



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Tuesday 17 October 2023**



# 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

Georgie Crozier

### 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	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira <sup>1</sup>	Western Metropolitan	IndLib	Ratnam, Samantha	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David <sup>2</sup>	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

<sup>1</sup> Lib until 27 March 2023

<sup>2</sup> LDP until 26 July 2023

### Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party



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**Tuesday 17 October 2023**

**The PRESIDENT (Shaun Leane) took the chair at 12:03 pm, read the prayer and made an acknowledgement of country.**

***Business of the house***

**Standing and sessional orders**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04):  
I move, by leave:

That so much of standing and sessional orders be suspended to the extent necessary today to immediately allow:

- (1) a minister to move, without leave or notice, a motion about events in Israel and Gaza;
- (2) at the conclusion of the debate, the President to ask members to signify their agreement to the motion by rising in their places for 1 minute's silence;
- (3) at the conclusion of the motion, unless otherwise ordered, the house to suspend its proceedings for 1 hour; and
- (4) at the resumption of proceedings following this suspension, the house will follow the order of business for a Tuesday as set out in standing orders.

**Motion agreed to.**

***Motions***

**Middle East conflict**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:05):  
I move:

That this house:

- (1) unequivocally condemns the attacks on Israel by Hamas, which are the heinous acts of terrorists, and have encompassed the targeting and murder of civilians, including women and children, the taking of hostages, and indiscriminate rocket fire;
- (2) stands with Israel and recognises its inherent right to defend itself;
- (3) condemns antisemitism and recognises that generations of Jewish people have been subjected to this hateful prejudice;
- (4) calls for the immediate and unconditional release of all hostages;
- (5) recognises that Hamas does not represent the Palestinian people, nor their legitimate needs and aspirations;
- (6) acknowledges the devastating loss of Israeli and Palestinian life and that innocent civilians on all sides are suffering as a result of the attacks by Hamas and the subsequent conflict;
- (7) supports justice and freedom for Israelis and Palestinians alike;
- (8) acknowledges what has unfolded is deeply distressing for many in the Victorian community, close to the heart of many, and it is important that we maintain respect for each other here at home as people express their views;
- (9) condemns all forms of hate speech and violent extremist activity, including antisemitism and Islamophobia;
- (10) recognises an attack on any religion is an attack on all religions and that we all share a responsibility to unite, condemn and defeat such an attack on our common values and way of life; and
- (11) affirms in the strongest possible terms that hateful prejudice has no place in Victoria.

I would just like to make a few remarks on the behalf of the government. I would firstly acknowledge the Prime Minister and the Deputy Prime Minister as well as the foreign minister, who have made remarks that appropriately reflect the current situation and Australia's national response. I personally

want to send my heartfelt sympathies to Israel and also the Victorian Jewish community for the horrific events and atrocities that occurred on Saturday 7 October, a day that will live in the nightmares of so many for so long.

It is a beautiful custom of Jewish life that they wish people in mourning long life, and from the bottom of my heart I wish Jewish friends a long life too. Their resilience sets an example to all of us. I think there is no greater illustration of the preciousness of life than our beautiful, now elderly Holocaust survivors, whose blessed presence in our community and gifts they give the state of Victoria are compelling proof that the aims of the Holocaust failed.

The terror attacks on 7 October will undoubtedly impact Israelis and Palestinians and all those who care about them in profound ways in the days and weeks to come. What we saw was a senseless use of terror and violence calculated to do exactly what it did: shock and horrify the people of Israel and all around the world. We use words in this chamber to help craft the laws of the land, to persuade each other and sometimes to leave a historical record about what we did, what we thought and what we said about it and each other, but there are no words that can do justice to the horror of what Hamas did on that day and has done since. We know that Hamas does not represent the legitimate will of the Palestinian people and their desire to live their lives with security, justice and prosperity. Hamas's own charter makes its extremist and genocidal agenda crystal clear. It is why they are a proscribed terrorist organisation under Australian law.

I do not wish to catalogue individual abominations, but I will say this: no child should ever have to witness their parents being murdered, and no parent should ever have to witness their child being murdered. The taking of what we now believe to be 199 hostages and the indiscriminate and brutal murder of 1400 civilians are beyond barbaric. As a community we must condemn these actions in the strongest possible terms. Tragically, they resulted in the largest loss of Jewish life in a single day since the Holocaust. That alone is sobering and shocking. For those of us who are not Jewish, it is hard to understand the trauma that this provokes for those in our communities who still live with the shadow of the Holocaust. Simply put, there are no justifications for Hamas's actions. I hope the children, women and men taken hostage are returned to the loving embrace of their families as quickly as possible.

Today through this motion we are grieving, along with many communities. Our state has a strong relationship with Israel, and many Victorians, particularly from our vibrant Jewish community, have deep, unbreakable ties to Israel. Whether it is families or friends who have been impacted directly or a friend or loved one that has been called up for service, this is impacting so many people in the Victorian community. There will also be grief and fear for Victorians who have relatives and friends living in Gaza, and our hearts go out to them for the grief and uncertainty that they are experiencing. Many Victorians will be mourning the outbreak of further violence in the Middle East, something that many in the region unfortunately know all too well.

It is worth emphasising the distinction made by the Prime Minister yesterday: Hamas is the enemy, not the Palestinian people. Victoria is a friend to the Palestinian people. I can only imagine the pain that families are going through in Israel and Gaza. They simply want to raise and provide for their families, live in peace and have security, without being terrorised by an extremist regime. Living in a democracy, we have an obligation to ensure that we encourage civil dialogue and protect the sanctity of freedom of expression and religion, free from all forms of discrimination. As the US Secretary of State noted:

... democracies distinguish ourselves from terrorists by striving for a different standard – even when it's difficult – and holding ourselves to account when we fall short. Our humanity – the value that we place on human life and human dignity – that's what makes us who we are. And we count them among our greatest strengths.

That is why as a government we will continue to oppose hate speech in any form and outlaw it in its various vile forms. There is absolutely no room in our state for antisemitism or Islamophobia of any



kind. That is why our government plans to strengthen civil and criminal anti-hate laws to effectively protect more Victorians. These vile actions divide our community, and they tear at the fabric of our unity. These incidents are designed to terrify and intimidate, and there is a straight line between hateful prejudice, hateful expressions in speech and hateful war crimes of the kind we saw on 7 October that so shocked the world. Our government will continue to have zero tolerance for it and call it out.

Victoria's strength is our diversity and our ability to live peacefully side by side no matter our political or religious beliefs. We must support those who are hurting today because of the actions of Hamas, both in Israel and in Gaza, and all those who care about them here. We must come together, consistently apply our values here and abroad and focus on our unity as a state and as a people. We are so blessed and so lucky to live in peace in Victoria – not without our share of injustices that require action, but with abundant resources and growing determination to address them in unity.

**Georgie CROZIER** (Southern Metropolitan) (12:13): I want to firstly thank the government for working with my colleague David Southwick on this important motion that is being debated before the house, and the Liberals and Nationals give it their full support. The motion:

That this house:

- (1) unequivocally condemns the attacks on Israel by Hamas, which are the heinous acts of terrorists, and have encompassed the targeting and murder of civilians, including women and children, the taking of hostages, and indiscriminate rocket fire;
- (2) stands with Israel and recognises its inherent right to defend itself;
- (3) condemns antisemitism and recognises that generations of Jewish people have been subjected to this hateful prejudice;
- (4) calls for the immediate and unconditional release of all hostages;
- (5) recognises that Hamas does not represent the Palestinian people, nor their legitimate needs and aspirations;
- (6) acknowledges the devastating loss of Israeli and Palestinian life and that innocent civilians on all sides are suffering as a result of the attacks by Hamas and the subsequent conflict;
- (7) supports justice and freedom for Israelis and Palestinians alike;
- (8) acknowledges what has unfolded is deeply distressing for many in the Victorian community, close to the heart of many, and it is important that we maintain respect for each other here at home as people express their views;
- (9) condemns all forms of hate speech and violent extremist activity, including antisemitism and Islamophobia;
- (10) recognises an attack on any religion is an attack on all religions and that we all share a responsibility to unite, condemn and defeat such an attack on our common values and way of life; and
- (11) affirms in the strongest possible terms that hateful prejudice has no place in Victoria.

Those points in the motion are extremely important. My electorate of Southern Metropolitan Region has the largest Jewish community in Australia, and far too many have family and friends directly impacted by the atrocities of the terrorist organisation Hamas. What many are going through I cannot begin to imagine, and my heart goes out to them all. What I have seen from the Victorian Jewish community has been a tremendous outpouring of support, love, hope and resilience. Last week I joined thousands of Jews and non-Jews alike supporting the Jewish community and Israel.

The horrific terrorist attacks that were committed by Hamas on Israel are beyond comprehension, and so many innocent lives more broadly in the region have now also been caught up in this following these brutal attacks. But the terrorist attacks were beyond brutal; they were barbaric. The terrorist attacks have shocked the world. Hamas terrorists went door to door and committed acts of carnage that showed that nobody was spared from the barbarity, even in the sanctity of their own homes – the massacre of babies, the lining up of children with their hands tied behind their backs and being set on fire, the kidnapping of children. The reports of torture are heartbreaking and too hideous to contemplate. Young people attending a music festival were literally herded up and murdered, raped

and kidnapped – women then paraded by the terrorists in the streets of Gaza, all of their dignity stripped away whilst the terrorists and their supporters cheered on the violence. Family members found videos of the murders of their loved ones on the internet, posted and shared by the terrorists and their sympathisers, further demonstrating their shameless disregard for humanity. A 90-year-old woman who had survived the Holocaust, the genocide of millions of Jews in World War II by the Nazis that the world can never forget, had a gun held to her head and was murdered. The list of these atrocities goes on and on.

On that day, 7 October, the Hamas terrorists murdered more than 1300 people, the greatest loss of Jewish life in a single day since the Holocaust. It is pure evil. These terror attacks must be condemned. Israel has a right to keep their citizens safe and must be supported. That support must be unwavering, and I am pleased to see the outpouring of support from world and community leaders who believe in the right for Israel to defend itself and its citizens.

While thousands of kilometres away Hamas's attack on Israel is being felt heavily, it is being felt heavily in our local Jewish community too. Our citizens should be able to feel safe, but sadly many within the Jewish community do not. Jewish children have to walk past armed guards just to go to school and play community sport. Families do not feel comfortable walking home from synagogue on the Sabbath and hide their Jewish identity in public out of fear for their safety. Our Jewish community deserves to feel safe in their own homes, in their own communities, just as the people of Israel deserve to.

In Victoria we cherish the rights of individuals, whatever their religion, sexual orientation or gender. These terrorists do not. They have no regard for the dignity and rights of men and women, young and old. These terrorists must be condemned by this Parliament. Their actions cannot be tolerated, nor should they. I want to say again my thoughts are with all those that are caught up with these atrocities, with our Jewish community and the people of Israel. I want them to know that this Parliament stands with them in these dark and difficult times. I commend the motion to the house.

**Samantha RATNAM** (Northern Metropolitan) (12:19): On behalf of the Victorian Greens in this place I rise to contribute to the motion brought before the house. We are seeing a catastrophic humanitarian crisis unfold as a result of the escalating conflict between Israel and Palestine. The Greens have been unequivocal in our condemnation of acts of brutality and violence against all civilians. They are the ones being made to pay the ultimate price for the aggression, war and politics of division. We strongly condemn the premeditated targeting of Israeli civilians by Hamas. We also condemn the bombing of Palestinian civilians in response by the state of Israel, in breach of humanitarian law – a form of collective vengeance that sees civilians being starved of water, power, medicines and other essential supplies for life. There is equal devastation and tragedy for their families and for us all, whether it is innocent Israeli children or Palestinian children or Jewish lives or Muslim lives that have now ended through acts of violence. To see images of children being injured and held by rescuers after their parents have been killed, to see men devastated, having lost eight family members in one attack, the majority being children, and to see women lined up to leave areas that have been targeted only to be told that they cannot leave should shatter all of our hearts.

In our own nation and state, in response to this tragedy, we must unite at this painful time to call out antisemitism and Islamophobia and all forms of prejudice and hatred. We must mourn all victims. We must also use this grief not to encourage yet more violence and division but to work entirely towards the end of all hostility and killing and to try to bring about a lasting peace. That process starts with an immediate ceasefire between the state of Israel and Hamas, and all sides must comply with international humanitarian law. The context of this escalating conflict cannot be ignored. For there to be peace there must be an end to the state of Israel's illegal occupation of Palestinian territories and no longer the denial of universal rights of nationality and citizenship to Palestinian peoples. Following a ceasefire there must be a redoubling of international efforts to negotiate an end of the occupation, to finally end this conflict and to establish a just and long-lasting peace for both Israel and Palestine.

The Greens support many aspects of the motion before the house today. In fact we support most of them. But we cannot support statements that could be used as code for nations to have a green light to break international humanitarian law and attack civilians. Therefore the Greens are seeking to amend part (2) of this motion, and I am happy for my amendment to be circulated now. I move:

Omit all words and expressions in paragraph (2) and replace them with:

- ‘(2) condemns war crimes perpetrated by the state of Israel, including the bombing of Palestinian civilians and calls for an immediate ceasefire between all parties and an end to the war on Gaza, recognising also that for there to be peace there must be an end to the state of Israel’s illegal occupation of the Palestinian territories;’.

The looming invasion of Gaza will turn a humanitarian disaster into a humanitarian catastrophe. We grieve with the Israelis and Palestinians who have lost loved ones, and we must all work now to stop further bloodshed. One of the Greens’ foundational pillars is peace and non-violence, because violence must not beget greater violence. Acts of vengeance are not acts of justice and only set back the peace movement further. The Greens did not support the United States’ invasion of Iraq after the tragedy of September 11, however much it was hurting and grieving, so nor will we support Israel’s invasion of Palestine today. Instead of backing the invasion, Australia should be part of an international push for peace and de-escalation, which means an immediate ceasefire, an end to the invasion of Gaza and holding to account those who have committed war crimes. Nothing can justify the violence we have seen over the last week. The grief of communities across the world grows daily because of the actions that Hamas and the Israeli state have taken against each other’s civilian communities. We can never forget that the goal must always be lasting and just peace for both Israelis and Palestinians.

I would just like to speak briefly to the procedural motion too. We have been placed in an almost impossible position by the procedure put before the house today, whereby if we oppose the motion, if it is not amended – if our amendment is not successful and therefore we are not in a position to support the unamended motion – we are denied the ability to observe a minute’s silence in the chamber to commemorate the victims. Therefore, should our amendment fail and the Greens are therefore not in a position to support the motion, the Greens will be observing a minute’s silence for all victims of this war outside the chamber, as we cannot support this motion in its unamended form.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:25): I rise to condemn in the strongest possible terms the recent attacks on the state of Israel beginning on 7 October by terrorist organisation Hamas. On behalf of the government in this place I seek to express my deepest condolences to the people of Israel, particularly the families and friends of victims but also the Israeli community at large, of course within Israel but also the diaspora spread across the world, including here at home. I also express my deepest condolences to all innocent people, particularly the families and friends of victims who have been impacted by this most egregious situation right across the region and beyond.

In 2016 I had the privilege of travelling to Israel. From Jerusalem to Tel Aviv-Jaffa, from the Golan Heights to Erez and Sderot, we traversed a country one-seventh the size of Victoria. At that time I was struck by the strength, resilience, grace and generosity – the dignity – of the Israeli people. It was all the more remarkable when I considered that they live on a small patch of land where almost all of their neighbours want to push them, the only real democracy in the Middle East, into the Mediterranean Sea. Even in Sderot, a place where you could hear militants – terrorists – practising their drills over the other side of the walls, a place where most homes and every public children’s playground have a bomb shelter built into them, a place where we were told ‘When the siren goes off you have 15 seconds to take cover from a rocket’ and a place where the collection of shrapnel reveals the numerous and varied threats from foreign borders because the pieces found on the ground are decorated with the enemy’s branding, the people were calm and defiant. Perhaps their calmness, their defiance, was influenced by the knowledge of the state’s investment in their security. Our visit to the area’s checkpoint really emphasised this investment – not simply monetary investment but investment in systems, in technology, in armoury, in the Israel Defense Forces, in people.

