breaches. If we can improve each area, this must have a flow-on impact onto these disturbing numbers of serious incidents and breaches. Can you please list what evidence you and your department are considering for the reasons for an increase in breaches and incidents?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:19): I reject absolutely the insinuations in Ms Gray-Barberio's question, but as I said, the Productivity Commission acknowledges that we are investing more in early education and care and quality and safety and that we are indeed leading the nation. Victoria also leads the nation in delivering high-quality early childhood education and care, with 96 per cent of services meeting or exceeding the national quality standard, well above the average of 90.1 per cent. The premise of your question is wrong. We are investing more than we have ever invested before. I think all of us are well versed following the debates at the end of last year in relation to child safety, in terms of both what we are doing here in Victoria in advancing child safety across a range of areas, including where children are educated, but also where they go for their general wellbeing and where they play. We are investing right across the board in improving quality and improving safety, and the data in the Productivity Commission report shows that.

Ministers statements: youth justice system

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:20): Today I rise to update the chamber on a further expansion at the Malmsbury Youth Justice Centre. Under the Allan Labor government community safety always comes first, and we make no apologies for that. Our tough new bail laws are working, and youth remand numbers are up around 40 per cent since the reforms came into effect. With our adult time for violent crime reforms commencing at the end of February, we are planning for further growth in custodial numbers. That is why we are delivering a further 45 beds at Malmsbury, building on the 30 beds I announced late last year. A total of 75 beds will ensure we have the capacity in place to keep violent young offenders off the streets and keep the community safe. It also provides more flexibility within the system to manage different cohorts and deliver targeted rehabilitation programs. To support this expanded capacity, more than 100 new youth justice workers will be recruited, supporting local jobs and building on strong investments in our workforce across our youth justice system. We will be opening this important facility in consultation – consultation with the local community of Malmsbury, consultation with the Macedon Ranges shire and consultation with the traditional owners. We are backing our community safety reforms, and we will continue doing what is necessary to keep all Victorians safe.

Disability services

Georgie CROZIER (Southern Metropolitan) (12:22): (1233) My question is to the Minister for Disability. Minister, Jeremy is 37 and has lived in a specialist disability accommodation property in Camberwell owned by the Victorian government for 17 years. Last year Scope Australia advised they would no longer operate supported independent living at the property. At the time Disability Homes Victoria assured affected residents that the home would remain as SDA, yet despite Jeremy choosing to remain living in the home, the department has failed to commit to essential maintenance so that it is safe. While this government has been turning a blind eye to corruption, ordinary Victorians have been missing out. Minister, why is the government neglecting its responsibility as a landlord and putting Jeremy's future housing security and safety at risk?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:22): I thank Ms Crozier for her question. At the outset, as I so often say in this chamber, if people believe that people who are vulnerable are at risk, then they should absolutely refer that information to my office so that it can be investigated. But in terms of our supported disability accommodation, here in Victoria – again, like we do in the early education space – we lead the nation in terms of ensuring that supported disability accommodation is a large part of the government service operating. That said, where there are supported independent living services, the government is indeed the landlord and the service is provided, as I think you identified in that case, by Scope. If there are particular maintenance concerns that the member feels should be addressed, I will seek the advice of the department in relation to that.

But the supported disability accommodation suite of properties is something that is ever evolving, in the sense that we are continuing to ensure that as people's needs change so too are the properties not just maintained but upgraded and indeed replaced to ensure that they meet the needs of the residents and that we also over time ensure that we have that shift from what were once very institutionalised settings in which people were grouped together simply because of the fact that they had a disability, rather than people being matched with people who they would live with in a cohesive environment, in the same way that any other housemates or indeed family would live together. That is, and will always be, an evolving ambition, because people's needs change over time, both as they age and as their disability changes or their abilities change and as indeed there are requirements for maintenance and upgrades on properties. It is something that I know the department takes very seriously. It is certainly something that we take very seriously, and we will continue to implement that program of reform.

Georgie CROZIER (Southern Metropolitan) (12:25): Well, I do not know that the department is taking it very seriously in this case. Minister, CFMEU corruption has cost taxpayers $15 billion. Under this government, while corruption has lined the pockets of bikies and criminals, vulnerable Victorians cannot even get the basics to live in safety and dignity. What do you say to Jeremy's family and the families of people like Jeremy, who are facing such uncertainty about their housing security?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:25): Again I thank Ms Crozier for her question, and I think my answer to her substantive question made it very clear that we take the housing security of vulnerable people, and indeed people with disabilities, very seriously. We have an evolving and constantly changing suite of accommodation, but also needs within that accommodation, based on people's changing needs, in relation to their disability, their age and who they are homed with. That is something that is, as I said, continually being met by the department in different ways as those needs change. That will always continue to be the case, and I again remind the house that if there are particular cases that they would like to personally raise with me, or if Ms Crozier would like to provide me with the details of Jeremy and Jeremy's family, I would be more than happy to take those up for her.

Victoria's Big Build

David LIMBRICK (South-Eastern Metropolitan) (12:26): (1234) My question is for the Treasurer. The Treasurer would be aware that the Department of Treasury and Finance has a framework for assessing high-risk projects called the high-value, high-risk assessment framework, which requires the ongoing involvement of DTF and the Treasurer on high-risk projects. During the Commonwealth games inquiry we discovered that this project was not subject to this assessment framework because it had been split into a number of smaller projects and effectively evaded the high-value, high-risk assessment framework. Is the Treasurer aware of any Big Build projects which are not subject to the high-value, high-risk assessment framework?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:27): I thank Mr Limbrick for his question. Mr Limbrick, because of the way you have characterised it, I am reluctant to give you a direct answer, because I think the general framework would apply to all major projects. But as you have identified, there could be instances where projects are broken up into a number of projects. I would prefer to get you a bit more detail about the policy, then I can apply that to some of the big projects for you so that you can be very clear on how it applies.

David LIMBRICK (South-Eastern Metropolitan) (12:27): I thank the Treasurer for that answer. Conversely, which Big Build projects is the Treasurer aware of that are subject to this framework?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:28): I thank Mr Limbrick for his supplementary question. The framework is expansive in relation to its application to big projects, but as I committed to you in your previous question, I will get you a bit more information to make it very clear about the application of the policy for you.

Ministers statements: pill testing

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (12:28): I am pleased to update the house on how our pill-testing trial is continuing to reduce drug harm this summer. Over the 2025–26 festival season, the mobile service has so far attended Spilt Milk in Ballarat, Dangerous Goods 6XXL in Footscray and Victoria's Pride Street Party in Collingwood. Across these three events more than 350 samples have been tested and 240 people engaged in harm reduction conversations. One general notification was issued directly to the community following detection of dipentylone sold as MDMA. But of course Victorians can also access life-saving advice through the Victorian pill-testing service fixed site in Fitzroy, which has expanded its hours of operation to meet high demand

over the holiday and festival season. Since opening in August last year more than 2000 samples have been tested and more than a thousand people engaged in harm-reduction conversations at the fixed site. Importantly, for more than 40 per cent of people, this was the first time they had had a conversation with a health professional about their drug use. The results are clear: this service is saving lives, providing important health advice and delivering critical drug-monitoring data. In an increasingly volatile and unpredictable drug market, this information has never been more important. Substance use is a reality in our society, and we have a choice about how we respond. While some in this place oppose this life-saving initiative, our government is not a government that will deny young people the critical health information they need to make safer choices. We are proud to lead with a health-led harm reduction approach because Victorians deserve support that is compassionate, respectful and informed by the evidence.

Bushfires

Melina BATH (Eastern Victoria) (12:30): (1235) My question is to the Treasurer. More than five weeks after the devastating Longwood bushfire, three truck drivers who delivered hundreds of bales of fodder to keep surviving stock alive lodged a modest request, a modest reimbursement claim of $4500, and they still have not received a dollar. Victorians stepped in. They put fuel in their own tanks, used their own trucks and ensured fire-affected farmers had fodder to keep their animals alive. Treasurer, why has your government still not reimbursed these drivers, and will you intervene today to ensure that they are paid immediately?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:31): At the outset I thank Ms Bath for bringing this matter to my attention. It is not a matter for the Treasurer. However –

Members interjecting.

Jaclyn SYMES: Ms Bath, I am very happy to answer the question that you have asked. The fodder program was funded directly through the VFF, as it has been in past experiences, so I will personally follow up this matter – not as the Treasurer, but you have raised it in question time, and I think it is an important matter that I do not want to not answer, despite the fact that it is not in accordance with the standing orders to provide you an answer. I will personally come and get those details off you, and I will see what has happened to that invoice.

Melina BATH (Eastern Victoria) (12:32): Thank you, Treasurer. The retired chicken farmer Ian Troutbeck, who coordinated more than 250 bales of fodder, is now owed $15,000 by your government for organising the trucks. At a time when the Labor government can tolerate billions of dollars wasted on union-dominated Big Build blowouts and misconduct, they cannot reimburse local members who literally kept stock alive during a crisis. How can you defend this government – we have heard it today in question time – and turn a blind eye to state-sponsored strippers when they cannot prioritise a few thousand dollars for selfless volunteers to keep bushfire victims alive and supported?

The PRESIDENT: I am worried about whether that supplementary is relevant to the substantive question.

Members interjecting.

The PRESIDENT: Thanks, everyone. I think the Treasurer will be happy to respond.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:33): Despite the disrespectful way that I think that question was raised and the disrespect to fire-impacted communities, I would put back to you, again, there has been more than $160 million provided to the fire recovery efforts. I personally was in Longwood on Friday sitting down and making sure that I heard firsthand on the ground of any of the issues that I can intervene in as a local member, as Treasurer, as Minister for Regional Development and as someone who is a former

emergency services minister. All of those experiences I hope can help break through any of the issues that some of the people may have. That is why I visit my communities, to hear about those issues.

In relation to that invoice, I would put on record the community effort and response to the fire and people standing up and helping one another has been incredible. If there are issues in relation to genuine receipts that are due to be paid, please forward me any of the information because I am doing it personally in my day job, and I will continue – *(Time expired)*

Firearms regulation

Jeff BOURMAN (Eastern Victoria) (12:35): (1236) My question is for the minister representing the Minister for Police in the other place. Minister, firearms law has been a hot topic across Australia since the Bondi terrorist incident. Only one state, New South Wales, made any changes, with the ACT slavishly following. New South Wales enacted laws eight days after the incident, an Olympic-level blame shift from a gross failure of government to law-abiding shooters. It will now be impossible to hold an actual Olympic event – biathlon – as straight-pull target rifles are used, as well as supervised come-and-try days. Also, in what is an egregious assault on natural justice, the ability to appeal a decision of the New South Wales firearms registry to NCAT is gone. They have said there is still an avenue of appeal to the Supreme Court, but very few will be able to afford that. Minister, with six of the eight states not doing any of these so-called reforms after Bondi, it is clearly not a unanimous response. Will Victoria stand with the law-abiding shooters and commit to keeping the robust and workable system we have now?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:36): I thank Mr Bourman for his question and his passion on this matter. I will make sure that is passed on to the Minister for Police in the other place for a response in line with the standing orders.

Jeff BOURMAN (Eastern Victoria) (12:36): Thank you, Minister. My supplementary question is: given the Bondi incident was a result of governmental failure, will Victoria follow the example of the other states and commit to intelligence-led processes to ensure that people who should not have access to legal firearms do not?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:36): I thank Mr Bourman for his supplementary question. In line with the standing orders, I will pass that on to the Minister for Police in the other place for a response.

Ministers statements: TAFE sector

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:37): I rise today to update the chamber on Labor's commitment to public education for all Victorians. With the rising cost of living Victorian families need affordable public education they can rely on. That is why we have committed to public TAFE at the centre of our training system, and we are delivering on that commitment. In 2014 we inherited a broken training system – less than half of the state's training budget went to public TAFE. Dodgy rorts had spread, 22 campuses were shut, the regions missed out and fees were a barrier to training. Now Labor has rebuilt, and will continue to rebuild, public TAFE. We have lifted our share of TAFE funding to over 70 per cent. How did we do this? We did it through opening TAFE campuses, we paid TAFE teachers a fair wage, we invested over $600 million in TAFE campuses, we have invested over $16 billion in training – in baseline and new funding – and we have delivered free TAFE so Victorians can afford quality training. Under our government our share of TAFE funding has been above 70 per cent every year since 2019. Under the previous government it fell below half. And the job is not done. We must protect public TAFE from more Liberal cuts. We must make it law that TAFE funding never again falls below 70 per cent and that free TAFE cannot be abolished. That is exactly what our free TAFE bill will do, because Victorian

families deserve public education that they can rely on – a public TAFE system that cannot be cut. Only Labor will deliver this.

Written responses

The PRESIDENT (12:38): Minister Erdogan will follow up, under the standing orders, Mr Bourman's questions to the Minister for Police and Ms Purcell's questions to the Minister for Racing, and the Treasurer has committed to Mr Limbrick to get more details for him regarding his questions.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:39): (2158) My question is to the Minister for the Suburban Rail Loop. Minister, how is the Allan Labor government investing in new facilities in Highett and Cheltenham through the Suburban Rail Loop project? I am pretty excited because a world-class skate park is coming to Highett, all thanks to the SRL project. The skate park is being designed by a head judge of Olympic skateboarding – Renton Millar, a Cheltenham local – and will act as an anchor for the major transformation of Sir William Fry Reserve as part of the SRL project, including through a new multisport court, pickleball court, off-leash dog park, new trees, more greenery, new cycling paths, better lighting, better facilities and better amenities for locals. That is what the Allan Labor government is delivering to local communities.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:40): (2159) My constituency question is again to the Minister for Environment, and it concerns the upgrades to the Greenvale Reservoir Park. After a decade of neglect, and thanks to my advocacy, we were able to force the Labor government to finally open Greenvale Reservoir Park after they put out a press release in 2017 promising its reopening and left it languishing for years and years and years. They have finally reopened the park, but I have received literally hundreds of comments from the community expressing their frustration. I will give you a bit of an example: 'little more than a neglected leftover area', 'a huge disappointment', 'not like it used to be', 'my backyard is better than this' and this is 'quite embarrassing'. Will the minister break with Labor precedent, finally listen to my community and deliver the basic recreational facilities that were promised and are deserved?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:41): (2160) My question is for the Minister for Environment. Just as this Parliament legislated to create the Wombat–Lerderderg National Park in my electorate, residents felt a sense of deja vu. In October of last year, Forest Fire Management Victoria resumed their industrial-scale storm recovery timber removal program, better known as salvage logging, in the Wombat forest. This is not just removing a couple of fallen logs. FFMV uses the exact same contractors, same trucks and same heavy machinery as VicForests once did. Australia's leading forest ecologist Professor David Lindenmayer has described salvage logging as having massive and long-lasting impacts on the biodiversity and ecological values of forests. There are also real concerns that these operations intensify rather than reduce the risk of bushfires through the production of fresh, drier fuels. These concerns were shared with the government in expert advice that they commissioned and have ignored. Is the government confident that these operations are actually reducing the overall bushfire risk?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:42): (2161) My question is for the Minister for Agriculture. Minister, how is the government supporting agricultural shows in regional Victoria? It was great to be on the Labor stall at the Korumburra Show on the weekend talking to locals and community group leaders about the investments we have made in Korumburra and South Gippsland

and about the future needs for their communities. It was packed with rides, sheep, cows, jams, cakes and all sorts of baked goods. Congrats to the Korumburra and District Agricultural and Pastoral Society at the showgrounds and Danial and Shirley and all the volunteers. It was a fantastic day. The weather was absolutely cracking. It was great to see so many turn out in what I believe was potentially a record-breaking turnout.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:43): (2162) My matter today for my constituency question is for the Minister for Energy and Resources, and it concerns the large number of high-rise, high-density developments that have been singled out for Southern Metropolitan by the government's plans, stripping away council controls and stripping away community input, for high-rises of up to 16 and 20 storeys in some places. I ask the minister: with respect to the zones that have been identified in Southern Metro, what plans are in place to fund or provide the additional energy that will be required for these zones? Is there a plan? Where can I see that plan for any of the particular locations? Will there be an additional provision? Where is that plan, where can I see it and how much will it cost?

Tom McIntosh interjected.

Renee Heath: On a point of order, President, I just wonder if you should draw Mr McIntosh's attention to the fact that he is not allowed to point and is not allowed to interject unless he is in his own place.

The PRESIDENT: I did not pick him up on his being in the wrong place, but you are 100 per cent right. I uphold that point of order.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:45): (2163) My question today is for the Minister for Transport Infrastructure. Minister, at a community forum I hosted regarding the North East Link it was quite apparent we heard about serious concerns that the community have regarding the immediate and long-term health impacts of this toll road project and its construction sites. The community have loudly expressed that they feel like their concerns for their health are not being taken seriously, and they want assurance that the project is monitoring these community impacts. The dust and grime that is churned up by this construction is impossible to ignore, and it is deeply concerning for many people who live close to the project. The community want to know that this dust is not causing them long-term harm. Minister, what work is being done to ascertain the ongoing health impacts of the North East Link Program, particularly in relation to respiratory health?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:46): (2164) My constituency question is to the Minister for Public and Active Transport. We have had significant changes to train timetables but not through my electorate in Box Hill and Glen Waverley. In the 1970s we enjoyed a frequency of 20-minute train services. They are now 30- and 40-minute train services. This is particularly important because the Belgrave and Lilydale corridor is the second-busiest line in the state's network. Existing residents do not have adequate services, yet the government is pushing for high-density development around stations. We do not have the services to match; we seem to be in fact going backwards. I ask the minister if she could assure my community when we can expect improved services on our lines.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:47): (2165) My question is for the Minister for Public and Active Transport. Schoolchildren in my electorate are being forced to stand for lengthy journeys on public school buses, which is an enormous safety risk. My constituents are reporting that buses servicing the area in my electorate are not meeting enrolment growth and are frequently leaving children to stand alongside many other students on their long journey to school each day, for some of them a full 40-minute journey. This is not a matter of discomfort or inconvenience, it is an urgent

safety matter. Local media last week reported that buses in the Geelong region with 50 seats are regularly carrying up to 72 students, with much of the journey hitting 80 kilometres per hour and some stretches of road with a speed limit of 100 kilometres per hour. Minister, with the City of Greater Geelong already committing to being an active participant in addressing these failures, what steps is your government taking to ensure adequate services to meet enrolment growth and the safety of children taking public transport to school in the Geelong region?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:48): (2166) A paraplegic constituent of mine contacted me at my office in severe distress. He lives in Monbulk, and he was told that Ambulance Victoria plans to remove evening ambulance coverage from Belgrave and Emerald. For this man and many other vulnerable people in the area, this is not just an inconvenience, it is a threat to both their safety and, at terrible times, their life. My question is for the Minister for Ambulance Services. Access to ambulance coverage is critical if we want people to remain healthy and safe, so my question is: what is the justification for leaving my constituents at increased risk with decreased coverage?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:49): (2167) My constituency question today is for the Minister for Emergency Services, and my constituents ask when the Benalla and district CFA will receive desperately needed updated appliances. The Benalla and district CFA is made up of 19 local brigades. Across those 19 brigades are 21 appliances. Of those 21 appliances, 13 tankers and one pumper are operating beyond their recommended service life, and 14 out of 21 appliances are no longer fit for purpose, according to CFA volunteers. Each tanker costs approximately $550,000 on average; that is all. When you look at how much this government has spent on passion projects, the cost of replacing these appliances barely makes a dent in the state's budget, but it will make a huge difference to the crews manning them. CFA volunteer safety should be one of this government's highest priorities, especially during the bushfire season. Appliances that are beyond their recommended service life may not provide the protection and capabilities of new modern appliances. Minister, my constituents ask when the Benalla and district CFA will receive desperately needed updated appliances.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:50): (2168) My constituency question is for the Minister for Planning regarding the old Footscray Hospital site, with the new hospital opening yesterday. Victoria has the highest property burden in the nation. It currently leaves 56,234 Victorians awaiting social housing. A resident has approached me about the future use of the old hospital site and how it could assist the urgent need for crisis accommodation. Could the minister please update my constituent on the government's plan for the old Footscray Hospital site? The Footscray community has expressed plans to prioritise this site for more public and affordable housing, open spaces, green spaces and community facilities. Will the minister listen to my community's needs?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:51): (2169) My constituency question is for the Minister for Transport Infrastructure, and it asks: Minister, why have you failed to genuinely consult councils and industry on the removal of the Sunshine regional link crossovers as part of the redevelopment at Sunshine station? In my electorate the mayors of Southern Grampians shire and Yarriambiack shire have written to members of the opposition expressing deep concern about this proposal. If enacted, they believe that more industrial rail would be funnelled via the already congested Geelong–Werribee line. It would also force rail freight operators to travel an additional 47 kilometres, increasing train cycle times and fuel and crewing costs, or force more freight onto our crumbling and congested roads in Western Victoria. Minister, will you consider maintaining the crossovers and installing new rail signalling systems and pathways to keep our state moving?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:52): (2170) My question is for the Minister for Roads and Road Safety. Why has the minister not released the final designs for the High Street and Urquhart Street intersection in Woodend? I have repeatedly called for the government to make vital safety upgrades to the intersection of High Street and Urquhart Street in Woodend, but the Allan Labor government has failed to show any urgency in starting the work. In December last year the minister told me that detailed design was nearing completion. Late last year the department's webpage for the project stated that final designs would be complete in late 2025 and would be shared on the webpage when they were finished. But I checked again this morning: no designs are available and the completion timeline has been quietly removed. The minister must confirm whether the designs have in fact been finalised and release them for public exhibition.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:53): (2171) My constituency question is for the Minister for Water on behalf of flood-affected residents of Junortoun. Recently I visited local residents who have been badly impacted by floodwaters following increased property development in the area. Among these residents was a 94-year-old lady who woke to ankle-deep water in her home. Another family spent 12 months in temporary accommodation and then a caravan on their property while their home was repaired. With limited drainage and blocked culverts, creeks and waterways, just 20 millimetres of rain is enough to cause flooding to existing properties. Several property developments have been approved by local council, with no effective flood mitigation plans, and excess water has been channelled under the McIvor Highway into Splitters Creek without consulting local residents. Locals are concerned that poor infrastructure planning is causing flooding and damage to private property. I understand that the catchment management authority intends to do a detailed flood study in Junortoun, but more developments are underway. I ask the minister to address these issues and respond to the concerns raised by residents.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:54): (2172) My constituency question is on behalf of David and is for the Minister for the Suburban Rail Loop. Minister, why are industrial-scale diesel generators operating 24 hours a day, allegedly to keep bright security floodlights over the construction site of the Suburban Rail Loop opposite Christway College in Heatherton, when it is reported that zero workers are visibly present and working during the early hours of the morning? It is compromising the health and wellbeing of residents by keeping them awake with an irritating and disturbing, ongoing humming noise. Not only are residents' sleep and wellbeing being affected, but running these generators unnecessarily also represents a waste of public funds, resources and energy. Inaction on changing this demonstrates this government considers it acceptable to impose both a health burden on the community and a waste of money and resources for what appear to be Labor optics and administrative convenience.

Sitting suspended 12:55 pm until 2:02 pm.

Bills

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

Second reading

Debate resumed.

John BERGER (Southern Metropolitan) (14:02): Of course when someone is capable of providing informed consent, the choice should be theirs. Further, under this bill parents will continue to be able to make decisions that they believe are in the best interests of their children. To help them know, they will be provided with more information and more support as they make that decision. We are also implementing changes, such as the use of oversight committees, to ensure that parents can feel secure

that the treatment processes they choose will be as safe as possible. This is important because parents are not doctors and rely on experts who they trust to provide them with advice on these sorts of decisions.

Part of what the bill does is it ensures that the relationship of trust between doctors and patients and parents of patients is supported. The option to follow an individual treatment plan or a general treatment plan, depending on the needs of the situation, will ensure that decisions on what path to take will be made based on the evidence of what works in the relevant situation. Additionally, the importance of the oversight and the expertise, particularly in the creation of individual treatment plans, is recognised and accommodated in this bill.

To summarise, this is a bill which is important for a number of reasons. While it may only affect a very small number of people, for those who it does affect, it does so profoundly. What we are doing with this bill is ensuring that we legislate for the small number of people who are born with variations in sex characteristics which are covered under this bill. We do so with the same values as we legislate for everybody else. In particular the bill relates to the importance of equality, personal choice and consent. It implements informed consent safeguards into the system, ensuring that individuals and families can receive expert advice from trusted sources so that they can be confident they are making the right decision for themselves or their children. It creates an independent oversight panel to ensure accountability and to ensure that decisions are always made in the best interests of the children whom they affect. It facilitates the creation of treatment plans, both individual and general, to address a wide variety of situations and medical needs, ensuring that medical evidence and expertise are always the basis of any procedure which is undertaken. It also creates a penalty of a potential two-year jail term for intentional or reckless provision of a restricted medical treatment to someone who does not have the capacity to provide consent.

In doing these things, the bill provides greater dignity and greater acceptance to those who are born intersex. It reaffirms our values as a government and as a state that people who are different deserve the same dignity as everybody else. We hope that the passage of this bill may provide some small solace and comfort to those who live with the negative effects of the sorts of unnecessary or irreversible medical treatments for which they never provided informed consent. As someone who is not personally a medical professional, I think it is important that this bill has emphasised the importance of evidence, expertise and oversight, allowing doctors to do their job according to their medical best practice. Further, this bill emphasises the importance of trust relationships between patient and doctor and that maintaining trust in the medical system more broadly is key to providing better public health outcomes. The passage of this bill would mean that individuals born intersex and their families will be better able to trust the medical system and look to it to always pursue outcomes which are in their best interests. Therefore I commend the bill to the house.

Ryan BATCHELOR (Southern Metropolitan) (14:05): I am very pleased to rise to speak on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. The purpose of the bill is to lay the platform to create new health safeguards to better protect people, particularly children or infants, with variations in sex characteristics from harm – a simple piece of equality giving people born with variations in sex characteristics the same autonomy over their body as everyone else. To those who have campaigned tirelessly for this change, the government has listened and brought the bill before the Parliament. People with variations in sex characteristics are born in a body that does not possess traits typical of being either male or female, in about 1.7 per cent of all births, and these can occur in reproductive organs, chromosomes or hormonal traits. Many do not require medical treatment but at a young age undergo treatment to make their body appear more typically male or female.

The reforms encapsulated in this bill reflect a commitment the government made following the release in 2021 of the *(i) Am Equal* report by the Victorian Intersex Expert Advisory Group. Other reports, such as Equality Australia's *The Missing Voice* report, released in December last year, have also provided valuable contributions to this policy area. We have also heard firsthand from people who have been affected by surgeries, which were often unnecessary. The latter report found that a

considerable risk of harm from these medical procedures remained for children. These can include sterilisation, pain, impaired sexual function, trauma or the need for further treatment. But these changes are not just about physical risks to children; they are also about choice. Consistently in this area we have heard from people who have had medical procedures inflicted upon them that they would have liked the autonomy over their bodies to choose. Too often in cases of people born with variation in sex characteristics, children undergo cosmetic procedures to make their body appear more male or female and this is not a choice that they have made – children are unable to give their consent but one of their parents has.

Being born intersex can present challenges too, of course, and not least for parents who just want the best for their children. It is about giving parents the correct information that they need, and through this bill parents are going to have access to more information and support. It will enable better healthcare outcomes and support informed decision-making. Children born with variations in sex characteristics and their families deserve accurate information and access to peer and psychosocial support. These reforms will deliver that.

The bill supports parents with their responsibility as medical decision-makers about treatments that can have significant and long-term consequences for their child. The bill supports better medical treatment decision-making for people born with variations in sex characteristics through four key mechanisms in the bill: informed consent safeguards, the establishment of an independent and expert oversight panel, better treatment plans and a prohibition with consequences for noncompliance.

In relation to consent, the bill empowers people with variations, supports parents to understand and explore treatment options and provides doctors with clearer guidelines and protection from some decision-making risk through independent oversight. Informed consent is required before a person receives any medical treatment. If someone is under 18, it is up to the treating doctor to assess their capacity to give informed consent, and usually in these cases a parent or guardian is the decision-maker unless the child is assessed as capable of giving informed consent themselves. The proposed informed consent safeguards do not change existing law regarding those who can make medical treatment decisions, but what these informed consent safeguards will mean is that doctors provide parents with easy-to-understand information about their children's variation and treatment options, including the impact of no treatment.

The expert panel introduced through the bill does not replace parent decision-making. Parents must still give consent for treatment. But what it will do is provide a framework for the best possible treatment plans and health outcomes. The bill provides for the deferral of permanent or difficult-to-reverse treatment until the person with a variation can give informed consent, unless the treatment is approved by an expert panel with a chair, a deputy chair and a pool of ordinary panel members with demonstrated expertise, including specialist medical practitioners, mental health experts, human rights experts and, importantly, people with lived experience of variation in sex characteristics. The panel will give support to parents and doctors and provide clear guidance. Importantly, the bill will still enable people to access the treatment that they need. What it does is provide a structure for choice and a structure for better health outcomes for people with variations in sex characteristics, for intersex people, and that can only be a good thing.

Moira DEEMING (Western Metropolitan) (14:11): This bill is built on a bunch of principles that I have long, long advocated for. I think it is very overdue that we deal properly in this state with the issue of performing irreversible medical procedures on children to alter their sex characteristics, knowing that they cannot consent, especially in light of some of the reasons not being medical necessity. It is wrong to do that to children. It is wrong to transfer onto children an adult ideology or some kind of adult shame or some kind of societal inability to handle the fact that children's bodies are not theirs to do with as they like.

Children as a class cannot consent, in my opinion. I notice that this bill, like so many other bills from this government, is very vague around the idea of what is age and what is consent. We have talked

about mature minor policies. We have got Gillick competency, and now we have got this new third standard. They are all applicable in all these different circumstances in different ways. I was very pleased to hear everybody acknowledge these facts in this chamber, even though I was surprised because I thought saying things like that was somehow wrong after all the abuse that many, many people have gone through.

I was also surprised and pleased to hear a very clear line being drawn between intersex people and people with distress about their gender. I found out in the last few years that one of my friends, who I have been friends with for over a decade, is intersex, and it was absolutely shocking to me that it took her so long to tell me. I did not understand just how painful that was. I understood in theory, but I did not realise why she was one of my biggest, most fierce advocates on this kind of thing. It was because she was going through it right beside me, one of these people that I was advocating for. I am very, very, very pleased to hear that we are going to be looking after these people properly from now on.

As you would know, on our side we have concerns about the bill. We have concerns about unintended consequences when it comes to delivering the treatment. But I do want to say – credit where credit is due – the government has basically acknowledged some very, very important precedents. I will have my questions in committee. I do not know if I am allowed to mention this, so I will just not mention the name. But a person who is intersex believed what they had read about people like me who advocate for child safeguards for every child – these same safeguards. This person, after reading this bill and looking into me, actually realised that I was on their side from the start. So this has been a wonderful opportunity, actually, for a lot of people in society to have very important conversations about it and to have them well.

You are correct that informed consent requires capacity, full disclosure of risks, the understanding of permanence, awareness of alternatives and freedom from coercion and shame. Interventions that irreversibly harm or alter a child's fertility, future sexual function, identity development, lifelong medical dependency, psychological evolution and all those kinds of things – people are worried about those for all children.

This bill also deals with parental rights, another issue that I was very pleased to hear the government pay respect to, because parents are the primary decision-makers in paediatric medicine and in all things when it is their children. They love their children, and as you have all said here today, they need doctors to give them the very best evidence-based advice. I agree with the principle of deferring, where the child can consent for themselves later in life. I agree that we should do no interventions unless they are medically necessary and medically proven. But as we have said, we think that this bill actually undermines parental rights as well.

I apologise for flicking my notes. I just spent the morning taking my mother to one of our public hospitals here in Victoria, because they drugged her up, put a needle in her arm and then let her loose.

I worry about this bill in terms of adding another layer of bureaucracy upon decision-making for these medical interventions. I wonder: if these medical interventions are based on evidence, we have got Gillick competence and we have got parents involved, why are there all these different pathways? Why are there all these different models of consent when it comes to children in this state and when it comes to psychological and medical intervention? I have concerns about the inconsistency. But perhaps that will be explained to me in committee stage.

I have since had a deeper look into some of the consequences of the intersex condition of my very dear friend, and it is very sad. It is not something that can be chosen and it is not an identity, but it does impact every area of her life. We have all heard the stories about what was done in the past to children with intersex variations. We have heard even worse horror stories, where there was – and there is sometimes – a kind of parent who did not put their own child's best interests first, but that kind of accusation is a high bar to level at a parent.

I think when it comes to child safeguards and childhood medical intervention, we need to have consistent, clear standards. All the principles that have been articulated here in this bill are good and sound. Deferral being codified as protective – that is a good idea. Irreversible treatments without capacity, without medical evidence, being criminalised – we all agree with that. That stigma cannot justify these irreversible interventions – we all agree with that.

Some medical interventions with intersex cases suppress endogenous hormones, alter endocrine pathways, affect fertility and alter the development of sex characteristics. Here are some medical interventions that are legal in minors with gender distress: suppressing endogenous puberty, altering endocrine pathways affecting fertility and altering the development of secondary sex characteristics. My biggest query is why one group of children seems to me to have a much lower standard of care.

Rachel PAYNE (South-Eastern Metropolitan) (14:21): I rise to speak on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025 on behalf of Legalise Cannabis Victoria. Firstly, I would like to acknowledge all the lived-experience advocates and stakeholders who are here today and thank them for their engagement and sharing their experiences with me and my colleague David Ettershank. I particularly want to thank Tony Briffa, M, Dr Sean Mulcahy and Anna Brown from Equality Australia, as well as LGBTIQA commissioner Joe Ball. Thank you so much for your engagement and sharing your stories.

More people are intersex than many people realise. Roughly 1.7 per cent of babies are born with some form of variation in sex characteristics, about the same percentage of people born with red hair, so not as uncommon as many in society think. Variations in sex characteristics may include variations to reproductive organs, chromosomes or hormones – basically, variations that do not fit the typical definitions of male and female. People born with intersex variations have experienced harm and trauma through inappropriate and unnecessary medical interventions for far too long. Many think that invasive and unnecessary medical procedures for intersex kids are a thing of the past, but this is unfortunately not the case.

In December last year Equality Australia published *The Missing Voice*, a report on ongoing medical interventions on intersex children. This report identified that intersex children remain at risk of medical interventions that could be deferred until they were old enough to consent for themselves. This risk arises for many reasons, often unbalanced and non-medical, without proper consideration of the potential harm decisions to medically intervene may cause. This can be driven by stigma and cosmetic considerations to justify intervention, which are highly invasive procedures and can require multiple follow-up surgeries, can cause loss of sensation and may not align with the child's future identity. Another driver for these kinds of interventions is to reinforce gender, forcing alignment of the development of a child's body, along with what they believe will be their gender identity based on chromosomes, hormones or a genital appearance. These decisions also present harms, creating situations where a person's physical characteristics can become discordant with their gender identity, leading to gender dysphoria.

Equality Australia's report found that another factor was an unbalanced assessment of medical risks, whereby risks presented to parents can be overstated. Contexts can be missing, as can an appropriate weighting of risks alongside the potential long-term harm of invasive surgeries. This leads to more interventions than medically necessary. For instance, some procedures may be recommended to lower cancer risk, but it could also result in a loss of natural hormone production and result in a person requiring lifelong hormonal replacement therapy. Alongside this, they face increased risks of osteoporosis or cardiovascular disease and other long-term health complications. Most significantly, intersex people can be permanently sterilised before they can understand what fertility means or express any preference about their reproductive future.

Finally, this report discusses parental distress and confusion as an influencing factor. Often these children are so young that the best interests of the child become the best interests of the parent who is making a decision for them. At times this decision can also be counter to the advice of doctors. The

existing system fails to deal with these drivers of poor outcomes for intersex kids, and it also fails to have a robust, independent framework for resolving complex cases and proper documentation practices. This is particularly vital where there may be clinical disagreements, issues of weighing harm and the absence of diverse lived and professional experience to guide decision-making.

The bill before us today establishes new health safeguards and oversight and reporting processes to protect people born with intersex variations in sex characteristics, particularly infants and young children. It includes informed consent safeguards, an oversight panel, treatment plans and prohibitions with consequences for noncompliance. The legislation will not affect urgent interventions needed to save a life or prevent serious harm, but under the changes all other procedures and treatments would be reviewed by a new independent oversight panel. If the panel recommends treatment, parents must consent on behalf of a child who cannot, while children judged capable of making their own medical decisions can consent themselves.

The bill also creates a legal framework to protect people born with intersex variations from harm by establishing informed consent safeguards to ensure that people with intersex variations are told of treatment options and have access to peer support and counselling to make informed decisions. Where they have capacity to give consent to treatments, they will be able to do so. Where a person cannot give consent, an oversight panel would need to approve treatments before parents or guardians can give consent to treatment. The independent, legislated oversight panel will ensure that irreversible decisions are properly considered. There are consequences for noncompliance – for example, a clinician who does not meet informed consent obligations can be referred to the Australian Health Practitioner Regulation Agency for unprofessional conduct. The maximum penalty for the most serious, intentional or repeated breaches is set to be two years imprisonment or 240 penalty units.

The proposed reform will be supported by improvements to the model of care; enhanced data collection to provide better statistics on variations and procedures; and resources, guidance and education. These changes bring Victoria in line with the ACT, which banned non-consensual medical procedures on intersex people. Internationally, Malta, Germany, Greece, Spain and Portugal also have laws prohibiting these procedures.

The bill gives effect to the commitments outlined in the 2021 strategy report *(i) Am Equal: Future Directions for Victoria's Intersex Community*. Importantly, this report, released in 2021, was informed through consultation with lived-experience stakeholders, including the Victorian Intersex Expert Advisory Group and intersex support groups, as well as medical, legal and surgical stakeholders like the Royal Children's Hospital, Monash hospital, the Human Rights Law Centre and the Royal Australasian College of Surgeons, as well as others. These are important and overdue reforms, and Legalise Cannabis Victoria is proud to support this bill.

David LIMBRICK (South-Eastern Metropolitan) (14:28): I am also pleased to talk on the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. I will start by acknowledging that I am supportive of the overall intent of this bill put forward by the government to prevent people undergoing permanent procedures unnecessarily without being able to provide informed consent. Indeed I do not actually have objections to what they are trying to do there. My main concern with this bill, though, is other people being swept up in this where treatment is not particularly controversial. For people with sex chromosomal variations such as Turner syndrome, it has actually been brought to my attention – I met with the Australia and New Zealand Society for Paediatric Endocrinology and Diabetes – that the treatment for this type of condition is fairly uncontroversial and well understood. They were concerned that it would be swept up into this framework and that it would actually delay and make more difficult them being able to access treatment for their condition. So I am concerned about that.

I am also concerned about the possibility of unnecessary bureaucratic delays being caused by this. For those people who now would access treatment that is fairly uncontroversial, having to potentially go through panel processes and have these treatment plans drawn up – I am concerned that that might be

a barrier, considering the large number that might be required. I note that in the ACT there have been very few of these plans, and I am concerned how many might be necessary in a larger state like Victoria. I also have some concerns around the make-up of the panel. It is my view that if we have a panel like this, the people on the panel – if we are going to mandate qualifications – should have medical qualifications. But nonetheless, that is the concern.

These concerns aside, I applaud the attempt by the government here, but I do have some questions for committee. I am sure others are probably going to be asking the same questions. I am hoping that some of these questions can be figured out in committee and we will get some answers on these, because I do think that sweeping up a group of people into this type of reform unintentionally may be a very serious negative consequence of this bill. I hope that that actually is not the case.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (14:32): The Victorian government thanks everybody for their contribution in this second-reading debate for the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025. The Victorian government committed to introducing an intersex protection system in 2021 as part of the *(i) Am Equal* report, which was developed by the Victorian Intersex Expert Advisory Group. I just want to note that Tony Briffa was co-chair of this group, and I also want to thank Tony for the ongoing advocacy and openness in sharing her experiences. Thank you, Tony.

This commitment is on the back of more than 20 years of campaigning and advocacy for people born with variations in sex characteristics to have the same bodily autonomy as everyone else. This has been backed up by human rights organisations and numerous national and international reports and studies. This legislation recognises the experiences of people born with variations in sex characteristics who have shared their stories of medicalisation, trauma and resilience. Victoria will be the first state and the second jurisdiction in Australia to enshrine safeguards for people born with variations in sex characteristics into law. Parents of children born with variations in sex characteristics will have access to more information and supports through this bill. This will enable better healthcare outcomes and support informed decision-making.

The bill will not stop people from accessing treatment that they need. Treatment that is primarily cosmetic would be deferred until the person can weigh the risks and benefits and make decisions about what happens to their body. The panel will approve treatment that addresses or prevents significant physical or psychological harm if there is not a less restrictive alternative, and people who can give informed consent can continue to access any treatment they want without additional approval. Urgent medical treatment that saves a person's life or prevents serious, significant damage to their health will proceed without any additional approval. I recognise the many decades of advocacy and activism from people born with variations in sex characteristics who have led us to this point today.

Ms Crozier raised some concerns from particular bodies, such as the AMA and the Royal Australian College of General Practitioners, and these include concerns regarding criminal prosecution and the role of the panel. Ms Crozier has moved amendments relevant to these concerns. I just want to place on the record that the government will not be supporting these amendments, as we believe that the elements of the bill, including the incredibly high bar for criminal prosecution, address these concerns. In addition, feedback from clinical stakeholders, including the AMA, was taken on board and resulted in clinician feedback being reflected throughout the bill. The offence only applies to the most egregious breaches, not to doctors acting in good faith.

The oversight panel draws on clinical expertise. For example, clinical members of the panel must be registered doctors with expertise in variations in sex characteristics. Where possible, the panel assessment committee will have expertise relevant to the treatment plan under consideration, and the assessment committee must seek advice from an independent expert whose expertise is relevant to the treatment plan under consideration. Panel oversight expressly requires the need to address clinical urgency to minimise delays to care. Existing medical definitions have been used where possible, such

as 'urgent medical treatment', to align with established practice and to reduce risk of confusion. I understand that a number of members of the opposition and some of the crossbench will have questions in committee, which I will be very happy to follow up in committee, but I do commend the bill to the house.

Council divided on amendment:

Ayes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): 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, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:44)

Rikkie-Lee TYRRELL: Minister, I have heard concerns from Australian X and Y Spectrum Support and the Australia and New Zealand Society for Paediatric Endocrinology and Diabetes that this bill could delay treatments for people with sex chromosome variations such as Klinefelter syndrome and Turner syndrome. How will this bill impact the vital hormone treatments for people with sex chromosome variations, and can you assure them that it will not delay their treatments?

Ingrid STITT: I can confirm that the bill and the architecture that will flow should the bill pass the house today will not delay care, particularly care that is of an urgent nature. I can be more specific if you want me to go on, but the bill does not delay care.

Georgie CROZIER: I will come back to Ms Tyrrell's question, because we were discussing it earlier and I want to explore that a little bit more. But can I just ask, first of all: with the *(i) Am Equal* report, I understand a number of medical professions were consulted. It has been said to me that they are not reflected in this report. Is there a reason for that?

Ingrid STITT: The formulation of the bill, Ms Crozier, is the result of over five years of consultation, and a range of clinicians and peak bodies were consulted as part of that process. I am just getting my hands on the detail of the number of submissions that were received as part of the most recent consultation. Just bear with me one second.

There has been extensive stakeholder engagement, as I indicated, which has occurred over more than five years, and that has included consulting directly with people born with variations in sex characteristics, specialist clinicians and health services, health sector peak bodies and professional groups and also experts in law, regulations and human rights and equal opportunity, including the Victorian Equal Opportunity and Human Rights Commission and Better Regulation Victoria. As I mentioned in my second-reading summing-up, there were the advisory groups, in particular the taskforce that I referred to, 205 responses to the Engage Victoria survey, seven facilitated workshops and one-on-one interviews to capture lived experience with clinical health regulation and legal expertise. In late 2024 the Department of Health undertook further consultation with key stakeholders just to test and secure consensus on the model that was being proposed in the development of the bill. That included, obviously, clinicians and peak bodies.

Extensive and genuine consultation has most definitely occurred in the development of this bill, and we are confident that we have also picked up some of the issues that clinicians have been raising, particularly when it comes to the offences section in the bill. We have applied that to only the most egregious breaches, not to doctors acting in good faith. The oversight panel draws on clinical expertise. For example, clinical members of the panel must be registered doctors with expertise in variations in sex characteristics, and where possible, the panel assessment committee will have expertise relevant to the specific conditions that are being considered under a treatment plan. The assessment committee must seek advice from an independent expert whose expertise is relevant to the treatment plan under consideration. There has been a range of consultation over a long period of time with the sector.

Georgie CROZIER: Minister, you mentioned the egregious breaches and the criminality element. I will come to that when we get to that clause. What number of complaints has the department received around breaches of that significance over, I do not know, the last five years, since you have been consulting?

Ingrid STITT: I just want to clarify what you want me to go to here, Ms Crozier, because obviously the bill is not in place. There will be a three-year transition period for the bill to be commenced, so it is that particular –

Georgie CROZIER: What I am trying to ascertain is around the consultation. You mentioned egregious breaches and that you had consulted on that. I am wondering how many egregious breaches have occurred in the last five years, given you have been consulting. What are those numbers and what is the department aware of?

Ingrid STITT: What I was referring to there was the way in which the bill has been drafted in respect to what would constitute a breach under this bill. In order to trigger that aspect of the bill, it would have to be the most egregious cases. Are you talking about, across the health system, how many cases have been egregious? No. That is what I meant when I talked about that. It is so that a doctor acting in good faith would not be captured by the penalties in the bill.

Georgie CROZIER: I appreciate that. I think it is just an important clarification. I suppose the reason I am asking this is you said in your summing-up there is a high bar. I have made my position clear that I do not think this needs to be in the bill. That is why I am moving an amendment regarding removing clause 7 around the criminality element. I am just wondering. You have said egregious breaches occurred and now you are saying if it comes into play, that is around if that happens. What I am asking is: is the department aware of anything that would have happened in the last five years, during the consultation period, for you to say that is why this needs to be in the bill? I am asking on how many occasions that has occurred that you are aware of.

Ingrid STITT: Essentially I think what you are asking is if there is proof that there are harmful practices still occurring in this area of health care. Yes. A 2025 Equality Australia report found that Australian children remain at risk of harm from medical procedures that could be deferred until they are old enough to give informed consent. Across 83 cases they found repeated instances of treatment being informed by non-medical considerations such as cosmetic concerns and parental confusion or distress, and this can result in treatment to normalise a child when monitoring would have been more appropriate. There was also an earlier survey of 272 Australians with variations that found that 60 per cent had undergone medical treatment related to their variation, including hormonal treatment and genital surgery, and about 60 per cent, or more than half of all treatments, were performed when these people were under the age of 18. This included genital surgeries on infants and children under five. The survey also found that 42 per cent had thought about, and 26 per cent had engaged in, self-harm. This compares to an 8.8 per cent lifetime rate of self-harm in the Australian population. I think that is a demonstration of why there is a need for this bill and the fact that in the absence of a strong framework there is proof that harmful practices are still occurring.

Georgie CROZIER: I am aware of that, but those are Australia-wide figures. I am just wondering about the Victorian context. Have we got a breakdown of those figures? That is why I was just asking.

Ingrid STITT: It would appear that we do not have a breakdown for Victoria. They are Australian figures.

Georgie CROZIER: In the *(i) Am Equal* report, the report talks about a number of things, including resourcing. I think it is very relevant to have inclusive information and information that is provided to the community and affected parents and others that are caring for children and young people that may be implicated. It also says that there is a proposal for a statewide community-managed intersex health and wellbeing centre or service or clinic. Will that be run out of the Children's hospital or Monash? Will it be a standalone clinic? What is the proposal there and what would that look like? I understand there are going to be other services and support put in place, but when will that take place and when will that occur?

Ingrid STITT: I do not believe that that is in the scope of this bill, but I will seek some advice from the box about that particular service that you are asking about.

That particular clinic that you referred to and were asking about, Ms Crozier, is not part of the scope of the bill, but there is an important need to make sure that families and people who are seeking treatment plans, particularly children, have access to those wraparound supports, those psychosocial supports and the provision of information so that families understand what their care options are. There is certainly work going on in making sure that we have those wraparound supports available for patients. There are also very well established clinics out of the Royal Children's Hospital, which I am sure you are very well aware of. Also the model of care more and more is multidisciplinary teams, which I know you will also be aware of. There are tailored resources that the department will be establishing. Families and people with lived experience will be supported through educational sessions and tailored resources. They will also be supported to understand the changes by expert peer, family and psychosocial supports and their treating clinicians. These health professionals will receive tailored training to equip them to provide this support. Finally, families and people with lived experience will be able to submit general treatment plans for the panel's consideration, providing further opportunities to contribute to and gain clarity on the oversight processes.

Georgie CROZIER: Minister, I think a large of amount of what you have just said is going to happen already happens around multidisciplinary teams and a range of clinicians managing these complex cases. That is my understanding from talking to clinicians. That is why I am asking, because it is in this document that you referred to about the consultation. Certainly the departmental reasoning for this bill comes from this document. With all due respect, I think that these questions are relevant so that we have got a bit of an idea, because in the ACT they have needed to put in additional resources, for instance, to assist with the plans. I am wondering what the government has planned to be able to support the requirements of this legislation.

Ingrid STITT: Which in many ways goes to the implementation considerations – I am sorry; I misunderstood. I thought you were talking about what additional supports would be required. But you are correct. There are already significant supports in place, particularly through the Royal Children's. The Department of Health is obviously undertaking budget planning, and that would be considered as part of the 2026–27 budget process. A lot of the reform, as you say, can be delivered without significant change or significant additional investment by changing and improving the way care is delivered in health services. There obviously would be some changes that would occur as a result of setting up the new panels, but there would also need to be work done with health services to improve the model of care in some circumstances, to strengthen informed consent safeguards, to develop a suite of general treatment plans and to embed those new reporting requirements. The department will work closely, and clinicians will be involved in implementing changes to the existing model of care. They will play a key role in developing the general treatment plans as well. In addition, I have already indicated that there is more work to be done around education and tailored resources, particularly for families.

Georgie CROZIER: I was going to ask: what is the budget, given you are setting up the panel? Has that been finalised?

Ingrid STITT: It will be part of the considerations of the 2026–27 state budget process. As you would be aware, there is a long lead time for the implementation of this change should the bill pass the house today. But the work of setting up the plans can commence almost immediately. The department's advice is that it will not take additional investment to be able to start that work associated with setting up the new architecture of the system.

Georgie CROZIER: I want to go to that point because in the very helpful information pack, I might add, that the government did provide to us it says the oversight panel will begin considering and approving general treatment plans before the legislation commences to provide early clarity for clinicians and families and streamline approvals once the legislation does commence. How will they decide what conditions they will approve treatment plans for ahead of the implementation?

Ingrid STITT: On the work to begin those plans, obviously the establishment of the committees will be step 1, and that will include recruiting for the chair, the deputy chair and the expert panel members. It is envisaged that the work would commence immediately on making sure that those plans account for the general issues that are standard and that clinicians were dealing with quite regularly. As you know, in the provisions of the bill there is a process to approve general or individual treatment plans. With the general treatment plans, a proposal can be submitted to the panel either by its members, doctors or people with variations and/or parents. The panel will also consider submissions from a public consultation process of at least 30 days. Once the panel receives a proposal the chair must appoint an assessment committee to consider the proposal, and the panel assessment committee will seek advice from an independent expert whose expertise is relevant to the treatment plan under consideration. This is the work that can commence immediately after the bill being passed by the Parliament and receiving royal assent as part of getting ready for the implementation of the legislation.

Georgie CROZIER: Can I go to the variations in sex characteristics and the broad definitions. You say you have modelled this on other jurisdictions, or you have looked at those other jurisdictions and you have taken advice from lived experience and others. The ACT, in their variation in sex characteristics, refer to a number of conditions. However, they do have exclusions around bladder exstrophy, epispadias, hypospadias, polycystic ovary syndrome and undescended testes, yet this legislation captures all of those, and there has been concern. I know the government says we have got a general treatment plan for the minor conditions like hypospadias, but I am still concerned why they have to be included in this. We heard from Ms Tyrrell around Turner syndrome. There are other chromosomal abnormalities that could be swept up.

I want to ask a series of questions around this, but first of all I just need to understand from you why it has gone so broad that it is sweeping up conditions that doctors and parents should be able to manage like any other paediatric condition that requires some minor surgical intervention, treatment, care or advice, rather than having a legislative framework overriding that medical relationship with a parent and a child. I am particularly talking about the large majority of the 1500 or so children born under your definition each year that are going to be, I think, unnecessarily caught up in this bill. I understand the more complex cases; I am talking about the minor cases that the ACT has not included.

Ingrid STITT: There is a bit in that, but I will do my best. The language and clinical evidence regarding variations in sex characteristics are constantly changing, so it was quite deliberate to keep the scope as broad as possible in that regard. Many clinicians and advocates advised us that the list of variations would be impossible to implement effectively, so that is why the scope of the bill is deliberately broad. It is to ensure that vulnerable people who need additional safeguards are not excluded. This is balanced by the panel approving very specific general and individual treatment plans, and additional specificity can also be added in regulation if required. I also think that excluding treatments requires careful consideration, and there are existing mechanisms in the bill to help manage scope and prevent delays without resorting to exclusions. This is an example, I suppose, of the wide

variation that can be present. Treatments that make permanent or difficult-to-reverse changes to a person's sex characteristics require that additional oversight, because when they are provided without consent, which is the problem that we are trying to address in the bill, that can result in very serious and lasting consequences, including sterilisation. On the other end of the spectrum, there are some treatments that are intended to be fast-tracked via those general treatment plans – plans which still require oversight, reporting and consistent best practice, while simplifying the approval process. We have been quite deliberate in keeping it broad for those reasons that I have outlined.

Georgie CROZIER: I appreciate the explanation. I do have a difference of opinion on this I think, and it is quite a strong view from me, actually. I do not think it is warranted. I am just really struggling with why the government has included that which can be managed so sensibly between medical practitioners. But I want to go to something which I am sure you are aware of. The minister certainly is, because it was part of correspondence to her. I have got a question around it, and it is one of the points raised by a senior paediatric urologist around the unintended consequences. Distortion of access – in addition to denying timely care and assuming resources will be available later, there are issues with current access to care, exemplified by the foreskin paradox. Currently, under Victorian law, parents can elect to have their son's normal foreskin removed for non-medical reasons. But if that foreskin were to be abnormal, under these legislative proposals there would be significant barriers to care for them to access surgery for him, either to remove or repair the foreskin, for what would be considered medical indications. Why?

Ingrid STITT: Cultural or religious circumcision is not in scope as it is not a medical treatment for a variation in sex characteristics. Victorian public hospitals really only provide medically necessary circumcisions, and since 2007 non-therapeutic circumcisions are only provided in private hospitals and day centres.

Georgie CROZIER: Thank you for that clarification. But the question was: if the foreskin were to be abnormal, under these legislative proposals there would be significant barriers to care for them to access surgery for them, either to remove or repair the foreskin, for what would be considered medical indications. I am saying: why is that included in this legislation when it is relatively minor? It is not a complex case around chromosomal abnormality or the different very complex cases that I highlighted earlier in the day. That is what I am saying around the broad range. I am trying to get an understanding of what you would say to these doctors that are saying, 'Well, this is just an unnecessary barrier.'

Ingrid STITT: Do you mean an unnecessary barrier when it comes to time, or are you saying that the treatment should not be subject to the safeguards that are in the bill?

Georgie CROZIER: It is around the doctor and the parent having that discussion. As I said, if it was abnormal, you are saying that it should be left and allowed to be decided upon later, but there might be some issues around urogenital issues, and that is why often these urologists do proceed with assisting a child with removal of the foreskin, for instance, or the hypospadias example around the urethral opening. They are not uncommon and you have lumped them into this legislation, which I think is onerous and puts up barriers and is going to potentially delay and confuse parents, not help them. You have got these guidelines, but no case can be the same, and I think you are not taking in the individual case by giving a general framework on these cases. That is my point.

Ingrid STITT: The urgent treatment required to save a person's life or to prevent serious damage to their health will not be delayed. There is additional oversight that will apply if a treatment is not urgent and the person is unable to give informed consent. Otherwise, it just comes back to that core principle that people should be able to make decisions about what happens to their own bodies. I appreciate that this is a big change in the way that these things have been managed in the past, but there is a reason for that, and there has been significant consultation around the development of the bill. Treatment on a person's sex characteristics can be uniquely personal and complex. No two cases are necessarily going to be the same, which is why we are proposing the reforms in the way that we are. The model has been carefully designed so that we can continue to work with clinicians, many of

whom are already doing work in principle in similar terms to what the bill outlines. There are important steps and safeguards in there that are necessary, and the bill will not stop people from accessing the treatment that they need.

Georgie CROZIER: I am not going to labour the point here – I am going to move on – but I do not think you understand what I am saying. I am not talking about an abnormal foreskin or a hypospadias being a life-threatening issue. It certainly is not. What I am saying is that it can complicate with urinary infections and really impact somebody's quality of life and way of life. That is why there is intervention. That happens between the medical specialists and the doctor, but you have just lumped it into really complex cases that I understand need to be thought through. It has nothing to do with what you referred to, so I am going to move on in the interests of time, because we are going around in circles.