So when I woke on Sunday 8 October to the news that the area's checkpoint had been breached, I was shocked. When I learned that beautiful young people exercising their freedoms and celebrating their youth at a music festival in Sderot had been brutally murdered and kidnapped by terrorists, I was horrified. The images of young people literally running for their lives across the desert were chilling. When I learned that across Israel, from land, sea and air, terrorists were brutally, barbarically attacking, raping, kidnapping, murdering Israelis, often targeting the most vulnerable – children and their mothers, the elderly, the sick – I was truly horrified. Indeed the pure acts of evil that have been inflicted on Israelis this week remind us of the atrocities of the Holocaust – atrocities that Western democracies have consistently denounced, atrocities that Western democracies have agreed should never be replayed. Indeed it was this commitment which led to the creation of the state of Israel in the first place – a state where democratic freedoms and human rights, including freedom of religion, would be upheld.

Key to living a fulfilling, healthy and happy life is the fundamental freedom to practise what you believe in, and for many people in Israel, both of Jewish faith but also of other faiths, this means freedom of religion. Whilst Israel is a Jewish state, civilians of every faith live side by side. They practise their faith and traditions in some of the world's most religiously significant sites alongside each other. In Jerusalem in particular I was struck by the way in which Jewish, Islamic and Christian quarters exist side by side. They do so not necessarily without incident, but certainly they coexist. Indeed some of the greatest challenges are within the religions themselves.

Jerusalem and Tel Aviv are multicultural, multifaith cities protected by democracy. This is not the vision of Hamas. Hamas is undeniably a terrorist organisation. It is considered as such by the United Nations. It is considered as such by the Australian government. We should not naively buy into the argument that Hamas has been frustrated by the conservative Israeli government and that the attack of 7 October was a show of strength in an attempt to precipitate negotiation between Palestine and Israel. We should not naively buy into the argument that Hamas supports the negotiation of a two-state solution. Hamas hates people of Jewish faith, of any faith other than Islam, in Israel, in Palestine and throughout the world, and it is committed to their annihilation. Hamas as evidenced by its own charter does not seek a negotiated peace settlement with Israel. Hamas seeks the obliteration of Israel. With sheer unadulterated terror Hamas, in the name of Palestine, using Palestinian civilians as human shields, seeks to overrun the democratic state of Israel. From within the Palestinian territories Hamas has hidden behind innocent civilians and risen in opposition to a peaceful settlement of a two-state solution. Hamas is supported by other terrorist organisations, like Hezbollah, and in turn is supported by other brutal regimes, like that of Iran, and to sympathise with Hamas is to sympathise with terrorists.

When democracy is overrun, fundamental human rights are denied, from the right to life, liberty and the security of person to the right to freedom of religion. Democratic countries around the world, including Australia, have an obligation to promote and to protect democracies and their associated freedoms.

Sadly, tragically, this means that Israel finds itself on the precipice of a disastrous war with untold humanitarian disaster. This war of course must be conducted in accordance with international law, and it must include a humanitarian response. The United Nations declaration of human rights provides that everyone is entitled to all of the rights and freedoms set out in the declaration without distinction of any kind, including race, religion or political opinion, and that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs.

All life is precious. In this moment, as Minister for Children and as a mother, I am concerned for all the children and families caught in conflict. I am concerned for all children and families across the region, particularly the innocent children and families of Gaza being used by the terrorists Hamas as human shields, and I am of course concerned for those children and families of the state of Israel, who ordinarily live a day-to-day existence not so very different from the children and families of Melbourne.

Indeed it should be said that as leaders in our own multicultural, multifaith community, we have an obligation to recognise that global events can impact on our local community in a profound way. The terrorist attack on Israel and the subsequent events over the past 10 days have been devastating for our Israeli and Jewish communities here at home. Many in our community have family and friends in Israel who have been brutally attacked, raped, kidnapped or murdered. Many are reeling in the unknown. The whole of our Israeli and Jewish community feels under siege. They are grieving in solidarity. Further, in acknowledging that Hamas does not reflect the whole of the Palestinian population in Gaza, nor does it here in Australia. So many Palestinian Australians are also alarmed and anxious as they view events unfolding from the other side of the world, wondering what the future holds for them and their family and friends.

Importantly, it must also be recognised that much of the Middle Eastern community in Australia, including the Kurdish community, the Iranian community and the Syrian community, have come here in pursuit of democratic freedoms, particularly religious and political freedoms. Many Middle Eastern Australians have fled brutal regimes and terrorists. Many can never go back. The events unfolding in Israel and Gaza and which threaten the entire Middle East are deeply disturbing for these communities also.

As Victorians we value that our democracy provides for a multicultural, multifaith community. We must embrace our neighbours, and we must support our communities in a spirit of brotherhood, because as the opening words of the United Nations declaration of human rights says:

... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...

**David DAVIS** (Southern Metropolitan) (12:34): I rise, as many others in this chamber have, to strongly support this motion and do so with a heavy heart, as so many of us have, as we have seen some of the most shocking images come across our television screens in recent days. The invasion of Israel by Hamas, a terrorist organisation, I think shocked so many people around the world.

The images of Israeli women, children, families, grandparents, the terrible images of the music festival – all of those point to the clear terrorist intent of Hamas as it attacked Israeli citizens for no particular reason on this occasion, just a particular choice of a religious holiday and a decision to launch what can only be called a terrorist attack in the terms of the definition of ‘terrorism’, which is to create that fear, that loathing, that terrible concern in the audience which it is intended to intimidate. The failure of many in our community and more worldwide to unreservedly point to the terrible nature of this and unreservedly condemn what has occurred is I think a concern.

The motion calls for the unequivocal condemnation of the attacks on Israel by Hamas – and I support that – which are the heinous acts of terrorists, and I think that word ‘terrorist’ is very, very important. It does encompass the targeting and murder of civilians, including women and children, and the taking of hostages. I do stand with Israel, and I do recognise its inherent right to defend itself. I was proud to attend Caulfield Park the other night with more than 7000 people and stand with Jewish community members to ensure that a very strong demonstration was made of the solidarity of people indeed on both sides of this chamber – and I make that point most assuredly; I was pleased to see so many Labor people there as well as Liberals – strongly supporting, as Ms Crozier said, those many Jewish community members that are such a significant part of the community in Southern Metro and so much a part of the community in Melbourne.

I do call for the unconditional release of the hostages, but I do think it is important to recognise the strong distinction between the Palestinian people on the one hand and Hamas on the other. Hamas is a group of overlords in effect in the Gaza Strip area. They have enormous power, and they intimidate many of the local Palestinian community, so the Palestinian community cannot be seen as being reflected in Hamas and its views and decisions. I know so many in the broader world community want to see a resolution of the longstanding conflicts in this region, and I too want to see that. We do support

justice and freedom for Israelis and Palestinians alike, and we do acknowledge the devastating loss of Israeli and Palestinian lives and the innocent civilians on all sides who are suffering.

We do acknowledge – and I think it is important to put these points on the record – the deep distress that many have felt around the world and in the Victorian community. But there is an unfortunate tone of speech that is alive through this process, and I think it is incumbent on us all to push back and to call it out where the opportunity occurs. I do, as paragraph (10) in this motion points out, recognise an attack on any religion is an attack on all religions, and I do affirm in the strongest possible terms that hateful prejudice has no place in Victoria. Hamas is, in Australia and worldwide, a recognised terrorist organisation, and what it has done is an act of terrorism.

I think the Victorian Jewish community deserves the support of everyone in this Parliament in the strongest and clearest possible terms. We have to work hard in a multicultural community to make sure that matters of this nature do not disrupt our multicultural community, but we do have to recognise very clearly that it is Hamas that has initiated this. It is Hamas that has taken these extraordinary steps on a Jewish holiday just a few days ago. Israel does have a right to step up and protect itself and its people, and if we were in that situation, make no mistake, Victoria, Australia, would be stepping forward to protect our people. In that sense I am strongly with the Israeli community.

I do want to say something about the amendment moved by the Greens. I think it is unfortunate in this circumstance. I am not going to read it, but I think it is misplaced and I think we should clearly oppose it. I think the motion that has been moved, with the opposition's support, by the government is the right motion, and I think that this amendment is deeply unfortunate. I think it is a divisive amendment, and I think that it is not focused on ensuring the fairest outcome given the need to recognise that Hamas is a terrorist organisation. I do not think any of us would have any truck with this organisation, and I do not think we should have any truck with this organisation.

I do want to say that Israel in its immediate vicinity is the only true democracy. It is surrounded by very difficult neighbours in many circumstances, many of them with terrorist groups within their midst, and I think the Victorian community will have enormous sympathy for and focus on supporting the Israeli people at this point of difficulty and challenge. I know many in my electorate and Ms Crozier's electorate have family and friends who are in Israel now and have great fear for them, and I do not think that we can discount these points. I think that we need to step up and support them at this difficult time.

**David LIMBRICK** (South-Eastern Metropolitan) (12:43): I also rise to speak on this motion. I will be supporting it, although I do have some problems with the motion as put, which I will get to in a minute. But firstly I would like to express my sincere condolences to, on the Israel side, the civilians who have been effectively caught up in a terror attack and have lost their lives. My heart goes out to them. The images, as others have said, that have gone out in the past week have been absolutely horrific. Also, I would like to express my condolences for the innocent civilians who live in Gaza, who suffer under a brutal regime. They also are suffering badly at the moment, and my heart goes out to them – my condolences to the innocents that are undoubtedly being hurt there.

With regard to the motion, I will start with something about it that I like. Point (5) talks about the difference between Hamas and the Palestinian people. Something that libertarians recognise is that the government and the people are two different entities. The government rules over the people. The people are not the government, even though sometimes we mistake them in our language. We say 'We should do this' when what we are really talking about is 'The government should do this'.

In Western countries we are fortunate in that we have many protections against the worst excesses of the state. In the United States they have the Bill of Rights, which does not really set out things for the government to do; it sets out things that the government should not do. It restricts their power, to protect rights. In Australia we do not have protections that are as hard, but we do have the Victorian charter of human rights, and we have some restrictions so that lawmakers must at least consider these

rights when performing their duties and their actions and making laws. But not everyone throughout the world is fortunate enough to live in a state where those protections exist. Unfortunately for the Palestinians who live in Gaza, they live under Hamas. If we look at Hamas, if we look at their charter, which states their objectives, their objectives are genocidal. Their tactics are murderous, and they are brutal rulers. So I agree with others in the chamber that Hamas is an awful organisation, and those that suffer under their rule we should have sympathy with.

Now to some of the things that I am concerned with in this motion. I would like to point out that item (9) talks about hate speech. Hate speech is a nebulous concept. Indeed many discussions that I consider are well within the realms of civilised debate would be considered by others to be hate speech, so I am a bit concerned about putting something so ill defined in there. Item (10) says: 'recognises an attack on any religion is an attack on all religions'. I also take issue with this, firstly, because it is plainly untrue – an attack on one religion is an attack on one religion. I am unsure of the meaning of 'attack' here. If the meaning of 'attack' is to criticise, then criticising religious extremism is exactly what we should be doing. In fact in the Western world we must remember history. Liberal democracies were born from attacking the overarching religion of the day, which brought us out of the Dark Ages and into the Enlightenment. That was due to an attack on our overarching religion, where we had the separation of church and state and those sorts of things – because people had the courage to stand up against religious extremism.

One thing that really concerns me, though, is how we respond in Western countries. As has been said, we are meant to value peace and liberty and these sorts of things. The thing that made me become a libertarian in the first place was our response to the September 11 attacks and the subsequent Iraq War. In my view if Western societies are going to stand strong, we must defend our liberty, not crush it. Because what happened after those terror attacks was we ramped up the controls on our own population; we restricted our liberties within Western democracies. That is doing exactly what the terrorists want. The terrorists want to provoke a reaction within the Western world so that we will restrict liberties. I note that in New South Wales they have already started doing this: they are talking about banning protests. We must always be vigilant to not let the government of the day in any state or jurisdiction overreact to what is happening. We must be mindful of that and stand in defence of freedom, because this is what those who hate freedom – terrorists – hate the most: people who regardless of the awful, heinous crimes that are committed stand firm in defence of liberal democracy and in defence of freedom in our own country. On that, I would like to finish.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:49): Over the last week we have seen some of the most distressing scenes of violence in a part of the world that is tragically no stranger to violence. The taking of hostages by Hamas has deeply shocked the world, and I join in calling for the immediate release of these innocent civilians. I condemn the horrific acts by Hamas on Israeli civilians, where thousands were killed and injured. The acts of violence perpetrated by Hamas are abhorrent, and the world has rightly condemned these acts and called them out for what they are: acts of terror. The impact of these attacks has been felt so deeply by the Jewish community in Victoria and indeed Jewish communities right around the globe.

I also want to acknowledge the ongoing impact this conflict has and will continue to have on not just innocent civilians in Israel and Gaza but so many people in the Victorian community. Whether they are Palestinian or Israeli, Jewish or Muslim, many Victorians have family and friends impacted by these violent and distressing events. My heart goes out to the many, many people in our community deeply distressed for the safety and wellbeing of loved ones in Israel, in Gaza and even in the West Bank. Victoria's Jewish and Palestinian communities are mourning. It is estimated that more than 3000 Israeli and Palestinian civilians have already been killed and over 15,000 injured in Gaza, Israel and the West Bank since those horrible Hamas attacks just a week or so ago.

It must be said that a humanitarian disaster is unfolding in Gaza before our eyes. It is estimated that 1 million Palestinians have been displaced in the first seven days of the conflict, according to the

United Nations. This is not just felt by people in Israel, Gaza and the region, this is felt by Victorians. It is for these reasons that over the coming weeks, or maybe even months, it is so important that we stand in solidarity with every member of our community who is impacted by this conflict as Victorians. The impact and trauma of conflict like this is real. We know the adverse impact overseas conflicts and crises can have on Victoria's multicultural communities, and we know that it can influence the social cohesion of our own proudly multicultural society. We have already seen some horrendous events unfold in the wake of this conflict. Jewish and Palestinian Victorians are experiencing an increase in fear and anxiety. There is no place in Victoria for hateful behaviour, and neo-Nazis and racists have no place in our state. It is why we are making sure people who use these symbols and gestures to harass, intimidate and incite hate are held accountable. Our government will always stand against hatred and racism, whether it is antisemitism, Islamophobia or any other form of hate and vilification, because as Victorians we know that our state's multiculturalism is our greatest strength.

As Minister for Multicultural Affairs I have met and had difficult conversations with leaders of the Jewish, Islamic and Palestinian communities over the past week. I attended a vigil for the Israeli victims last Monday night along with the Deputy Premier Ben Carroll and a number of members of the Victorian and Australian parliaments, and I was proud to do so. At the heart of every one of the conversations that I have had is a desire for peace and a desire for harmony between our communities in Victoria. I want to reiterate my commitment to this value. Even in these challenging times we must continue to promote peace and empathy between our diverse communities here in Victoria. The events we have seen over the last week are horrific and deeply distressing. I stand with the innocent victims of this conflict, both Israeli and Palestinian, because every human being deserves to live in safety, free from the threat of violence. I urge all Victorians to come together at this difficult time. We must be unwavering in the face of division, and we must denounce all forms of violence and hate. I send my thoughts and my solidarity to every single member of the Victorian Jewish and Palestinian communities. We are a proudly diverse, multicultural, multifaith community. Our social cohesion is a precious thing. We cannot take that cohesion for granted. We need to cherish it. We need to celebrate it and above all defend it against hatred and extremism.

**Nicholas McGOWAN** (North-Eastern Metropolitan) (12:55): It is an honour to speak on this motion. I did not write the motion, nor did I choose the words, and I think that is important, because language matters. It particularly matters in this place because it is our deeds, and as one who tries to use my language on occasion in an educated and intelligent way, I find myself needing to do that all the more on this matter. I have also found myself, as an elected representative, on a number of occasions in the last few days entering into the public forum and into public life to make comment, and I do so today again because I think it is important to make a couple of salient points.

The first is that I would hope that anyone, particularly a member of Parliament, when they make comment about the scenario and the events that have unfolded since 7 October, do so in an informed way. These are highly sensitive, highly emotional issues. It would be a disservice to be anything less than both understanding and educated when we speak, because that would unnecessarily inflame, miseducate and cause further division, and that is precisely what I would suggest none of us want. Two, oversimplification, and many speakers have spoken about this today: no one people is homogenous – no one family is homogenous for that matter – and so it ought to go without saying but I think now more than ever we need to make the point that no one people can be treated the same, nor ought they to be.