The AMA, in their feedback provided to the government, was very specific, and I said it in the second-reading speech. They do hold differing views. Nobody is disagreeing with keeping people safe and not wanting untoward surgery. For heaven's sake, no-one wants surgery unnecessarily, I would have thought. Certainly the best interests of the patient should always be paramount, as per the code of conduct that I referred to earlier. I think this is important, because the AMA is the senior peak stakeholder body who have their members coming to them. I do not know that the government has listened appropriately or enough to them, because the members consistently identify the same practical issues. It is the practicality – exactly as I was just describing – around the abnormal foreskin and the hypospadias examples. Their first dot point is:

- breadth and ambiguity of definitions

That is what I meant, and I think the government has got it wrong. The next is:

- risk of capturing common conditions (for example, hypospadias) that require early intervention to preserve long-term function

That is, to prevent ongoing urological issues and infections affecting a whole range of things if it is not corrected.

- proportionality of the criminal offence and potential chilling effects on clinician willingness to practise in this field

That is one of the unintended consequences that I am concerned about, and I think it is a valid reason. This is too blunt an instrument to use in this legislation.

- adequacy of medical representation on the Panel and committees

Again, that is why I am moving that amendment; the feedback is again that the adolescent and paediatric specialists in this area should automatically be included, not be invited on. Finally:

- the absence of mandated timelines
- limited consideration of anticipated psychosocial harm
- the risk of delay, inequity, stigma and loss of clinical capability
- concern that severe sanctions and administrative burden may deter trainees and erode the future workforce

I am just wondering why those very, very significant concerns were not taken on board in more consideration when drafting the legislation?

Ingrid STITT: When we were having an exchange about the consultation that has occurred over the last five years, I did take you in some detail through the way in which the government has taken on board the issues raised by clinicians and some of the representative peak bodies. In terms of the claim that the bill will have a 'chilling effect' on clinicians, as you have just outlined, doctors acting in good faith have got absolutely nothing to fear about this legislation. We know that the absolute vast majority of our clinicians are highly ethical as well as being highly trained, so there is that absolute

acknowledgement up-front. The offence, for those reasons, is carefully worded so that only the most egregious, intentional or reckless breaches are captured by the offence. The offence applies only to a person who performs restricted treatment while knowing or being reckless as to whether the treatment is a restricted treatment and who knows or is reckless as to whether the person had the capacity to give informed consent to the treatment.

Again, I would just reassure you that the implementation will be staged over three years. Doctors will be supported through guidance and training so that they can understand fully their obligations under this legislation. I do not accept that clinicians' concerns have not been captured in the development of the bill. I want to also bring you back to the key driver behind bringing this legislation to the Parliament. It is because of the real experiences of people with variations and the need to prevent further harm, and I think it is a recognition that the way in which these issues are treated by the medical fraternity has moved on significantly, and so it should. We are bringing this bill forward to be a contemporary framework to support that work.

Georgie CROZIER: Look, I could not agree with you more. I think we have moved on – and I said that – from 20, 30, 50 years ago, when medical practice with all good intent made a knot of being in the best interest. I have certainly spoken to some of the advocates and people with lived experience, who have shared their really personal stories and have said, 'If we'd had better guidelines.' I completely understand that; I am not concerned about that element of the bill. What I am concerned about is how other things are being swept up in the bill, and that is where I think we have got the difference, not with the very real concerns that people have around being able to put their position forward. I wanted to make that clear. I do not have any further questions.

The DEPUTY PRESIDENT: Ms Crozier, I ask you to move your amendment 1, which tests your amendments 2 to 6 and 14 and 15.

Georgie CROZIER: I move:

1. Clause 1, page 2, lines 5 and 6, omit all words and expressions on these lines.

I think I have explained and outlined my reasons for doing so.

Ingrid STITT: The government will not be supporting this amendment, because it would make the bill essentially ineffective. These amendments remove the prohibition on restricted medical treatment and associated exceptions, and without the prohibition there is no restriction on practitioners performing restricted medical treatment. The offence is an important consequence of the most egregious breaches, and it is also an important signal and deterrent. We know from people with lived experience that a breach could result in very personal, significant and long-lasting impacts, and a bill without an appropriate offence would not be trusted or supported by people with lived experience.

Council divided on amendment:

Ayes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): 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, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 2 to 18 agreed to.

Clause 19 (15:34)

Georgie CROZIER: I move:

7. Clause 19, page 23, line 11, omit "law." and insert "law;".
8. Clause 19, page 23, after line 11 insert –

"(f) paediatric and adolescent endocrinology, paediatric and adolescent urology, paediatric and adolescent gynaecology and paediatric and adolescent psychology.".

As explained during the debate, the reason for these amendments is to enable greater participation. The opposition believes that we need to have pertinent and relevant medical experience on the panel, as I have highlighted – paediatric and adolescent urologists, gynaecologists, endocrinologists and psychologists as well as others that may be required – to ensure that the appropriate advice and assessment is undertaken through this process.

Ingrid STITT: The government will not be supporting Ms Crozier's amendments. This would significantly shift the balance of the panel towards a more medicalised model, which does not align with the intent to establish independent oversight with broad expertise.

A member interjected.

Ingrid STITT: You have not been in here. There is no limit on the number of doctors –

Members interjecting.

Ingrid STITT: I am talking to Ms Crozier. There is no limit on the number of doctors or experts that can be appointed to panel assessment committees, and the chair may appoint additional specialists if needed. For example, the treatment plan may include multiple treatments or specialities, or the person may have a complex history or complex needs. The committees are also already required to seek independent relevant specialist advice to inform their decisions. This amendment also limits specialities represented, including other relevant specialities such as geneticists and surgeons. The proposal would also increase the size of each assessment committee to up to nine members.

Council divided on amendments:

Ayes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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 20 to 33 agreed to.

Clause 34 (15:42)

Georgie CROZIER: I move:

9. Clause 34, page 35, after line 22 insert –

"(5) The assessment committee for an approval decision about an individual treatment plan must also provide each medical treatment decision maker for the protected person with an opportunity to meet with the committee to discuss the decision.".

As outlined during the debate, the opposition believes that we need to have greater control for parental decision-making along with the panel, so this does include being involved in that assessment committee and the decision-making process and that they are not at arm's length but are completely

involved and central to any decisions being made. Therefore I move this with that explanation and what was previously provided.

Ingrid STITT: The government will not be supporting Ms Crozier's amendment. These amendments propose to require panel assessment committees to offer meetings with medical treatment decision-makers before they make a decision, and parents who want more direct engagement with the panel are not restricted by the bill. By way of example, they can write a letter to be included in the treating doctor's application, or they could request a meeting with the panel assessment committee. I also note that at least one person with lived experience must be part of all decision-making, and lived experience includes parents as well as people with variations.

Council divided on amendment:

Ayes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): 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, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 35 to 55 agreed to.

Clause 56 (15:47)

Georgie CROZIER: I move:

12. Clause 56, line 29, omit "fifth" and insert "third".
13. Clause 56, line 31, omit "sixth" and insert "fourth".

As outlined during debate, the opposition believes that this needs to be closely monitored. Given the regulation that is coming and given that there is going to be so much that has been worked up and the concerns from the medical fraternity and others, I do think that a five-year review is too long and that the review should be three years. That is why the opposition is moving this amendment, to reflect those concerns.

Ingrid STITT: The government will not be supporting this amendment. The amendment that Ms Crozier is proposing would change the review period from the fifth to the third year of operation. I think it is important to highlight that the legislation has a three-year implementation period, so the panel will not be fully operational until year three. A review at that point in time, as proposed by Ms Crozier's amendment, would not be very meaningful. It would only review the implementation period and not capture the legislation in full effect, which is why the government will not be supporting this amendment.

Council divided on amendments:

Ayes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, 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 57 to 60 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (15:52): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (15:52): I move:

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

Council divided on motion:

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

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

Motion agreed to.

Read third time.

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

Justice Legislation Amendment (Miscellaneous) Bill 2025

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (16:00): I rise to speak on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. From the outset I want to make it clear that the Liberals and Nationals will not be opposing this bill. I want to particularly start off by speaking to one change that the government is moving, reversing a position they took in the anti-vilification laws debate, to enable Victoria Police to prosecute rather than the DPP. This is something that the Liberals and Nationals have been calling for. The Liberals and Nationals were pretty shocked to see a deal done to reverse this at the time. It is something that we have both moved amendments on and spoken about, in particular with hate crimes. We know that in past hate crimes have not had the opportunity to go to prosecution because of the referral to the DPP.

Ryan Batchelor interjected.

Evan MULHOLLAND: If I am going to take up the interjection, I do not think Mr Batchelor understands the laws that were in place previously either where many cases were tied up in the DPP, not leading to any prosecutions. As we warned, and as I warned from this very position in this place, the government then did a deal with the Greens to prevent what the Jewish community wanted at the time, which was the police to have the power to prosecute. I am glad they have finally moved. It should not have had to take a terrorist incident where 15 innocent lives were lost for the government to realise

that this was the right thing to do. It was as it was originally drafted, but unfortunately the government did a deal with the Greens to reverse that position, and we are pleased that the government has seen sense on this.

I understand that the government is attempting to brief the Jewish community that we are trying to stop or delay these changes. I want to be very clear that we are not, and I want to be very clear that we warned the government at the time of the anti-vilification debate not to do a deal with the Greens to have the DPP responsible for prosecutions. We warned about it very clearly, so it stands to reason that we would wholeheartedly support this particular amendment that is long overdue.

The incident, the terrorist attack, we saw at Bondi, affected many people and many families in our Jewish community. In fact, with the Leader of the Opposition, I attended Caulfield Hebrew Congregation the morning after that terrible terrorist attack in Bondi. The Jewish community, regardless of where you live in Australia, is like a family and many of them knew people that were directly affected. They knew people that were on the beach and, unfortunately, they knew people that had lost their lives. One of the things they told us really strongly was that there was a need for action and a need for further action on hate and on incitement and they specifically referenced this particular amendment. We are pleased that the government has also picked up this advocacy from the Jewish community and included that as part of this bill.

We are wholeheartedly supportive of these changes and will do everything possible to see them pass. I understand there may be amendments by the Greens on particular amendments. Having spoken before they have had an opportunity to table them, they have been quite public about their amendment on follow-the-money powers for IBAC, which is something that we have also been quite strong on. Of course we will support an expansion of scope. So they can move that amendment, and in particular we will support that amendment as well. I think what we have seen over the last weeks in relation to the CFMEU scandal that is engulfing this government – that is $15 billion of taxpayer dollars that has gone to bikies, that has gone to criminals, that has gone to pay strippers and sex workers. Some of the things that we are seeing on Victorian government construction sites is just awful. We need to get to the bottom of the money trail, and this is certainly a way of doing that. Should that not be successful, Victorians will not have to wait long for those powers, because the Liberals and Nationals under a Jess Wilson government will deliver those reforms that IBAC desperately needs, which they have been asking for and which they even told the Premier about in a letter responding to her referral – which she would have known IBAC did not have the powers to investigate. So yes, we will be supporting that as well.

The Liberals and Nationals do not oppose either the bill or the amendment, and that should be clearly understood from the outset. I intend to address the original substance of the bill. This legislation is commonly described as an omnibus bill. It deals with a range of separate matters across the justice system. Some of those measures might appear technical or relatively modest in isolation. Some might even be overlooked by those who are not deeply engaged with the day-to-day operation of the legal system. Often it is smaller, more technical changes that improve efficiency, remove uncertainty and ultimately make a meaningful difference to the way our institutions operate and to the experience Victorians have of interacting with them. That is certainly the case with a number of the provisions in this bill.

One key component of the legislation is the implementation of recommendation 133 of the Victorian Law Reform Commission's *Contempt of Court* report, which addresses legacy suppression orders. Suppression orders more broadly have been the subject of considerable public discussion in recent years, including discussion about their scope, their duration and the circumstances in which they are granted or maintained. The reforms in this bill bring clarity to the treatment of longstanding suppression orders. They provide mechanisms for the courts to manage and review these legacy arrangements effectively. In principle that is an important reform. It supports consistency across courts and ensures suppression orders can be varied where appropriate to reflect contemporary circumstances. More broadly, the issue of suppression orders is one that deserves continued policy

attention, and where the bill deals specifically with legacy matters there is a wider conversation to be had about their use.

There is no doubt that suppression orders play an essential role in protecting vulnerable parties and safeguarding fair trial rights and ensuring justice can be administered properly. That is not in dispute. However, there is growing community concern about how frequently suppression orders are granted and about the circumstances in which they are relied on. In particular there is concern that suppression orders may sometimes be used in serious criminal matters, including matters involving alleged offences of a sexual nature, in ways that limit public transparency. Based on publicly available listings it appears that a substantial proportion of suppression orders relate to allegations of that kind. The community expects transparency in the justice system, particularly when serious allegations are concerned. While there will always be legitimate and necessary reasons for suppression orders, there must also be confidence that they are not being used to shield alleged offenders from scrutiny where there is no compelling justification for it. I am not referring to any particular case or individual, but it is reasonable to observe that any mechanism capable of limiting public identification could potentially be used strategically by an alleged offender. If the same individual were charged with a different category of offence, they might not be able to rely on such a mechanism, and that raises legitimate public policy questions about balance, fairness and public confidence. The reforms in this bill, which began with legacy orders and the court's ability to deal with them more effectively, represent a sensible step forward. They should also be seen as part of a broader discussion that must continue.

The bill also contains a number of amendments relating to the Coroners Court and death investigations. These are largely practical and non-controversial measures designed to streamline administrative processes and simplify reporting obligations. I am sure many of us will have assisted constituents who are navigating the reporting of a death within their family. Even where a death is entirely non-controversial, this process can be complex, time consuming and very emotionally difficult. The reforms in this bill seek to modernise those processes so that reporting can occur more efficiently where there is no substantive concern about the circumstances of a death. They allow appropriately qualified professionals to undertake certain reporting functions and reduce unnecessary procedural burden. At a time when families are dealing with grief and loss, making those processes more straightforward is both sensible and compassionate.

The bill also introduces a range of modernising measures relating to fines and enforcement. One of the most practical of these concerns the service of notices by electronic means. The legislation clarifies that electronic service is equivalent to traditional service. This is an important step in recognising the realities of how people communicate today. Many Victorians would reasonably assume that an electronic service is already treated as valid and equivalent. In fact the law has not always been very clear on this point. This reform removes uncertainty and reflects contemporary practice.

There are also provisions aimed at simplifying the process by which individuals seek an extension of time to deal with a fine. Members will be familiar with cases where individuals have legitimate reasons for seeking additional time yet encounter cumbersome circumstances. Streamlining that process is a practical and worthwhile reform. I am sure all of us in this chamber have dealt with many constituents coming into our offices speaking about fines, wanting to be guided through the process and thinking that MPs somehow have influence over the process. I am pleased that there is a more streamlined approach, particularly with those seeking an extension, seeking a delay, on particular fines. My office is in Meadow Heights in the northern suburbs. It is one of the most mortgage-stressed suburbs in Victoria. It is quite a low socio-economic area, so I think we can understand the kinds of people that come through my office door seeking assistance and needing an extension of time for a fine or trying to dispute a fine. These are the kinds of people we should be helping, because for a lot of folk in places like Meadow Heights and places like Greenvale a fine is crippling, and having more time to deal with that I think is most compassionate.

There are some more substantive elements of the bill. It is also important to acknowledge the feedback that has been provided by stakeholders. The Law Institute of Victoria, as it consistently does, has

examined the legislation carefully and provided detailed commentary. The institute brings together a broad cross-section of the legal profession and provides valuable scrutiny of proposed reforms. It often does so with very tight timeframes, sometimes reviewing legislation overnight and providing considered feedback. That contribution should be acknowledged and should be appreciated by all of us. The law institute has observed that while this bill is presented as an omnibus measure, some provisions involve substantive policy change rather than technical amendment. That observation is not framed as opposition to the bill but rather an acknowledgement of its breadth. To quote the institute:

> … the status quo necessarily strains Supreme Court resources and impedes access to justice …

I think quite often legal processes are established in ways that leave some victims feeling that their access to justice – for want of a better term – is limited, and suppression orders are a clear example of this of course. The institute have expressed support for the measures, as mentioned earlier. They also emphasised the importance of recognising that there will be practical issues arising from these reforms when they are put into effect that simply cannot be anticipated in the day-to-day operation of the courts. Again, to quote the institute, it:

> … recommends that the Judiciary is consulted to confirm whether existing court and tribunal practice notes and forms provide sufficient direction and requirement to notify affected parties to an application of suppression order review.

The institute has also raised concerns about the false information offence in the fines context, particularly in relation to disadvantaged individuals who may provide inaccurate information for complex reasons. While the Liberals and Nationals do not share the same concern overall, it is appropriate to note that the issue has been raised and that it has been raised in good faith.

The Community Advocacy Alliance has provided feedback regarding the Coroners Court amendments, particularly in relation to the practical operation of certain powers and their interaction with the role of the Chief Commissioner of Police. To quote them:

> This gives the same power to an interested party as the Chief Commissioner of Police, which basically makes the new power a moot point. Our comment is that it is just window dressing and not a substantial new improvement in power and unlikely to bring justice to offended parties.

The bill also provides for the continuation of the Drug Court beyond its pilot phase, transitioning into an ongoing component of the County Court. Without this change, the Drug Court would otherwise cease operating within a relatively short period. The continuation of that jurisdiction raises legitimate questions about long-term funding and operational certainty or uncertainty. Those are matters that should be addressed transparently.

Now turning to the amendments to the original bill made by the Attorney-General in the other place relating to the consent of the Director of Public Prosecutions in incitement matters. As I discussed earlier, these amendments reflect the government's recognition that aspects of the existing hate speech framework have not operated as intended. Under the previous arrangements certain prosecutions required the approval of the Director of Public Prosecutions before proceeding. In practice, that requirement has created a significant procedural hurdle. To date there have been no findings of guilt for incitement offences under the relevant provisions, and that reality does speak for itself. While multiple factors influence enforcement, the additional layer of approval has certainly contributed to delays and barriers. Once again Mr Batchelor has failed to realise that these arrangements of incitement offences to the DPP existed before the anti-vilification laws as well, so immature interjections trying to make a political point do not really make sense, since it was –

Harriet Shing: On a point of order, Acting President, Mr Mulholland has made a personal comment that I take offence to in relation to why it was that he and his party voted against the anti-vilification laws. I would ask that he withdraw.

The ACTING PRESIDENT (Jacinta Ermacora): There is no point of order.

Evan MULHOLLAND: Mr Batchelor was seeking to interject once again, and so I thought I would clarify for him and perhaps give him a bit of a history lesson about these particular arrangements that actually existed prior to the government's anti-vilification laws. We know it was a particular advocacy item, a longstanding advocacy item, of our Jewish community even prior to Bondi that these matters should be dealt with directly by Victoria Police. We think that is appropriate given the track record of no arrests or offences under these particular arrangements – no finding of guilt for incitement offences under these relative provisions before and after the anti-vilification laws. And we would note that, at the time, we told the government – I stood in this place and told the government – not to do this deal with the Greens. They originally had planned to have the set of arrangements go to Victoria Police, and to give the government credit, they gave good reasons for that that made sense. They gave good reasons for that, and then they went and did a deal with the Greens. I remember asking Ms Symes questions in committee – which you can go and read in *Hansard* – on why the government had changed its position, and answers were not really forthcoming.

As I said, there have been no findings of guilt for incitement offences under the relative provisions, and it is important to acknowledge the broader context. Acts of incitement and hate are not abstract concepts; they occur in real communities and have real consequences. Members of Parliament of all sides have spoken about deeply troubling behaviour in our communities, including acts of intimidation and discrimination and open expressions of hatred. Our country and our state are still recovering from the terrorist trauma of Bondi, the ultimate act of hatred, which took 15 innocent lives, and there is little value in having offences on the statute books if they cannot be enforced in practice. The laws operate in a way that allows wrongdoings to be addressed promptly and effectively. Where they do not, they must be amended. The government has now moved to change that framework, and we support that.

These changes respond to concerns previously raised about enforcement barriers and inconsistencies in how offenders of different ages might be treated. The principle should be that serious conduct is addressed appropriately regardless of the technical procedural obstacles. It is fair to say that these changes represent an acknowledgement by this government that the previous model did not function as intended, and the government has indicated that earlier compromises were made to secure the passage of legislation. Whatever the history, what matters now is the system is being corrected. More broadly, the issue is accountability. Victorians expect that acts of incitement, discrimination and hatred will attract meaningful legal consequences. The changes move the law closer to meeting that expectation.

In summary, the bill contains a range of practical reforms that modernise processes, clarify legal arrangements and reduce unnecessary administrative burden. It improves the management of suppression orders, streamlines death reporting processes, updates fine enforcement mechanisms and continues the operation of the Drug Court. The amendments relating to incitement provisions strengthen the enforceability of existing laws. For those reasons the Liberals and Nationals will not be opposing the Justice Legislation Further Amendment (Miscellaneous) Bill.

I will have more to say later on a number of amendments. There is one particular amendment from the Greens regarding lowering the definition of 'corruption' in regard to IBAC. We are not in a position to support that, but we would seek leave to have that looked at by the Integrity and Oversight Committee of the Parliament for further investigation. In regard to the Greens amendments on public hearings of IBAC, naturally you would expect that we are supportive of that. It was this government that really shifted the goalposts on that in 2019. It was the Liberals and Nationals, when we set that up, that struck the right balance. This goes a long way to moving IBAC in the right direction. Of course, as you can see from this week and the public statements from the Leader of the Opposition Jess Wilson, the next Premier of Victoria, we are quite supportive of follow-the-money powers for IBAC to give it more power to do what the Premier asked it to do, which was to look into corrupt payments, bribes and kickbacks on construction sites. This would give IBAC the power to do that. I will leave my contribution there, and I look forward to listening to the rest of the debate.

Katherine COPSEY (Southern Metropolitan) (16:28): I rise to speak on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. This is an omnibus bill which covers a range of matters, including suppression orders and open courts, coronial processes and death registration, the fines system, guardianship and administration, animal cruelty offences, the Drug Court, procedural changes for courts and related processes and changes withdrawing DPP consent requirements on the ability to charge people under anti-vilification laws. I make the point that this is a wideranging bill covering changes to a significant number of acts. The Greens, as has been referred to already in debate, have a set of amendments that provide for additional powers to the Independent Broad-based Anti-corruption Commission. My colleague Dr Mansfield will speak to those amendments later, and I will speak to the remainder of this bill.

This bill creates a mechanism to review, vary or revoke legacy suppression orders made before 1 December 2013 where those orders continue under repealed provisions or common law. Too often victim-survivors have decisions made about them without them. Where a victim-survivor wants to speak or tell their story or name their experience, they should be safe to do so. In relation to these provisions, I do note that legal specialists have contacted us with queries about the safeguards that will be in place so the victim-survivors will not be drawn into adversarial processes that they did not initiate. I will be seeking some clarification on the operation of these sections from the minister during the committee stage.

This bill also streamlines coronial processes and death registration, which will reduce the number of expected natural cause deaths reported to the Coroners Court simply because an eligible doctor is not available, and creates pathways for doctors who have reviewed clinical records to notify a probable cause of death. We understand the intention of these changes is to reduce unnecessary coronial referrals and, most importantly, to spare families from additional delay and distress in circumstances where coronial investigation is not required.

The bill also amends the Crimes Act 1958 to extend the bestiality offence and create new offences relating to animal abuse material. The Greens of course have a strong track record of supporting greater animal welfare laws and clear criminal offences that target exploitation and cruelty, and the emergence of animal abuse material reflects the ways that technology continues to evolve and facilitate harm whilst normalising cruelty.

The bill also extends the operation of the Drug Court division of the County Court by removing the sunset limitation, ensuring the Drug Court can continue to operate beyond April 2026. The Drug Court is a therapeutic and problem-solving court; it is not a soft option. It is structured, supervising and demanding and requires engagement with treatment, compliance with conditions and ongoing oversight. It recognises what evidence has shown for decades: if we want to reduce reoffending and improve community safety, we must address the causes of offending, including substance dependence, instability, trauma and lack of support.

The bill includes procedural updates for courts and road safety processes, including modernising filing and notice procedures. We note and hope that there is investment in clear alternatives for people who might still have difficulty accessing online systems, including people with disabilities, limited English or low digital literacy. The bill also includes amendments relating to acting appointments and delegations and the guardianship and administration framework.

This bill also makes changes in relation to fines, and it expands deemed service and expands online platform methods of service for certain documents, where service can be treated as effective when information becomes accessible to a person on that platform. I note generally that the infringement system is already a pipeline that can see minor misconduct snowball into major life disruption. The system currently too often functions as a penalty for poverty. When a person is homeless or moving between short-term accommodation, such as couch surfing, sleeping in their car or escaping family violence, missing a notice can create a snowball effect, which the system currently can treat as their fault. Where a person is living with a disability, chronic illness or mental distress, they can, in missing

one deadline, see the system escalate fines, and this is something that we need to address over the longer term. Where a person has limited English or limited digital access, the system is not forgiving, and it is designed to move forward regardless of whether a person truly understands what is happening in relation to escalation of their fines.

In broadening deemed service and extending service via online platforms, it is important the government is very clear about its intent. I will be seeking some clarification from the minister in committee on this topic to address concerns that have been raised with us by stakeholders, particularly around deemed service and expansion of service pathways. If digital pathways are the future, and technology is taking us in that direction, the government must invest more in safeguards to ensure fairness. This Parliament has heard time and time again from community legal centres, financial counsellors, advocates for people experiencing homelessness and disability and people who have lived through this system about the need for those kinds of investments and supports.

The Greens have significant concerns and do not agree with the government's step to use this miscellaneous omnibus bill as a vehicle to remove the requirement for the Director of Public Prosecutions' consent before police can commence certain vilification prosecutions, except where the accused is under 18. This amendment has been moved in the lower house to enable the government to do so in this omnibus bill. DPP consent safeguards exist for a reason, and the Greens, as has been stated, negotiated with the government to ensure that they were retained for a reason. DPP consent provides consistent oversight to police decision-making, and the consent safeguard ensures that these serious offences are used for serious cases with a reasonable prospect of prosecution. The consent safeguard ensures independent assessment of whether a prosecution is in the public interest, and it provides a check on the risk that these offences become a blunt instrument. The government, when we passed these laws recently, agreed that this was an important safeguard and are now making a backflip on a commitment that they made in an untrustworthy fashion to reverse that commitment that they agreed to during those negotiations. When the Parliament criminalises speech, particularly where the offences are intended to protect communities that are already targeted, safeguards in that context are not a technicality and should not be a bargaining chip. They are the difference between targeted protection and unintended harm. Inconsistent enforcement, overpolicing and laws being turned against the very people that they are meant to protect are what we are seeking to prevent through the requirement to retain DPP consent.

We well know and have seen more evidence recently – more evidence based on years of reporting of these trends – that many communities in Victoria do not experience policing as neutral. Many communities live with being overpoliced, profiled and targeted. When you expand police charging power you must build in safeguards that prevent those powers being used in ways that could chill people's right to political protest, silence political communication or indeed intimidate marginalised people. We have seen recently the government's expanded stop-and-search powers continuing to be used in a way that targets marginalised communities. We are still strong in our belief that the DPP consent is a strong safeguard that prevents misuse of these laws and makes sure that charges that are brought have a reasonable chance of prosecution and are in the public interest. We think those are safeguards that are sensible and balanced and should be retained. It is why the Greens fought for and secured DPP consent as a safeguard in the laws that we – as Mr Batchelor has repeatedly said during the debate, though he has not been on his feet yet – passed last year.

Ryan Batchelor interjected.

Katherine COPSEY: Mr Batchelor will make his contribution soon – his formal contribution. I will leave my comments on the bill there. As has been foreshadowed, my colleague Dr Mansfield will speak to the amendments the Greens will seek to bring to this bill to strengthen our integrity agencies and give powers to IBAC that have been long advocated for. I will leave my contribution there.

Ryan BATCHELOR (Southern Metropolitan) (16:38): I am very pleased to rise to speak on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025, a bill that contains a range of

measures to amend various acts in the justice portfolio to help the operation of various elements of that portfolio. I thought that it was probably worth remarking at the beginning of my contribution today that I spent a portion of Mr Mulholland's contribution asking him why the Liberal Party voted against anti–hate speech laws in Victoria. Despite repeated attempts to get Mr Mulholland, as the lead speaker for the opposition and the lead speaker for the Liberal Party on this bill, to explain to this chamber and to explain to the Victorian community why last year the Liberal Party voted against the criminalisation of hate speech in this state, he refused to do so. The Liberal Party cannot explain – they do not have the words it seems – to multicultural communities, to LGBTIQA+ communities and to different faith communities why they voted against laws last year that criminalised hate speech. Mr Mulholland, as the first speaker for the opposition in this debate, shirked that. But there will be more speakers, we hope, from the Liberal Party and from the National Party who will be able to stand up and tell the chamber and the people beyond the chamber, whether they are in the Jewish community, the Islamic community or the gay and lesbian community or wherever they are, why they voted against laws to criminalise hate speech in this state. Ever since they voted against the anti-vilification laws that the government proposed and passed last year, ever since they sat down when they had the opportunity to stand up against hate speech in Victoria, they have turned their back on communities that they, when they get out of this chamber, wander around pretending to care about. The Liberal Party turns up to multicultural and multifaith events and to Midsumma and pretends to care about those groups in our community who are on the receiving end of hatred and vilification, yet when they are in here they vote against laws to provide greater protections. Their hypocrisy is breathtaking, and their cowardice is astonishing.