The other thing that I think is salient is that at this point, like perhaps a few others have said, we have to have, all of us, for those involved, both compassion and empathy. We live in a very privileged society in Australia. It is my great honour to very often speak to new citizens, as I know many of you do here as well, and in my citizenship ceremonies often I have said to those present who are about to become new Australians, 'It's we that should be thanking you.' Many people like to think Australia is the best country on earth. I think we have got a long way to go. I think we are a lucky country. I think in many respects we are spoilt. I love my country, but I also appreciate the fact that the people standing



in front of me when they are acquiring their new citizenship have very much to offer us too, no matter where they have come from, and that they may feel too that their countries are the best countries on earth, despite perhaps an absence of luck or an absence of being born in a particular place or to a particular family or in a particular religion. What we can take from them ought to empower us and is sure to strengthen us as a country, so I welcome them and I welcome their contribution to our country.

From my experience overseas it is also important to share, I think, that as the days coming ahead unfold – and I have grappled in terms of what I have to say about this – I fear the days ahead. I think they will be worse, and that is an awful thing to say, because the days that have passed already are pretty bad – and that is a serious understatement. In my experience overseas, no peace is perfect; in fact it is the reverse. That is what we ought to be striving for. Every peace is flawed, every peace is imperfect, and no-one ought to point any fingers. There are conflicts right around this globe. When I lived in Africa – as I have lived in Afghanistan and in Amman in Jordan and have spent time in Syria and Israel and the territories – I used to remind people who were critical of the Africans at that stage, when they had conversations with me, that I would look no further than Northern Ireland, a country where to this day they still are building walls taller, and every night those walls and the gates are shut and the communities are divided. To this day the education system in Northern Ireland is 95 per cent or thereabouts segregated, Protestant and Catholic. So no-one ought to point fingers. We ought to come together. This is an occasion to grieve what has occurred and to show solidarity with every civilian, as I think has been shared across the chamber here today.

While I am saying that, I think it is important to remind people that a part of the world I have come to love too, Asia, is not unscathed. Many countries have not been unscathed by this event. Twenty-four Thais were killed on 7 October; they were working there. Ten Nepalese were killed. Six British nationals were killed and 30 Americans and 1400 Israelis. We now know at least one Australian – a 66-year-old Sydneysider – was also killed. And very many – the number differs, but there were very many – civilians in Palestine were also killed.

So where does this get us? As I said at the beginning, the words are not mine but I think it is important that this place illustrates to all Australians that we have come together, that we will share our sympathies and that we will mourn the losses. But moving forward what I also think is critical and important, both for the state of Israel and for the future of a two-state solution for Palestine and the Palestinians and the Arabs, is that we actually redouble our efforts, all of us, towards what the future might look like, because that is critical. A redoubling of our efforts is the best possible solution in the long term to the conflict we now see. The truth is we spend much of our time not looking at that part of the world at all until a conflict has occurred, and we suddenly realise that there are those living a very different life than ourselves. You cannot legislate hate away. No piece of law will do that. It takes individuals to come together. I hope that in the days ahead that is precisely what we see.

**Moir DEEMING** (Western Metropolitan) (13:01): I also rise to support the motion and commend the government for it. I would like to express my sympathies to all the innocent civilian victims and their families. What we have seen in the past few days has been terribly shocking, and there is no possible framework under which the cruel and malicious violence that we have seen is justifiable. I am not going to repeat the things that have already been said, but I would just like to note before I sit down that I utterly reject the implication made just now by the Leader of the Greens that this motion can in any way be interpreted as code for justifying any kind of further violence on any innocents.

**Ryan BATCHELOR** (Southern Metropolitan) (13:02): I am proud to rise and speak in support of the motion. Like millions across the world and many in this chamber, I was absolutely horrified at the terrorist attacks committed by Hamas a little more than a week ago – attacks that have resulted in the worst loss of life for Jewish people on a single day since the Holocaust.

Melbourne is home to the largest population of Holocaust survivors per capita outside of Israel. I mention this because it demonstrates what a personal connection so many in the community have to the horrors of the past and how these fresh attacks and the loss of Jewish life have weighed so very

heavily on so many in the community because they bring back those terrible memories of what it is like to be targeted for destruction because of who you are, and that is unimaginable to think of.

Southern metropolitan Melbourne, as many have said, is home to much of our state's Jewish community. So many in the community have friends and family in Israel, and they have been grieving heavily this week. With many of my colleagues, I have stood with them, and I will continue to do so as they grieve. Too many have lost their lives as a result of this attack by Hamas – Israelis and Palestinian civilians too. In the maelstrom of conflict we cannot lose our shared humanity and we can grieve for all who have suffered as a consequence of Hamas's actions.

I want to briefly talk about some of the Israeli communities that were attacked by Hamas last weekend. Just as Judaism contains many strands of belief and observance, Israel itself is a diverse nation, and often we do not get to see or understand that diversity or know about some of these communities – communities like Kfar Aza kibbutz, which was established in the early 1950s by Maghrebi Jewish refugees from Northern Africa, principally from Morocco and Egypt. The foundation of this kibbutz, like so many others, was grounded in a communitarian ideal that owes as much to socialism as it does to religious observances. Kfar Aza is less than 3 kilometres from Gaza, and last Saturday terrorists paraglided into the community and began killing residents as they slept.

Nearby was Be'eri, a kibbutz established in 1946 just before the modern state of Israel itself was founded. It was founded from a movement, again, of democratic socialism. Unlike many other kibbutzim, it today retains its cooperative industrial model. These are unique communities. According to the BBC, shortly after sunrise messages started pinging the phones of the 'Be'eri mothers' WhatsApp group, and I know we are all part of those types of groups. On that morning one of those messages read: 'We have a terrorist on the stairs. Call someone.' Later that day the name of the WhatsApp group was changed to 'Be'eri Mothers Emergency'. More than 100 civilian residents of that kibbutz were killed that day. One of the residents spoke to the *New York Times* about what life was like before the attack, and he spoke about how one of the grandmothers in the community would travel every week to the border crossing with Gaza to pick up Palestinian children that she knew and take them to get dialysis at an Israeli hospital. These Israelis coexisted with their Palestinian neighbours for generations, and the threats to them came not from everyday Palestinians but from their Hamas rulers.

Hamas is a terrorist organisation that does not believe in the right of the state of Israel to exist. Terrorists are not partners in peace, they are harbingers of hatred. Hamas's bloody actions have undoubtedly set back the cause of peace for the Palestinian people and beyond, and they are contributing to a humanitarian crisis for the residents of Gaza – yet another tragedy arising from these events. Israel has more than a right to exist; it has an obligation to protect its citizens as every nation does. Sadly, further conflict does appear inevitable, and as they always do, international law and the rules of war must apply. Hostages that have been taken must be released. Israeli citizens cannot be used as human shields. Palestinian civilians need to get to safety, but nothing and nowhere should be safe for Hamas.

Australia's foreign minister has announced \$10 million in humanitarian assistance for civilians affected by the conflict. We have seen repatriation flights underway for Australians in Israel and the Palestinian territories, and I know to many the photos of those safe landings in London will bring a ray of light in a week that has been all too dark. Just today we have seen the global community rallying to ensure that humanitarian support is available to the civilians affected by terror and war – an announcement just before we came into the chamber that the US and Israel have agreed to a plan to get aid to civilians – and perhaps those trucks full of aid sitting at the Rafah crossing in Egypt will be able to get across the border shortly.

The Victorian government, as many have said, stands firm as a friend of Israel and the Jewish community here in Melbourne. We stand firmly against hatred and bigotry and extremism, and we condemn those unequivocally who chant despicable things. I was one of the thousands at Caulfield

Park last Friday to unite with Israel. There were very moving words spoken. Songs of love reverberated, and many tears were shed. I want to acknowledge the leadership of the co-conveners of Parliamentary Friends of Israel, the members for Caulfield and Box Hill, and the role that they have played in bringing all of us together to support Israel, especially this last week. It has clearly been a very difficult time personally for both David and Paul. The Premier, the Deputy Premier and the Minister for Multicultural Affairs have all been representing the state with the Jewish community and beyond this week and made clear our commitment to standing with Israel and standing against bigotry and hatred and antisemitism.

I just want to make special mention of my friend and federal colleague the member for Macnamara Josh Burns. I saw him on Friday, and you could see in his ashen face the toll the week has taken. His expression of humanity was wrapping his big arms around his community and holding them close. Other federal colleagues – the Prime Minister, the Attorney-General – have been steadfast in their support, as we all must be, supporting our community in a time of grief, condemning acts of terror and the slaughter of innocents and calling out extremism and hate whenever they manifest. If the situation deteriorates in days and weeks, our cohesion may well be tested, but our community must remain strong. We must remember our humanity, and that is how we find the path back to peace. I want to end stealing from Josh. The contribution that he made in Canberra yesterday ended on a Jewish prayer:

... one thing above all: that, for Israel, for the Jewish people and for the entire world, there should be peace.

**Melina BATH** (Eastern Victoria) (13:10): I thank the Leader of the Government for bringing this before us today. I think we see in this house today the very best of each other in the respect that we have for those who are dealing with such atrocities and so much pain and so much loss. So on behalf of my colleague Gaelle Broad, I would just like to put the Nationals support for this motion, in addition to the wonderful sentiments of Ms Crozier. We unequivocally condemn the attacks on the Israeli people by Hamas. Our hearts are heavy with the pain, the terror and the anguish experienced not only in Gaza but in that broader region by Israelis and Palestinians. We understand that there are people in homes in Victoria and Australia, and in regional Victoria, that are so concerned about loved ones. To be feeling the very visceral pain of the acknowledged trauma – people have experienced loss of life at the end of a gun. It is something that no sane, sensible, caring human would ever want to wish on anybody, but those people have had to experience it, and we understand that that pain ripples through the world through peace-loving nations, and it is our responsibility to call out atrocities, as we have been doing on this motion.

It is vital that houses of democracy – the Legislative Council, the Assembly – the Commonwealth of Nations and those right across our free world stand in solidarity with those against antisemitism and recognise that the Jewish peoples for millennia have experienced violence, which needs to end. It is important to differentiate the beautiful people, the Palestinians, who are separate to the atrocious Hamas and who are separate to that evil that is the force of Hamas. We call out and say that extremism has no place in this house, in our state and in Australia – but noting that extremism by its very nature is made up of outliers, and they have two ends of a graph. We call out all extremism and those outliers.

We acknowledge very much, with great understanding and gratitude, the role of humanitarian aid and those people who run towards these very desperate situations, knowing that their own lives and wellbeing are in peril. We thank them for assisting women, children and civilians of every race, creed and colour. We pray with whatever faith we have, in whatever religion we feel comfortable, or we pray a universal prayer to the greater universe, that the efforts of world leaders, of our leaders, can restore respect for human life. I believe that hope is eternal. I believe the strongest thing that any human has is to wake up every morning and hope for a better day. So I am sending hope for a calmer tomorrow. I am sending hope for safety for all peoples in that region – an end to the shelling, an end to the hostage taking and the release of the hostages, who are living in huge fear and deprivation, and the cessation of those that want to incite violence through speech.

I want to see the removal of the evil Hamas, and I pray for those people who are working for that. To all people who call Australia home I say that we need to hold onto our freedom, but it is a responsible freedom. It is a freedom without absolutes. We need to respect each other and to do unto others as they would have us do to them. I wholeheartedly support and commend this motion, and I thank the government for bringing it forward.

**Jeff BOURMAN** (Eastern Victoria) (13:15): This is going to be a difficult one for me. I am not Jewish, but my wife is and therefore my daughter, and we do know people in Israel. Thankfully they are in Tel Aviv. I am going to do the reverse to what a lot of people are doing and say how much I feel for the Palestinian civilians caught up in this. By and large most of the people in the Gaza Strip just want to get on with their lives. Unfortunately for them their government, legitimate or not, is not that interested in them. They are certainly not interested in Israel.

When I first heard of this happening – I have got a strong stomach; I have seen and done some things that I would prefer not to have – I started finding images online. Some of them I will get into, but most of them I will not. This is not militantism. This is not an extension of politics of a state. The things that they did to people, even to soldiers, is not part of war in any way, shape or form. Innocent civilians do sometimes get killed in war, and that is gross but it is how it has been. Since we crawled out of the primordial ooze or, if you are religious, you believe since we were created, sadly, we have been fighting. But this is not terrorism. This is not militantism. This is not a country at war. Everything that was done to the Jewish people, and no doubt to some non-Jewish people, in October was barbarism and it was an offence against humanity.

Sadly, Hamas – and if I get out of control I mean Hamas no matter what I say – decided that what they were going to do they were going to put online. They were raping and killing women, videoing it and sending it to their families. They were doing unspeakable things that not even soldiers in war that have lost control do. It has been well publicised over the years what soldiers have done during war when they get immune to the reality of it, but this was not that. This was burning children alive. This was trying to hack off the head of someone who was dying with a blunt hoe. I have seen it. These are their videos, not mine. And the part that I find the hardest: they decapitated children. They beheaded fucking children – babies.

Talk about tone deaf. Hamas throws homosexuals off buildings. Hamas kills women for adultery or allegations of it. Hamas are not worth anything. Unfortunately, I was listening to – I am not going to say the person, but I know who it is – a contribution. I think the word ‘Hamas’ came up once, and I am not even sure I heard that. Hamas need to be exterminated – absolutely they do.

But what is Israel to do at the moment? What is a proportionate response? Do they go into Gaza, line up all the children, set them alight and behead them? No. Sadly for the Palestinians, Hamas put their storage areas – where they keep their weapons; where they keep their so-called soldiers, who are really just barbarians – under places of public import. So unless Israel were going to stand out the side of Gaza Strip and wring their hands, what were they to do?

I truly wish to God – a God I do not believe in – that there was a way to fix this. I was quite a supporter of the two-state solution for a while. This has shaken my faith in that. The Palestinians need to get rid of Hamas, and I know that is not easy. But in the end they were elected – I cannot remember what year they were elected – with Fatah and eventually took over in 2006, and the world stood by and watched because they did not want to get involved.

Well, now here we go. This is as close to the actual Holocaust as I have seen and I ever want to see. Thirteen of my wife’s family went into World War II – all civilians. Five of them came out alive. They were murdered for being Jews. And now in Israel we have the same thing.

I am going to finish off with: I have seen more thought and consideration given to native ducks than the people of Israel.

**David ETTERSHANK** (Western Metropolitan) (13:20): I rise to make a brief contribution on the motion before the house. Like other members in this place, I was appalled by the horrific and criminal attacks on Israeli communities that occurred last week. The news of Hamas taking over 100 civilians as hostages was especially chilling. The use of civilians as bargaining chips and human shields is reprehensible, cruel in the extreme and a flagrant violation of international law. I share my deepest condolences with all of those affected by this terrible conflict, be they in Israel, in the state of Palestine, elsewhere abroad or here in Australia. We continue to watch in horror as the renewed conflict reignites the tragic cycle of violence and fear and loss for millions of innocent civilians in Israel and Gaza. With the death toll already reaching into the thousands, it is especially heartbreaking that so many of those who have lost their lives, be they Israeli or Palestinian, were children or young people whose lives had only just commenced.

It is not hard to imagine from where we sit what purpose Hamas had in launching the attacks, given that they would inevitably lead to the death or injury of tens if not hundreds of thousands of people, mainly innocents and non-combatants. These are classic insurgency tactics designed to trigger horror, overreaction and missteps. We saw it after 9/11, and it appears to be happening again now. However, while we are rightly outraged by these egregious acts of terrorism and by these crimes, there is another perspective to this conflict that we must not ignore. The collective punishment of Gaza by Israel that we are now witnessing is deeply distressing and illegal, a response seemingly condoned under the banner of Israel's right to defend itself.

I want to quote the UN's permanent observer mission to the state of Palestine. In reference to the Hamas attack they observed that:

These developments did not occur in a vacuum. They are preceded by the killing this year of hundreds of Palestinians ... and preceded by decades of Israel's unrelenting:

Military raids on Palestinian villages, towns, cities and refugee camps ...

By way of context, the UN observer mission continued by noting:

Arrest, detention, imprisonment and abuse of thousands of Palestinian civilians, including children and women;

A suffocating 16-year air, land and sea blockade of more than 2 million Palestinians in Gaza ...

Amnesty International, reporting on the human rights abuses suffered by Palestinian people over the last seven decades, stated:

Palestinians in the West Bank and the Gaza Strip continued to face Israel's oppression, domination, fragmentation and segregation under its brutal occupation and apartheid ...

Gaza itself is frequently described as an open-air prison. According to UNICEF, before the current escalation over 1 million Palestinian children were already in need of humanitarian aid in the Gaza Strip and the West Bank, accounting for approximately half of the total child population.

So this has not happened in a vacuum. This ongoing and apparently escalating conflict will result in more displacement, suffering and death. The injustices and violations that are among the root causes of this violence must be addressed as a matter of urgency. Civilians will continue to pay a heavy price until Israel dismantles the system of apartheid against Palestinians, including its illegal blockade and now siege of Gaza. The international community must respond with aid to reduce the suffering and support all parties to pursue a rational path to peace and a genuine and sustainable two-state solution.

Here in Australia we must embrace and support all affected communities and demand respect and restraint. We must also respect the right of those communities to demonstrate publicly, recognising that whatever the situation there is no place for vilification, antisemitism or violence. Likewise, there is no place for politicians who would seek to capitalise on this tragedy and undermine our democracy for short-term political gain. Once again, I join with others in this house in offering my sincere condolences to both Israelis and Palestinians affected by this terrible war.

**Rikkie-Lee TYRRELL** (Northern Victoria) (13:26): I rise today to speak in support of the condolence motion raised by the government. I am deeply saddened and disturbed by the events that have transpired in Israel and Gaza over the past weeks. I feel for the hundreds of thousands of innocent lives that have been destroyed by the actions of terrorists, those displaced from their homes by the repeated conflict and the thousands of women and children brutally murdered, assaulted and paraded in the streets by terrorists. This world has no place for terrorism. It has no place for division based on race, religion or geographical birth. I call for compassion and kindness towards Israeli and Palestinian people who have sadly been caught up in the war inflicted upon them by terrorist organisations.

I condemn Hamas for the taking of innocent lives, for the taking of hostages, for putting innocent people directly in the line of fire to achieve their own ends, for instilling fear amongst not only Israelis but their own people living in Gaza. I condemn any action that further permeates and divides what should be a peaceful place, a holy place, not one to be perpetually fought over in scenes of bloodshed and despair.

As we here, safe in Australia, watch the atrocities in the Middle East unfold, we must remind ourselves of how lucky we are to live so far removed from these conflicts that plague other parts of the world. Australia is not immune to the threat of globally recognised terrorist groups like Hamas and other radical organisations. We must remain vigilant in our own efforts to deter this behaviour on our own shores. Here in this wonderful country we call home we care for each other, we live in harmony and we accept everyone for who they are, regardless of race, religion or where they are born. We are Australian, all of us. In this time of great grief and trauma for both the Israeli and the Palestinian peoples alike, we must remember to care for one another as we are all in shock and despair over the unfolding events. Our institutions have a responsibility to promote unity and solidarity through understanding and compassion.

**Nicholas McGowan:** On a point of order, President, on a point of clarity, the piece of paper I have got here refers to numbers, whereas I know that numerous speakers referenced (a), (b), (c), (d), (e), (f) and (j), for example. Just in terms of clarity over what we are actually debating and what has been moved, the piece of paper down here refers to, as I say, (1), (2), (3), (4) and (5), and the other ones were the (a), (b), (c), (d) and (e). I am trying to clarify which it is.

**The PRESIDENT:** I noticed that too. I think the one with numbers was a previous version with the same words. When we debated it, Minister Symes had her motion lettered.

**Council divided on amendment:**

*Ayes (7):* Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

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

**Amendment negated.**

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

**Sitting suspended 1:38 pm until 2:42 pm.**

*Bills***Justice Legislation Amendment Bill 2023***Royal assent*

**The PRESIDENT** (14:42): I have a message from the Governor, dated 10 October:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

**26/2023** Justice Legislation Amendment Act 2023

*Committees***Economy and Infrastructure Committee***Membership*

**The PRESIDENT** (14:43): I advise the house that have I received a letter from Mr Limbrick resigning from the Economy and Infrastructure Committee effective from Monday 16 October 2023. Congratulations.

*Questions without notice and ministers statements***Decriminalisation of public drunkenness**

**Georgie CROZIER** (Southern Metropolitan) (14:43): (297) My question is for the Minister for Mental Health. Minister, the Labor government is ignoring the concerns of the community directly affected by the Collingwood sobering-up centre. Last week it was revealed the centre might take drug-affected people. Minister, can you confirm that the centre will be looking after not only people intoxicated by alcohol but also people affected by drugs such as ice?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:44): I thank Ms Crozier for her question. Of course this is part of an important piece of work all around making sure that we are decriminalising public intoxication, because we want to see these issues dealt with through a health response rather than a criminal response. We know that this is a key recommendation from the coroner to make sure that we are not locking up people who are intoxicated, because we never want to see again the tragic loss of life that we saw with the recent example of Tanya Day – of course the tragic loss of her life as a result of her being in a police cell when in fact she should have been in the care of health professionals.

Setting up the sobering centre at Cambridge House is just one element of the reforms that the government are pursuing as part of a health-led response. Of course the vast majority of Victorians will not need to go to a sobering centre to deal with public intoxication. There will be a range of other health responses available. But I think to conflate the issues of drug addiction and the purpose of Cambridge House is not helpful, because clearly there are other dedicated services across our city and indeed our state that are all about supporting people who have addiction issues, and Cambridge House is there to ensure that anybody who needs a sobering-up service – and that will not be the majority of people, by the way; this will be a small cohort, we think – can have that expert health model response through the sobering-up service. It will be led by Cohealth, who have got a demonstrated track record of providing really important health-led services to some of Victoria's most vulnerable communities.

**Georgie CROZIER** (Southern Metropolitan) (14:46): I thank the minister for her response. I note that you did not directly go to the question about those people. You did not deny that that is the case; you said that there are other avenues. Nevertheless, I have a supplementary question. Minister, a range of stakeholders, including the Police Association Victoria as well as local residents and others, have expressed serious concerns regarding safety and the location of the centre, so I ask: will you meet with these residents to hear their concerns?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:47): I have obviously received correspondence from local residents in Collingwood about the sobering-up service and Cambridge House, and I think there is a little bit of misinformation out there, including the misinformation contained in your original question, Ms Crozier, around drug-affected people using this service. I have written to those residents that have contacted me and I have offered for Cohealth to meet with the residents, because Cohealth will be leading the response and therefore they are best placed to talk to local residents to dispel some of the myths that are frankly being put out there in the community and to reassure them about the types of services that will be offered at this important facility.

**Georgie CROZIER** (Southern Metropolitan) (14:48): I move:

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

**Motion agreed to.**

### Housing

**Samantha RATNAM** (Northern Metropolitan) (14:48): (298) My question is to the Minister for Housing. Minister, as I have raised before in this place, your government's recent housing statement has sounded the death knell for public housing in Victoria, with the government yet to commit to retaining or rebuilding any public housing at each site where the towers are to be destroyed. To add insult to injury, the plan will see the mass sell-off of the majority of each public housing site, amounting to the greatest betrayal of public housing residents of any government anywhere in Australia. We already know that no public consultation occurred prior to the announcement of the plans to destroy the towers, let alone any consultation with public housing residents, but we have also heard that your own agencies responsible for housing may not have been consulted or informed either. Minister, was Homes Victoria consulted or informed about the plans to destroy 44 public housing towers before the former Premier Daniel Andrews announced it as part of the housing statement press conference?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:49): Dr Ratnam, last sitting week I heard you stand up and ask a couple of questions about social housing, and it went along the lines of development of the tower sites and your concerns about the proportion of social housing on those sites. Then immediately after that your colleague Mr Puglielli stood up and talked about the lack of affordable housing in the state and the desire to be able to find and secure an affordable home.

**Nicholas McGowan**: On a point of order, President, the minister is clearly debating something that has not even been raised in this question. The question she is actually addressing is a question asked in the last session of Parliament. I ask you to bring her to order.

**The PRESIDENT**: The minister has had a bit over 30 seconds; I am sure she will come to the answer.

**Harriet SHING**: When Mr Puglielli got to his feet and started bemoaning the lack of affordable housing, it was a pretty stark contrast actually, because what Mr Puglielli seems to be wanting is a greater density of affordable housing in and around key locations such as the CBD and areas that are close to amenity. When I think about that and I also think about the development of the 44 tower sites to take them from 10,000 residents up to around 30,000 residents with a mix of private, affordable and social housing, I actually wonder how it is that you manage to hold multiple ideas with the same level of enthusiasm in your collective consciousness when in fact we need to be investing in affordable housing across those sites in order to meet demand. When I think about the housing statement and the fact that the way to address shortage in supply is through increasing supply and that when we bring 80,000 new homes online every year for the next 10 years in partnership with –



**Nicholas McGowan:** On a point of order, President, the question that was asked was clearly in relation to the consultation that has occurred. The minister has yet to even address that issue. I ask you to bring her to order.

**The PRESIDENT:** I believe that the minister still has over a minute, and I will bring her back to the question.

**Harriet SHING:** Mr McGowan, it is great to note your interest in this particular area as well, because thanks to the housing statement there is an investment in record engagement as part of the affordability partnership, as part of at least 13,300 additional social housing units across the state – \$5.3 billion – plus –

**Samantha Ratnam:** On a point of order, President, I just ask about relevance. I had a very specific question. The minister has gone nowhere near addressing the question. I can repeat the question if she desires, but it was a very specific question about whether Homes Victoria were consulted in the decision to destroy the 44 towers.

**The PRESIDENT:** Dr Ratnam, a point of order is not an opportunity to repeat the question, but you got there. The minister has 48 seconds, and there is a provision at the end of question time for me to decide if the minister has answered the question. If you are not happy with my judgement on that, you can call a point of order as well at that point.

**Harriet SHING:** Thanks very much, President, for that. We are delivering the largest reform to public and social housing in the history of this state. Homes Victoria is a key part of delivering that outcome. Homes Victoria were aware of the housing statement and what it would mean, as they were aware of the \$5.3 billion in the development of policy. I am not sure whether it has occurred to you across the way, because you have never actually had the responsibility of government, that when it comes to the setting of policy that is what governments do. Governments set policy, and then the public service sector and agencies work to implement that policy and to provide advice about how that happens in the best possible way. We have continued to engage with tenants through organisations and through Homes Victoria. That is what their wheelhouse is; that is what they are proud of doing.

**Samantha RATNAM** (Northern Metropolitan) (14:54): Minister, I am frankly disappointed but also shocked that you will not make any attempt to address my question. It was quite a specific question, and the fact that you obfuscated so much to the point that you got to saying that Homes Victoria were aware of the housing statement – well, all of us were aware of the housing statement, because the government had announced that they were announcing a housing statement shortly. That does not satisfy the intent of my question, and it confirms to me, because you have not refuted my question, that Homes Victoria were not consulted. It points once again to a rushed, illogical and frankly disastrous process that undermines any faith the community or the Parliament can have in the robustness of this plan. Minister, furthermore, in preparation for the announcement, what feasibility and assessment work was done to assess the conditions or the need for redevelopment on each of the 44 public housing building sites that you want to destroy?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:55): Dr Ratnam, I am not sure if you have actually been onsite at these tower sites. A number of them are not fit for habitation, which is why a number of them are already vacant. You did not even realise that they were vacant when you got to your feet to decry the statement around record investment in social housing. One of the things that we are doing is replacing stock that was built in the 1950s through to the 1970s using very unique single-concrete construction methodology, which cannot in fact – and I am not sure whether you have ever been inside one of these towers – be reconfigured –

**Samantha Ratnam:** On a point of order, President, firstly, there is a misrepresentation of what I might or might not have known. I ask the minister to withdraw. I am quite aware about what is happening at these towers, Minister, and I frankly believe I have been there more than you have. But

I had a specific question. My question was: was any feasibility work done on the condition of these towers?

**The PRESIDENT:** Dr Ratnam, I believe the minister was relevant to the question that you asked.

**Harriet SHING:** Dr Ratnam, let us be really, really clear: when you have single-concrete construction, when you have an inability to change the specs of door heights, of ceiling heights and of passageways and when you do not have disability access for the purpose of getting into a bath because there is no step there, there are limits to what we can do to retrofit that to be compliant. Every Victorian deserves a secure, safe and fit-for-purpose home. That is why we are making this record investment. You should get on board because it is entirely in keeping with what you say that you stand for.

### **Ministers statements: National Skills Agreement**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (14:56): I am delighted to advise the house that last night I signed the new five-year National Skills Agreement with the federal government, securing \$3.1 billion for Victoria's TAFE and training sector. This deal will create even more opportunities for Victorians to be able to access the skills that they need for the jobs and careers that are available. This is what a true federal–state partnership looks like. The Allan Labor government and the Albanese Labor government are demonstrating a shared commitment to building a responsive skills pipeline for skills shortage areas and government priorities.

It is particularly pleasing to see the federal government's strong commitment to TAFE as part of the deal, which includes working with the states on the establishment of nationally networked TAFE centres of excellence involving partnerships between TAFEs, universities, jobs and skills councils, industry and adult education institutions. In addition, Victoria will receive a \$105 million extension of free TAFE funding arrangements, securing more than 62,000 free TAFE places for Victorian students. This builds on our existing commitment of free TAFE, including the lifting of eligibility requirements, which means that all Victorians can access tuition-free training across more than 80 courses in priority areas, even if they already hold a separate qualification.

Funding through the National Skills Agreement is being provided to support states to address priority areas which closely align with the Victorian skills plan, including clean energy, Australia's sovereign capability, care and support services, and digital and technology capability, further aligning the training system to the labour market and of course our economy. In addition, work will go into gender equality, closing the gap for First Nations and reform and improvement of regulation of VET qualifications and quality.

I take this opportunity to thank the federal minister Brendan O'Connor and all the other state ministers and their staff for working so closely with me and the Allan Labor government to actually secure this groundbreaking agreement.

**The PRESIDENT:** I reckon Minister Tierney went a bit over her time, but I could not hear her in the first minute, so I thought I would make up time for her because I could not hear the first minute for all the shouting. In a ministers statement or a members statement or anything like that, unless someone is being provocative – and I listened closely to the minister and she was not being provocative – I think everyone would like the respect to be able to make a statement without everyone yelling at them.

### **Decriminalisation of public drunkenness**

**Georgie CROZIER** (Southern Metropolitan) (15:00): (299) My question is again to the Minister for Mental Health. Minister, what risk assessment was undertaken by the government in relation to using a residential area for the location of the sobering-up centre in Collingwood that will be dealing with alcohol-affected and drug-affected individuals?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:00): I thank Ms Crozier for her question. Of course it is important to make sure that these services are in the areas of our city and our regions where we need them the most, so the location of this particular service has been informed by a number of trials that have been undertaken, including one in nearby Gertrude Street. Also of course there are statistics around the numbers of people actually intoxicated in public over the past little while, and those issues have informed the location of the service – a service that will be run, I am sure, very effectively by Cohealth, who have a track record of running a number of different community health services for people in our community who find themselves in very vulnerable circumstances and who require their specialist service in a location that it is required in.

**Georgie CROZIER** (Southern Metropolitan) (15:01): Minister, I take it there was no risk assessment undertaken. The community has raised concerns about the risk to their safety. Adding further to those concerns are reported comments made by the Deputy Premier that he expected the community would look after drunks who refuse assistance. Can the minister provide details of the assistance and safety measures that will be put in place to reduce the risk to local residents and protect them from those who refuse to accept assistance once transported to the centre?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:02): I have a concern about the way in which you frame your supplementary question, because it kind of implies that people who might find themselves intoxicated in public are a threat to the rest of the community, which can I say, from someone who has got a background in the health system, is actually adding to the stigma of people who need this service the most.

**Georgie Crozier**: On a point of order, President, it is not an opportunity to debate the answer, and she knows well – she should, as minister – that this has been reported on and the community has risks. I would ask you to draw the minister back to the question around what the details are of the assistance that will be provided to this community regarding safety concerns.