There are opportunities before us today for other members to do what the Leader of the Opposition and the Deputy Leader of the Opposition in this place have failed to do again and again, which is explain why they are opposed to laws in Victoria that criminalise hate speech. All they have got to do is stand up and explain why they voted against those laws. Until they do, I will not stop asking, because the communities that we speak to who feel they are on the receiving end of hatred in this state deserve to know why the Liberal Party does not stand with them when it counts and why the Liberal Party refuses to vote for laws to try and protect them but will walk out of these chambers and pretend to care. The Liberal Party has a job to do to explain why they are against more protections against hate speech in this state and why they are against laws to make our communities safer. They have refused to do it.

They have the temerity and they have the hypocrisy to stand up in this place and say that they are on the side of, for example, as Mr Mulholland did, the Jewish community, to say that they are standing with the Jewish community. If they were, then they would stand up when it counts. At no greater time has it counted than in the last 12 months when the Liberal Party had a chance to vote in favour of toughening anti-vilification laws. When the Liberal Party had the chance to vote in favour of the criminalisation of hate speech, they sat down. They did nothing. They voted against it. They voted no to the criminalisation of hate speech laws, and they have never explained why. Why don't they take the opportunity today to get up and correct the record? If they are so sure about why they were right to vote against Labor's anti-vilification laws, they have got the opportunity right now to put their position on the record and explain to the community why they are against the laws that criminalise hate speech in this state. Until they do, until they have got the guts to stand up and explain themselves, we will not take their attempts to care seriously.

Harriet Shing interjected.

Ryan BATCHELOR: No-one should. It is a pretty simple question, and it is a pretty simple task. If they fail again, I think it underlines how gutless they are and how all of the purported attempts to call on the government to do more to tackle, for example, antisemitism – the faux outrage that they are willing to express outside this Parliament. What they will not do is actually stand up when it counts. Hypocrisy, thy name is Liberal.

There is an amendment in this bill before us today to ensure that the capacity is in Victoria's anti-vilification framework for Victoria Police to bring charges directly without going through the Director of Public Prosecutions. It is a necessary amendment to stop delays. Let us be frank, it would not be on the statute books today if a different vote had occurred last year.

The rest of the bill is important, and I will spend some time talking about that. I will get to some of the other matters which have been mentioned by the first two speakers in the course of the debate shortly. But the bill, importantly, introduces a range of other changes to justice-related matters, including amendments to the Open Courts Act 2013, implementing recommendations of Victorian Law Reform Commission's 2020 *Contempt of Court* report to enable applications to lower courts and the Victorian Civil and Administrative Tribunal to revoke legacy suppression orders. Legacy suppression orders of course are mechanisms that have been put in place but heavily impact the right of victim-survivors to speak out. The bill will introduce transitional provisions into the Open Courts Act to allow lower courts and VCAT to review legacy suppression orders made prior to the commencement of the act in December 2013. Many of the orders, when they were put in place, operated indefinitely.

Currently applications to vary or revoke pre-existing orders can only be made to the Supreme Court under its inherent jurisdiction, which of course is an exceptionally costly process, strains the resources of the court and hinders access to justice. The amendments will address this problem and implement recommendation 133 of the Victorian Law Reform Commission's *Contempt of Court* report. It will allow persons with a sufficient interest in a pre-existing order, including victim-survivors of a sexual offence or a family violence offence and news media organisations, to apply to the relevant court or VCAT to review the order. The court or VCAT will be able to confirm, vary or revoke a pre-existing order. This is another in a series of changes that we have made to better support victim-survivors of sexual assault, sexual offences and family violence.

The bill also introduces reforms in relation to the offence of bestiality, which is going to be expanded to include the sexual touching between a human and an animal in addition to the penetrative acts to which the offence currently applies. Currently there are a range of issues related to the construction of the current offence. Expanding the offence will address a gap in the legislation to criminalise further forms of sexual engagement between animals and humans. Existing veterinary, agricultural and scientific research exceptions will continue to apply. In addition to that, animal husbandry practices for genuine agricultural or veterinary purposes will not be criminalised by the reforms.

There will be further amendments to complement the animal abuse material reform in the bill. Those reforms will amend the Crimes Act 1958 to introduce new offences through criminalising the production, distribution, possession and accessing of animal abuse material. They are intended to disrupt and deter the supply of animal abuse material in and connected to Victoria. Obviously the acts are illegal, but the possession, production, distribution and accessing of content depicting bestiality and animal abuse is not technically prohibited. These reforms are necessary to address a gap in the legislation to better protect animals from exploitative behaviours, respond to stakeholder advocacy to enhance the protection of animal welfare in the state and address the prevalence of online material depicting serious harm to animals. Under the new offences animal abuse material may take the form of audio, video, photographic images, computer games or electronic material that depicts and describes animal abuse. It can also capture AI-generated or edited animal abuse material so long as it is realistic.

The bill will also amend various other acts, such as the Coroners Act 2008, to enable the Coroners Court to streamline investigation, finalisation and reporting procedures. It will amend the Births, Deaths and Marriages Registration Act 1996 to enable more doctors to register deaths and clarify their death reporting obligations. It amends fines and tolling legislation to make minor fines-related amendments to other acts to strengthen fines enforcement by correcting minor anomalies and inconsistencies, and to make minor procedural improvements. One of the other elements to the amendments in the bill will be to the Guardianship and Administration Act 2019 to clarify the powers and acting arrangements of the Public Advocate.

There are amendments to the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the County Court Drug and Alcohol Treatment Court. On that, I think the impact that these courts have had has been significant and really positive across the justice system. The bill amends the two principal acts mentioned, to enable the Drug Court to continue to operate after 26 April, and provisions that currently enable that act. The Drug Court operation is scheduled to sunset on 26 April, and the amendments will ensure that offenders pleading guilty to drug and alcohol related offences in the County Court will have access to the therapeutic pathway provided by the Drug Court.

There are a series of amendments to the Road Safety Act 1986 to allow the Magistrates' Court to improve efficiency through the expanded use of its case management system to manage administrative functions. The amendments will enable the court to automate the receipt of documents, including reports on the execution of search warrants, notices of applications relating to interlock conditions and notices of appeal against immediate licence suspension and disqualification.

Mr Mulholland in his remarks and Ms Copsey in her remarks made reference to as yet uncirculated amendments relating to integrity matters. I would have liked to address some of those issues in this contribution, as someone who takes a keen interest in these matters as a member of the Integrity and Oversight Committee, but they have not been circulated, and so I cannot at this juncture. I think that is disappointing.

Katherine Copsey interjected.

Ryan BATCHELOR: They have not been provided to me, Ms Copsey. I think it is challenging on such a complex topic to not be given a good opportunity to work through them, but I am sure we will get to that later in the course of the debate.

There is an opportunity in the remainder of this debate for anyone from the opposition to get up and explain to the Parliament and to the people of Victoria why they voted against anti–hate speech laws in this state. If members of the Liberal Party cannot explain why they voted against anti-vilification laws last year, then we cannot take anything they say seriously about the need to stop hate speech in the state of Victoria.

Melina BATH (Eastern Victoria) (16:53): I am pleased to rise this afternoon and make a contribution on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. In doing so, I certainly want to frame my contribution around a specific area of interest to people in rural and regional Victoria, but I will put on record some of the content of the bill. It is an omnibus bill, and it looks to amend the Open Courts Act 2013; it looks to streamline coronial processes; it looks to enable more medical practitioners to report deaths directly to the Victorian Registry of Births, Deaths and Marriages; it looks to address procedural operation issues in terms of fines, enforcements, infringement and tolling; it looks to provide ongoing operations for the Drug Court division in the County Court; it looks to make procedural improvements to applications and appeals under the Road Safety Act 1986; and it looks to make consequential amendments across multiple acts.

The part that I wish to spend a little bit of time on today is the part that expands bestiality offences and creates a criminal framework for animal abuse material. From the outset, I just want to identify that clauses 65 and 66 to 68 will be the focus of this contribution. In doing so, I just want to put on record that particularly I and the Nationals, as well as the Liberals, want to ensure that cruelty to animals is diminished and stamped out and has no place in our community in Victoria, whether it occurs in a personal sense or whether it occurs online, and that offences that can be introduced to stamp this out are warranted and necessary. Where I can make a contribution is on the whys and wherefores of the legislation to make sure that there are no unintended consequences from these new laws in practice. I will be putting on record my questions to the government. Hopefully they can be answered in the committee of the whole, where I am happy to elucidate those questions.

The policy is sound, but the language has more acts and broader circumstances. Now, more acts and broader circumstances can mean a huge variety of activity, and I just want to drill down to ensure that

these acts are not unintentionally creating uncertainty for a whole range of people – farmers for one, livestock and transport handlers and saleyard operators, veterinarians and vet nurses, animal welfare inspectors, researchers, media and documentary producers, because of course not only is it the physical aspect but it is the digital aspect of transferring footage or photos or content for media. And also whistleblowers – we need to make sure that they are not captured in this – and animal handlers that professionally handle stock in a commercial sense, whether that is livestock or wildlife, our natural fauna, in terms of looking after them and healing or improving the lives of our natural fauna. Handlers work with animals that are diseased or have injuries and they help out with calving or lambing, and the list goes on. These people are doing an honourable thing to ease the suffering of animals, and we need to make sure that this new legislation does not capture those good-faith operations. We must ensure that these laws stop cruelty without sweeping away legitimate agricultural and animal health practices and putting them at risk.

A critical point requiring clarification is around the expanded offences requiring intent and whether any elements operate on a strict liability basis. So if somebody has an intent to heal, like in a vet operation, that is well and good. But what happens if the intent is not there? What does that look like in terms of this legislation? Now, I know there are already sections in the Crimes Act 1958 that continue to protect legitimate agricultural, veterinary and scientific procedures, but we just want to drill down into those to make sure that people will not be unfairly disadvantaged. Also, we want to make sure that there are scenarios, for example, in the new digital section, clauses 66 to 68. What about receiving unsolicited footage of suspected cruelty? What about forwarding on material to the authorities? What about documenting an injury for an animal health or compliance purpose? What about storing images automatically on our phones, which can happen? We can be sent them and they can be stored. These are some of the things for which a defence is helpful, but relying on a defence after the fact still exposes people to investigation, seizure of devices and stress. So again, we need that clarity around what will be in and what will not be.

In terms of risks and overcapture, without clear operational guidance in the legislation and then following and implementing that, will there be training for enforcement officers? Will there be procedural lines for police and prosecutors? Some of these sorts of issues I think need to be addressed to provide that clarity, to provide that confidence and to make sure that, as I said, there are no unintended consequences. We certainly support a stronger implementation of preventing cruelty against animals – that is an absolute must – but we do not want these unintended consequences.

If I go to just a couple of points in that, I note some of the things that have happened in my time in this place relating to animal cruelty. Depending on which side of the political landscape you are sitting on, I would have thought that going onto the Gippy Goat farm in 2019 at the start of that year, taking and apprehending an animal, putting it in the car boot, the back of a four-wheel drive, taking it away from its herd and putting a nappy on it could well be described and contained within this legislation. I hope that this will deter some of those animal activists that actually pretend to be saving animals and protecting animals when they are clearly operating outside the realms of good animal care. They are doing this to prove a point and their own political agenda, rather than ensuring animal health and wellbeing. Angel being stuck in a nappy sitting in someone's house may well be caught up in these new bestiality laws. In the past we have seen various animal activists take footage of farmers' land, their farms, their farmyards. A farmer may well be supporting a cow to give calf, to give birth, and they may drill down and take photos of that or footage of that and then look to incriminate somebody. These things are just not on. They are not acceptable, and we need to make sure that this bill does not capture those.

The other thing that I just would like to go to is some of the discussion in the pig inquiry. I was not on that pig inquiry, but I know my colleague Mrs Broad was on that. I also think Dr Heath was on that. They came out with some very important positions and their concern that the whole inquiry was quite biased, quite agenda driven and not based on science, and indeed many of the overall recommendations had that flavour, by my colleagues' concerns. There are a couple of main things that

I just want to touch on in that. One is that the main inquiry made recommendations about installing CCTV in piggeries and in abattoirs. The Liberals and Nationals minority report opposed that, calling it ideologically motivated and said – which it does – that the industry already adheres to some of the highest, best practice operations and animal handling. I just want to put on record that this is not acceptable, but I also want to understand what that does look like in terms of this bill. The other one goes to the phasing out of CO_2 and stunning and developing alternatives. The main inquiry recommended that, and in particular the Liberals and Nationals certainly opposed that, citing that these are extreme restrictions and did not offer any scientific basis in the cause of that.

There ends my contribution. I want to congratulate Mr Mulholland on covering off some of the other very important issues in that bill. I hope that the minister, when the minister comes to the table, can outline and diminish the concerns of farmers, veterinarians and animal handlers to know that they will not be captured in this and provide some examples of what would be in and out of this part of the legislation. Finally, I find it quite offensive that we listened for about 10 minutes out of 15 minutes – I was going to call it tedious repetition – to the former speaker relating their pious position on this in terms of a former bill at a former time. If a government member wants to go back, they can go back and read *Hansard* and all of the Liberals' and Nationals' contributions on bills and ascertain our position, which was very clear. It was very clear at that time and very clear during any media releases and other things. Let us stick on the bill, and there is my contribution. I do not oppose the bill, but I would like some further clarification around the animal handling section within it.

David LIMBRICK (South-Eastern Metropolitan) (17:06): I also would like to speak briefly on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. As has been pointed out by other speakers, this is an omnibus justice bill that makes a number of changes to a number of different acts on different things. I will go through a few of those things, but I will start by saying that the Libertarian Party will not be opposing this bill.

Among the things that this bill does – and I will not go through all of them – there are changes to the way that documents are served for fines. We did have some concerns about this, but after consultation with the government's advisers we believe these are okay and we do not object to them. Another thing that the bill does is enable the Drug Court to continue operation past April this year, which is very important. That adds some measure of timeliness to this bill; it needs to pass. There are also changes to the Coroners Act 2008 – things around how GPs can register deaths, if this bill is to pass, and other changes around reporting of deaths after coronial investigations.

One of the other significant things that this bill does is around changes to things around bestiality, content sharing and possession of what is called crush material. I must admit I was ignorant of this before this came into effect, and I wish I remained ignorant of it. But suffice to say if anyone is concerned that this is a free speech issue it is not, because this is involving the transmission of material created from a crime. We already have laws against that. I am supportive of laws prohibiting transmission of materials, which is creating a crime. Therefore I am very supportive of these changes, and I hope that they are very effective in stopping this awful conduct that apparently exists. Some of the other things that the bill does include some changes also around Fines Victoria to nominate websites for the process of serving documents. I spoke briefly about that.

Suffice to say the other major thing, which was something that came late in the game, was changes to the way that the anti-vilification laws work. Initially the Libertarian Party opposed this bill when it first came through Parliament. In response to the Bondi attack the government wants to change the way that prosecutions are handled under the criminal components of the bill, as this was amended originally when it went through the upper house so that only the DPP could initiate charges under this bill. Those charges will be able to be initiated by police. Although I oppose both the criminal and civil aspects of this bill, whether it is initiated by the DPP or the police, that is not a hill I am going to die on. Therefore I will not be opposing this bill. In fact I am very supportive of some aspects of it.

I would like to speak as well to an amendment that I am proposing to this bill. If I could please circulate that amendment now. This amendment was the product of consultation with someone who is an expert and works within the sex work industry. It was brought to our attention that it is possible at the moment for registered sex offenders to work within the sex industry, and in fact we have evidence that this is occurring now. I thank the government for their consultation on this. We have consulted very much with the government on this. I do not want to put words in the government's mouth – the government can speak for themselves – but the impression I got is that they share my concerns with this and rather they differ with the approach on how to deal with it. However, I feel that this is something that is rather urgent, and therefore I have made the decision to proceed with this amendment. What this amendment does is effectively copy other prohibitions in the sex offenders register where they are prohibited from other industries. It is effectively a cut and paste of that into the sex work industry to prohibit them from working within that industry. Many people who work in the finance sector will know that it does not like people who commit financial crimes to work in the finance sector. Similarly, we believe that if someone has committed heinous sex crimes and is on the sex offenders register they should not be working with vulnerable people in the sex industry. The people that we have spoken to about this and consulted with about this think that this is a good thing to put in, and therefore we would like to proceed with that amendment, but I will have more to say about that in committee stage. Apart from that, I commend this bill to the house.

Michael GALEA (South-Eastern Metropolitan) (17:12): I am pleased to rise to speak on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. Again, there is a mixed sampling of legislative reform included in this bill – very important, each individually – and a package of reforms in this legislation before us today. I am pleased to give some remarks in varying detail, depending on how much time I have, on various different parts of it. Having appreciated the chance to listen to some contributions already today, I will draw in some responses where I am able.

This is a broad set of practical reforms which will improve how Victoria's justice system operates day to day. It will modernise court processes, remove administrative barriers, strengthen protections across multiple areas of law and ensure that our legislation reflects contemporary practice and technology as well as community expectations. At its core this is a bill that is about accessibility, efficiency and giving the public every bit more confidence that they should have in the rule of law in this state. Through the various reforms in this bill we will make important improvements to how different systems function, including improving the review processes for suspension orders; strengthening open justice principles; streamlining coronial investigations and death certification processes; modernising fines enforcement and court administration; strengthening guardianship and public advocacy arrangements; addressing serious criminal conduct, including animal abuse and vilification offences; and continuing therapeutic justice initiatives within our courts, amongst others.

While several of these reforms are relatively minor, relating to procedural aspects of the judicial system and various processes, there are of course some more substantial reforms included, including those that deal with forms of offending which are difficult to put into words in some cases but offences that we certainly have a moral duty to address. Bills like this are what happens when you have a government that is committed to getting on with the job and continually evolving, refining, assessing and readdressing legislation, as any good government does. We do take these matters seriously, and the reforms included in this bill should lead to a stronger justice system for all. I acknowledge the Attorney-General, her office and indeed the department for their work in bringing this bill together before us today.

I do want to start with one of the most unpleasant things that we could talk about, frankly, in this place, and that is one of the reforms that we are making in relation to the Crimes Act 1958 that will provide better protection for animals from exploitative and disgusting behaviour. As it stands, acts of bestiality and animal abuse are illegal. The issue that this bill will be addressing is that instances of possession, production, distribution and access of material that depicts these acts is not already prohibited. This is a clear gap in the law. In some regards it means that the law and therefore the protections for animals

from abuse are only half-working. I acknowledge the extensive attention that this has been given by the government and my colleague Ms Purcell, who raised some of these matters in recent times and has contributed towards the inclusion of these measures in this bill.

This bill will introduce new offences that are intended to disrupt and break the process and deter the supply of bestiality and animal abuse material that is in any way connected to the state of Victoria by ensuring that these targeted laws apply to those who create such content as well as anyone who consumes it. Like Mr Limbrick, it is not really something that I want to dwell or focus on in any detail, but I think it is important to outline what this bill will do. The offence that will be introduced in this bill will apply to material that relates to acts of an animal being crushed, burnt, drowned, suffocated, impaled or otherwise killed, tortured or subjected to serious injury. The indictable offence of production or distribution will carry a maximum five-year term of imprisonment, while the possession and access offences carry a maximum three-year term.

There can be no mistake, this kind of serious offending, serious abuse and possession of abuse material is in no way acceptable and will and should be treated with the full force of the law that this law will now warrant. As part of that, the bill will amend section 54A of the Crimes Act to expand the offence to prohibit sexual touching between a human and an animal, in addition to penetrative effects to which the offence currently applies. This addresses a gap in our legislation to criminalise those non-penetrative forms of sexual engagement between humans and animals. The existing exceptions relating to veterinary, agricultural or scientific research purposes will continue to apply to the expanded bestiality offence. I am very happy to now move on to some other aspects of this legislation, because I do not think any of us want to be dwelling on that.

This bill removes the requirement for the Director of Public Prosecutions to consent before police commence prosecutions for serious offences by reforming section 195Q of the Crimes Act 1958. We are removing this step which does have the potential to delay proceedings. It will also enable police to commence a prosecution for a serious vilification offence unless the accused person is under the age of 18 years – consistent, for example, with the approach of the Nazi symbol and Nazi salute offences. This safeguard ensures children's unique characteristics and vulnerabilities are considered before deciding to proceed with a prosecution, enabling those authorities to address an act on serious hate conduct, which in turn will better protect communities, particularly those vulnerable communities that are too often the target of those forms of abhorrent and hateful conduct. The reform will strengthen community safety, protect communities and, by tackling hate speech promptly, improve social cohesion in our community. People should not have to wait for procedural hurdles to be cleared before our justice system addresses hateful acts which can make our community feel like they are under attack.

I am very pleased to see that members of the opposition have indicated that they will support this. I note that this is a very similar form of legislation to that the government originally brought in as part of the anti-vilification legislation a bit over a year ago. Whilst opposition members were not prepared to support the legislation at the time, just as they were not prepared to support the bill as a whole, I am at least pleased to see that they will now support this small change. That does not take away from the fact that no matter what they might try and say when they come in here, we have an opposition in this state which not only is prepared to vote against the interests of intersex Victorians – making them more extreme today than One Nation – but is continuing to say one thing out of one side of their mouth while they go through their actions. Those actions speak very, very clear volumes about what they truly thought when they voted against those anti-vilification reforms. We saw it again yesterday in their refusal to acknowledge attacks on people across Melbourne that have been occurring. Frankly, if you are not prepared to support looking into gay bashings without trying to dilute them into everything else and you try to vote against that, you cannot turn around and say that you stand against hate speech or hate acts, especially when you voted against the anti-vilification laws that protect not just queer people of course but people of all different racial and religious backgrounds and people with different backgrounds of disability. To come into this place and pretend to lecture anyone else when you were

the ones who, through your actions, actually voted against those anti-vilification laws, those hate speech laws, is quite frankly astounding.

On this side of the chamber we will continue to stand with all communities no matter what racial background they are, no matter what religious background they are and no matter what sexuality or gender they are, because that is what we believe in. Frankly, Victorians will quite clearly see through the shameful political opportunism of those opposite who seek to take a very narrow inquiry into a specific issue and broaden it up and conflate it with every other issue that they can find, perhaps in order to justify or deflect from their own actions and their own votes in this place, as little as 12 months ago, to undermine anti-hate protections in this state. It is perhaps indeed to deflect from efforts or statements from other members of their own party who have brought them into disgrace by their disgraceful acts and comments about members of different multicultural communities in this state and in this country. But on this side, we are consistent; we are standing against hate and against vilification. We say that not just through our words but through our votes as well, and we will continue to do so.

This bill also acts to implement recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court* report to allow lower courts and VCAT to review legacy suppression orders made before the Open Courts Act 2013 commenced. Whilst the Open Courts Act 2013 consolidated the general powers of the Supreme, County, Magistrates' and Coroners courts and VCAT to make suppression orders and closed court orders, this consolidation does not address legacy suppression orders. I seem to have lost the interest of Mr Mulholland; I am sorry. It is perhaps not quite as exciting, this part of my speech. In contrast to the suppression orders issued after the passage of the Open Courts Act, most legacy suppression orders are still in force today and will likely continue to operate indefinitely. This stands in contrast to the principle of open justice, which exists for the benefit of victim-survivors of sexual and family violence and the general public. The bill will allow the lower courts and VCAT to review legacy suppression orders made by that court or tribunal. These are referred to as 'pre-existing orders' in the bill.

Further, where there is an appeal of a substantive proceeding, the appellate court will now be able to review the pre-existing order made in the lower court or tribunal and make any order that that court or tribunal could have made under the Open Courts Act. The amendments make changes to largely mirror existing suppression order review provisions in the Open Courts Act. This ensures consistent treatment of pre-existing orders and post-commencement suppression orders made under the act. It will allow a court or VCAT to review a pre-existing order on its own motion or on application by the applicant for the order or a party to the proceedings concerned, including the victim or alleged victim in a sexual offence or family violence offence criminal proceeding, the Attorney-General, the Attorney-General of another state or territory or the Commonwealth, a news media organisation or any other person who the court or tribunal considers has a sufficient interest in the review of the order.

This bill will empower victim-survivors of family and sexual violence offences to take control of their story. Making this relatively straightforward change is actually a very, very important piece of legislative reform. It will require the court or VCAT to revoke a pre-existing order if the victim-survivor gives permission for the revocation and is 18 years of age or over and if it is otherwise appropriate in all the circumstances for the pre-existing order to be revoked.

Open justice, whilst an important principle, is not an absolute one, and nor should it be, which is why this will ensure that in various instances – such as when a revocation of a suppression order will result in the disclosure of another victim or alleged victim in the same proceeding who does not consent to the disclosure, where the victim is under 18 years of age or where the revocation of the order would not be appropriate – this then will not take place. There are also reforms to the Coroners Court, with a new process allowing certain natural cause death investigations to be finalised sooner. Where no further investigation is required, coroners may discontinue the inquiry once the cause of death is identified, and a medical practitioner supervised by a pathologist will register the cause of death. This reform will bring greater efficiency to the system and thereby enable families to receive closure more quickly during a difficult time.

Similarly, through the amendments to the Births, Deaths and Marriages Registration Act 1996, the bill clarifies doctors' ability to notify the registrar of a person's cause of death where they can form an opinion on the probable cause of death. This amendment aims to clarify doctors' existing obligations to notify the cause of death rather than vary them, and it will also amend the Births, Deaths and Marriages Registration Act to enable doctors who have reviewed a person's medical history and circumstances of their death and satisfied themselves of the person's probable cause of death to notify the registrar of the cause of death.

I note that Mr Limbrick has circulated an amendment to this bill so far, and I understand that there may be other amendments circulated by other members at some point too. In accordance with Mr Limbrick's presumed expression of the government's view on this, I can confirm the government will not be supporting this, which is not in any way to say that it is not a very interesting point to raise. It is certainly of good intent, and there will actually be a statutory review of the relevant legislation, I believe, in a period that will be as early as December this year, which time the government considers to be a more appropriate juncture to thoroughly consider this reform. Despite the fact that we do think it is in broad terms a very good idea, we will not be in a position to support it today. I commend the bill to the house.

Renee HEATH (Eastern Victoria) (17:27): I was not going to speak on this bill until Mr Batchelor used his opportunity to make some incredibly outrageous remarks not only about the opposition but particularly about a Jewish member of our party David Southwick. He spoke about how Jess and David are both not friends of the Jewish community and that any way that they turn up would be sanctimonious. I wrote some things down as he said it. He spoke about how Labor are the only ones who stand for the multicultural community and anything that we do that goes and stands with the multicultural community is disingenuous. He went so far as to point the finger at Mr Southwick in particular. What an absolute disgrace to say that Mr Southwick does not stand for the Jewish community. It is just staggering, mind-blowing arrogance that has just become a benchmark of the government. He also said that Jacinta Allan and her party are the ones that do. I just think that is an incredible thing to say when under Jacinta Allan's watch the two people that he was talking about have had hate speech written across the stairs of Parliament as recently as last week. How absolutely ridiculous. I am actually glad Mr Batchelor has come back in.

Ryan Batchelor: On a point of order, Acting President, Dr Heath, either unintentionally or deliberately, is misrepresenting remarks I made in the chamber.

Renee Heath interjected.

Ryan Batchelor: Because you are misrepresenting them.

The ACTING PRESIDENT (John Berger): There is a point of order on foot. I will deal with the point of order.

Ryan Batchelor: In my contribution I made reference to the Leader of the Opposition and the Deputy Leader of the Opposition in this place, referring to Mr Mulholland. Dr Heath does not understand the difference or has misheard what I said. Fair enough. I did not in my contribution criticise by name Mr Southwick, and I do not think that that misrepresentation should be allowed to stand on the record.

The ACTING PRESIDENT (John Berger): I ask Dr Heath to continue.

Renee HEATH: I just took extreme offence to that, particularly when Mr Batchelor was talking about the people that stand with the Jewish community and was putting words in their mouths. And Mr Batchelor –

Ryan Batchelor: Further to the point of order, Acting President, I take offence to Dr Heath misrepresenting what I said in the chamber. I did not name Mr Southwick either by title or by name, and I ask that she withdraw the accusation that I did.

The ACTING PRESIDENT (John Berger): I ask Dr Heath to continue, please.

Renee HEATH: What made this more and more pressing is that it was not long ago, in the wake of the Bondi massacre, that we stood – a lot of us were in here. Mr Batchelor attended the service where the Jewish congregation were grieving the loss of 15 innocent people, and so many people warned about this happening. When they introduced Mr Southwick, people clapped. There was a standing ovation and genuine gratitude. Unfortunately, when they introduced the Premier, there were boos throughout the whole place. I want to say that was uncomfortable for me, but it was in that moment that I began to realise that the inaction by the government, that have taken this state from being one of the most successful multicultural communities on earth to one where hatred has been paraded – that is the reality. If Mr Batchelor could not hear the boos that were pointed towards the Premier, then I think, my gosh, that is absolutely staggering. The government do not get to talk about the individual multicultural communities. The government do not get to say how they feel, especially when they are met in moments like that – it is just the reality of it. So I think that there has to be a realness here, that we have stood against hate – strongly.

Ryan Batchelor: You haven't voted against hate.

Renee HEATH: We have. This is absolutely jaw-dropping hypocrisy. I think that it is interesting that this whole time, Mr Batchelor has tried to put words in our mouths, but this is a place for debate. Sometimes that means that what Mr Batchelor says is going to be pushed back on, especially when there have been moments where his government have been booed and jeered at because they have failed to stand up for particular minority groups in this state. That is the reality.

Now, let me just see if there is anything else that I would like to cover on this. This government has unfortunately presided over a timeframe where there has been hate paraded on the streets. So you cannot claim that you were the champion of harmony, that you were the champion of minority groups, when your actions have said otherwise.

Ryan Batchelor: On a point of order, Acting President, I might ask that you ask the President to review my speech and Dr Heath's speech when *Hansard* is available to clarify whether the misrepresentation that was in Dr Heath's speech was accurate or not.

The ACTING PRESIDENT (John Berger): Mr Batchelor, I will have a discussion with the President and see about the referral.

Sarah MANSFIELD (Western Victoria) (17:35): I rise to make a short contribution to the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. I understand my colleague Ms Copsey spoke to many aspects of the bill. I am going to speak largely to the amendments that the Greens will seek to introduce to give IBAC greater powers to investigate corruption, and I first kindly ask the Clerk to circulate these amendments. Just for the record, these amendments were shared with members of all parties, including the government, around midday on Tuesday, just to make that clear. We could certainly add other members to our mailing list if they would like to receive our amendments.

Victoria's IBAC has always been seen as a toothless tiger because it does not have sufficient powers or jurisdiction to investigate much of the corruption that occurs in this state. In summary, the Greens amendments seek to give IBAC some really sharp new teeth so it can finally investigate public and political corruption that has increasingly plagued Victoria under this Labor government. These powers are long, long overdue in this state. As former IBAC Commissioner Robert Redlich said just yesterday on radio, these are powers that were given to the New South Wales anti-corruption commission decades ago. The fact that we are even debating introducing them now in Victoria is scandalous.

The amendments will bring IBAC's powers in line with the New South Wales and federal anti-corruption commissions, and they will acquit the key recommendations from the Integrity and Oversight Committee's recent report into the adequacy of IBAC's legislative framework. The state Labor government has incredibly serious integrity questions to answer right now, and every Victorian

deserves to know the truth about what has been going on under its watch. The fastest way that Victorians can start receiving these answers is to strengthen IBAC as per the Greens amendments today.

I will now briefly summarise the three amendments I will be moving. Our first amendment seeks to expand IBAC's jurisdiction so that it can investigate corrupt conduct beyond just serious indictable or common-law criminal offences, because the truth is that so often IBAC simply does not have the ability to investigate the full gamut of alleged misconduct. Just this Monday IBAC, in a rare public statement, said it did not have the legal powers necessary to investigate the Big Build allegations the Premier referred to it in writing in 2024. Former IBAC commissioner Robert Redlich said that if the Premier did not know IBAC did not have the power to investigate when she made the referral, then she should have known.

But the truth is that Victorian politicians of all sides have long been in the habit of referring matters to IBAC, including their personal conduct, because they know full well IBAC is a toothless tiger which is prevented under its legislation from investigating these matters. IBAC referrals are fast becoming the oldest trick in the Victorian politicians' playbook in how to pretend you are taking a corruption scandal seriously without actually taking it seriously. The Premier has been hiding behind her IBAC referral for 18 months in an attempt to suggest she has taken the appropriate action to root out Big Build corruption, but the ruse was spectacularly exposed this week. IBAC called her bluff on Monday – it was a stunt referral she knew would go nowhere. As mentioned, this is certainly not the first time a Victorian politician has hidden from accountability behind an impotent IBAC referral, but it should be the last time.

Under its current laws IBAC can only investigate corruption that constitutes a serious criminal offence or serious common-law offence like misconduct in public office, bribery or perverting the course of justice. A lot of corruption is not necessarily an offence but still amounts to a grievous breach of public trust, things that, if Victorians knew about them, would damage their confidence in government and public administration, and conduct and behaviours that literally can cost Victorians billions of dollars. This includes jobs for mates, giving contracts to donors, allocating funding to marginal electorates instead of communities in need, or, to draw on the recent Big Build allegations, the infiltration of a union by outlaw motorcycle gangs or union and underworld figures operating a black market where bribes are paid by select labour hire firms to secure the union's formal EBA endorsement. A lot of the conduct exposed by the media and in other jurisdictions' reports in regard to the Big Build allegations is not necessarily illegal or an indictable serious criminal offence, but this is the same corrupt conduct that may have cost Victorians $15 billion to $30 billion.

Our first proposed amendment will expand the definition of 'corrupt conduct' under the Independent Broad-based Anti-corruption Commission Act 2011 beyond indictable and serious common-law offending. This amendment may be familiar to the house, as all non-government Legislative Council members voted in favour of these expanded powers in 2023, when the Greens introduced its Independent Broad-based Anti-corruption Commission Amendment (Ending Political Corruption) Bill 2024. The expanded definition means IBAC could investigate matters involving a serious disciplinary offence, misconduct worthy of termination, or other wrongdoing in breach of the public's trust. This will allow IBAC to investigate the full breadth of alleged Big Build misconduct and ensure it can respond robustly to the corruption scandals to come. If the changes in this amendment look familiar, then yes, this is the very same change that was in our private members bill that was passed in this place, unanimously, by all non-government members in late 2023. I do not think any of us would dare claim that what IBAC needed then is not needed now.

Importantly, this amendment that IBAC can apply these new powers retrospectively, and to matters where it may have been previously decided that it did not have the legal jurisdiction to investigate, means that they could now apply these powers to actually investigate Big Build corruption as per the Premier's referral 18 months ago. The Premier wanted to pretend that IBAC would investigate Big Build corruption. These amendments mean that IBAC should now have the powers to investigate this corruption for real.

Our second proposed amendment will seek to empower IBAC to follow the dollars across publicly funded projects in the private sector. To get to the bottom of the Big Build scandal, IBAC must be given the power to investigate the corrupt conduct of third-party and private subcontractors – like dodgy private developers, bikies and CFMEU officials – where that alleged misconduct could impair Victorians' confidence in public administration.

Our amendments will also give effect to recommendation 14 of the Integrity and Oversight Committee report into the legislative framework for IBAC, that the Victorian government give IBAC greater powers to explicitly authorise someone who has made a complaint to IBAC to communicate to someone else about IBAC's response to that complaint – for example, that IBAC has decided to dismiss or investigate the complaint. Under the current law, complainants can only make such a disclosure in very restricted circumstances. This amendment would grant IBAC the discretion to, amongst other things, authorise complainants to disclose this information to support their own wellbeing – for example, disclosing this information to a therapist.

The Greens' third and final amendment will seek to amend the IBAC act to remove the bar on IBAC holding public hearings, except in what IBAC considers to be exceptional circumstances. The requirement of exceptional circumstances sets an overly high bar for opening up IBAC hearings to the general public. IBAC itself suggested this requirement places an additional and unnecessary constraint on its ability to inform the public about its work and promote accountability. Unless this amendment is passed, were IBAC to be given the powers necessary to investigate the full scope of alleged Big Build corruption it may conduct its hearings and investigations behind closed doors. In the current circumstances with regard to corruption in Victoria, now more than ever, the public must be able to see IBAC working to hold public officials accountable and upholding integrity in this state. Victorians also have a right to witness the evidence given to IBAC so that they can make an informed choice in the lead-up to the next election. I want to emphasise that this amendment will not remove important safeguards on public hearings, including maintaining IBAC's discretion to hold private hearings where necessary to protect the identity of whistleblowers or to protect the reputation, safety or wellbeing of a witness.

In closing, let me be clear: if the Allan Labor government opposes these sorely needed amendments, we can only conclude that the government does not want the Victorian public to know the truth about the depth and breadth of the Big Build corruption. We as a Parliament can decide today to start giving Victorians these answers on the full extent and cost of what has been going on. I urge all members to do the right thing for Victorians now and in the future by supporting all of these amendments, and I commend them to the house.

Tom McINTOSH (Eastern Victoria) (17:45): I rise to speak in support of the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. The bill contains various legislative reforms to support the effective and efficient operation of the courts, including the Coroners Court, VCAT, the Office of the Public Advocate and fines enforcement. The bill will amend the Open Courts Act 2013 to implement recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court* report by allowing lower courts and VCAT to vary or revoke legacy suppression orders made prior to that act. It will amend the Coroners Act 2008 to enable the Coroners Court to streamline and investigate finalisation and reopening of procedures. It will amend the Births, Deaths and Marriages Registration Act 1996 to enable more doctors to register deaths and clarify their death reporting obligations. It will amend fines and tolling legislation and make minor fines-related amendments to other acts to strengthen fines enforcement by correcting minor anomalies and inconsistencies and make procedural improvements. It will amend the Guardianship and Administration Act 2019 to clarify the delegation powers and acting arrangements of the Public Advocate. It will amend the Crimes Act 1958 to expand the existing bestiality offence and introduce indictable offences that prohibit producing, distributing, possessing and accessing bestiality or animal-crush material. It will also amend the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the County Court Drug and Alcohol Treatment Court, and it will amend the Road Safety Act 1986 to

enable the Magistrates' Court of Victoria to carry out certain administrative functions under the Road Safety Act more efficiently.

This bill will introduce a transitional provision in the Open Courts Act 2013 to allow the lower courts and VCAT to review legal suppression orders made prior to the commencement of the act in December 2013. These are referred to as pre-existing orders in this bill. The Open Courts Act consolidates suppression order powers of the courts and VCAT; however, it does not include provisions to review pre-existing orders. Many of these orders operate indefinitely. Currently applications to vary or revoke pre-existing orders can only be made to the Supreme Court under its inherent jurisdiction, which is a costly process, strains the resources of the court and hinders access to justice. The amendments will address this problem and implement recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court* report. The bill will also allow persons with a sufficient interest in a pre-existing order, including victim-survivors of a sexual offence or family violence offence and news media organisations, to apply to the relevant court or VCAT to review the order. The court or VCAT will be able to confirm, vary or revoke a pre-existing order.

With regard to the Coroners Act reforms, the bill will introduce a new discretion for coroners to discontinue investigations into certain reportable natural cause deaths which do not require further investigation once the cause of death is identified. Where the discretion is available and exercised, a coroner will direct a Victorian Institute of Forensic Medicine pathologist or an eligible medical practitioner to notify the Victorian Registry of Births, Deaths and Marriages of the cause of death. This will avoid the need for the coroner to make findings into the death and remove the need for the court to provide the registry of births, deaths and marriages with particulars of the death. This will reduce investigation finalisation times, providing families with closure sooner. These amendments will acquit recommendation 4 of the Coronial Council of Victoria's 2020 *Review of Reportable Deaths in Victoria* report and recommendation 1 of the 2024 Coroners Act statutory review. The bill will limit standing to apply for coronial findings to be set aside and for the reopening of investigations and allow the Coroners Court to set aside findings and reopen investigations on its own motion. This will promote efficiencies and assist the court in its duty to promote public health and safety and the administration of justice. These amendments will acquit recommendation 5 of the 2024 Coroners Act statutory review.

With regard to Births, Deaths and Marriages Registration Act reforms, the bill will amend the Births, Deaths and Marriages Registration Act 1996 to enable more doctors to notify Births, Deaths and Marriages Victoria of deaths and clarify the circumstances in which they can do so. These amendments aim to reduce unnecessary reporting of a natural causes deaths to the Coroners Court. Currently, some doctors may not be comfortable signing a death certificate where, for example, there are multiple natural causes such as dementia and pneumonia, and they are not 100 per cent certain which of these is the ultimate cause of death. The bill will clarify that a doctor can notify the registrar of births, deaths and marriages of a person's death and cause of death if they are able to form an opinion as to the person's probable cause of death. This amendment is intended to clarify the degree of certainty doctors need to have as to a person's cause of death before notifying the registrar. It is intended that this will help doctors to understand their existing obligations when notifying births, deaths and marriages of causes of death and give them more confidence to do so. For example, a doctor may be more comfortable listing pneumonia as the leading cause of death, with dementia as a side cause, knowing that they do not need to be 100 per cent certain that it was the ultimate cause of death, only that it was the most likely in the circumstances. Modern GP super clinics mean that people rarely have the same treating doctor and that a doctor may not be available to certify their death. The bill will enable a doctor who has reviewed a person's medical history and the circumstances of their death to notify births, deaths and marriages if they can form an opinion as to the person's probable cause of death. This amendment aims to make more doctors eligible to complete death notifications and reduce the number of deaths reported to the Coroners Court solely because no doctor was eligible or available to complete notifications. These amendments will not change how causes of death are registered and recorded by

the registrar. A person's death certificate will state their cause of death, not their probable cause of death. These amendments will acquit recommendation 2 of the 2024 Coroners Act statutory review.

With regard to the fines and tolling legislation reforms, the bill will amend the Infringements Act 2006, the Fines Reform Act 2014, the Road Safety Act 1986, the Marine Safety Act 2010, the Public Health and Wellbeing Act 2008 and toll road legislation to strengthen fines enforcement by correcting minor anomalies and inconsistencies. It will make minor procedural improvements, enhancing provisions for the electronic service of fines notices, facilitating the service of fines-related notifications and other documents to stakeholders via an online portal and clarifying the treatment of electronic enforcement warrants. These changes will strengthen the legislative framework for the electronic service of fines notices, including by providing certainty that service will be deemed to have occurred even if a notice is returned undelivered if the recipient has consented to the electronic delivery of notices and provided an electronic address for this purpose.

It will also provide an additional method of electronic service via an online portal of certain fines-related notifications and directions to support enforcement agencies, courts, community legal centres and others that manage fines on behalf of multiple fine recipients. It will allow the service of fines notices to an address supplied in a nomination statement under the Road Safety Act 1986 or the Marine Safety Act 2010. It will remove the requirement for applicants for an extension of time to deal with a traffic or toll fine to produce an affidavit or statutory declaration to support their application. It will clarify that electronic enforcement warrants do not need to be issued in a prescribed form for a fine defaulter who is the subject of an existing unsatisfied enforcement warrant and who has a history of failing to deal with their fines. An enforcement warrant may be issued in respect of their other unpaid fines before the expiry of the notice of final demand for those fines. It will clarify that more than one fine can be withdrawn using a single notice of withdrawal, and it will also ensure the adequacy of the delegation powers of the director of Fines Victoria under the Road Safety Act 1986 and tolling legislation. It will also address the inconsistent treatment of court and infringement fines when enforcing company fines against a company director and clarify that a payment arrangement must be commenced by making the payment before a driver and vehicle sanction imposed on a fine defaulter is lifted.

The bill will also deal with Guardianship and Administration Act reforms. The amendment will insert an example in the delegation powers provision of the Guardianship and Administration Act 2019 to clarify that the current provisions enable the Public Advocate to delegate to a specified class of Public Advocate employee all the Public Advocate's powers and duties under VCAT orders, as are in existence from time to time, under part 3 of the act. These include guardianship orders and other related orders. This will ensure that the Public Advocate can delegate powers that are yet to be conferred by a VCAT guardianship order or related order, including periods where the Public Advocate may be temporarily unavailable. This will improve outcomes for vulnerable persons with a decision-making impairment, particularly in circumstances where an urgent guardianship decision is required. The amendment will clarify acting arrangements for the Public Advocate. Currently the provisions providing for the appointment of an acting Public Advocate under the act only apply when the Public Advocate is temporarily absent or suspended. The amendment will extend the operation of the provision to cover periods where the office is vacant. This will ensure a consistent approach to the appointment of an acting Public Advocate, whether the office is vacant or the Public Advocate is temporarily absent or suspended. The bill will also set a maximum acting appointment duration of 12 months.

On Crimes Act reforms, the bill will amend the offence of bestiality in the Crimes Act 1958 to prohibit sexual touching between a human being and an animal. This reform will expand the existing definition of 'bestiality', which is currently limited to penetrative acts, to better protect animals from abuse and sexually exploitative behaviour. Existing exceptions for veterinary, agricultural or scientific research purposes will continue to apply to the updated offence. The bill will also introduce a suite of indictable offences into the Crimes Act to expressly criminalise producing, distributing, possessing and accessing

bestiality or animal abuse material. The new offences are designed to disrupt and deter the supply of animal abuse materials in and connected to Victoria by ensuring that targeted laws apply to individuals who create and share content as well as to those who perpetuate demand by consuming it. To ensure the offences are focused on the conduct that has motivated the reforms, animal abuse material must be regarded by reasonable persons as being intended to excite or gratify a sexual or sadistic interest in violence or cruelty. The animal abuse material must be realistic, but not necessarily real, to avoid creating a loophole for lifelike simulations of harmful sexual or sadistic conduct.

The bill includes exceptions and defences to prevent the inadvertent criminalisation of legitimate professional conduct and undue interference with advocacy and creative industries. An exception will apply to material that is or would be subject to an appropriate Commonwealth classification and dealings that occur in the course of official duties – for example, law enforcement. Statutory defences will be available for individuals whose engagement with prohibited material is unintentional and those who produce or deal with prohibited material in a journalistic capacity for the public benefit, which includes a genuine artistic, educational, legal, medical, agricultural, scientific or veterinary purpose. The offences of producing and distributing animal abuse material will attract a maximum penalty of five years imprisonment, while accessing prohibited material will attract a three-year maximum term. These penalties are consistent with the maximum penalties for bestiality and the equivalent New South Wales offences. These reforms are proposed to commence 12 months from their introduction by the Parliament or earlier by proclamation.

On County Court Act and Sentencing Act reforms, the bill amends the County Court Act 1958 and Sentencing Act 1991 to enable the County Court Drug and Alcohol Treatment Court to continue operating after 26 April 2026. Provisions which enable the Drug Court to operate are currently scheduled to sunset on 26 April, and the amendments ensure that offenders pleading guilty to drug and alcohol related offences in the County Court will have access to the therapeutic pathways provided by the Drug Court. That is the end of my time, and I will leave my comments there.

Trung LUU (Western Metropolitan) (18:00): I rise today to speak on the Justice Legislation Further Amendment (Miscellaneous) Bill 2025. This is an omnibus bill, and the opposition will not be opposing it. But I do have some concerns, and I am very disappointed with the bill in that the government has not taken the opportunity to address the widespread allegations of corruption and criminal activities we are experiencing at the moment – the extent of the criminality, the volume of what is involved, the money concerns in relation to public funds and the opportunity to bring back some community confidence. Nevertheless, hopefully the amendments put forward will alleviate some of my concerns. The bill touches on a wide range of justice-related matters, responding to court operational matters and pressures and other emerging criminal justice issues. I will touch on those shortly. I note that this bill has not really addressed the crime crisis Victorians are facing at the moment. We start 2026 where we left off in 2025: with crime rates at an all-time high. Nevertheless this bill we are debating today does make some procedural and administrative changes to a broad range of acts.

One of the main provisions of this bill arises from several court decisions, including the *Royal Commission into the Management of Police Informants v DPP*, which generated some uncertainty around whether low courts may vary suppression orders. These changes amend the Open Courts Act 2013 to allow the courts to vary, revoke and review suppression orders made before 1 December 2013. This is a quite significant reform, I have to say, in this bill, because across cases like the *Royal Commission into the Management of Police Informants v DPP* and the *Victorian Legal Services Board v Gobbo* the main source of legal uncertainty includes which court, if any, has jurisdiction to vary suppression orders made before the Open Courts Act 2013; whether such orders continue under their original statutory foundations or are absorbed into the Open Courts Act regime; the degree to which the Supreme Court may intervene in an order of a lower court where that order pre-dates modern transparency legislations; and lastly, how courts balance transparency against the confidentiality needs of inquiries like the of the Royal Commission into the Management of Police Informants.

Today the 2020 court decision *Victorian Legal Services Board v Gobbo* remains the clearest example of uncertainty in this area of the law. This reform is significant in many ways to clarify the uncertainty around which courts have the power to vary suppression orders instead of forcing all applicants into the Supreme Court. As we have all seen, in doing so it led to backlogs in courts, significant delays and costs in accessing the justice system. So this bill is a good, positive step forward, I would say, to alleviate the courts' backlog.

Another part of this bill I want to speak on is part 7, 'Amendments relating to Drug Court Division of the County Court'. The County Court division plays a crucial role in response to the current crime crisis, addressing the root cause of offending, which I mentioned earlier, especially drug and alcohol dependence. Many reoffenders become stuck in a cycle of addiction and incarceration, and a traditional punishment approach alone will not successfully break down this pattern. We have seen that time after time. The Drug Court model programs and pathways reduce reoffending and improve long-term outcomes. Part of the County Court's Drug and Alcohol Treatment Court specialises in focusing on supporting offenders with those criminal behaviours linked to substance dependence. It uses drug and alcohol treatment orders which provide structured treatment, supervision and recovery support as alternatives to prison. The court prioritises health, stability and behaviour change. This bill does continue to modernise the Drug Court division to ensure consistent and effective statewide operations. It builds on proven success and expands the court's reach and capacities with key reforms to adjournments to the Drug Court division. This allows the County Court to refer more eligible offenders directly into treatment-focused programs. Expanded jurisdiction enables the Drug Court to hear a broader range of drug-related matters, where therapeutic oversight supports rehabilitation. It also streamlines sentencing and order processes and simplifies procedures, reducing delays and allowing the court to focus on treatment and supervision. Overall, these reforms strengthen the proven model to reduce reoffending and address drivers of drug-related crime to provide community safety through rehab rather than punishment. Having mentioned these two improvements, they will provide some alleviation for the court system.

To conclude my remarks, I entirely support this bill, but I do have concerns, as I stressed earlier, relating to the changes it lacks. But in relation to the suppression order and continuation of modernisation in support of the Drug Court division, that this bill provides a review to revoke suppression orders is an improved step forward because it allows victim-survivors to speak out publicly when they are ready to do so, especially when restrictions are no longer justified. This is a really important measure within the changes in this bill, and it bears repeating why these changes are necessary.

I have noticed the amendment put forward by the crossbenchers. I just want to make a quick comment. I have not actually read through all the detail, but overall, in relation to the registration of offenders prohibited from commercial sexual services and sexual entertainment employment, this sounds like a reasonable idea. Hopefully we will read through the finer detail on how it will be implemented. This is another thing we need to discuss and look through in finer detail.

In relation to the Greens' broader amendment on IBAC, I will touch base. It is crucial that we do make it public. It is important that inquiries are open. We have seen in the past, over and over again, that inquiries have been closed door, and they are not compelled to give evidence to the public. So it is important that we have transparency in all inquiries. We will go through more detail in relation to the amendment itself, but I would like to end my contribution there.

Lee TARLAMIS (South-Eastern Metropolitan) (18:08): I move:

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

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

Children, Youth and Families Amendment (Supporting Stable and Strong Families) Bill 2025

Introduction and first reading

The ACTING PRESIDENT (John Berger) (18:09): 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 **Children, Youth and Families Act 2005** to provide for responsibilities of supporting stable and strong families partners in relation to supporting stable and strong families and to consequentially amend the **Child Wellbeing and Safety Act 2005** and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:09): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:10): 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 Children, Youth and Families Amendment (Supporting Stable and Strong Families) Bill 2025 (the Bill).
>
> In my opinion, the Bill as introduced to the Legislative Council, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The main purpose of the Bill is to amend the *Children, Youth and Families Act 2005* (CYF Act) to create a supporting stable and strong families scheme (SSSF scheme) to provide for collective responsibility and a whole-of-government approach to supporting child wellbeing and safety.
>
> The SSSF scheme places obligations on Ministers, the Chief Commissioner of Police and heads of government departments (supporting stable and strong families partners (SSSF partners)) to take action to support the needs of vulnerable children and families within the supporting stable and strong families group (SSSF group) in delivering actions identified in a supporting stable and strong families plan (SSSF plan), with progress reported against that plan.
>
> The Bill also consequentially amends the *Child Wellbeing and Safety Act 2005* (CWS Act) to expand the functions of the Children's Services Co-ordination Board in relation to the SSSF scheme.
>
> The SSSF scheme provides for a more proactive and holistic whole-of-government approach to taking tangible action to promote child wellbeing and safety in Victoria. It enhances accountability by setting out planning and reporting responsibilities and requires various public bodies to work together in a more coordinated manner.
>
> **Relevant Human rights**
>
> The following rights under the Charter Act are engaged by the Bill:
>
> - right to recognition and equality before the law (section 8); and
> - right to privacy (section 13); and
> - right to protection of families and children (section 17); and
> - right to protection of cultural rights including Aboriginal cultural rights (section 19)

For the following reasons, I am satisfied that the Bill is compatible with the Charter. All measures in the Bill are intended to promote the protection of families and children and so, to the extent that any rights may be limited, those limitations are reasonable and justified in accordance with section 7(2) of the Charter.

Analysis of relevant clauses

Right to 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 entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Clause 3 of the Bill amends the CYF Act to insert the definition of *SSSF group*, which has the meaning given by new section 20F.

New section 20F explains that *SSSF group* for the purposes of new Chapter 2A means the following persons:

- *vulnerable children* and *care leavers*;
- parents of, and other family members who reside in a household with, *vulnerable children* subject to a family preservation order;
- in relation to *vulnerable children* subject to a family reunification order:
    - i) the parents of the vulnerable children with whom the vulnerable children will be reunified; and
    - ii) other family members who will reside in a household with the vulnerable children after reunification in accordance with the order

The definition of *care leavers* is found in new section 20G, which provides that in Chapter 2A, it refers to persons under the age of 25 years who have left the care of the Secretary and i) live independently; or ii) are of an age to live independently; or iii) intend to live independently.

New section 20G also provides that in Chapter 2A a reference to *vulnerable children* includes: i) a child who is or has been subject to a report under section 28, 33(2), 183, 184 or 185 of the CYF Act, ii) a child who receives or has received services from a community service; iii) a child who requires but has not received services from a community service, iv) a child whose primary family carer receives or has received a service from a community service; and v) a child whose *primary family carer* requires but has not received services from a community service.

In new section 20G, the term *primary family carer*, means the child's parent or guardian, or another person, who has daily care and control of the child, whether or not that care involves custody of the child. This definition is found in section 3 of the Commission for *Children and Young People Act 2012*.

Clause 4 amends the CYF Act to insert new Chapter 2A. Part 2A.2 of this Chapter deals with the SSSF functions and responsibilities of Ministers, the Chief Commissioner of Police, heads of government departments and any other person prescribed to share these functions and responsibilities. New section 20H sets out the functions of these SSSF partners, allocating different functions to SSSF partners who are Ministers to those SSSF partners who are not Ministers.

SSSF partners who are Ministers are required to prepare a SSSF plan and take the actions specified in the SSSF plan; prepare SSSF progress reports against that plan and consider their SSSF responsibilities as set out in new section 20H in preparing a SSSF plan. SSSF partners other than Ministers (principally heads of government departments) are required to consider their section 20H responsibilities in taking actions specified in the SSSF plan.

SSSF partners are not to consider their responsibilities in the performance or exercise of their primary functions, duties or powers or where there is a conflict or incompatibility with those functions, duties or powers.

New section 20I provides that for the performance of SSSF partners' functions under new section 20H, a SSSF partner has several responsibilities directed to the *SSSF group*. These responsibilities include: i) delivering or facilitating the delivery of services; ii) promoting the physical, psychological, emotional, cultural and developmental wellbeing; iii) promoting equality of opportunity; and iv) having regard to and applying the recognition principles and recognising and supporting the cultural identity of Aboriginal persons.

In summary, SSSF partners are required by Part 2A.2 to consider the SSSF responsibilities when preparing their SSSF plans and SSSF progress reports against those plans (for SSSF partners who are Ministers) and consider the SSSF responsibilities when taking actions specified in the SSSF plans prepared by Ministers (SSSF partners who are not Ministers).

Discrimination as a requirement of sections 8(2) and 8(3)

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute in section 6 of that Act, which includes age, race and parental status amongst many others.

The Bill establishes a requirement to prepare and take action under SSSF plans taking into consideration SSSF responsibilities considering the needs of an exclusive cohort (above described) and creates a differential treatment to people arguably based on attributes such as age, parental status and/or race, both in terms of including and excluding people from the *SSSF group*.

Whilst this may, on its face, appear to treat persons with protected attributes differently and preferably, to those within the community who do not share those attributes, I am of the view that it does not constitute discrimination on the basis of those attributes as the scheme is essentially responding on the basis of need rather than those attributes. An examination of the definition of SSSF group highlights the connection of this group to the child protection or community services sector. If, however, this is insufficient to ensure compatibility, the SSSF scheme can be considered a special measure aimed at assisting those groups facing disadvantage.