**The PRESIDENT**: I think in essence in the first 10 seconds the minister rejected the premise of your question. But, Minister, do you want to complete –

**Ingrid STITT**: I have concluded my answer, President.

### **Frankston Healthcare Medical Centre**

**Rachel PAYNE** (South-Eastern Metropolitan) (15:03): (300) My question is for the Minister for Mental Health Minister Stitt. There is concern amongst the Frankston community regarding the potential closure of the Frankston Healthcare Medical Centre, a significant provider of methadone treatment for opioid dependency. Unfortunately this clinic may be forced to close soon. Funding that was promised by this government has fallen through, potentially leaving 1800 patients without essential treatment. These patients will be at high risk of relapse and are expected to present at emergency departments in dramatically increased numbers. So my question is: what is the minister doing to ensure adequate funding of the centre so that it can continue its important and quite likely life-saving work?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:04): I thank Ms Payne for her important question. It is an issue that is of vital importance that people who are faced with opioid addiction get the support that they need to recover. I think it is important to state from the outset that the pharmacotherapy services that you are referring to, being a GP in the primary healthcare system, is primarily the responsibility of the Commonwealth because they are the responsible level of government who fund the Medicare system, but in this particular situation I am advised that the patient services have actually reopened and that patients have been able to access the support they need. There was a gap for a period of time when a particular GP was on an extended period of leave, and since last September to cover that gap the

Victorian government has stepped in to provide a range of additional supports, including free telehealth services for prescriptions, importantly, through Turning Point, an organisation that I am sure you are familiar with. Of course Alfred Health and Peninsula Health during that period of time were running pop-up clinics in Frankston to try to make sure that people were not falling through the gaps given the significant implications for them if they were not able to access treatment.

This is a really important issue in terms of building up that capacity across Victoria in areas where we need it the most, and I will be taking the opportunity whenever I can to talk with the Commonwealth government about the importance of making sure that we are properly funding primary health services that provide this important support. As you are probably aware, we have invested over \$370 million across alcohol and drug services in Victoria, including an extra \$10 million investment in pharmacotherapy support systems. A number of initiatives that we are pursuing are to increase the capacity of the workforce, including new clinical placements for GPs, clinical supervision, education and mentoring and expanded case management, in addition to nurse practitioners to increase access to prescription services. I am more than happy to keep you up to date on how that is all going, but importantly I think we do now have a Commonwealth government, unlike the last federal government, who are interested in having a conversation about these important services.

**Rachel Payne:** I thank the minister for her response. She has answered my supplementary.

#### **Ministers statements: mental health services**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:07): I rise to update the house on the work that the Allan Labor government is doing to give Victorians the mental health care that they need when they need it. The Royal Commission into Victoria's Mental Health System made it clear that Victoria needed more acute hospital-based mental health beds across the state and tailored models of care, and that is why on 8 October I was delighted to be able to join the Premier to officially open 52 new acute beds at Sunshine Hospital. This new state-of-the-art centre, designed in consultation with people who have lived experience, is part of the Labor government's \$801 million mental health beds expansion program, which will deliver 260 new mental health beds across the system in Victoria. It is estimated the centre will provide more than 18,900 days of care to more than 1150 more people every year, giving Victorians the care and the treatment that they deserve.

Last week I was proud to officially open Victoria's first child and family centre thanks to a \$7.3 million investment from the government. The 12-bed centre operated by Austin Health will provide vital residential mental health and wellbeing treatment to children under 11 in an environment that allows them to stay with and be supported by their families. At the opening I had the pleasure of meeting and hearing from Sean, who has lived experience of the mental health system and navigating the system. Sean was a key member of the design team, which has created a warm and healing environment for families who have experienced trauma to get the care that they need.

Yesterday I announced the providers selected to deliver another nine mental health and wellbeing locals across Victoria, ensuring more people have access to free mental health care without the need for a Medicare or GP referral. I am proud to be part of a government that does not just talk about mental health reform but actually gets on with improving the system for every Victorian from the ground up.

#### **Flood mitigation**

**Melina BATH** (Eastern Victoria) (15:09): (301) My question is to the Minister for Emergency Services. Minister, the Maribyrnong council had a multi-agency debrief request denied by a regional SES officer post the October 2022 floods. Was it government policy that in the shires of Campaspe, Gannawarra, Loddon, Buloke, Pyrenees and Mitchell, as well as in the Maribyrnong City Council, there were no after-action reviews post the devastating floods in 2022? Was it government policy?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:10): I thank Ms Bath for her question. What I can say is that when it comes to any emergency we have people in the State Control Centre that start reviewing an emergency the minute it starts, if not before. It is called real-time monitoring, real-time review. That informs continual improvement, and that is a really important feature. I think what you are referring to is whether there would be an IGEM multi-agency review in relation to the 2022 floods. That is not something that has been requested of the IGEM, notwithstanding that that organisation can indeed initiate their own reviews.

In relation to the 2022 floods, as you would be aware – as I believe you might be a member of the select committee – there is a parliamentary inquiry that is undertaking a review of the floods. In addition to the real-time, continued monitoring review that I talked about, what I do not want to see happen is multiple reviews at the same time applying to our hardworking emergency services, because what that means is that when you have a review people have to respond to it – that they are responding to real-time monitoring and they are responding to a parliamentary committee. We fully endorse that that process should be fully embraced and should be responded to appropriately, but it is not appropriate to just have multiple reviews so that you are tying up your resources when I actually want them focused on preparing for the next emergency, and we know they are continual. In relation to reviews, there are several that are underway, including the parliamentary inquiry. In relation to any other formal reviews, at this point in time, I think where we are at is appropriate.

**Melina BATH** (Eastern Victoria) (15:12): I note the minister's response. In relation to Rochester, at the Rochester hearing CFA volunteer Cameron Lovering stated:

To date there has been no formal AAR ... in Rochester ... Because of this the actual emergency response is yet to be clearly determined, defined or recorded.

Third-generation volunteer Leigh Wilson stated:

Zero is the confidence the community has that if we were to experience another event in the near future, there would be any change to this response.

Minister, 12 months on, flood-affected communities feel abandoned by your government. Will you commit to holding multi-agency debriefs in situ with the aforementioned shires and towns to support locals to learn how to better provide support in a future flood event and how you can be accountable for your actions?

*Members interjecting.*

**The PRESIDENT:** I am hearing interjections about an ongoing inquiry. If this has come from public hearings on the public record, then I do not think it is about deliberation. You are speaking from public statements. It is a bit tricky, but what I am saying is that this will be on the public record anyway. What is in Ms Bath's question is not divulging anything that is not on the public record anyway.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:14): Ms Bath, there were over 3000 real-time observations as part of the real-time monitoring that occurred throughout the flood incident. To suggest that we put a full stop at the end of any emergency and say that is it is just a false assertion. In relation to preparedness and supporting the recovery of those communities, it is always about what will happen next time as well – so flood mapping, working with councils, making sure that people have learned from the experience to ensure that the next time something happens they can learn from what happened. Your first question was about formal reviews and now you are talking about debriefs with the community, so I am a little unclear about specifically what you believe is the gap in relation to the response and the support of these communities to recover, to rebuild and to prepare for future emergencies, and that is something that is an ongoing process that we are committed to.

**Kangaroo leather**

**Jeff BOURMAN** (Eastern Victoria) (15:15): (302) My question is for the minister representing the Minister for Jobs and Industry in the other place. Minister, kangaroo leather is useful and highly sought after internationally. It takes something that has impacts on agriculture and turns it into a high-end, sustainable and uniquely Australian product. Can the minister outline what the government is doing to support the growth of this sustainable industry in Victoria?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (15:16): I thank Mr Bourman for his question and his interest in this matter, and I will refer it to Minister Hutchins for a response.

**Jeff BOURMAN** (Eastern Victoria) (15:16): I thank the minister for forwarding it on. Minister, if wild-shot kangaroos are not used sustainably, they are left to rot. Banning their use does not stop them from dying; it just means that they are wasted. Is the minister aware of any threats to the sustainable use of wildlife, and what is the government doing to proactively address those threats?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (15:16): Again, Mr Bourman, I will refer your supplementary to the Minister for Jobs and Industry.

**Ministers statements: flood recovery**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:16): I would like to provide an update to the house on last week's official opening of the Rochester recovery hub, which coincided of course with the anniversary of the floods. On Friday I joined the Premier, the mayor for Campaspe, community members and service providers to officially open the dedicated Rochester community hub located in Mackay Street, right in the heart of Rochy. We all know very well that Rochester was significantly impacted by the October 2022 floods, with an estimated 988 homes impacted, which is a huge amount for a town of that size. In fact it is the vast majority of the homes there. After the water receded, support was informal and it was delivered within the community, and it has continued to transition from the Presbyterian church to the 4Rs and across the road at the Rochester Community House, but now it has a dedicated, fit-for-purpose home.

Rather than come in over the top of those community-led efforts, our focus has been on supporting what the community have asked for. Specifically – and you are always at risk of missing out on people – Leigh Wilson and Amanda Logie are just stalwarts of that community, people that have been fundamental in supporting that community and a great support to me in relation to –

*Members interjecting.*

**Jaclyn SYMES**: That is why we continue to listen to what Rochester needs. When the floods hit and when people were impacted, we responded to what they requested and that was a temporary village at Elmore. We acted on that. We know that local knowledge is essential to help deliver what support is needed most. It is also best delivered in community, and the community recovery hub program exemplifies that idea. In partnership with the federal government, we contributed almost \$2 million to the Rochester community hub, along with a further \$512,000 for the Campaspe shire to have recovery offices in their communities. The recovery hub provides an accessible place for organisations offering support to work with and meet clients face to face. You can get mental health support; wellbeing advice; advice on finances, building and planning; or just someone to talk to.

Like in many, many communities, such as Maribyrnong, Echuca, Shepparton and Seymour, there remain significant recovery and rebuilding challenges, but this event marked a small milestone in the ongoing recovery efforts. I congratulate the Rochester community for their efforts, their resilience and their ability to continue to work with us on the best outcomes for their people.

### Commissioner for senior Victorians

**David DAVIS** (Southern Metropolitan) (15:19): (303) My question is for the Minister for Ageing. I refer to the retirement of Gerard Mansour, the former commissioner for ageing, whom I actually appointed in 2013 and whom Labor successively reappointed. Will a new commissioner for seniors be appointed to this important advocacy role on behalf of seniors?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:19): I thank Mr Davis for his question. Of course I am still being briefed by my department about a number of different matters in the ageing portfolio, but I am very happy to take Mr Davis's question on notice and provide him with as much detail as I can provide on his important question.

**David DAVIS** (Southern Metropolitan) (15:20): I thank the minister for her response and note that I put on record the excellent work that Mr Mansour did do. I therefore ask: why, Minister, has the appointment been left vacant for five months despite the strong support of so many senior Victorians?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:20): As I indicated in my substantive answer, I am happy to take those matters on notice and provide Mr Davis with a written response.

### Housing

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (15:20): (304) My question today is to the Minister for Housing, and it relates to the idea of additional public or social housing committed as part of the destruction or redevelopment or sell-off – call it whatever you want to call it – of the 44 public housing towers. In your answer to Dr Ratnam's question last sitting week, you said that there would be an additional 440 social housing units built as part of this project, and I note no commitment toward any new public housing. The social housing waiting list stands at over 125,000 people. Behind this number are 125,000 individual people's lives and stories. They are waiting for an affordable, safe and secure public home. I just cannot fathom a time when we will see the waitlist reduced to a manageable number, and on assessment the government's current plan will see the waitlist grow. At what point will there be a reduction in the waitlist, and will it ever reach zero?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (15:21): It is good to see your passion on these matters, Mr Puglielli. As you are aware, waiting times for social housing are dependent on the number and the types of properties that are available, and that also depends upon where it is that tenants or people wishing to enter into the social housing system want to go, as well as the needs of those tenants – for example, people who are moving away from situations of family violence or people who have specific needs around transition from homelessness into housing. That often requires quite a dedicated wraparound approach. We have, as you would also be aware, priority areas that can be identified by people who wish to enter into the system or to be relocated, and that also has a bearing on the way in which the houses are allocated to people, as well as people in the priority access, including response to emergencies, such as those in the recent floods.

One of the things that was interesting – and I will go back to what you referred to at the outset of your question in referring to my answer to Dr Ratnam last sitting week – in talking to people at the towers in Richmond was that there is a not insignificant vacancy rate there because of the fact that people do not necessarily wish to move into the towers. They want to live in other locations, and we therefore have a disproportionately higher rate –

*Members interjecting.*

**Harriet SHING:** Dr Ratnam, I can see you shaking your head. You might actually want to head down there and ask people yourself. But what we do know is that –

**Nicholas McGowan:** On a point of order, President, the minister is verballing the member. The least the member could do is name the member involved.

**The PRESIDENT:** I am not too sure what that point of order was. There is no point of order.

**Harriet SHING:** What we do know is that, in reducing the register and in bringing more homes online, there are a number of factors at play there. But what I can do is confirm that we have seen a change in the housing register whereby numbers are not only plateauing but starting to reduce. This is as a direct consequence of record investment and also of providing people with assistance to move through the housing continuum – that is, to move from homelessness through crisis accommodation, around to social and public housing and then into affordable housing and ideally home ownership. As those wraparound supports continue, we are providing people in a range of circumstances with access to housing that then enables them to become more independent in ways that work for them. In 2022–23 we had more than 7000 households move into social housing across the state. That is off the back of the waiting list. That 7000 number is an increase of 21 per cent on the previous year. The change in new additions to the housing register has dropped – (*Time expired*)

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (15:25): It is a shame we ran out of time. I think we were going to get some more information there. I thank the minister for the response. However, I also note from engagement with residents from these towers that there are many at these towers that are slated for demolition, destruction, however you want to refer to it, that are saying they do not want to be removed from their home. It is where their community is. The disruption that is caused by this displacement is extremely significant. As referenced by my colleague Dr Ratnam, the feasibility of other options rather than the demolition of their homes would have been crucial here. We have heard a lot, frankly. We have heard about your plans as a government on housing: the big build that has delivered a net increase of, what is it, 74 homes? We have heard about your plans to knock down these public homes and rebuild them with a paltry additional 10 per cent, equating to 15 additional homes per year over the 44 tower sites. Will you ever be able to provide enough public homes for everyone who needs one in our state?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (15:26): Thank you very much, Mr Puglielli. I fully appreciate the fact that change is really, really hard for people who are moving their location and often the base that they have called home for decades. That is not in contention. What we do need to do, though, is make sure that the homes that we are providing to people across social housing are safe, are fit for purpose and provide people with access to adequate ventilation, adequate insulation, noise attenuation, proximity to amenities and indeed the sorts of things that actually comply with current design standards. Those towers, when they were constructed between the 1950s and the 1970s, used some, as I have said, pretty unique concrete construction. That makes them unviable from a cost perspective to retrofit. We have done a lot of improvement to make sure that those homes are as livable as possible, but when you are talking about concrete girders that go from the top of a building to the bottom, it is not viable.

### Ministers statements: youth justice system

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (15:27): I rise today to provide an update to the house on the first ever national youth justice acknowledgement day, which was held yesterday. Led by youth justice administrators across Australia and New Zealand, the day officially recognises and celebrates the youth justice workforce and the work they do every day to make our community safer.

It is an honour to be able to serve as the Minister for Youth Justice, and a big part of the pride I take in this job is because of the dedication and passion I have witnessed from our frontline youth justice staff. Our youth justice staff in Victoria work day in, day out in a dynamic and at times stressful environment with professionalism and resilience. I have had the pleasure of meeting many current staff and graduates, and I am always impressed by their devotion to service and care for the young people under their supervision.



Yesterday's celebration was also accompanied by the revised national standards for youth justice in Australia, which focus on 12 domains to guide and improve the administration of youth justice across Australasia. They include prevention, earlier support and diversion, safety and security, partnerships with community and government organisations, and infrastructure to provide facilities and other resources required to deliver effective youth justice services. Our government has a proud record of delivery in these areas, having invested over \$2 billion since coming into office in 2014, and we are continuing to invest as we deliver a once-in-a-generation transformation of our system with the closure of the Malmsbury youth justice precinct and the opening of our state-of-the-art facilities at Cherry Creek.

I want to once again thank all our hardworking youth justice staff for the incredible work they do in supporting our system and keeping Victorians safe.

### Written responses

**The PRESIDENT (15:29):** Can I thank Minister Stitt, who will get Mr Davis answers for both his questions in line with the standing orders. Minister Tierney will get answers from the Minister for Jobs and Industry for Mr Bourman. And can I ask Minister Shing if she could get a written response to Dr Ratnam's first substantive question.

### Questions on notice

#### Answers

**The PRESIDENT (15:29):** I have received a written request from Mr Davis seeking the reinstatement of a number of questions on notice directed to the Minister for Public Transport. Having reviewed the responses, I order that the following be reinstated: part (2) of questions on notice 951 through to 969, as reasonable grounds have not been provided to justify refusing to answer the question under standing order 8.12(3); and questions on notice 949, 950 and 970 be reinstated in full as the information on the website does not address the time frame of information sought by Mr Davis.