Special measure (Section 8(4))

Section 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination, and as such, these special measures would not engage sections 8(2) or 8(3) of the Charter. The introduction of the SSSF scheme in the CYF Act, including the requirement to produce a SSSF plan that considers the needs of the SSSF group, can be considered to constitute a special measure as it meets the following criteria set in *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* [2009] VCAT 1869, 262–264.

a. *The SSSF scheme has the purpose of assisting or advancing the identified disadvantaged and discriminated against*

Vulnerable children, care leavers and their families, particularly those involved, or at risk of becoming involved, with child protection, face significant barriers to access adequate universal services that address their needs in a timely manner. This impacts their ability to equally access opportunities, placing them in disadvantage and impacting their ability to remain together as a family or to reunify in a timely manner following child protection intervention. This intention is clearly articulated in new section 20I(c) which includes the responsibility to promote equality of opportunity for children and care leavers in the SSSF group for whom there are welfare concerns.

Through the requirement for SSSF partners to plan and undertake actions in those plans, the Bill clearly identifies that vulnerable children and care leavers face systematic disadvantages and often do not have the same opportunities that their peers have.

b. *The SSSF scheme is reasonably likely to advance and benefit the SSSF group.*

New section 20C clearly sets out the objects of new Chapter 2A which focus on coordination and collective responsibility to promote the wellbeing and safety of vulnerable children and persons under the age of 25 through early intervention and providing timely and adequate services to support families caring for those vulnerable children and young people.

I am of the view that the introduction of a whole-of-government approach to taking action to support this group will produce better outcomes as the Bill also provides for more accountability through the requirement to prepare plans and have them laid before the Parliament in addition to the requirement to report on progress against those plans.

Better coordination in the planning and delivery of services to those who come within the SSSF group should enhance the capacity for family reunification and ultimately keep more vulnerable children and families out of the child protection system.

c. *the SSSF scheme must address a need, and go no further than necessary to address that need*

The scheme directly addresses a need for enhanced coordination of planning for, and delivery of, services for the most vulnerable within our community in the expectation that will produce better outcomes for those within the SSSF group. It goes no further than necessary to address that existing gap.

d. *discrimination must be the cause of the person or group's disadvantage*

Children are a group whose vulnerability to a significant extent arises from their age. It does not follow that such vulnerability is the result of discrimination based upon the attribute of age. The connection between the status of being a parent and the involvement of the child protection system is clear but is not based upon

discrimination due to that attribute. The involvement of the child protection system within the life of a family is based upon concerns for the safety of the children within that family.

The Yoorrook Justice Commission highlighted ongoing systemic racism within Victoria's child protection system which is referred to within the recognition principles set out in section 7E of the CYF Act, in particular section 7E(5):

> Historic and ongoing biases and structural and everyday racisms create barriers to the best interests of the Aboriginal child and are to be recognised and overcome.

The requirement in new section 20I for SSSF partners in undertaking their functions under section 20H to have regard to and apply the recognition principles and recognise and support the cultural identity of Aboriginal persons in the SSSF group aims to ensure that the specific and distinct cultural needs of Aboriginal adults and children are recognised, respected and protected, and act as a bulwark against discrimination in the context of child protection and community services. This aspect is discussed further below when considering the rights set out in section 19 of the Charter.

To the extent that discrimination is a root cause of Aboriginal parents and children forming part of the SSSF group, requiring this recognition and support in accordance with section 7E would support the application of section 8(4) to the SSSF scheme as it is clearly intended to contribute to overcoming the impact of that discrimination.

Accordingly, I am of the view that, if the measures in this Bill are considered discriminatory by focusing attention of some members of the community to the exclusion of others, they fulfil the requirements of a special measure aimed at assisting to overcome disadvantage to promote substantive equality.

Reasonable and justified limits (section 7(2)

Section 7(2) of the Charter provides that Charter rights may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, taking into account several factors.

Since targeting the *SSSF group* in the SSSF partners' responsibilities does not constitute discrimination, sections 8(2) or 8(3) of the Charter are not limited and therefore, no analysis under section 7(2) regarding limits on rights in sections 8(2) and (3) is necessary.

Right to privacy (section 13)

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

Whilst this right may appear to be engaged due to the focus of the Bill on ensuring adequate and timely service provision to those within the SSSF group, the proposed plans and actions required in those plans is targeted at a group level. As such, the SSSF scheme will not require the sharing of personal information of any individuals who may form part of the SSSF group. Accordingly, I am of the view that the right to privacy is not engaged by the provisions in the Bill.

Right to protection of families and children (section 17)

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and the State. Section 17(2) provides that every child has the right to such protection as is in their best interests and is needed by reason of being a child.

As set out earlier, the Bill intends to provide for a whole-of-government approach and ensure collective responsibility when it comes to addressing the wellbeing and best interests of vulnerable children and their families. It is recognised that this cohort of vulnerable children and care leavers, along with their families, require additional supports through service delivery and early intervention to uplift and support their family units. However, the Bill also recognises that not every need will be the same and to promote the best interests of these children there needs to be a level of discretion as to what actions an SSSF partner takes and how best the SSSF partner considers they can address the needs of the SSSF group.

The Bill acknowledges this by setting out several SSSF responsibilities which SSSF partners are to consider when preparing their SSSF plans. These responsibilities include to:

- deliver or facilitate the delivery of services to the group including through providing access to health, education, welfare and other services appropriate to the needs of the SSSF group (as per new section 20I(a)(iii)) and
- promote the physical, psychological, emotional, cultural and developmental wellbeing of children and care leavers by promoting decisions and actions that prioritise the best interests (as per new section 20I(b))

SSSF partners are given flexibility in how they address and promote the best interests of the vulnerable children and their families when preparing their SSSF plans per new section 20L. This can be reflected in the detailed plan of actions which needs to set out how resources are to be allocated and specific actions that are to be taken by any or all SSSF partners who have SSSF responsibilities in relation to a Minister's primary functions, duties and powers and non-statutory commitments (see section 20L(1)(b)). There is also the ability for an SSSF plan to meet the requirements even where the vision statement and detailed plan of actions is in relation to one class of persons in the SSSF group (see section 20L(3)). I am of the view this promotes the best interests of children by ensuring SSSF partners, through their SSSF plans, tailor their actions and delivery of services in the manner they consider is most appropriate given their primary functions, duties and powers.

I accordingly consider the changes proposed by the Bill to be compatible with the right to protection of families and children under the Charter.

Right to protection of cultural rights including Aboriginal cultural rights (section 19)

Section 19 of the Charter provides for the protection of cultural rights and outlines that people with particular cultural, religious, racial or linguistic backgrounds are not to be denied the right to enjoy their cultural, to declare and practice their religion, and use their languages. Section 19(2) of the Charter provides that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community to, amongst other things, enjoy their identity and culture and maintain their kinship ties.

New section 20I(d) of the Bill states that one of the responsibilities of a SSSF partner is to have regard to and apply the recognition principles and recognise and support the cultural identity of Aboriginal persons in the SSSF group. The recognition principles are set out in section 7E of the *Children, Youth and Families Act 2005*.

In my view the Bill promotes and strengthens the Aboriginal cultural right by requiring SSSF partners to actively consider Aboriginal persons who fall within the SSSF group and to plan for them when preparing SSSF plans. Similarly, the requirements surrounding the content of SSSF plans (set out in new section 20L) and the SSSF progress report requirements (set out in new section 20O) ensure SSSF partners plan for measurable objectives that focus on the wellbeing and development of children and care leavers in the SSSF group, some of who are likely to identify as Aboriginal, and then at the end of the term of the SSSF plan assess and report back on those measurable objectives. Section 20L also requires that the detailed action plan within a SSSF plan takes into account outcome measures, some of which will be prescribed against the outcome area of 'Aboriginal self-determination'. SSSF partners will therefore set objectives related to Aboriginal persons in the SSSF group and in doing so, will then be required to assess the performance of actions.

This promotes accountability in relation to actions taken for supporting the cultural identity of Aboriginal persons and I am therefore of the view that the changes are compatible with this Charter right.

Conclusion

For the reasons outlined above I am of the view that the Bill is compatible with the Charter.

Hon Lizzie Blandthorn MP
Deputy Leader of the Government in the Legislative Council
Minister for Children
Minister for Disability

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:10): I move:

That the bill be now read a second time.

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

The Bill amends the *Children, Youth and Families Act 2005* (the Act) and the *Child Wellbeing and Safety Act 2005* to create a legislative framework to improve collaboration across Government and better support vulnerable children, young people and families. The Bill incorporates shared responsibilities across the Victorian Government to enhance service access and support earlier intervention for children, young people and families at risk of, or already involved with, Child Protection.

The Victorian Government has focused on progressing collaboration, identifying opportunities to leverage existing resources and initiatives to better support vulnerable children and families – particularly those involved with child protection or at risk of being so. Partnering across government has reinforced the collective responsibility that all departments and portfolios share for supporting the most vulnerable members of the Victorian community.

This effort has achieved some important advancements – notably, parents who are pursuing family reunification are now recognised as a priority cohort under the Victorian Housing Register. This recognises the important role that stable and appropriate housing plays in enabling parents to address protective concerns and safely resume caring responsibilities.

Despite these successes, the work to date has also highlighted the need for a more enduring approach that facilitates and directs our collective effort towards supporting vulnerable children and families. This Bill establishes that enduring approach by legislating the Supporting Stable and Strong Families scheme, formally recognising that, when the State takes responsibility for a child's care, every government department becomes a part of that child's support structure. The Bill gives practical effect to this duty by introducing responsibilities across government, mandating integrated planning and service delivery across government areas such as housing, health, education, and justice. This draws on a similar scheme, known as Corporate Parenting, that has operated successfully in Scotland.

The Bill seeks to enhance early intervention and minimise the number of children and families engaging with the statutory system, and the duration of their involvement. This complements the Children, Youth and Families Amendment (Stability) Bill 2025 reforms, which will extend the time available to parents to reunify with their children who are subject to a Family Reunification Order made by the Children's Court of Victoria.

To ensure this is more than just an aspiration, the Bill creates a robust framework to hold government to account. It mandates clear reporting on outcomes for children and their families, making Ministers and departments answerable for their role in this collective effort. This Bill makes clear that supporting vulnerable children and young people is a whole-of-government responsibility, not just that of Child Protection and the Minister for Children.

The framework established by the Bill will be known as the Supporting Stable and Strong Families scheme. This title reflects the focus and objectives of the scheme to support those families in Victoria experiencing hardship and enable them to live strong, stable and fulfilling lives.

The ideas underpinning these reforms are not new and sit at the heart of what it means to be part of a supportive family and strong community. The title of the scheme draws on the consultation undertaken with key stakeholders and the language used to describe the intent of these reforms. I would like to take this opportunity to share some of the other contributions from stakeholders, which were not able to be incorporated into the Bill itself, but speak to the importance and resonance of these reforms.

Several stakeholders spoke to the importance of reflecting the obligations we all have to each other – as members of communities, of broader society, and as human beings. Others spoke to the importance of partnership and working together to achieve positive change, both for individual families and the Victorian community more broadly.

In discussions with members of the Aboriginal Children's Forum, members spoke about parallels in Aboriginal culture – the importance and strength of community and the shared obligations to raise children and assist those doing it tough. As one member put it: *when Aboriginal people gather around the campfire, everyone is expected to bring something*.

I would also like to share some of the contributions made by members of the Ministerial Youth Advisory Group – an incredibly impressive group of young people with lived experience of the child protection and care system, who I have the privilege of meeting with and learning from. The language they used speaks to the potential of these reforms to make a significant and lasting difference to children and young people. Members spoke of 'lifting up lives', providing a 'launchpad' for the 'next chapter', and delivering both 'roots and wings' for those in need. As one member simply put it – 'together we thrive'.

The scheme creates responsibilities for Ministers, department heads and the Chief Commissioner of Victoria Police towards a Supporting Stable and Strong Families Group. Responsible individuals will have three main functions under the new model to:

- consider their Supporting Stable and Strong Families responsibilities towards the Supporting Stable and Strong Families Group;
- prepare and implement a Supporting Stable and Strong Families plan setting out the exercise of those responsibilities as relevant to the portfolio, by setting out actions the responsible individual will take in line with the responsibilities; and
- report on performance against Supporting Stable and Strong Families plans.

This Bill focuses on how government works together, but its success will be seen clearly in the impacts on the lives of children and families. The scheme will provide the framework for government to work together, to identify gaps and challenges, and to deliver better services to children and families, and decision makers will be held to account for making this happen. If we get this right, we will see fewer families coming into

contact with the Child Protection system. When children do enter the system, we will see more of them safely reunified with families sooner, and those who cannot be reunified with their families will have outcomes equivalent to their peers across education, health, housing, employment, justice system involvement, and connection to culture. The Victorian Government intends that Supporting Stable and Strong Families is a framework that will improve the lives for thousands of children and families in Victoria.

Supporting Stable and Strong Families Group

The Supporting Stable and Strong Families Group will be comprised of:

- children under the age of 18 who are or have been Child Protection clients;
- children under the age of 18 who are receiving, have received, or require but are not receiving, services from a community service;
- children under the age of 18 whose primary family carer is receiving, has received, or requires but is not receiving, services from a community service;
- care leavers under the age of 25; and
- parents and household members of children subject to Family Preservation Orders and Family Reunification Orders.

The initial focus will be on children and families involved in Child Protection and recent care leavers. This will focus resources at those with the highest need and ensure children and families get the support they need.

Over time, the focus will broaden to the rest of Supporting Stable and Strong Families Group including children and young people (and their families) receiving or requiring family services support and those at risk of engagement with Child Protection. This will support the system to focus on early intervention to prevent more children and families from entering the Child Protection system in the first place.

Responsible individuals

All Ministers, department heads and the Chief Commissioner of Victoria Police will be responsible 'Partners' under Supporting Stable and Strong Families. This captures the core Victorian public office holders with the resources, powers, responsibilities and other mechanisms at their disposal to affect positive change for vulnerable children. However, the Bill also provides the ability to prescribe additional office holders over time.

Responsibilities

Responsible individuals, in so far as consistent with the proper exercise of their functions, will be required to consider the responsibilities to:

a. Deliver or facilitate the delivery of services to Supporting Stable and Strong Families Group:
   i. Assessing the needs of the Supporting Stable and Strong Families Group;
   ii. Identifying and assisting parents and caregivers of children and care leavers in the Supporting Stable and Strong Families Group at the earliest opportunity to meet the needs of children and care leavers; and
   iii. Providing access health, education, welfare and other services appropriate to the needs of the Supporting Stable and Strong Families Group.

b. Promote the physical, psychological, emotional, cultural and developmental wellbeing of children and care leavers in the Supporting Stable and Strong Families Group by promoting decisions and actions that will prioritise the best interests of the children and care leavers.

c. Promote equality of opportunity for children and care leavers in the Supporting Stable and Strong Families Group for whom there are welfare concerns by delivering services that provide the same opportunities that the peers of the children and persons have.

d. In relation to Aboriginal persons in the Supporting Stable and Strong Families Group
   a. have regard to and apply the recognition principles in the Act; and
   b. recognise and support the cultural identity of those persons.

e. Monitor the outcomes, and report on effectiveness, of services provided to the Supporting Stable and Strong Families Group.

Supporting Stable and Strong Families Plans and Reporting

Supporting Stable and Strong Families responsibilities will be enacted through Supporting Stable and Strong Families plans, to be released every two years by Ministers for each of their portfolios. Plans will outline the actions to be taken by all responsible individuals within the portfolio. At the conclusion of each plan, Ministers will release a report outlining the progress against the actions in their plan. Plans and reports will be focused

and meaningful documents that describe what each responsible individual is doing to improve outcomes for the priority cohort, ensuring public accountability for delivery of outcomes.

Supporting Stable and Strong Families plans will be tabled in Parliament and will outline a clear vision and actionable steps for supporting the well-being and development of children and young people, including:

- defining a clear vision and set specific, measurable objectives focused on the well-being and development of children and young people;
- developing detailed action plans outlining steps to achieve objectives, and ensure adequate resources (e.g. staffing allocation and material) are allocated;
- fostering collaboration with other responsible individuals, agencies, and communities; and
- establishing robust systems for monitoring implementation, evaluating outcomes, and making necessary adjustments to improve effectiveness.

Each Minister will be required to table a report in Parliament at the conclusion of each Supporting Stable and Strong Families plan, reporting on the progress against the actions within their portfolios. These reports are to provide an overview in respect to delivering on their stated goals in their Supporting Stable and Strong Families plans.

Governance and monitoring

To ensure there is adequate monitoring of progress between Supporting Stable and Strong Families plan periods, outcome measures across Government will be prescribed in Regulations, which responsible individuals will be required to have regard to in their Plans and tracked in their reports. Outcome measures will be across the outcome areas of:

- Health;
- Education;
- Justice;
- Housing;
- Aboriginal self-determination;
- Employment; and
- Other prescribed areas.

This provides a simple and enduring approach that allows for changes in ministerial responsibilities over time, to reflect the preferences of the Government of the day.

To support the Minister for Children with monitoring of system performance, coordination of the Supporting Stable and Strong Families scheme and setting of regulations, the *Child Wellbeing and Safety Act 2005* is proposed to be amended to establish additional functions for the Children's Services Coordination Board to provide advice to the Minister for Children on:

a. cross-government priorities for the Supporting Stable and Strong Families scheme; and
b. outcome measures and whether new domains may be required, to support the responsible Minister's recommendations to the Governor in Council.

The Children's Services Coordination Board will advise on outcome measures and will track system wide performance, supporting the Minister for Children in monitoring trends in outcomes for the priority cohorts throughout the life of each Supporting Stable and Strong Families plan. The outcomes measures will identify key trends in harm to children and young people and service gaps for families across the State, broken down by locality, harm and service type, and specific community needs to identify priorities across government. The Board will also be required to seek the voice of children, young people, carers and those with lived experience to inform the scheme. This structure will help identify priorities and direct collective effort across government that is informed by those who benefit most.

In action, this Bill represents a fundamental shift in how we, as a government, care for our most vulnerable children and young people. It moves us from a model of reactive referral to one of proactive, collective responsibility. Supporting Stable and Strong Families promotes multi-agency collaboration by requiring various public bodies, including health, education, and social services, to work together in a more coordinated manner. This ensures a comprehensive support system that addresses the diverse needs of children in care and promotes earlier intervention to support families staying together – providing the help they need, when they need it.

I commend the Bill to the house.

Renee HEATH (Eastern Victoria) (18:10): I move, on behalf of Ms Crozier:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Energy and Other Legislation Amendment (Resilience Reforms and Other Matters) Bill 2026

Introduction and first reading

The ACTING PRESIDENT (John Berger) (18:10): I have received a second message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Electricity Safety Act 1998**, the **Electricity Industry Act 2000**, the **Gas Industry Act 2001**, the **National Electricity (Victoria) Act 2005**, the **Energy and Land Legislation Amendment (Energy Safety) Act 2025**, the **Victorian Energy Efficiency Target Amendment (Energy Upgrades for the Future) Act 2025**, the **National Electricity (Victoria) Amendment (VicGrid Stage 2 Reform) Act 2025** and the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:11): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:12): 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 Energy and Other Legislation Amendment (Resilience Reforms 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 base my opinion on the reasons outlined in this statement.

Overview

The main purpose of the Bill is to amend the *Electricity Safety Act 1998* to require distribution companies to prepare network resilience plans and to provide for the approval and enforcement of those plans, and to amend the provisions of the *Electricity Industry Act 2000* and the *Gas Industry Act 2001* to provide increased flexibility for the setting of retailer obligations to life support customers.

The Bill also makes amendments to the *National Electricity (Victoria) Act 2005* relating to renewable energy zones, to provide greater flexibility for the content of REZ orders and REZ scheme declarations, as well as other clarifying amendments to support the transfer of functions from AEMO to VicGrid. These amendments refine specific existing provisions in the *National Electricity (Victoria) Act 2005*, they do not engage relevant human rights.

The definition of major transmission infrastructure is amended to clarify the scope for VicGrid to make payments to certain landholders who host transmission infrastructure on their land, from 2025 and after. This arrangement will be by agreement between VicGrid and any person affected, this clarification does not engage relevant human rights.

Section 16Y of the *National Electricity (Victoria) Act 2005* is amended by the Bill to provide that Orders made under that section are not to be considered a decision in relation to works for the purposes of section 8C of the *Environment Effects Act 1978*. This amendment in the Bill is limited to dealing with the procedure for making such a decision, rather than the substantive effects of such a decision and therefore may engage but does not limit property rights.

The Bill also amends the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, to allow for changes to the Self-Determination Fund to ensure the fund can have more than one fund – including non-charitable investment vehicles – to ensure that payments to Traditional Owners can be used for non-charitable purposes. In this way the Bill seeks to promote First Nations cultural rights through changes to the Self Determination Fund.

Human Rights Issues

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

The following rights are relevant to the Bill:

- Right to life (section 9)
- Right to privacy (section 13)
- Cultural rights (section 19); and
- Right to property (section 20).

I am satisfied that the Bill is compatible with the Charter.

The provisions of the Bill relating to network resilience plans regulate distribution companies, which are corporate entities rather than natural persons. Corporate entities do not attract the human rights specified in the Charter. However, to the extent that those provisions, or other provisions in the Bill impact or may impact natural persons, the impact on their Charter rights is addressed below.

Right to life (section 9)

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Amendments in Parts 2, 3 and 4 of the Bill engage this right.

Part 2 of the Bill will amend the *Electricity Safety Act 1998* to introduce a framework to require distribution companies to prepare and comply with network resilience plans. This is likely to improve the resilience of Victoria's electricity networks and ensure more reliable power supply and reduced outage durations will enhance public health outcomes, especially during extreme weather events. These improvements will reduce the risk of heat and storm-related illnesses and fatalities, and ensure that essential services, like hospitals and aged care facilities, are better able to maintain power during emergencies, ultimately improving community safety and wellbeing.

Parts 3 and 4 of the Bill will amend definitions that support the life support frameworks in the *Electricity Industry Act 2000* and the *Gas Industry Act 2001* to provide flexibility to update these definitions to ensure the life support obligations can respond to changing policy and regulatory settings.

On this basis, I consider that the right to life is promoted by the Bill.

Right to privacy (section 13)

Section 13(a) 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.

Certain clauses of the Bill may engage this right, including new section 120ZK to be inserted by clause 7, which requires a distribution company to comply with a written notice issued by Energy Safe Victoria requiring the company to give to Energy Safe Victoria information within its possession or control for the purpose of verifying the performance of the distribution company in complying with its network resilience plan. In addition, new sections 145AA and 145AAB, to be inserted by clause 9, enable Energy Safe Victoria and the AER to disclose information to one another, and to handle that information, where that information is required to perform their functions in relation to network resilience plans. The information handled under these new provisions may include personal information.

However, to the extent that the amendments in the Bill may interfere with the right to privacy, any interference with the right will not be unlawful or arbitrary because it will be done in accordance with the law as set out in the *Electricity Safety Act 1998*, with the legitimate purpose of supporting the administration and enforcement of the network resilience plan framework.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by the Bill.

Cultural rights (section 19)

Section 19(2) of the Charter provides that Aboriginal persons hold cultural rights and must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. The Charter provides protection for a person to exercise these rights with other members of their community.

Clause 31 amends section 35 of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) to clarify that the Self-Determination Fund may constitute a fund or funds as agreed, and as varied from time to time by the parties to the Self-Determination Fund agreement. This will provide the Fund's flexibility to include different types of funds (not merely charitable) and enable Traditional Owners to apply these funds for broader community benefit, including economic development purposes. To the extent that this amendment engages cultural rights, it promotes the self-determination of Aboriginal persons by providing greater flexibility and autonomy in how funds received through the legislative scheme are disbursed and used.

On this basis, I consider that cultural rights are promoted by this amendment in the Bill.

Right to property (section 20)

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

'Property' under the Charter includes all real and personal property interests recognised under the general law, including contractual rights, leases and debts. A 'deprivation' of property may occur not just where there is a forced transfer or extinguishment of title, but where there is a substantial restriction on a person's use or enjoyment of their property. However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law'. For a deprivation of property to be 'in accordance with the law', the law must be publicly accessible, clear and certain, and must not operate arbitrarily. A broad, discretionary power capable of being exercised arbitrarily or selectively may fail to satisfy these requirements. The concept of 'arbitrariness' as it relates to the Charter refers to something which is unjust, capricious, unpredictable, unreasonable or disproportionate.

Clause 8 of the Bill amends the power of entry in section 129 of the *Electricity Safety Act 1998* to expand the reasons for which an enforcement officer may enter any land or premises to search for a particular thing that may be evidence of the commission of an offence against this Act or the regulations to apply where there may be a thing that may be evidence of the contravention of a civil penalty provision included in relation to the network resilience framework. An enforcement officer can only enter and search land or premises with the informed consent of the occupier of the land or premises, or with a search warrant.

In my view, section 129 of the *Electricity Safety Act 1998* provides an accessible, clear, certain and precise legal framework that authorises the exercise of these powers. Therefore, to the extent that clause 8 may engage the right to property, any deprivation of property will be in accordance with the law and therefore I am satisfied that the right is not limited.

Consideration of reasonable limitations

I am satisfied that the Bill does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter.

Conclusion

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

Hon Ingrid Stitt MP
Minister for Mental Health

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:12): I move:

That the bill be now read a second time.

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

Resilience Reforms

Victorian communities are increasingly vulnerable to prolonged power outages caused by extreme weather events. Climate change is driving more frequent and severe storms, heatwaves, bushfires, and floods. These

events can damage electricity infrastructure and leave households and businesses without power for extended periods. The longer these outages last, the greater the impact on public safety, economic activity and the wellbeing of vulnerable communities.

We have seen this play out very recently in the devastating bushfires that occurred through much of the State in early January, as well as several extreme weather events, including storms in June and October 2021 , and February 2024, that have served to reinforce how important it is that we take action to build resilience in energy networks and in our communities.

The 13 February 2024 storm damaged 12,000 km of powerlines and poles across the state's electricity distribution network, causing power outages that impacted more than 529,000 homes and businesses at its peak.

The devastating storms of 9 June and 29 October 2021 left more than 230,000 Victorians without power. In our cities, outages lasted an average of 49 hours. In rural areas, some communities endured 84 days without electricity. These events exposed significant vulnerabilities in Victoria's electricity distribution networks and highlighted the urgent need for stronger resilience measures.

In response to the 2021 storms events, I established the Electricity Distribution Network Resilience Review Expert Panel in January 2022. The Panel found that while distribution businesses have taken some steps to strengthen their networks, further action is required to reduce the likelihood and consequences of prolonged outages. Communities made it clear that they expect more to be done to ensure networks are built and maintained to withstand the challenges of a changing climate.

This Bill delivers on that expectation. It creates a clear, legally enforceable obligation for distribution businesses to prepare and implement network resilience plans. These plans, which must be accepted by Energy Safe Victoria, will outline the measures businesses will take to prepare for and respond to severe weather events. Examples include strengthening poles to withstand high winds, relocating assets from flood-prone areas, and deploying mobile generators to support affected communities.

The Bill also ensures that these obligations are enforceable. Stronger oversight and greater transparency will improve accountability and provide the Victorian community with confidence that resilience investments are being made and implemented effectively.

Civil penalties will apply where a business fails to comply with their obligations and Distribution businesses will be required to take all reasonable steps to implement the projects in their plans. This ensures that resilience measures are not only planned, but delivered.

For households, businesses and emergency services, this will mean a more reliable supply of electricity, better equipped to withstand the pressures of more frequent and extreme weather events. For government and taxpayers, it will reduce reliance on costly disaster recovery measures.

This Bill also modernises the life support provisions in the *Electricity Industry Act 2000* and *Gas Industry Act 2001*. This delivers another recommendation from the Electricity Distribution Network Resilience Review, supporting priority restoration of power following prolonged power outages. By linking life support definitions to those provided in an Order in Council, the framework can remain flexible and responsive ensuring it continues to meet the needs of Victorians who rely on life support equipment in their homes.

The reforms in this Bill represent a significant step forward in strengthening the resilience of Victoria's electricity networks. They will ensure that distribution businesses are better prepared for extreme weather events and that Victorian communities are better protected from the risks and impacts of prolonged outages.

With this Bill, Victoria is leading the nation in embedding resilience planning into the regulation of electricity distribution networks. This Government is committed to building a safer, fairer and more resilient energy system and is taking the action needed to protect Victorians, particularly our most vulnerable, from the challenges that climate change brings.

Victorian Energy Upgrades program reforms

The Bill also makes amendments to repeal Part 4 of the *Victorian Energy Efficiency Target Amendment (Energy Upgrades for the Future) Act 2025*. While Part 4 was originally intended to strengthen existing offence provisions and key definitions in the *Victorian Energy Efficiency Target Act 2007*, subsequent policy analysis has shown that these changes would unintentionally exclude a key business model responsible for delivering a substantial share of Victorian Energy Upgrades program activities.

Repealing Part 4 before its automatic commencement on 18 March 2026 will protect the stability and effectiveness of the Victorian Energy Upgrades program. By retaining the current offences relating to prescribed activities and the definitions of scheme participant and regulated action, this will ensure that key business models can continue to operate and participate in the Victorian Energy Upgrades program.

Therefore, Victorians can continue accessing energy efficient upgrades without disruption, and the program can further contribute to our state's energy efficiency and emissions reduction goals.

VicGrid Reforms

Coal-fired power stations are closing and are becoming less reliable. Victoria is leading the nation as we transition to renewable energy and deliver reliable energy to Victorian consumers. Supporting this is VicGrid's new approach to planning renewable energy zones and transmission infrastructure, putting community at the core in the delivery of the Victorian Transmission Investment Framework. The Bill clarifies several of the Government's VicGrid reforms enacted in 2024 and 2025.

The Bill clarifies the application of landholder benefit payments under Part 7 of the *National Electricity (Victoria) Act 2005* to new major transmission projects created in or after 2025, to ensure eligible landholders are recognised for their important contribution to the energy transition.

VicGrid is overseeing the introduction of a new transmission access regime to coordinate new energy projects, provide certainty for investors and developers, and ensure meaningful engagement with communities, Traditional Owners and landholders.

To support the effective implementation of renewable energy zones and the new access regime in Victoria, the Bill introduces some flexibility to the making of Renewable Energy Zone Orders and assessment of Renewable Energy Zone Scheme authorities. First, the Bill will allow for renewable energy zones to be declared where there is existing sufficient transmission infrastructure or where there is not yet a proposed transmission project in the planning horizon. Second, the Bill will enable VicGrid to adopt the most appropriate method for assessing and issuing REZ scheme authorities, based on the characteristics of the renewable energy zone, the nature of projects seeking to connect and market interest.

The Bill introduces a new head of power for the Governor in Council to make regulations to replace the substantial constraint test in the *National Electricity (Victoria) Act 2005* with an alternative assessment process that builds on previous reforms that require developers to meet government expectations for community engagement and deliver social value and economic benefits. This will enable a limited class of transitional projects at the advanced development stage (including Capacity Investment Scheme projects) to progress, helping to secure Victoria's renewable energy generation needs.

The Bill makes minor technical amendments to ensure VicGrid is notified when control of a declared Transmission System Operator changes so that it can undertake its transmission planning functions.

The Bill also provides that a Ministerial Order under section 16Y of the *National Electricity (Victoria) Act 2005* should not be taken to be a decision in relation to works for the purposes of section 8C of the *Environment Effects Act 1978*. This ensures all environmental and statutory planning controls are addressed before major construction begins.

I commend the Bill to the house.

Renee HEATH (Eastern Victoria) (18:12): I move, on behalf of Mr Davis:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Entities Legislation Amendment (Consolidation and Other Matters) Bill 2025

Introduction and first reading

The ACTING PRESIDENT (John Berger) (18:12): I have received 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 **Circular Economy (Waste Reduction and Recycling) Act 2021**, the **Environment Protection Act 2017**, the **Marine and Coastal Act 2018**, the **Commissioner for Environmental Sustainability Act 2003**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Public Administration Act 2004**, the **Financial Management Act 1994**, the **Mental Health and Wellbeing Act 2022**, the **Local Government Act 1989**, the **Essential Services Commission Act 2001**, the **Commercial Passenger Vehicle Industry Act 2017**, the **Accident Towing Services Act 2007**, the **Great Ocean Road and Environs Protection Act 2020** and the **Parliamentary Workplace Standards and Integrity Act 2024**, to repeal the **Victorian Environmental Assessment Council Act 2001** and the **Road Safety Camera Commissioner Act 2011** and to make consequential amendments to other Acts and for other purposes.'

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:13): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Gayle TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:14): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Bill as introduced to the Legislative Council, is compatible with the human rights set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill will implement savings decisions of the Victorian Government, deliver public sector efficiencies, and make consequential, related, and other changes to various Acts.

To achieve this the Bill will:

- abolish, reform, and consolidate a number of entities and boards across the Victorian public sector;
- streamline certain Victorian public sector entity governance structures and functions;
- where required, subsume residual required functions and other matters to the Crown;
- streamline or remove regulatory, reporting and compliance requirements;
- improve the general consistency of certain Acts with other enactments and existing Victorian Government policies;
- repeal two Principal Acts; and
- put in place other reforms for other purposes.

Human Rights Issues Overview

The Bill engages the following human rights under the Charter:

- privacy and reputation (section 13);
- freedom of expression (section 15(2));
- taking part in public life (section 18); and
- property rights (section 20).

For the following reasons and having taken into account all relevant factors, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable and justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

I note that, unless a contrary intention appears in this statement, a reference to a 'person' is a reference to an 'individual' as only humans can hold human rights in accordance with section 6(1) of the Charter.

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 the right not to have their reputation unlawfully attacked.

The Charter contains internal qualifications on this right, being that interferences with privacy only limit the right if it is unlawful or arbitrary. An interference will generally be lawful where is it precise and appropriately circumscribed and will generally be arbitrary only where it is capricious, unpredictable, unjust, or unreasonable, in the sense of being disproportionate to the legitimate aim being sought. Therefore, the right to privacy protects a person from government interference, and excessive and unsolicited intervention by other persons.

Privacy is a right of considerable breadth and is difficult to define, and there is considerable jurisprudence, legislation, and policy with respect to the right. However, this broad right can still be subject to reasonable limitation under section 7(2) of the Charter. Further, interference with privacy will not be arbitrary if it is reasonable in the circumstances and in accordance with the Charter.

To the extent that the right may be engaged by the Bill, I have set out an analysis of how it is engaged, and why any engagement is a reasonable limitation.

Transfers of various matter from old entities to new entities by the Bill

The Bill (including Parts 2 (and Schedule 1), 3, 4, 6, and 9) amends a number of Acts to facilitate the transfer of duties, functions and powers, and associated assets, liabilities, matters, obligations, and rights from a range of entities (old entities) to other entities (new entities).

In each instance, the transfer of the above matters (or the enabling of the transfer of them) from each old entity is clearly defined, lawful, and proportionate to the Bill's objective that each new entity can effectively and validly perform its conferred statutory duties, functions, and powers.

Broadly, the Parliament has previously examined the human rights implications of many of the existing entities' duties, functions and powers under previous legislation. Accordingly, this statement need only assess any additional or new impacts on the right to privacy that may arise from the transfer of various matters to the new entities established under the Bill, or due to new engagements with the right to privacy.

With that in mind, to the extent that the right to privacy may be engaged by the Bill, I have set out how the right to privacy is engaged by the Bill by exception, and why any impact is limited, justified and reasonable.

Transfer of assets old entities to new entities containing or relating to information about persons

A number of Parts of the Bill will require or enable the transfer of matters from an old entity to a new entity.

The matters transferred, including assets, may incidentally include or refer to information relating to persons. In each instance, the transfer (including disclosure of information) will be to another public body or public entity and is required to enable the new entity to undertake their new lawful duties, functions, or powers and fulfil any relevant liabilities or obligations.

While the transfer of information in this context may limit the right to privacy in the Charter, such a transfer would lawful, precise, and appropriately circumscribed to the legitimate aims of the Bill of ensuring administrative continuity and effective delivery of public functions and services following required machinery of government changes.

Further the new entities are subject to legal obligations in relation to the handling, use and protection of information. Various laws will apply (as relevant) to each new entity, following the transfer including: the *Privacy and Data Protection Act 2014*; the *Health Records Act 2001*; the *Public Records Act 1973*, the Charter, and any applicable information protection, secrecy, or confidentiality provisions in the relevant statutory framework for each entity.

Where a body, entity or office is abolished by the Bill, any information must be managed in accordance with existing information, privacy or public record laws. This includes the lawful handling, disclosure or transfer of such information, where appropriate, to the Public Records Office of Victoria.

Any necessary administrative action to comply with relevant information, privacy or public record laws as a result of the Bill's reforms will be undertaken and there is work underway across the Victorian public sector to give effect to these necessary changes.

Accordingly, while the transfer of functions, powers and assets under the Bill may incidentally involve the transfer or disclosure of information about persons, any such interference with privacy will occur in accordance with law, will pursue a legitimate and proportionate objective, and will not be arbitrary.

Information collection and information sharing agreements in Part 8 of the Bill

Part 8 of the Bill amends provisions of the *Mental Health and Wellbeing Act 2022* (MHW Act) that relate to information collection and information sharing agreements. These amendments are relevant to the right to privacy.

Clause 137(1) of the Bill amends section 525(1) of the MHW Act to provide that the exercise of powers by the Mental Health and Wellbeing Commission (MHWC) to collect information about a person, including health and personal information, from a specified body must be for the Commission's exercise of its powers under Parts 9.2 to 9.6 or 9.9 of the MHW Act, including in relation to complaint resolution, investigations and inquiries or complaint data reviews.

The Bill also amends section 526 to provide that the MHWC may no longer collect data and information from data sharing bodies (clause 138) and amends section 527 to clarify the purposes for which the MHWC may enter into an information sharing agreement with a public sector body (clause 139). Further, the effect of the amendments that clause 139 makes to section 527 is that the MHWC may no longer enter into an information sharing agreement on behalf of others. This change is intended to more closely link the MHWC's ability to access information to the delivery of its functions and reduce third party access to information to specific legislated.

In my view, any interference with the right to privacy in section 13(a) of the Charter would be in accordance with law and proportionate to the legitimate aim of ensuring that the MHWC can effectively discharge its functions, as amended by clause 116 of the Bill, including in relation to dealing with complaint resolution, and conducting investigations, inquiries or complaint data reviews.

Abolition of certain bodies, entities and offices

As set out above, section 13(b) of the Charter provides that a person has the right not to have their reputation unlawfully attacked.

The Bill provides for the abolition of certain bodies, entities and offices and enables the transfer of certain persons, as part of broader machinery of government or administrative reforms. The abolition of a body, entity or office, or transfer of a person, under legislation of this kind is a structural measure concerning the efficient and effective reorganisation of government functions in public administration.

The abolition or transfer does not amount to an assessment of the conduct or competence of any current or former officeholder, or current or former employees (or agents or contractors) of any body, office or entity. Any incidental reputational impact that may arise from the abolition or transfer of a body, entity, office or person, is a lawful and proportionate consequence of the decision to restructure public entities and offices for legitimate administrative purposes.

Relevantly, where transitional provisions apply in the Bill, they preserve accrued rights and obligations and provides for continuity of decisions, actions, and liabilities. These measures ensure that the integrity and effect of the former office, officeholders and persons lawful actions are maintained. For completeness, I note there are also provisions in the *Interpretation of Legislation Act 1984* (including sections 14 and 16) that address the effect of the repeal of an Act, or any provision of an Act repealed by the Bill.

Although the Bill's provisions may engage the right to privacy and reputation, in my view any limitation is negligible or minimal, reasonable and demonstrably justified in a free and democratic society consistent with section 7(2) of the Charter. Therefore, the Bill is consistent with the rights in section 13 of the Charter.

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 orally, in writing, in print, by way of art or in another medium of their choice.

Section 15(3) also provides that special duties and responsibilities attach to this right, and that lawful restrictions may be reasonably necessary to respect personal rights and reputations, and to protect national security, public order, public health, or morality.

The right is not absolute and can be also subject to reasonable limitation under section 7(2) of the Charter. To the extent that the right may be engaged by the Bill, I have set out an analysis of how it is engaged, and why any engagement is a reasonable limitation.

As set out above, the Bill will abolish bodies, entities or offices and reduce the number of certain offices. These include Part 2 (abolition of the Head, Recycling Victoria (RV Head)), Part 3 (abolition of the Victorian Environmental Assessment Council (VEAC)), Part 4 (abolition of the Mine Land Rehabilitation Authority (MLRA)), Part 5 (abolition of the Victorian Public Sector Commission (VPSC) Advisory Board (VPSC Advisory Board)), Part 6 (abolition of the Victorian Government Purchasing Board (VGPB)), Part 7 (abolition of the Road Safety Camera Office (RSCC)) and Part 8 (reduction in the number of Directors and Board members of the Victorian Collaborative Centre for Mental Health and Wellbeing (VCCMHW) and the number of MHWC commissioners).

The abolition of these bodies, entities or offices and the reduction in number of offices does not prevent persons from expressing their views. Alternative avenues to consult will remain open to those wishing to

express their views, including through correspondence and invitations to provide feedback on issues, papers or policy proposals via public and other consultation processes. This will be with responsible Ministers, relevant departments and other bodies or entities.

In terms of some examples:

- The abolition of the VPSC Advisory Board will not prevent persons from expressing their views. Alternative avenues to consult with the VPSC include correspondence and other consultation processes. The VPSC will maintain ongoing engagement with relevant stakeholders, where appropriate.
- The abolition of RV Head will not prevent the expression of views to the new entity, being the Environment Protection Authority (EPA), nor the Minister responsible for the EPA.
- The abolition of VEAC will not prevent the expression of views to the new entity, being the Commissioner for Environmental Sustainability (CES), nor the responsible Minister responsible, or the relevant Department (presently, the Department of Energy, Environment and Climate Action (DEECA)) for the CES.
- The abolition of the Marine and Coastal Council will not prevent the expression of relevant policy issues to the responsible Minister administering the *Marine and Coastal Act 2018*, or the relevant Department (presently, the DEECA).
- The abolition of the MLRA will not prevent the expression of views to the new entity, being the relevant Department Head, nor the responsible Minister or the relevant Department (presently, the DEECA).
- The abolition of the RSCC will not preclude persons from expressing their views about road safety camera system issues to the responsible Minister or the responsible Department (presently, the Department of Justice and Community Safety); and
- The abolition of the VGPB will not prevent the expression of views to the responsible Minister, or the relevant Department (presently, the Department of Government Services (DGS)). The VGPB was established in 1995 to enable greater consistency in and better governance of goods and services procurement. The reforms in the Bill do not change what previous important reforms in 2013 and 2021 achieved. They simply move relevant remaining matters from the VGPB to the responsible Minister with support from their department (presently, the DGS) and views can be put to them in lieu of the VGPB, in addition to other departments and agencies. Therefore, the Bill does not prevent persons from expressing their views about government procurement policies, processes, or issues.
- The reduction in numbers of Directors and Board members of the VCCMHW and the number of MHWC commissioners also does not prevent the expression of views to the VCCMHW or the MHWC, nor the responsible Minister or responsible Department (presently, the Department of Health).

For these reasons, although these provisions may engage the right to freedom of expression, in my view any limitation is negligible or minimal, reasonable and demonstrably justified in a free and democratic society consistent with section 7(2) of the Charter. Therefore, the Bill is consistent with the right in section 15 of the Charter.

Taking part in public life (section 18)

Section 18 of the Charter states that every eligible person has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs (directly or through freely chosen representatives), and to have access, on general terms of equality, to the Victorian public service and public office. This right applies to all people in Victoria.

The right to access the Victorian public service is not defined in the Charter and there is limited Victorian judicial consideration of the full scope of the right (which is modelled on Article 25 of the International Covenant on Civil and Political Rights).

It is likely that this right is intended to only apply to a person's ability to be appointed to or employed in, a public service role or public office, and does not extend to accessing public services provided by the Victorian public service. Noting there is limited judicial consideration, it has also been found to be engaged when a person is participating in public affairs in a local government context, but it has also been noted it does not mean a person can dictate the terms of their engagement in public affairs at least in that context (see *Dickson v Yarra Ranges Council* [2023] VSC 491). Additionally, some commentators have suggested that the right does not allow a person to dictate the terms of an outcome of any engagement.

To the extent that the right may be engaged by the Bill, I have set out an analysis of how it is engaged, and why any engagement is a reasonable limitation.

For the reasons set out below, although the Bill may engage the right to public life under the Charter, any limit is negligible or minimal, and reasonable and demonstrably justified in a free and democratic society consistent with section 7(2) of the Charter. Therefore, the Bill is consistent with the right in section 18 of the Charter.

Right to be appointed or employed in a public service role or public office

As set out above with respect to the right to freedom of expression, the Bill will abolish a number of offices or reduces the number of certain offices. A number of these offices may be considered public offices for the purposes of section 18(2)(b) of the Charter and therefore their abolition or reduction in number may engage the right to take part in public life.

By way of example, Part 8 of the Bill will reduce the number of positions in MHW Act entities. The Mental Health and Wellbeing Commissioners may hold public office for the purposes of section 18(2)(b) of the Charter. However, I do not consider that the right to take part in public life in section 18(2)(b) would be limited by the Bill with respect to Part 8 of the Bill. The right would not be limited by clause 141 of the Bill because the operation of new section 791 in relation to Commissioners ceasing to hold office would not, in my view, constitute discrimination within the meaning of the Charter and the *Equal Opportunity Act 2010*.

Further, Division 1 does not engage rights under the Charter because no Director of the VCCMHW, and no member of the Board of the VCCMHW, will cease to hold office as a consequence of the Bill.

Whilst clause 107(2) substitutes a new section 659(1) of the MHW Act which will reduce the number of Directors to be employed for the Victorian Collaborative Centre from two to one, clause 113 of the Bill inserts new Part 18.4 and new section 788, of the MHW Act which provides that, on the commencement of this provision, the person who held office as a Director of the VCCMHV immediately before continues to hold office as the Director of the VCCMHW on the same terms and conditions. There is currently only one Director of the VCCMHW, and it is intended that the Centre will continue to have only one Director when the Bill commences.

With respect to the Board of the VCCMHW, clause 101 of the Bill amends section 647(3) of the MHW Act to provide that the Board of the VCCMHW consists of a chairperson and at least four other members, instead of a chairperson, deputy chairperson, and between seven and ten members. No current Board member will cease to hold office as a consequence of the Bill. New section 789 of the MHW Act, inserted by clause 113 of the Bill, is a transitional provision. Its effect is that the VCCMHW Board as constituted immediately before the commencement of Division 1 continues until 30 April 2026. This date aligns with the intended end of the appointment term of VCCMHW Board members holding office immediately prior to commencement of Division 1 of Part 8 of the Bill.

By way of further example, the right to take part in public life is engaged in relation to abolishing the VPSC Advisory Board as it precludes people from holding membership of the VPSC Advisory Board. Abolishing the VPSC Advisory Board may also be perceived to limit participation on matters relating to the functions of the VPSC and access public services. However, there are alternative avenues to advocate or consult with the VPSC and the State of Victoria as set out above.

To the extent the Bill makes changes of this nature, consistent and similar analysis applies, such that there is either no engagement with the right or there is a negligible or minimal limitation which is justified with respect to section 18 of the Charter.

Access to public services

In the event it were considered the right did extend to accessing State public services, which is not certain, I refer to my analysis with respect to the right to freedom and expression regarding participation in public affairs, as it applies similarly to accessing State public services, with alternative new entities or other avenues, that could be pursued by a person to take part in public life.

Right to property (section 20)

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

There are three elements to this right:

- the interest interfered with must be ‘property’, which includes all real and personal property interests recognised under the general law, which would encompass income, remuneration and allowances;

- the interference must amount to a 'deprivation' of property, that is, any 'de facto expropriation' by means of a substantial restriction in fact on a person's use or enjoyment of their property; and
- the deprivation must not be 'in accordance with law' in that the law is not adequately accessible and formulated with sufficient precision to enable the person to regulate their conduct. Conversely, for deprivation of a person's property to be in accordance with law, as required by section 20 of the Charter, the legal authorisation for the deprivation must be publicly accessible, clear, and certain, and it must not operate arbitrarily.

The Bill will provide for the deprivation of income, remuneration or allowances of various offices or officeholders as a statutory consequence of those persons ceasing to hold office, or the reduction in number of offices by the operation of the Bill. However, these provisions are public, clear, certain and would not operate arbitrarily.

Further, for similar reasons explained under my analysis with respect to the right to take part in public life, Division 1 of Part 8 of the Bill does not engage rights under the Charter because no Director or Board member of the VCCMHW, will cease to hold office as a consequence of the Bill.

Accordingly, I consider that the Bill would not limit section 20 of the Charter as it is consistent with the right to property.

Other reforms in the Bill

The following reforms do not engage rights under the Charter:

- the reforms in Part 5 of the Bill which amend the due date of when the VPSC must submit a draft of its Annual Plan to the Premier each year, from 1 May of the preceding financial year to 31 July of the relevant financial year;
- except as noted above, the reforms in Part 6 of the Bill which relate to amending the *Financial Management Act 1994* (FMA) to transfer the setting of goods and services procurement policy to the responsible Minister, for the accountable officer of a department or other entity to which the Part applies to ensure compliance with the goods and services policy made by the Minister, and for the Minister to declare any entity to be exempt from the application of the Part;
- the reforms in Division 1 of Part 9 of the Bill which amend the *Local Government Act 1989* and the *Essential Services Commission Act 2001*, as they relate to changes to the functions of the Essential Services Commission (ESC) which is not a person, or they are otherwise minor and technical in nature changes;
- the reforms in Divisions 2 and 3 of Part 9 of the Bill alter the regulatory setting and review arrangements for the non-cash payment surcharge, applicable unbooked services and accident towing service charges, including minor and technical consequential changes to enforcement provisions to align with the altered arrangements;
- the reforms in Division 4 of Part 9 of the Bill which amend the *Parliamentary Workplace Standards and Integrity Act 2024* to clarify that the Parliamentary Integrity Adviser (an office presently held by one person) is not a 'public body' for the purpose of the FMA, applying retrospectively from 31 December 2024 so that person was never subject to certain reporting requirements of the FMA;
- the reforms in Division 5 of Part 9 of the Bill relating to the power to transfer staff from Parks Victoria to the Great Ocean Road Coast and Parks Authority; and
- for completeness, the automatic repeal provisions in Part 10 of the Bill.

Other human rights considerations

I make the following further observations about the Bill:

- departments, agencies, and Ministers implementing the reforms are required to consider and to comply with the Charter;
- the cessation of certain offices (and officeholder terms), the substitution of old bodies, entities or offices for new bodies, entities or offices (in Acts, instruments and otherwise), and similar matters, as a statutory consequence of the Bill, are not civil proceedings nor impact decision-making exercises that would engage the fair hearing right in section 24(1) of the Charter; and

- the Bill's transitional regulation making powers have been carefully designed having regard to previous comments of the Parliament's Scrutiny and Act's Committee on their use and they do not displace the Charter.

Jaclyn Symes MP
Treasurer

Second reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (18:14): I move:

That the bill be now read a second time.

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

Introduction

I am pleased to introduce the Entities Legislation Amendment (Consolidation and Others Matters) Bill 2025 today, which implements a series of amendments to reduce duplication across government, clarify roles and responsibilities with the public sector, and streamline reporting requirements to ensure effective and efficient governance.

This Bill is the latest action the Government is taking to ensure the public service is focused on Victorians and their priorities: good schools, good hospitals, safe communities and help with cost of living. By focusing on inefficient and duplicated spending, Government can continue investing where it matters most: the frontline.

The Bill represents a collaborative effort across government, creating efficiencies in multiple portfolios. Its proposals share a common goal: to enhance the effectiveness of government.

It will reform government entities and reduce regulatory and administrative requirements. This will also remove instances of duplication and ensure that programs meet the changing needs of Victorians. By consolidating functions, the Bill contributes meaningfully to the Government's commitment to tailored and responsible policy outcomes.

The Bill arises from the Government's commitment to deliver the highest standard of government service in a fiscally responsible manner. It is responsive to the State's commitments in the *2025–26 Budget* and reflects an important part of our five-step fiscal strategy.

It is expected that the Ministers responsible for the Acts being amended will be responsible for the amendments made by this Bill.

Purpose

The Bill will consolidate waste management and recycling functions by amending the *Circular Economy (Waste Reduction and Recycling) Act 2021* to abolish Recycling Victoria and move its functions to the Environment Protection Authority. Existing responsibilities, functions and duties of Recycling Victoria will be conferred to the Environment Protection Authority to ensure proper waste management and recycling oversight. At the same time, it will remove overlapping functions, reduce duplication and improve regulatory efficiency by enabling fewer review requirements and less reporting.

Reducing duplication is a key priority of this government and is consistent with the Bill's proposal to repeal the *Victorian Environmental Assessment Council Act 2001* to abolish the Victorian Environmental Assessment Council.

The Bill proposes to amend the *Commissioner for Environmental Sustainability Act 2003* to expand the functions of the Commissioner for Environmental Sustainability to enable investigation and assessment functions currently performed by the Victorian Environmental Assessment Council to be conducted when directed by the Minister.

Also in the environment portfolio, the Bill proposes to further improve efficiencies by amending the *Marine and Coastal Act 2018* to abolish the Victorian Marine and Coastal Council. This council's responsibilities in supporting the development and implementation of the Marine and Coastal Policy and Strategy were fulfilled in 2022. Any ongoing need for monitoring and reporting will be delivered through the existing work of the Commissioner for Environmental Sustainability and through additional non-legislative mechanisms.

The Bill will amend the *Mineral Resources (Sustainable Development) Act 1990* to abolish the Mine Land Rehabilitation Authority and transfer some functions to the Department Head. This change will eliminate duplication between the Mine Land Rehabilitations Authority's mine rehabilitation and work currently undertaken by Resources Victoria Group within the Department of Energy, Environment and Climate Action.

At the same time, it will ensure priority functions relating to community engagement and post-closure plans can continue.

To streamline governance process, the Bill will amend the *Public Administration Act 2004* to abolish the Victorian Public Sector Commission Advisory Board. Important reporting functions of the Victorian Public Sector Commission are also updated in the Bill to allow sufficient time for high quality reports to be delivered.

The Bill will abolish the Victorian Government Purchasing Board and transfer powers to the responsible Minister by amending the *Financial Management Act 1994*. Monitoring of government procurement compliance will be prioritised through strong, well-established governance and oversight mechanisms such as Standing Directions and other discretionary audit processes, removing the need for a standalone Board. To ensure the *Financial Management Act 1994* is consistent with procurement policies introduced by this Government in 2021, minor amendments will also be made to the way that 'specified entities' interact with the legislation.

The Road Safety Camera Commissioner and the Commissioner's Reference Group have made significant contributions to improving the effectiveness of the road safety camera system since being established in 2011. With initial work now complete, the Bill proposes to abolish these roles through amendments to the *Road Safety Camera Commissioner Act 2011*. Next steps have been put in place to continue to support the ongoing accuracy, transparency, and integrity of the road safety camera system. Two key functions from the Commissioner will be referred to the Department of Justice and Community Safety, including the receiving and investigating of complaints from the public regarding road safety cameras, and a biennial review of the road safety camera system's accuracy by an independent expert, to maintain public confidence in the road safety camera system.

Reforms in the Health portfolio are proposed through amendments to the *Mental Health and Wellbeing Act 2022* to decrease the number of board members and directors in the Victorian Collaborative Centre for Mental Health and Wellbeing and remove legislated appointment and employment criteria to increase flexibility and responsiveness while maintaining core functions.

Further amendments to the *Mental Health and Wellbeing Act 2022* are included in the Bill to clarify responsibilities for system performance monitoring and reporting by the Mental Health and Wellbeing Commission, reducing the number of Commissioners from four to one. This will increase transparency while safeguarding the Commission's promotion of lived experience leadership. The Commission will remain an independent statutory body, supported by robust governance arrangements and reporting obligations.

Streamlining regulation to improve services continues to be a top priority of this government. The Bill will amend the *Local Government Act 1989* to remove the Essential Service Commission's advisory function in relation to the setting of the average rate cap. It will also remove the requirement for the ESC to prepare a biennial report on outcomes arising from the caps.

Other functions of the Essential Services Commission are amended in this Bill to streamline processes and governance. It will amend the *Commercial Passenger Vehicle Industry Act 2017* to modernise regulation of unbooked taxi fares and non-cash payment surcharges, by removing the Essential Services Commission's role in determining fees and instead moving to annual indexation.

The Bill will amend the *Accident Towing Services Act 2007* to remove the requirement for the Essential Services Commission review of charges for accident towing and other services every four years. It will also improve the way accident towing fees are indexed each year by removing the productivity adjustment figure and replacing the 'transport group consumer price index (CPI)' with the 'all groups CPI'.

The Bill will amend the *Parliamentary Workplace Standards and Integrity Act 2024* to clarify the Parliamentary Integrity Adviser is not subject to certain provisions in the *Financial Management Act 1994*. This will reduce administrative burden and allow the Parliamentary Integrity Adviser, currently a single appointee working on a sessional basis, to allocate its limited resources more effectively towards upholding the integrity of Victoria's parliament.

The Bill will amend the *Great Ocean Road and Environs Protection Act 2020* to allow staff to transition from Parks Victoria to the newly established Great Ocean Road Coasts and Parks Authority to support important responsibilities and oversight of sensitive coastal public land by 1 July 2026, ensuring staff resources are available where needed.

In summary, the Bill will achieve:

- Better value for money by creating government efficiencies and reducing overlap;
- Realigned policy and program functions to ensure Government priorities are delivered to the highest possible standard; and

- Tailored program capacity where necessary to respond to changing needs of the Victorian community.

This Bill sits squarely within the Government's priorities of delivering high quality public services in a financially responsible manner.