**David Limbrick:** President, I would like to raise a point of order about a question without notice that I have not yet received a written response for. Can I raise that now?

**The PRESIDENT:** The time set for that is tomorrow after question time, and you can also email me in the interim if you like.

### Constituency questions

#### Southern Metropolitan Region

**John BERGER (Southern Metropolitan) (15:31):** (452) My question is for the Minister for Roads and Road Safety in the other place, Minister Horne. There are a lot of pedestrians and cyclists on Auburn Road due to the Auburn railway station that has stops for route 624 and the shopping precinct, but there are currently no signalised crossings near Auburn station, which has led to people crossing the road unsafely. My community of Hawthorn deserves safe streets, and that is what we are doing. We have invested millions to continue supporting active transport projects and initiatives across the state, but there is more work to be done, and I am committed to working with my community and Minister Horne on the best path forward on this important crossing. That is why my question is: what design options are being considered at this intersection to improve connectivity and safety for pedestrians at Auburn Road?

#### Western Metropolitan Region

**Trung LUU (Western Metropolitan) (15:31):** (453) My question is for the Minister for Roads and Road Safety. Can the minister please provide an update on the findings and recommendations of the business case that has been undertaken for the Calder Freeway upgrade and the proposed diamond interchange? A report by Infrastructure Australia says that by 2023 the Calder Freeway will be the second most congested road in Melbourne. Upgrades are badly needed, and this is now Victoria's

most deadly road. Five lives have been lost since 2015. The federal government pledged \$250 million for the road and the state Labor government promised \$50 million by 2021. Community consultation finished two years ago, and the business case was completed last year. My constituents have not heard anything about this project – when it will start or whether it will start at all. Can the minister please update the house and my constituents about the findings of the business case?

### Western Metropolitan Region

**David ETTERSHANK** (Western Metropolitan) (15:32): (454) My constituency question is directed to the Minister for Environment, Mr Dimopoulos. My constituent, a resident of Brooklyn, has recently been made aware of a proposal by a resource company to expand its waste recycling operations to include soil waste washing facilities. The proposed facility will see up to half a million tonnes of toxic soil stored at the facility each year as well as an additional 480 truck movements per day. This is fringing a residential area and exposing local residents to potentially contaminated dust and exhaust fumes, compromising their health, safety and amenity. The Inner West Air Quality Community Reference Group was established by the state government in 2018. It recommended that this type of polluting heavy industry be moved outside of the metropolitan Melbourne area. So my constituent asks: what is the minister doing to prevent the continuation of this type of polluting industrial activity close to residential areas and to protect health, safety and livability for Brooklyn and Sunshine West residents?

### Eastern Victoria Region

**Tom McINTOSH** (Eastern Victoria) (15:34): (455) My question is for the Minister for Housing, and congratulations on your new portfolio, Minister. Housing has been the most important issue in Victoria this year, and my constituents are raising affordable housing with me everywhere I go, including recently when I addressed Rosebud-Rye Rotary as well as through my engagement with local support services Southern Peninsula Community Support and Mornington Community Support Centre, who do outstanding work supporting people, along with local governments. In tourist regions, like many coastal parts of Eastern Victoria, there are concerns about the ability to support both the most vulnerable community members and essential workers. Everyone deserves a roof over their head that is secure and affordable, and having a secure, affordable home is the foundation of a dignified life. Minister, what is the government doing regarding social and affordable housing in the local government areas of the Mornington Peninsula shire, Wellington shire and South and East Gippsland shires?

### Western Victoria Region

**Bev McARTHUR** (Western Victoria) (15:34): (456) My question is for the Minister for Agriculture and concerns the Labor government's decision to accelerate its environmentally, economically and socially catastrophic decision to ban native timber harvesting. Minister, after the initial announcement, I questioned in Parliament the effect on low-impact selective sustainable and value-added timber operations. Your predecessor replied that the plan:

... does not include the cessation of the supply of specialty timber from our state forests –

which –

... is managed through a forest produce license system which supports smaller scale, selective utilisation of forest produce.

No announcement has subsequently been made to contradict this, yet recently the department publicly referred to compensation for licence-holders, which includes many in Western Victoria. Is this omission just announcing a ban by the back door when existing licences expire? So, Minister, will these licences be extended, or are you banning by stealth all forms of community forestry too?

### Western Victoria Region

**Sarah MANSFIELD** (Western Victoria) (15:36): (457) My question is for the Minister for Public and Active Transport. Last week a constituent sent me a video of their daily bike ride to the shops. The route takes them along so-called bike lanes which are really just a strip of paint on the road and a street sign. It was representative of the current road system, which endangers cyclists by forcing them to share with cars, trucks and buses. Consistent surveys have shown that many more Geelong residents would cycle if it was safe to do so. Geelong's population is growing rapidly, and car dependence is deeply entrenched due to a lack of decent alternatives. Without investment in well-connected and safe cycling infrastructure we will see worsening congestion, declining livability and poorer health and environmental outcomes. When will the government prioritise safe active transport and deliver a comprehensive network of protected bike lanes in the Geelong region?

### Southern Metropolitan Region

**Georgie CROZIER** (Southern Metropolitan) (15:37): (458) My constituency question is for the attention of the Minister for Health. Emma is a constituent who is passionate about providing support to women who have suffered an early pregnancy loss and the effect it has on their families. Approximately 23,000 women in Victoria experience this heartbreak each year. Many of these women suffer their loss alone, with shame and stigma leaving many with ongoing mental health issues. I was pleased to support my former colleague Margaret Fitzherbert, who successfully moved a motion in this place in 2018 for recognition of International Pregnancy and Infant Loss Remembrance Day. There is a further awareness campaign throughout the month of October for early pregnancy loss, so I ask: will the government commit to providing the necessary funds as requested by the Pink Elephants Support Network in its application for the women's health and wellbeing support groups and programs grants to assist with this important work that supports so many women and their families at this difficult time?

### North-Eastern Metropolitan Region

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (15:38): (459) My question today is to the new Minister for Agriculture. Minister, as I have raised previously in this place, I am frequently contacted by constituents from Nillumbik who are concerned about the safety of kangaroos in their beautiful green wedge shire, in which I grew up. They are horrified that it is permissible to shoot and kill these native creatures for commercial profit. Over 13,000 people have now called for Nillumbik to be removed from the kangaroo harvesting program. This cruel for-profit scheme incentivises the slaughter of kangaroos and has no place in Nillumbik. The community want their precious native wildlife protected, not killed. Minister, I raised this with your predecessor, and it is important that this issue does not fall off your desk in the handover of portfolios. Will you heed the calls of the community and remove Nillumbik from the kangaroo harvesting program?

### South-Eastern Metropolitan Region

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (15:38): (460) My question is to the Minister for Planning, and I ask: since Casey council is currently under this government's administration and has recently approved a planning permit for the use and development of a \$2.9 million childcare centre at 154 Drysdale Avenue, Narre Warren, in a residential area, will the minister advise my constituents and me why Casey council chose to use the development plan overlay process, denying the residents a case for review? According to Casey council, the application was exempt from notice requirements and certain decision requirements and review rights under relevant sections of the Planning and Environment Act 1987 as this site is covered by a development plan overlay. It is in an area where the roads are narrow and residential people live. There is one way in and one way out, and there are not the children for the childcare centre.

### Northern Metropolitan Region

**Samantha RATNAM** (Northern Metropolitan) (15:40): (461) My constituency question is to the Minister for Environment, and I wish to ask: when will the feasibility study for the Wallan Wallan regional park be released? I recently met with the Merri Creek Management Committee and the Friends of Merri Creek, who are working tirelessly to preserve and protect the precious creek that flows through my electorate. The creek is a treasured part of the local environment and home to rich biodiversity. The regional park was promised as part of the 2018 election campaign and is critical to the future livability of the Wallan community and the ecological health of the Merri Creek more broadly. It will be an important flood mitigation mechanism in the future and should be central to land use planning and urban development in the region. However, despite being promised as part of the government's suburban parks program, the feasibility study has not been released, despite its completion, and the community is awaiting an update on what resources will be allocated to help establish the regional park. Despite multiple requests the community is still waiting on an adequate response, and I ask that you please provide one as soon as possible so that we can begin the restoration and conservation work needed to protect the health of the Merri Creek for generations to come.

### Eastern Victoria Region

**Renee HEATH** (Eastern Victoria) (15:41): (462) Data shows that people living in rural and remote areas have higher rates of hospitalisation and injury and have poorer access to and use of primary healthcare services than people living in major cities. This is why allied health services are crucial, particularly in areas like the Eastern Victoria Region, where people have less access to healthcare services than their city counterparts. Chiropractors are well positioned to help manage and reduce the significant burden to the public healthcare system, particularly from back pain, neck pain and headaches. Thousands of my constituents seek chiropractic care every week, and it is their health care of choice. However, without any consultation with students, patients or the industry, it seems that RMIT have pulled their chiropractic training course. My question is to the Minister for Health. Given that this will severely impact the burden of health on our public health system, was the minister consulted before RMIT made the decision to discontinue their course?

### Northern Metropolitan Region

**Evan MULHOLLAND** (Northern Metropolitan) (15:42): (463) My constituency question is to the new Minister for Education. In my role as member for Northern Metropolitan Region it has been my privilege to work with the huge Sikh community in my electorate, whose first language is Punjabi. I would particularly like to shout out to Paramjit Singh Grewal, the president of the Sri Guru Singh Sabha gurdwara in Craigieburn, which does important work providing food for the less fortunate and assisting new Victorians in their transition to Australia. The Punjabi population continues to grow in Melbourne, and many Punjabi families now have school-aged children. It is, I think, natural for every parent to want to pass on their language to their children and ensure the continuation of their culture. It begs the question why the Punjabi language is not recognised in the Victorian curriculum so community-based schools are able to teach their language to their local community of Punjabi heritage. So my question is: does the Department of Education have any active plan or consideration to introduce Punjabi into the VCE curriculum? If not, why not?

### Southern Metropolitan Region

**David DAVIS** (Southern Metropolitan) (15:43): (464) My matter is for the attention of the Minister for Planning. A letter to me dated 16 October from the City of Monash lays out a series of issues relating to tree removal controls in the City of Monash. They say they are seeking from me:

... support for Council's ongoing efforts to protect our suburban environment, maintain and grow our tree canopy ... and implement State policy on cooling and greening Melbourne.

This process has been going on for five years. The minister and the government seem not to have made a decision as to how things are to proceed, with the most recent outing on 23 June 2021, when they

said they would not proceed with amendment C153. I ask the minister to review this issue and to work with councils, including Monash, Bayside and other councils, to ensure that proper controls are in place to protect tree canopy, heritage trees and the cooling effects that are involved in this. It is completely unsatisfactory for the government to leave cities exposed and to allow the trashing and removal of trees in a damaging manner.

### **Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (15:44): (465) My question is to the Minister for Health following the release of the master plan for the Albury–Wodonga regional hospital yesterday. It has been 12 months since the New South Wales and Victorian governments announced a major redevelopment of the Albury hospital on the existing site. The master plan was released yesterday ahead of community meetings that start tomorrow. As the region is growing rapidly and existing services are under pressure, the local community has been anxiously awaiting details of the master plan, but as reported by ABC Goulburn–Murray, the master plan does not include hospital bed numbers. The master plan lacks detail, and it will be very difficult for the community to provide feedback. Can the minister provide details about the number of hospital beds and ensure that this information is shared at the community information sessions this week? Better Border Health have criticised the master plan for lack of detail. In a statement they said:

A handful of very basic schematic drawings, artist impressions that bear almost no resemblance to the actual Albury site, and a summary that parrots previously released project outlines does not constitute a master plan.

It is very disappointing the master plan has been released with very little detail.

### **North-Eastern Metropolitan Region**

**Matthew BACH** (North-Eastern Metropolitan) (15:45): (466) The Minister for Education and I are brothers in delayed onset muscle soreness. I am hoping that today we can also be brothers in seeking to ensure better outcomes for schoolchildren in the electoral district of Bundoora. There are two ongoing projects in particular of this government that we on this side of the house support that I would like to check in regard to. My question to him is: will the minister intervene to make sure promised school upgrades in Bundoora are delivered as soon as possible? The first is an important upgrade at Concord school in Bundoora. Now, this is a specialist school which was promised a \$10 million upgrade back in 2020. The Victorian School Building Authority forecast that the project would be complete by June this year, but it is still not complete. Secondly, the Diamond Valley Special Development School, another excellent school, was promised a major upgrade. That is still ongoing. The VSBA says that may not be finished until well into next year. These are important projects that will deliver good outcomes, I think, for children in Bundoora. Will the minister intervene to get them done as soon as possible?

### ***Committees***

#### **Scrutiny of Acts and Regulations Committee**

##### *Alert Digest No. 12*

**Sonja TERPSTRA** (North-Eastern Metropolitan) (15:47): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 12 of 2023, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

**Public Accounts and Estimates Committee***Appointment of the Parliamentary Budget Officer*

**Nicholas McGOWAN** (North-Eastern Metropolitan) (15:47): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the appointment of the Parliamentary Budget Officer from the Public Accounts and Estimates Committee. I move:

That the report be published.

**Motion agreed to.**

***Papers*****Papers****Tabled by Clerk:**

Financial Management Act 1994 –

Financial Report for the State of Victoria, 2022–23 (incorporating Quarterly Financial Report No. 4) (*released on 6 October 2023 – a non-sitting day*) (*Ordered to be published*).

Minister for Tourism, Sport and Major Events' report that the Puffing Billy Railway Board Report, 2022–23 has not been received, together with an explanation for the delay, under section 46(3)(a) of the Act.

Occupational Health and Safety Act 2004 – Report of requests for the approval of persons or bodies by the Governor in Council, 2022–23, under section 11 of the Act.

Ombudsman – Report, 2022–23 (*released on 12 October 2023 – a non-sitting day*) (*Ordered to be published*).

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

Ararat Planning Scheme – Amendment C39 (Part 2).

Darebin Planning Scheme – Amendment C211.

Loddon Planning Scheme – Amendment C47.

Melbourne Planning Scheme – Amendment C434.

Monash Planning Scheme – Amendment C170.

Victoria Planning Provisions – Amendment VC247.

Yarra Ranges Planning Scheme – Amendment C186.

Statutory Rules under the following Acts –

Children, Youth and Families Act 2005 – No. 104.

Drugs, Poisons and Controlled Substances Act 1981 – No. 105.

Residential Tenancies Act 1997 – No. 106.

Subordinate Legislation Act 1994 – Legislative Instruments and related documents under section 16B in respect of –

Declaration of the dingo to be unprotected wildlife, under section 7A of the Wildlife Act 1975.

Secretary Approval, Nurse Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

Secretary Approval, Pharmacist Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

The University of Melbourne – Report, 2021 (*replacement for copy tabled on Tuesday, 21 June 2022*).

***Production of documents*****Health workforce**

**The Clerk:** I table a letter from the Attorney-General dated 28 September 2023 in response to the resolution of the Council on 8 February 2023 on the motion of Ms Crozier and further to the government's initial response on 16 February 2023 relating to staff shortages in the public health

system. The government has identified 11 documents within the scope of the order. A claim of executive privilege has been made over eight documents in full and one document in part. I further table the two documents provided in full and one document provided in part, together with schedules of these documents.

### **State purchase contracts**

**The Clerk:** I table a letter from the Attorney-General dated 28 September 2023 in response to the resolution of the Council on 8 March 2023 on the motion of Ms Crozier and further to the government's initial response on 21 March 2023, relating to the Assistant Treasurer briefs on the banking and financial services contract. The government has identified eight documents within the scope of the order. A claim of executive privilege has been made over five of the documents in part. I further table the three documents provided in full and five documents provided in part, together with schedules of the identified documents.

**David Davis:** On a point of order, President, with respect to the University of Melbourne tabling in lieu of an earlier report, perhaps the minister might like to explain to the chamber why a second report has been tabled.

**The PRESIDENT:** The minister concerned is not even here. I do not think they would choose to, and the Clerk has informed me an email will go to members with a contact for someone that they can make queries to if they have got concerns.

**David Davis:** On the point of order, President, in the chamber in the past, ministers have given an explanation about reports where there has been an error or some other matter.

**The PRESIDENT:** Okay.

### ***Business of the house***

#### **Notices**

**Notices of motion given.**

#### **General business**

**Georgie CROZIER** (Southern Metropolitan) (16:07): I move, by leave:

That the following general business take precedence on Wednesday 18 October 2023:

- (1) notice of motion given this day by Ms Purcell on companion animal abuse;
- (2) notice of motion given this day by Mr Limbrick requesting the Legislative Assembly grant leave for the Premier to appear before the Select Committee on the 2026 Commonwealth Games Bid;
- (3) notice of motion given this day by Mr Davis on sessional orders relating to short-form documents motions;
- (4) notice of motion given this day by Mr Davis on sessional orders relating to debate of requests for Assembly members to attend Council committee hearings;
- (5) notice of motion 152, standing in Mr Luu's name on transport infrastructure in western Victoria;
- (6) notice of motion 124, standing in Mrs Deeming's name referring matters relating to medical affirmation treatment pathways for gender-dysphoric children and adolescents to the Legal and Social Issues Committee.

**Motion agreed to.**

*Bills***Bail Amendment Bill 2023***Council's amendments*

**The ACTING PRESIDENT (Sonja Terpstra)** (16:08): I have just been reminded by the Clerk that I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Bail Act 1977** and to make consequential amendments to other Acts and for other purposes' the amendments made by the Council have been agreed to.

*Members statements***Glen Eira child care**

**Ryan BATCHELOR** (Southern Metropolitan) (16:09): I speak in support of the parents and children affected by the preliminary decision of the City of Glen Eira to close their three childcare centres. 115 childcare places in Caulfield, Carnegie and Murrumbeena are set to close at the end of the year if this final decision that they seek to take in December is affirmed. I will note it was a decision taken behind closed doors a couple of weeks ago and an absolute shock to the parents and the children and particularly the staff of these facilities.

Around 35 permanent staff and 11 casual staff are potentially affected by this decision moving forward. We know the importance of high-quality early learning facilities and high-quality childcare facilities. That is why children are a priority of the Allan Labor government. We are deeply concerned about the decision of the City of Glen Eira – preliminary at this stage – to close these childcare centres. My colleague the member for Oakleigh and I have been in contact with local families, seeking to do what we can to support them in uncertain times ahead of the end of the year.

I will just make a point: the same week that that decision was made I was in the City of Bayside helping to open a new children's centre, which goes to show we can have good, high-quality children's services run by local government, and I hope Glen Eira reconsider their decision.

**Flood recovery**

**Wendy LOVELL** (Northern Victoria) (16:10): I rise to acknowledge the first anniversary of the floods that impacted so much of my region in October 2022. The devastation on the Goulburn commenced on 13 October, impacting communities in the upper catchment in the early hours of the morning with absolutely no warning. The town of Seymour also suffered shocking damage as the Goulburn rose to its highest levels in almost 50 years. The following day the Campaspe River, which is Victoria's fastest rising river, almost destroyed the town of Rochester, with around 90 per cent of the town's homes suffering inundation. That day residents downstream of Seymour were busy preparing for the water that was coming their way. Greater Shepparton knows that once floodwaters hit Seymour we have around two days, as the water winds its way through Nagambie, until it hits us. Sandbagging began in Murchison, Toolamba, Mooroopna and Shepparton in a bid to hold back the water, which came at a level that many residents had never seen in their lifetime. Once again, the bars on Loch Garry failed to be removed, which caused the loch's levee banks to breach, devastating the surrounding Bunbartha and Kaarimba area. The water continued on through Echuca and down the Murray for weeks, impacting all Murray River communities.

The impact of the floods has had far-reaching and ongoing effects on individuals, businesses, social groups and Victoria as a whole. Many residents are still displaced from their homes, with many still living in caravans. These Victorians are in need of assistance from government, which has so far been inadequate and slow to come. The Allan government must step up and deliver ongoing support to assist flood-affected residents and communities to recover and rebuild.



### Rescue dogs

**Georgie PURCELL** (Northern Victoria) (16:12): Recently I attended the 11th birthday of my office supervisor Frankie the greyhound. Rescued by Amazing Greys, he is now the star of a billboard campaign around the city that promotes these gentle dogs as worth so much more than gambling profits. Also in attendance was Graham Cracker, who I have spoken about before in this place, rescued by my team after a horrific fall at Healesville and literally shipped off to Tasmania to who knows what fate. It was wonderful to see Graham roaching, something that takes traumatised industry greyhounds months to do. Graham has come so far, also thanks to his rescued pug sister Potato. Potato in her old age is carried around in a sling. She has had three surgeries, because flat-faced dogs often have severe breathing difficulties, something I have also raised in here before. Graham's birth mother Wendy, who he now lives with, could not make it because she has a day job as a therapy dog at a rehabilitation clinic and simply just needs her rest on a Sunday. It is wonderful how the world of rescue brings not only animals together but people too. This is a community that I am so proud to be a part of and will always continue to be. Yeah, the girls, and yeah, the dogs!

### *The Durga Chronicles*

**Lee TARLAMIS** (South-Eastern Metropolitan) (16:14): Recently I had the pleasure of attending *The Durga Chronicles* at Bunjil Place in the City of Casey. *The Durga Chronicles* is a landmark theatrical performance and cultural intervention into the experiences of violence by women in our multicultural communities. *The Durga Chronicles*, by Priya Srinivasan, is a collaboration with Insite Arts and draws on classical Indian and post-modern aesthetics by drawing on the stories of women who have been harmed in different parts of the world and harnesses the force of Durga, the goddess of protection, to provoke empowered resistance, courage and strength against gendered violence. *The Durga Chronicles*, which won the Green Room Award for Breaking Ground, uses classical music, dance and stunning visuals, along with a moving Carnatic choir of 12 women, to create a spectacular and immersive storytelling experience. It was an incredibly powerful, thought-provoking and empowering performance which brought gender violence to the forefront while those watching were immersed in the artistic portrayal of the stories being told.

The arts, in all its forms, has an important role to play in driving positive social change and preventing family violence and violence against women. The arts and theatre are key settings to influence attitudes and behaviours of individuals and communities, to advance gender equality and to have a critical role in shaping a vibrant, inclusive and diverse society. Following the performance there was a post-show circle of conversation workshop to discuss the prevention of gendered violence, backlash and resistance and the power of the arts to raise awareness of family violence. Involved in these roundtable discussions were diverse multicultural and interfaith community members and leaders, family violence workers, psychologists and social justice workers. I want to recognise the work of Insite Arts and everyone involved in bringing *The Durga Chronicles* to life, contributing to this important community conversation and demonstrating the powerful way in which storytelling and theatre can drive positive social change and the importance of listening to people who have experienced violence.

### Heathcote Dementia Alliance

**Gaelle BROAD** (Northern Victoria) (16:15): I rise to congratulate the Heathcote Dementia Alliance on the recent opening of their dementia-friendly villa Costerfield House. This prototype is an inspiring look at the future and how to care for relatives and friends living with dementia. In Victoria, over 104,000 people live with dementia – 400,000 Australia-wide. Costerfield House is a transportable, purpose-built facility that provides a safe environment for people to live independently and with dignity. The building uses the latest technology: a swipe of a card opens the door, turns on the lights and TV, and the blinds go up. Sensors pick up on a person's normal routine – if they have not opened a fridge within a set time, an alert is sent to their carer to check on them. The idea has great potential for rural and regional communities, as care villas are transportable and allow for in-home care in a familiar environment. I congratulate Heathcote Dementia Alliance founder and president

Sandra Slatter and her team. They have been working hard for four years to create this extraordinary home and have received strong support from the community, including builders and tradies, businesses and their major sponsor Mandalay Resources. Costerfield House will be used as a showcase for 12 months and then gifted to the Heathcote hospital. They are also working with a team in Mildura to create a cluster of several villas with a central hub. The design could also be used for people dealing with disability, stroke or homelessness. I am excited to see this concept continue to grow, as it represents a big step forward, using the latest technology to create a safe home environment for people who need it.

### Voice to Parliament

**David LIMBRICK** (South-Eastern Metropolitan) (16:17): Whatever way you voted in the Voice referendum, I think we can all be glad about one thing: thank goodness it is over. In my first speech in this place, I spoke about the social harm caused by identity politics. Unfortunately, this referendum proved my point. I feel we could have saved a lot of money and had the same result if we had called off the referendum and simply declared 2023 the year of calling each other racist. However, I worry it is not over. I am seriously concerned about how the Voice result will be used as a Trojan Horse for censorship. This has been foreshadowed in a number of ways. The Prime Minister was complaining about the media well before the result was known, and on Saturday the *Age* ran a cartoon with Elon Musk filling out a ballot paper with a big X. Blaming Elon Musk for a referendum result in Australia makes about as much sense as blaming the people who make chalk sticks for something written on a footpath. On the weekend, we heard the usual rhetoric about accepting the democratic decision of the Australian people, but how can you believe in democracy unless you believe in free speech? The Libertarian Party will not stand for these attacks on our free speech, both in this state and in federal Parliament. Governments of all kinds are hereby put on notice: we are watching, and your failure to win the Voice to Parliament does not give you the right to gag the rest of us.

### Heyfield

**Tom McINTOSH** (Eastern Victoria) (16:18): I rise to celebrate the resilience and ingenuity of Heyfield. Last week I visited the incident control centre and witnessed the teams at the ICC working to protect and support our communities of Loch Sport and Briagolong. I want to again acknowledge everyone on the ground and in the ICC. They have given so much in recent weeks through fires and floods. I also met with Julie at the Heyfield Community Resource Centre, where for over 16 years local families and businesses have saved money on water and energy through sustainability audits. Locals have joined solar bulk buys to generate their own electricity, save money and reduce emissions, and this has seen Heyfield have one of the highest solar installation rates per capita in Australia. Julie had the idea to first investigate a microgrid and is now progressing a neighbourhood battery.

Of course who did Julie say has always leapt to support the community over the years? Vince from Australian Sustainable Hardwoods. Every time I drop in to ASH, I leave more impressed. ASH's people are its priority, and this is put in practice through the value they put on pay, conditions and safety. Local families with good jobs make for a strong community, and ASH donate directly into their community too. Their investment in technology and innovation have them at the forefront of advanced manufacturing, with incredible capability to provide for Australia's timber needs. Never complacent, ASH are now looking further into building designs and want to supply Victoria's Big Build. All this and more is why ASH have put on an extra 30 workers this year and have over 210 well-paid full-time workers supporting the local town and region. Well done, Heyfield.

### Voice to Parliament

**Bev McARTHUR** (Western Victoria) (16:20): I rise to pay tribute to the leaders of the campaign who successfully opposed the divisive Voice referendum so resoundingly defeated on Saturday. Peter Dutton, David Littleproud, Senator Jacinta Nampijinpa Price, Warren Mundine and the Honourable Tony Abbott led the national no campaign, and in Victoria federal MPs, including Senator James

Paterson and, in my electorate, Senator Sarah Henderson and Dan Tehan, worked hard to ensure that race was not embedded in our constitution.

Across Western Victoria Region not one of the six federal electorates voted yes. Across Australia every state voted no and only the ACT voted yes. This may well indicate just how out of touch that public service dominated territory really is. Most notable, however, is the fact that the Northern Territory registered a resounding no. It seems the starkest dividing line in Australia is not between Indigenous and non-Indigenous people but between the inner-city elites of the eastern states and the rest of the country. The no vote was not a vote for the status quo or against any action; in fact it has highlighted the failures of the status quo. I hope it will prove the catalyst for a full audit of the expenditure directed to Aboriginal issues across Australia so that taxpayer money can be effectively spent to close the gap without permanently constitutionally entrenching new experimental, ineffective and unnecessary division.

### **Thadam**

**Samantha RATNAM** (Northern Metropolitan) (16:22): I wish to congratulate Thadam on the successful recent launch of their unique and important mental health information and advocacy service which they launched in Parliament House just last sitting week, and I note that the Minister for Mental Health also joined in that special evening. Thadam aims to break down stigma within the Tamil community concerning mental health, raise awareness through education and engage and empower the community about mental health and wellbeing. This caring, energetic and visionary group began their work in New South Wales and have now expanded to Victoria. The launch was attended by members of the Tamil community who spoke about how important services like these were.

I wish Thadam was around when I was growing up in Melbourne. Our families and friends navigated this strange new world as migrants as best we could, but not without our stumbles and setbacks at times. Our Tamil community is strong and resilient, and we have had to be. Many of the diaspora community here are survivors of war and trauma. We have endured the journey and upheaval of migration, and many are parents who are trying to adapt to a new culture and place themselves at the same time as trying to help their children cope and adapt to the change. For those that arrived here as young people, many are now dealing with the inevitable aftermath of growing up being and feeling very different and all that adjustment that comes with settlement. That is why services like Thadam are just so important – they offer so much hope to our community that more people can be supported as they navigate their sometimes complicated life paths, that they will feel seen, heard and understood and that it might help them understand that what they are feeling is normal and can be surmounted. It was an honour to be part of this special evening to launch Thadam in Melbourne, and we look forward to supporting and amplifying their work wherever we can.

### **Beaufort and Skipton Health Service Foundation**

**Joe McCracken** (Western Victoria) (16:23): I rise to pay tribute to the Beaufort and Skipton Health Service Foundation. I met with the foundation board last Thursday night at Waubra. They had a dinner there, which was fantastic, with me and a number of other invited guests. We talked about the vision of the board, and we talked about their capacity to contribute to make an awesome health service even better. I certainly want to pay tribute to the Beaufort and Skipton Health Service as well, who do amazing work supporting the community. I personally have family members that have used this service and found it second to none. I know that the foundation has contributed significant amounts of money in recent years – in the last 12 months, \$30,000 towards the establishment of a new wheelchair program, which has helped a lot of people with accessibility issues to use hospital services a lot more easily. That would not be available unless the health foundation had made the effort to do that. They have fundraised, they have flipped sausages and they did a lot of different community work to make sure that that has happened, and the benefit is clear for the community to see. So thanks very much to the Beaufort and Skipton Health Service Foundation, and many more years of support will be greatly appreciated.

**Judith Nicholson**

**David DAVIS** (Southern Metropolitan) (16:24): I want to today draw the chamber's attention to the incredibly sad death and the funeral today of my friend Judy Nicholson. She was a remarkable individual born in 1963 – so she was not old. She was a fellow of the planning institute. She was on Heritage Victoria and Places Victoria. She was on a number of committees at the Victorian planning institute overall and a fellow of the Victorian planning institute. She was very active in earlier days in the Melbourne Junior Chamber of Commerce, and she ran her own firm for many years, Nicholson Planning, as well as at various points having worked for major firms GHD, Arup, KBR and a number of other firms.

These are planning achievements that are very significant, but she was also a friend to many people, and that was very clear today at the funeral. There was an obituary read about her by Judy Ross, her friend and somebody known to many of us, and it was a very great performance. It drew attention to the grace, style, leadership and character of Jude, and I was pleased to see others speak at the funeral, many of her family and friends. My friend Meredith Adams said this is a person of enormous merit who will be missed. *(Time expired)*

**Faraday school kidnapping**

**Nicholas McGOWAN** (North-Eastern Metropolitan) (16:26): I rise to actually draw the public's attention to a significant anniversary. It is the 51st anniversary of the Faraday kidnappings. That is a remarkable story in this state's history, not least because at that time six young people were taken hostage in the small country town of Faraday, including their teacher at the time. At that point in the Hamer government there was a Victorian education minister Lindsay Thompson, who actually himself went to deliver a ransom. The ransom was \$1 million. It seems a bit too bizarre to be believed or true, but it is true and it happened. Mr Thompson as the education minister was accompanied by an assistant commissioner who was dressed up as a ministerial driver at the time, and in the back of the car was what would be a future commissioner of this state holding a high-calibre rifle with him to drop off the ransom. Those who had actually kidnapped the children never turned up, but it was a tribute and a great testament to the bravery of Lindsay Thompson, who later became this state's 40th Premier. He received also the bronze medal for bravery for his efforts from the Royal Humane Society. His son Murray Thompson served in this Parliament in the other place, and to quote him, he said of his father:

The courage, purpose and principle he brought to his unforeseen role at Faraday was the same he brought to his desk everyday.