I commend the Bill to the house and look forward to the constructive contributions of all members.

Renee HEATH (Eastern Victoria) (18:14): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (18:14): I move:

That the house do now adjourn.

Pick My Park

Lee TARLAMIS (South-Eastern Metropolitan) (18:15): (2333) My adjournment matter is for the Minister for Development Victoria and Precincts. I was pleased to see the recent announcement of the first round of Pick My Park grants on the weekend, which included several in my electorate of South-Eastern Metropolitan region, such as the Apex Park play space renewal in Dandenong; upgrades to Montague Park, Lipton reserve, Franciscan reserve, Roberts reserve, Kashmir reserve and the George Pentland Botanic Gardens accessible path connections project in Frankston; the Warner Reserve dog off-leash park in Springvale; and the Gladeswood Reserve new play-space project in Mulgrave. We know how important it is that people can spend less time travelling to accessible facilities like parks so they can spend more time enjoying them with their families. The Pick My Park program is providing funding to establish areas for park upgrades and new parks. The action I seek is that the minister provide me with information on how residents in South-Eastern Metropolitan region can get involved in the second round of Pick My Park.

Mount Arapiles rock climbing

Melina BATH (Eastern Victoria) (18:16): (2334) My adjournment debate is for the Minister for Environment. It concerns the amendment to the Dyurrite Cultural Landscape management plan and the governance of climbing access at Mount Arapiles. Under the Parks Victoria Act 2018 the minister holds the ultimate accountability for amending this management plan, but there are sincere concerns from stakeholders and locals in the area with regard to this. The decision framework was adopted in 2021 and lacks transparency. It applies inconsistent standards and restricts public access without meaningful consultation or justification – haven't we heard that before. In late 2024, the Department of Energy, Environment and Climate Action of Victoria engaged the Department of Jobs, Skills, Industry and Regions to produce an economic impact report on climbing closures. The Allan government relied heavily on this document despite its very narrow scope and flawed assumptions, including a significant understatement of the social and economic consequences for regional communities, tourism operators and recreational users of these climbs.

Although the cultural landscape community working group has been formed, its joint statement and minutes reveal no commitment to revisit or reassess those climbing closures from back a few years ago, and instead the group's role appears to be limited to relationship-building activities and creating the appearance of engagement without actually offering the community genuine influence over core access decisions. The concerns raised by the community to me also go to the report that the government quietly allocated $100,000 to the Barengi Gadjin Land Council at the end of last year to support climbing and access, a payment that was not publicly disclosed and which raises further issues around transparency. The formation of the Yity Yity Land Management Board, gazetted last year,

occurred without public acknowledgement, leaving it again unclear how the government's procedures will now occur.

The government must acknowledge that the current framework is failing. Parks Victoria should be directed to undertake a transparent, inclusive and properly co-designed process. Independent representation from stakeholders, climbers, business operators and tourism operators and the sector out there needs to be part of this consultation process. It needs to restore balance and build public confidence. Rigorous and independent assessment of economic and community impacts is also required. Accordingly, the action I seek from the minister is to publish clear terms of reference and guidelines for a co-design process to ensure the working group actually works through this in a public, transparent and supportive way, for the culture, for the environment and for the community out there.

Residential tenancies

Aiv PUGLIELLI (North-Eastern Metropolitan) (18:19): (2335) My adjournment matter is to the Minister for Consumer Affairs, and the action I seek is that he implement rent controls that tie rent increases to wages, because, guess what, rent caps work. In the ACT, the only jurisdiction that limits rent increases, rental costs have kept pace with wages, which makes it more likely that renters will be able to afford their housing costs. Everywhere else rents continue to increase at rates far higher than wages, and people continue to be left in housing stress. Here in this state it has never been less affordable to rent than it is right now. Rents have increased twice as much as wages over the last five years, and people are really struggling to keep up. They are endlessly chasing this ball that they just cannot catch. We need the Labor government to step in and ban unlimited rent rises. We need the Labor government to stand up to the property industry and dodgy real estate agents. We need to tie rent increases to wages so that rents can only increase if wages do, because otherwise there is nothing stopping landlords from continuing to push up rents and nothing stopping renters from continuing to be pushed to the brink just to afford their home. Only the Greens will implement rent caps to make renting affordable.

Seniors programs

Sonja TERPSTRA (North-Eastern Metropolitan) (18:20): (2336) My adjournment matter this evening is for the Minister for Ageing, and the action I seek is for the minister to provide an update on how the Victorian Seniors Card and Seniors Festival programs are supporting older Victorians across our community. Supporting Victorians to live healthy, safe and connected lives at every stage of life is a key priority of the Allan Labor government, from our younger citizens right through to our seniors. That is why I am proud of the work we are doing to support older Victorians through initiatives such as the Victorian aids and equipment program, strengthening medication safety practices in residential aged care and continued investment in our public sector aged care services. The Seniors Card and Seniors Festival programs are another important part of this support, helping older Victorians stay active, engaged and socially connected. These programs not only offer practical benefits but also celebrate the contributions of older people in our community. I want to thank the minister for her strong advocacy and commitment to ensuring that ageing Victorians are supported to age with dignity and respect, and I look forward to her response.

Multiculturalism

Joe McCRACKEN (Western Victoria) (18:21): (2337) My adjournment is for the Minister for Multicultural Affairs. I am glad to see you are in the chamber tonight. It was about a media release that you sent out this week, which talked about the Liberal Party cutting a deal with One Nation. I am not sure if, Minister, you wrote that yourself, but it did have your name on the header of it. This rhetoric has sort of been trumpeted by a number of your members as well. I just want to pause for a reality check here. In this very chamber the Labor Party negotiates with the crossbench every single week, which includes One Nation, particularly when votes are tight. That is not a scandal. That is how finely balanced parliaments work. But apparently when Labor negotiates, it is responsible government, but

when anyone else does it, it is some sort of moral crisis. The minister further went on in the release and said:

> Jess Wilson and the Liberals must come clean …
>
> Is she going to continue aligning herself with Pauline Hanson, who will say anything to divide Victorians?

Coming clean – really. Amidst one of the worst corruption crises this state has seen, we are getting a lecture on coming clean – really. Secondly, just to note, Pauline Hanson is a federal senator, not a member of this Parliament. But if we want to talk about and conflate federal and state politics, I am more than happy to go there. There is one person I would really like to talk about: Mark Latham.

Mark Latham was a federal Labor MP from 1994 until 2005. He was endorsed by the Labor Party no less than five times. He was not peripheral. He was Labor's leader from December 2003 to January 2005. He led them to a federal election. Today he sits in the New South Wales upper house, originally elected as a One Nation MP. He climbed the ladder of opportunity and look where he has landed. So if proximity to One Nation is suddenly grounds for political condemnation, maybe those opposite should look at their own party's history, because Mark Latham is a part of Labor's legacy just as much as Gough Whitlam or Julia Gillard or Paul Keating are. The truth is simple: the government negotiate with the crossbench when it suits them, they moralise when it suits them and they rewrite history when it suits them. The action I seek from the minister is this: will you publicly denounce Mark Latham as a former leader of the Labor Party, a five-time endorsed candidate, Leader of the Opposition and former One Nation MP because of his comments on multiculturalism, or will you just accept him as another part of your proud Labor history?

Begging

Katherine COPSEY (Southern Metropolitan) (18:25): (2338) My adjournment tonight is to the Attorney-General, and the action I seek is that she decriminalise begging in Victoria by repealing the offence of begging or gathering alms in the Summary Offences Act 1966. This is a poverty law that does not solve homelessness or keep anyone safer. It just drags people who are already doing it tough deeper into the justice system. The case for reform is so clear. As a former member for Southern Metropolitan for the Greens Sue Pennicuik said when the Greens introduced a similar reform bill a decade ago, criminalising begging is a totally unacceptable way of dealing with what is basically a social problem. More recently the Greens have again called on the government to decriminalise begging, noting that there is no evidence that these laws reduce begging and that they divert police resources from genuine threats to community safety. Victoria is increasingly out of step on this front. New South Wales, Western Australia and Tasmania have all decriminalised begging, and Victoria is going backwards while other jurisdictions modernise. Minister, people should not face criminal penalties for asking for help to survive. We should not be criminalising poverty. I ask that you commit to legislating this year the decriminalisation of begging in Victoria and to ensuring the government's response to this issue prioritises housing and support, not punishment.

Offshore wind energy

Jacinta ERMACORA (Western Victoria) (18:26): (2339) My adjournment matter is for the Minister for Energy and Resources Lily D'Ambrosio. The Victorian government is progressing Australia's first offshore wind auction, and the action I seek is an update on the preparations for the 2026 tender and how it will deliver reliable, affordable energy and jobs for Victorians.

Sand mining

Bev McARTHUR (Western Victoria) (18:27): (2340) My adjournment matter concerns a family in my electorate and how a proposed mineral sands project affects them, and my action is to the Minister for Energy and Resources. The Johns family has farmed at Dooen, near Horsham, since 1884, for seven generations. The threat to their property is more emotional than financial. When Don Johns passed away in 2017 his final wish was to have his ashes placed by the trees on the family farm where he had played as a boy. That is where his ashes rest today. Now his family has been told that a 30-year

open-cut mine may be dug through that land, and they have three choices: to sell, lease or spend money they do not have fighting it through VCAT. I want to be clear. I am absolutely avowedly not anti mining on principle, but the fact is that we have to have a fit-for-purpose planning and approval system to deal with cases like this.

Mining is a legitimate industry and rare earths matter strategically, but legitimate industry requires a legitimate process. If we are to avoid a generalised backlash against any mining, we need to get it right. The Johns case is the microcosm, but zooming out we see that nearly 400,000 hectares of the Wimmera and Mallee are under retention licence. This is the most productive cropping country in Victoria, land that feeds Australia and contributes enormously to our export economy. We must ask hard questions about what we are prepared to sacrifice and for whose benefit.

The assessment of agricultural impact in this state relies too heavily on information provided by the proponent. A Liberal–Nationals government would change that. We have made a clear policy commitment which would require genuinely independent assessment of agricultural land value and productivity before any mining licence is granted, not a report commissioned by the company seeking to profit from the project. We would also require mandatory, fully funded rehabilitation plans with real security bonds so that if a mining company walks away after 30 years it is not the farmer or the taxpayer left with the degraded land. Minister, the action I seek is that you match our commitment today and institute an independent audit of the cumulative agricultural impact of these proposals before any further licences are granted.

Medicinal cannabis

Rachel PAYNE (South-Eastern Metropolitan) (18:29): (2341) My adjournment matter is for the Minister for Agriculture, and the action I seek is for the minister to advocate for more supports for the medicinal cannabis industry in Victoria. Per the Victorian *Medicinal Cannabis Industry Development Plan* the Victorian government aimed to create a medicinal cannabis industry that could supply half of Australia's market for medicinal cannabis by 2028. This aim recognised that supporting this industry would result in high-value job creation, a high domestic market share and a potential international market. It also recognised how life changing access to medicinal cannabis is for so many. At the time of the plan's creation it noted that if Victoria's producers could meet the need for 83,000 Australian patients and expand into export markets, the industry's economic contribution to the state could reach $90 million per year.

Since the development of this plan the medicinal cannabis market has boomed, as has the economic contribution of the industry to our state. Further opportunities to support medicinal cannabis producers can help to ensure that Victoria continues to be a leader in the medicinal cannabis industry space, particularly for small to medium businesses trying to establish themselves in the market. I recently had the pleasure of visiting one of the medicinal cannabis farms in Victoria. They told us about the challenges their industry faces and asked for greater state-based support and grants. At present the Department of Health's 'Medicinal cannabis information for business and industry' page does not include a section dealing with investment in Melbourne and in Victoria. However, a link on this page takes you to a 'Page not found' section of the Invest Victoria website and a link to Business Victoria shows limited suitable programs. Victoria is a safe and responsible supplier of medicinal cannabis, but we can do better to support small to medium businesses in this industry. So I ask: will the minister commit to funding more supports for the medicinal cannabis industry in Victoria?

Melbourne arts precinct

John BERGER (Southern Metropolitan) (18:32): (2342) My adjournment matter is for the Minister for Creative Industries in the other place. Many of us in Southern Metro were pleased to hear towards the end of last year that the Ian Potter State Theatre, part of the Melbourne arts precinct, would be reopening in October in 2026, six months ahead of schedule. In the Southern Metropolitan Region we are very lucky to have so many incredible institutions of arts and culture. In 2024 the State Theatre was temporarily closed to allow for extensive refurbishment. These works will see greatly improved

accessibility in the building; better safety systems, including fire protection; modern heating and cooling; and improved energy efficiency. The refurbishments also seek to improve the theatre experience, including a modern high-performance sound system. While these works have been taking place, painstaking care is being taken to preserve the State Theatre's heritage, history and everything which makes this beautiful building unique. These refurbishments are part of a broader package which makes up Australia's largest cultural infrastructure project, the Melbourne arts precinct transformation project, which is worth a total of $1.7 billion. The action that I seek from the minister is to provide an update relating to how many jobs are being supported by the Melbourne arts precinct now, how many will be supported once the transformation project is complete and how much creative industries more broadly are expected to contribute to our economy in the years ahead.

St Joseph's Christian college

Evan MULHOLLAND (Northern Metropolitan) (18:33): (2343) My adjournment is to the Premier, and it concerns the proposal for St Joseph's Christian college from the Assyrian Church of the East. This whole tale is a sorry saga. The school site that they had wanted and that the government asked them to submit an application for was opposed by the government and then opposed in VCAT. They made all sorts of excuses in VCAT on behalf of the Minister for Planning, who took them there, including the certain type of trees they could not have and the traffic. Even though the government approved a 5000-home precinct structure plan (PSP) right across the road from where they planned to build the school, apparently it was going to be the school that caused the traffic. The church community made every attempt and did everything the government asked for, including making the site of the school smaller. That was not good enough, and the government still won that case to block that school, and despite expressing support for the school, this process has dragged on. Every proposal that has been put to the government has been met with a dead end, and I am told by my friends in the Assyrian community that they are getting a bit tired of this process. The government proposed a site in Craigieburn, and I think they have basically picked a spot on Google Maps and said, 'This would be nice.' The problem is that site is owned by the council, and the council, under state government laws, has no process to hand that land over to the Assyrian Church of the East. There would have to be a public open sale of that land. There has seemingly been no consultation. Despite a motion being moved at council for a 'Please explain' by the state government, this process has dragged on, with the government seemingly lacking interest in this.

I seek the action of the minister to approve the original site in Yuroke, which is perfectly capable of hosting a school. It is on Mickleham Road. There are plenty of schools on Mickleham Road, like Aitken College much further down Mickleham Road. It is a great site for a school for a growing community that deserves St Joseph's Christian college. It should be approved there. The government approved a massive PSP right across the road, so it is not going to be the school that causes additional traffic. It is the government that will have to fund the infrastructure in that area, maybe if it spent developer contributions in that area.

The community knows where I stand with them on faith and on family, and I will never stop fighting for them for this school. I seek the action of the Premier to approve the original Yuroke site for St Joseph's Christian college or to get on with a proposal to house St Joseph's Christian college in the northern suburbs of Melbourne.

Electricity infrastructure

David DAVIS (Southern Metropolitan) (18:36): (2344) Tonight my matter is for the Minister for Energy and Resources, and it concerns correspondence I have received from a Mr Bennett. It relates to a power outage and an ongoing compensation claim that he has against AusNet Services for a voltage surge and power outage. The details of the power outage relate to 28 June last year, when Mr Bennett's and 143 other residences in his area suffered a nearly 24-hour power blackout. Reliability is one of the key things for our power system. This began with a power voltage surge that eventually led to the total failure of the local area. Apparently a local substation had failed, leading to

power surges and blackouts, and indeed he was advised by some technicians that two houses had caught fire, so this is quite serious. His insurance company will only cover a part of this. He submitted a claim to AusNet, and he has had quite a deal of engagement there. A lot of things were impacted: his refrigerator, his rangehood and a range of other electrical appliances in the home. He has lost income. This is a case study of where AusNet has got responsibility in one sense but it is the framework that has been set here. The framework is something that he has also engaged with the department to talk about, talking to a particular senior policy officer.

What I seek from the minister is for them to provide assistance to this man. There are other cases that I have had come through to me on these sorts of incidents where quite serious power outages have occurred and significant loss has been suffered by people. We expect in a modern economy to have a secure power supply where we can be sure that there is not going to be a loss of electricity supply. What I want is the minister to compel AusNet to provide a proper explanation, to make sure that Mr Bennett is properly compensated and to make sure that there is written documentation provided to him about the exact cause of the power surge and outage. If people lose their power for a lengthy period of time like that, they are entitled to know what has happened and why. I do not think that is an unreasonable request. We should see if there needs to be a review of the *Electricity Distribution Code of Practice* and compensation for consumers in such circumstances. There are a lot of learnings out of this specific case. Mr Bennett has been very assiduous, but the minister and AusNet have not handled this well, and I ask the minister to attend to those matters.

Health workforce

Georgie CROZIER (Southern Metropolitan) (18:39): (2345) My adjournment matter this evening is for the attention of the Minister for Health. Twelve months ago there was quite a debate around political badges being removed from hospitals – badges that were directed at the Jewish community – and the antisemitism that was being displayed in too many hospitals. I raised it at the time in this place, and at that time the minister said:

> Quite frankly, our hospitals are not the place for any political badges, flags or anything that makes patients in any way feel unsafe …

I did question how that political activism was going to be enforced. I am concerned that I have recently spoken to a number of people that have highlighted to me what is occurring at the Northern Hospital. We know that the Prime Minister and the federal government finally did – which is a great thing – announce a royal commission on antisemitism and social cohesion. That was announced on 9 January following the horrific Bondi terrorist attacks on 14 December. It has come to my attention what occurred in Northern Hospital just a few days ago. The Australian Zionist Healthcare Alliance is a group that advocates for a safe, inclusive and apolitical environment for everyone using Australia's healthcare system. They are very supportive of education processes around refugees and understanding our multicultural community and the need to have information and education for people to be informed. But at an event caring for children and families affected by conflict held at Northern Hospital on 12 February 2026 there were a number of representatives from AZHA, and they were concerned with what was raised. They raised this with the CEO to say, 'Look, we understand you're having this. Can we raise our concerns with the CEO?' They did this on 30 January. They were concerned that the session might be focused on geopolitical conflicts rather than on providing practical evidence-based guidance for clinicians caring for refugee families in Australia. They flagged an issue around several of the speakers on the panel who were known to be activists, particularly in relation to the Palestine–Gaza conflict. From that they then followed up to say the discussion did not address the advertised focus, there was a portion of the content that consisted of opinion and there was limited attention given to practical strategies. The action I seek is for the minister to investigate this issue and come back and provide information about the content and how the session was actually applied.

Drivers licences

Gaelle BROAD (Northern Victoria) (18:42): (2346) My adjournment is to the Minister for Roads and Road Safety. Our youngest of three turned 18 over summer and got his probationary drivers licence, so we are entering the next chapter as parents, but I have not forgotten about the many parents and young people across the region that would like to see Victoria come into line with every other state and territory in Australia and lower the probationary drivers licence age to 17. It is a different world where he can get to work, sport and training without one of us to drive him around, because we live in a regional area where there is no public transport. Last year our son had completed the 120 hours of driver training but missed out on work shifts and other activities simply because no-one was able to take him. It is a common story that I have heard from families across northern Victoria and across the state. Some live on farms where their kids have been driving for years, others want to take up an apprenticeship but need a licence to get there, and young people who live on the border need to wait a year longer than their classmates. This issue was raised with me again last night by a resident of Castlemaine who supports the idea of separating the drivers licence age from the legal drinking age as a wise decision that would help young people develop good driving habits.

I have raised this issue several times and note the minister's response that the government believes that reducing the minimum drivers licence age would not be in the community's best interests and that young people aged 18 to 25 account for a higher number of accidents. But that is consistent with data we see right across other states as well, where the minimum driving age is 17. Driver maturity and sufficient on-road experience are important, but in Victoria you need to do more training to become a barista than you do to get your drivers licence. I encourage the minister to consider the driver training incentives in other states like New South Wales and the St John driver first aid program in the ACT.

As a parent of three kids who all now are on P-plates and someone whose family knows the pain of losing a loved one on the road, I am aware of the risks and the responsibility we all have at any age to drive safely every time we get behind a wheel. But this restriction on the driving age, which is unique to Victoria, needs to change. A parliamentary inquiry in November 2017 examined the issue in detail. The Law Reform, Road and Community Safety Committee heard from experts and received over 100 submissions, and they recommended lowering Victoria's P-plate driving age to 17. It is also worth noting that in Victoria you can get a full marine licence at 16 years of age and you can get a private pilot licence at age 17. In Victoria change is long overdue, and the action I seek is for the minister to bring Victoria into line with every other state and reduce the minimum driving age to 17.

Victoria Police

Trung LUU (Western Metropolitan) (18:45): (2347) I rise today, and my matter is for the Minister for Police regarding Victoria Police recruitment standards following a recent change in their psychological assessment processes. Policing demands rigorous physical and mental fitness, so the action I seek is for the minister to provide a clear explanation of the safeguards in place under the new recruitment model and to confirm that the Victoria Police entry standard will not be diluted to address staffing shortages. A responsible government must ensure that those empowered to enforce the law meet the highest possible standards. Police officers carry firearms, make critical decisions under pressure and routinely face high risks and traumatic situations. For this reason the integrity of the recruitment and psychological screening process is not a mere formality, it is a crucial cornerstone to public safety.

Recent reports indicate Victoria Police has replaced its longstanding in-house psychological assessment program with a significantly streamlined system. Under the new model applicants complete a short online psychological test, with a final determination of mental fitness delegated to a general practitioner. This shift has raised substantial concerns. The Royal Australian College of General Practitioners, the RACGP, has warned that such a process may expose both applicants and medical practitioners to medical and legal risks and could compromise public safety. The RACGP has also highlighted that most GPs do not have specialised training in assessing psychological suitability

for policing roles, which requires evaluation methods tailored to the unique operational behaviour and risk demands on paramilitary organisations. A major change of this scale, particularly with essential services like Victoria Police, should be subject to thorough consultation with relevant medical bodies and psychological experts. Fast-tracking recruitment will fill workforce shortages, but it must never come at the expense of rigorous evidence-based screening. All Victorians deserve absolute confidence that every officer entrusted with public power has undergone robust and specialist psychological assessment to ensure their fitness for duty. The action I seek is for the minister to give an assurance to the house that the Victoria Police recruitment standards have not been weakened under the new system.

Donnybrook Road upgrade

Wendy LOVELL (Northern Victoria) (18:48): (2348) My adjournment matter is for the Minister for Roads and Road Safety, and the action that I seek is for the minister to immediately release the final designs for the duplication of Donnybrook Road and the bridge over the Hume Freeway. For the last few years I have been continuously calling for the Allan Labor government to commit funding for the full duplication of Donnybrook Road from the Hume Freeway to Epping Road, including duplicating the bridge over the Hume, but Labor has refused every call to commit to the full duplication of Donnybrook Road. Instead we have been told over and over again that planning is in progress. While the planning stage drags on seemingly without end, more housing developments are going up along Donnybrook Road, which is the only entry and exit point for all of those housing estates along that road. The road suffers chronic congestion every single day at peak times, with local residents stuck in traffic for up to an hour just to get out of their housing estates and off Donnybrook Road. A boom in new housing approved under Labor's planning laws is only making the congestion worse, yet the Allan Labor government is showing no urgency at all in addressing the problems caused by its massive planning failure.

When I asked last year for the government to commit to fully duplicating Donnybrook Road, the minister told me that Major Road Projects Victoria was progressing planning work which would be complete in late 2025. The timeline shown on the Big Build webpage for the Donnybrook Road upgrade says that community consultation opened in June 2025 and closed three weeks later in July, at which point the feedback would be reviewed before planning work was completed in late 2025. 2025 is gone and we are now well into 2026, but there is still no sign of any design work being released to the public. The results of the community survey were published in November 2025, and the feedback reflects what local residents have been saying for years and the Labor government has been ignoring. I will quote some of the feedback:

> Must duplicate the bridge over the Hume. It is the primary cause of congestion.
>
> Two lanes going in both directions is needed along Donnybrook Road until at least Peppercorn estate, but ideally until Epping Road …
>
> Please provide multiple lanes from Donnybrook Road off ramp to Donnybrook Road …
>
> There is no walking or cycling path along much of Donnybrook Road east of Donnybrook … station.

It has been clear for a long time that fully duplicating Donnybrook Road, including the bridge over the Hume, is an urgent necessity, yet the Allan Labor government have instead decided to prioritise a new intersection at Mitchell Street that requires ripping up the roundabout they built in 2024 and replacing it with traffic lights. The government promised the final designs would be complete in 2025. Labor must stop the delays, release the designs and reveal how it plans to upgrade Donnybrook Road.

Neighbourhood houses

Renee HEATH (Eastern Victoria) (18:51): (2349) My adjournment matter is directed towards the Minister for Carers and Volunteers. Neighbourhood houses across the Eastern Victoria Region alone deliver extraordinary value. Each year they generate $97.5 million in community benefit, support 742 jobs, mobilise 2387 volunteers and facilitate more than 249,000 visits. For every dollar invested they return $3.84 in value to the community. These are real community hubs keeping people

connected, fed and supported. Despite this proven value, neighbourhood houses are losing their fight with the state government to provide funding to simply stay open. This wilful neglect stands in devastating contrast to Labor, which has allowed so much money to be funnelled into crime syndicates. We now know that $15 billion of taxpayer funds was allowed to fall into corrupt and criminal elements on major infrastructure projects. That is $5000 for every Victorian household. These projects were overseen by the Labor government and Labor ministers. These ministers stood at the centre of Victoria's largest infrastructure spending program in history and were continually informed of corruption but left it unchecked. The action that I seek from the minister is that the government commit to securing stable, long-term funding for neighbourhood houses and explain why programs with proven economic and social returns continue to face uncertainty while $15 billion is somehow channelled to crooks.

Responses

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (18:53): There were 17 adjournment matters this evening to 14 separate ministers, and written responses will be sought. There were two directed to me, which I would like to acquit now if nobody minds waiting a few more minutes before we pull up stumps this evening.

Ms Terpstra asked me about the seniors festival and the seniors card, which are programs dear to my heart. The seniors festival is one way that the government supports older Victorians to connect and to stay active, and it also helps reduce social isolation and loneliness. The festival is every year for a month. There are literally thousands of free activities right across the state that our seniors can enjoy, and it was wonderful to be able to go out to the seniors festival opening in Fed Square last year to help celebrate the 2025 festival. The government is making it more affordable for seniors and Victorians to get out and about and to stay connected, and the seniors card program provides discounts on transport and on goods and services. There are nearly 1.5 million seniors card holders and seniors business discount card holders across the state. Victorians aged 60 and over who work fewer than 35 hours per week can access free and concessional public transport, and there are a number of benefits. We have got eight days of free public transport during the seniors festival, free fishing in Victorian waters and discounts at thousands of participating businesses statewide, and something we are very proud of is that from 1 January this year seniors card holders are able to travel free on weekends anywhere in Victoria, right across the state. I am very happy to provide that response to Ms Terpstra, and I know she is a great supporter of our seniors in her region of North-East Metro.

In relation to Mr McCracken's adjournment to me, which I find an interesting angle and road to go down for those opposite, let me just unpack this a little bit. This all started because Jeff Kennett, the great hero of the opposition, the hero of the Liberal Party, that great neoliberal former Premier, wrote an op-ed in the *Herald Sun*, which I know is another favourite of those opposite, about how Jess Wilson should do a deal with One Nation so that they could win the next state election. That is where this issue has originated from, so it does beg the question: will Jess Wilson reject that as a proposition? Will she cosy up with One Nation or not? That is a legitimate question to ask. I say to Mr McCracken that I am really not that much interested in a has-been in the New South Wales Parliament, and frankly, I do not actually have much time for anybody whose values are so low that they are prepared to swap parties just to keep a seat in Parliament. I actually do not think that the gentleman that you have asked about in your adjournment matter is at all relevant to this issue.

What I would say is that literally the day after Jeff Kennett did that opinion piece in the *Herald Sun* and Jess Wilson refused to rule out a deal with One Nation, the Leader of One Nation Pauline Hanson went on a racist rant on national television and called Australia a place where there are no 'good Muslims'. This is a serious issue. This is the kind of hate and divisive rhetoric that we should be absolutely rejecting in this country. I am not aware of any member of the Victorian opposition that has come out and condemned those comments. I am not aware of anybody in your ranks that has come out and said, 'That is racist, and there is no place for that hate and division in our state.' I talk to

multicultural communities day in and day out in our state, as I know you do too, Mr McCracken. I know the hurt that is inflicted by the words of politicians when they seek to divide us by pitting Victorians against Victorians, Australians against Australians. I stand by my statement, and I will call out that kind of behaviour any day of the week. I hope you are satisfied with that answer, and that finalises my comments on that.

The PRESIDENT: The house stands adjourned.

House adjourned 6:58 pm.