**Gambling harm**

**Katherine COPSEY** (Southern Metropolitan) (16:28): It is Gambling Harm Awareness Week, and the latest data released by Monash Uni confirms that yet again communities continue to be decimated by this rapacious gambling industry. In Victoria losses over the last year are 12 per cent higher than 2018–19, which was the last financial year not to be impacted by COVID restrictions. Poker machines drained over \$3 billion in that financial year from families, from people and from our communities, and that reporting excludes poker machine losses at the casino, so the true figures are even higher. How have we allowed this to become so normalised?

Australia has less than 0.5 per cent of the world's population, but we have 20 per cent of the world's poker machines, and 80 per cent of those machines are located outside the casino in our communities. A recent landmark study of Victoria's Coroners Court data showed that gambling addiction contributed to 184 suicides over eight years. It was mostly men aged 17 to 44. The rate is likely higher than this as gambling is not routinely investigated by coroners, and more recent research published in January showed that 40 per cent of Australian veterans with gambling addictions have thought about ending their lives, while one in five has attempted to kill themselves.

We welcome the casino reforms put in place. We welcome the first steps of poker machine reform the government has introduced in the other place and look forward to working with the minister on the next larger steps of gambling reform.

*Business of the house*

**Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (16:29): I move:

That notices of motion, government business, 83 to 205, be postponed until later this day.

**Motion agreed to.**

*Bills*

**Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023**

*Second reading*

**Debate resumed on motion of Ingrid Stitt:**

That the bill be now read a second time.

**David DAVIS** (Southern Metropolitan) (16:30): I am pleased to rise and comment on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. This is a very timely bill, I must say. This is a bill that draws attention to the need to strengthen provisions in the Summary Offences Act 1966 to protect people from the unsatisfactory gestures and approaches of people with respect to Nazi symbols. It amends the Summary Offences Act to make public display or performance of Nazi gestures an offence and to extend the application of the offence of public displays of Nazi symbols.

We have seen in this cycle since the passing of the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 – the law commenced at the end of December 2022 – several high-profile incidents, including protests involving the use of the Nazi salute. These incidents highlighted that the existing law did not deal with Nazi gestures such as the Nazi salute, which has led to this bill.

I want to pay tribute here to the work done by David Southwick, his significant commitment to strengthening the law in this area, his leadership on the initial bill and his leadership on this bill. I also note that the government has supported that push by David Southwick, and I welcome what has become a bipartisan set of positions. It is constructive that we are in that position where we do have a significant measure of bipartisanship on these matters.

It comes of course at a time when the Jewish community is under attack in a very significant way. Some in the Jewish community in my electorate of Southern Metropolitan Region have said to me that they feel that this is a time that is reminiscent of earlier periods when Jewish community members were under attack in Europe. They have said that this is reminiscent of a time when there was constant pressure, constant intense dislike expressed of the Jewish community, and the Nazis at that time obviously were on the march in every sense of the word. One hopes that this is in the end nothing like that, but given the events in Israel in the last few days you would have to say that there is significant pressure on the Jewish community all around the world. So it is an honour in fact to stand with that community, to stand with the Israeli community, and to put on record my strong support not just for Israel but importantly for the Jewish community here in Victoria.

A big part of the centre of my electorate of Southern Metropolitan – Ms Crozier's electorate as well – is comprised of a very great section of the Jewish community, who are great community contributors. Whether it be to science, to industry, to government, to philanthropy, wherever you look the Jewish community is active, contributing beyond its weight to community life, and I pay tribute to those contributions to community life. It is in that context that I think many feel that this is appropriate.

There are a number of issues that have been pointed out with respect to this particular bill, and I will come to those in a minute. Essentially, the bill sets out that a person must not intentionally perform a Nazi gesture if the person knows or ought reasonably to know that the gesture is a Nazi salute and the performance (1) occurs in a public place, a non-government school or a post-secondary institution and (2) occurs in sight of a person who is in a public place, a non-government school or a post-secondary education institution. It sets up penalties of imprisonment for 12 months or 120 penalty units or both. These are significant penalties of course, but they are actually appropriate in the circumstances. There are exemptions when the display or performance is engaged in reasonably and in good faith, obviously for genuine academic, artistic, educational or scientific purposes or in the making or publishing of a fair or accurate report of any event or matter of public interest.

A police officer under these arrangements may give directions to a person to remove from display a Nazi symbol or a Nazi gesture if the police officer reasonably believes the person is committing an offence. The police officer may give directions to a person to remove from display a Nazi symbol or gesture if the person is the owner or occupier of a property on which the Nazi symbol or gesture is being displayed and the police officer reasonably believes the offence is being committed against section 41K(1). However, the directions power does not currently extend to a direction to a person to cease performing a Nazi gesture.

The bill, as I said, is being introduced at a time of increasing concern about the public display of neo-Nazi and antisemitic behaviour. It is consistent with the previously introduced law, which was, as I said, promoted and brought forward by David Southwick and the Liberals, for the banning of public display of the Nazi swastika, again subject to certain exemptions.

There is concern the definition of ‘Nazi symbol’ is too wide in the bill – some say that; ‘any other symbol used by the Nazi party’ is the phrase. However, on the face of it this would include perhaps, you might argue, any symbol used, whether or not it had an association with the Nazi party. Some might say that that is too broad.

I note that the Scrutiny of Acts and Regulations Committee dealt with these matters; Acting President Terpstra would understand that SARC sought to deal with some of these matters. In its earlier report it indicated that it would write to the relevant minister, the Attorney-General of course, Jaclyn Symes. I think it is worth quoting some of her responses to the points made in the SARC report. The letter, which was just tabled today, from Jaclyn Symes makes a number of points:

I refer to your letter of 4 October ...

I am going to read some of this because I think it is instructive and useful for the chamber and it is something members may not have had the opportunity to read. It contains issues raised by SARC.

I understand that the Committee seeks further information as to the meaning of ‘symbol’, ‘gesture’, ‘used by the Nazi Party’ and ‘resembles’ under clause 6 of the Bill.

She said on the meaning of ‘symbol’ and ‘gesture’:

The word ‘symbol’ is intended to take its ordinary meaning. This means that a ‘symbol used by the Nazi Party’ ought to be understood as capturing something, often a material object, that is used to stand for or is regarded as representing the Nazi Party. The bill defines the term ‘Nazi Party’ as the National Socialist German Workers’ Party and includes its paramilitary arms. A slogan or anthem would likely only be captured if the relevant words were, in and of themselves, regarded as representing the Nazi Party or inextricably formed part of a material object that was used symbolically by the Nazi Party.

She went on to say, and again I think it is worth quoting it, given this has just been tabled and we are literally now debating it:

The word ‘gesture’ will also take its ordinary meaning. While it is possible that the word ‘gesture’ may be broadly interpreted to encompass a symbolic act, the term is ordinarily understood to mean movements of the body to express an idea or feeling. It is therefore unlikely that book burning, or similar actions, will be captured since this does not fall within the ordinary meaning of the word ‘gesture’.

Importantly, the Hakenkreuz –

and I am not going to say that I got the pronunciation perfectly right –

and the Nazi salute are expressly banned by the Bill and are well-known to most Victorians. Clause 6 of the Bill's Explanatory Memorandum read together with the Second Reading Speech makes it clear that the Bill is ... intended to capture the SS ... Bolts and the SS Death's Head ... along with the flags, insignia and medals used by the Nazi Party and its paramilitary organisations. Ultimately, however, it is up for the courts to decide what other specific gestures or symbols are banned by the Bill.

She goes on to say:

It is not intended that innocent or unintentional uses of symbols or gestures be prosecuted. The Bill includes a range of exceptions to ensure that symbols and gestures used by the Nazi Party can be displayed or performed for an appropriate purpose, including for genuine educational or artistic purposes.

I think that these are important points that the Attorney is making. I do not always agree with the Attorney, but I do on this set of matters. I am pleased that she has thoughtfully responded to the matters that have been raised by SARC on these issues.

**Meaning of 'used by the Nazi Party'**

Although the Bill does not expressly use the term 'exclusively', the scope of the phrase 'used by the Nazi Party' must be read in the context of the Bill's purpose and the extrinsic materials.

She goes on again to talk about clause 6:

Read together, it is clear that the Bill's intent is to capture symbols and gestures historically used by the Nazi Party that are generally understood as conveying messages of hate and genocide.

It is important to reiterate that the Bill will not interfere with a person's ability to display a gesture or symbol used by the Nazi Party for genuine cultural or religious purposes ...

and so forth. She then deals with the issue of 'resembles':

The term 'resembles' has its ordinary meaning 'to be like or similar to'. Importantly, the term 'resembles' in the Bill is preceded by the words 'that so nearly' which, read together, will require a symbol or gesture in question to be very close to or regarded as almost having the same appearance as a symbol or gesture used by the Nazi Party.

This goes on:

... cannot make small modifications to symbols or gestures used by the Nazi Party to avoid prosecution.

I understand what is trying to be achieved by that. She states:

Whether a symbol or gesture is taken to nearly resemble a symbol or gesture used by the Nazi Party is intended to be informed by both the physical characteristics of the gesture or symbol used and the context in which it was displayed or performed. While, for example, an innocuous gesture such as a farewell may bear a physical resemblance to the Nazi salute, the context in which a gesture is performed will be vital to understanding whether the offence has been made out. It is unlikely that anyone observing a person farewelling a friend would consider that the gesture so nearly resembled a Nazi salute to be mistaken for it, given the context in which the gesture was performed.

I think she makes a reasonable set of points here. I reiterate the points made that this is a sensible set of steps that are being proposed here.

We do in fact have a proposed set of amendments here. This is not to be hypercritical of the bill but is to be constructive and to suggest some ways forward here. Our amendments would seek to insert a number of words that would deal with 'associated with' for any other symbols used by or associated with the Nazi party and, secondly, amend the bill to provide for a police officer to have a power to direct a person to cease performing a Nazi salute in a public place in the same way with the same criteria as the displaying of a Nazi symbol in a public place.

**Amendments circulated pursuant to standing orders.**

**David DAVIS:** The amendments are:

1. Clause 6, page 3, line 14, after “used by” insert “and associated with”.
2. Clause 8, after line 24 insert –  
“(1A) A police officer may give a direction to a person to cease performing a Nazi gesture if the police officer reasonably believes the person is committing an offence against section 41K(1A) by performing the Nazi gesture.”.
3. Clause 8, page 7, after line 6 insert –  
‘(4) In section 41L of the Principal Act –  
(a) in subsection (3), after “(1)” insert “, (1A)”;  
(b) in subsection (5), after “(1)” insert “, (1A)”.’.

Again, these are very modest amendments, they are sensible amendments and they are consistent with where the earlier bill focused, and that greater consistency I think is entirely relevant. I pay tribute to the Shadow Attorney-General and his work here on these proposed amendments. He obviously has strong views about these matters, as do I and as do Mr Southwick and others on our side of politics, but I think again these are constructive, reasonable amendments that will make it clearer but also strengthen the ability of the police to act in a proactive and preventative way to deal with a number of these matters. I would certainly urge the community to support these points. I think in the context of where we are now – with rising levels of antisemitism, incidents quite regularly being reported now and people being very concerned and fearful – it is time for Parliament to take these sorts of stands. Hence we welcome the bill coming forward, and I welcome the work of the Attorney, the Shadow Attorney, David Southwick and others on these matters.

Obviously, this bill came forward before the recent terrible issues in Israel and Gaza. We obviously have debated these matters with respect to the international situation in the chamber earlier today, and I point anyone to my comments and the comments of others in the chamber about those matters. But it is clear that there is a significant rising tide of these matters. We have had even as recently as the weekend neo-Nazi presence and activity, and I think that anything that plausibly, calmly and sensibly empowers the police to act on these matters is worthwhile and I think that any symbol or signal that we send as a Parliament in a bipartisan way is very welcome on these matters.

I think I have probably said enough. I do urge people to read the Attorney’s response to SARC. I think this is a case where the Scrutiny of Acts and Regulations Committee has identified points that needed clarification. The Attorney has come back to the committee, constructively, with sensible clarifications on those points, and that is the way SARC is meant to operate. In this circumstance the report tabled today is a relevant contribution.

**Samantha RATNAM** (Northern Metropolitan) (16:49): I rise to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. Firstly, I want to clearly state for the record that the Victorian Greens strongly support this bill, because the re-emergence and growth of far-right extremism over the last decade in Victoria and across Australia has been more than apparent to most of us long before a group of neo-Nazis performed their salutes on the steps of Parliament back in March this year or indeed just days ago at Flinders Street station. In fact the Greens-initiated inquiry into extremism found that since 2015 there has been a resurgence in far-right extremism in this state, most prominently neo-Nazi groups perpetuating racism, Islamophobia and antisemitism as well as acts of violence and hatred towards LGBTIQ+ and First Peoples communities. Of course the COVID-19 pandemic and conspiracies only served to fuel these right-wing groups, who not only are acting more frequently and conspicuously in public but also, according to law enforcement testimony, now represent the most significant ideological terrorist threat to our safety. So we need a proportionately strong response to this threat, and this bill today is yet another small, important step towards this.

The bill is effectively an extension of the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, which passed last year and prohibited the use of the Hakenkreuz in public. That bill was in



response to a recommendation from the 2019 inquiry into Victoria's anti-vilification protections to ban Nazi symbols and also to give further consideration to banning other hateful symbols, such as the Nazi salute, as proposed by this bill today. But importantly, both the 2019 anti-vilification inquiry and the more recent inquiry into extremism also recognise that these kinds of specific prohibitions, while important, form only a small part of what is required to combat extremism, vilification and hate in our community. I know, sadly, from my own personal experience that there are far too many signs, symbols and slogans of hate adopted by the far right and white supremacists that can be used to vilify others. So alongside this bill there is a need for many more and much broader reforms to recognise and protect the rights of all groups targeted by the extreme right and limit all forms of hatred against others in our community.

We must address the primary risk factors, the level of inequality and the lack of social connection among those living within the margins of society, which provide fertile recruiting ground for right-wing extremists, and nowhere is this inequality more apparent right now than in the failure of successive Victorian governments to provide housing for all who need it. Furthermore, we must finally provide powerful and independent oversight over the integrity and professional standards of law enforcement – Victoria Police – who are responsible for the practical enforcement of the laws such as those proposed in this bill today, whose ranks neo-Nazis and white supremacists often seek to infiltrate and whose professional culture has far too frequently been associated with the stain of discrimination and prejudice.

We must also continue and strengthen education and anti-racism programs, particularly in our schools. The scale of the crimes of Nazi Germany against Jewish people – the Holocaust – must never be forgotten, so we must continue with education regarding Nazi crimes as well as our own nation's shameful historical treatment of other groups such as LGBTI+ people, First Peoples and people with disability. This education should not simply look back into the past but properly contextualise these historical events in terms of the ongoing hatred and vilification that continue to be directed at many of the same groups in society today. For example, we should point out in our schools that while our history books now finally recognise that the crimes of Nazi Germany extended beyond racial groups to crimes against the queer community and people with disability, perversely our Victorian statute books in regard to anti-vilification laws still do not recognise the need to protect the LGBTIQ+ community or people with disability from the ongoing hatred of neo-Nazis in the community today.

If there is one small positive to come out of the disgusting scenes on the steps of this Parliament earlier this year, it is that not one of us with any integrity in this place can continue to deny, continue to downplay or continue to be an apologist for the level of prejudice, hatred and violence from extremists towards the trans community in Victoria currently. Having witnessed those scenes literally on its own doorstep, there can be no further denial, excuses or delays from the current Labor government as well. It must work with the Greens and this Parliament to expand our anti-vilification laws beyond race and religion to include attributes relating to sexuality, gender identity and disability, because without further action these hate groups may no longer be able to make a Nazi salute in public but they will remain largely free to continue delivering all other kinds of hatred towards trans and gender-diverse people.

The scenes of the weekend, with neo-Nazis parading through Melbourne's trains and on the steps of Parliament with an antisemitic banner, singing songs about white supremacy, shouting racist insults, handing out promotional material for Australia's largest neo-Nazi group – the National Socialist Network – and asking a passenger on a train if they were Jewish, in an apparent act of intimidation, demonstrate why we must go well beyond the reforms before us today. Because the objectives of these groups are frightening and are a threat to our social cohesion, and if we do not address this threat at its heart, it will just continue to find new ways to threaten, harass, intimidate and ultimately divide us. So while we support this bill, we support doing much more as well, because as long as there remain people outside on the steps of this Parliament – and some maybe inside of it – that continue to spew repugnant

Nazi ideology and hatred towards the trans and gender-diverse community, we can be under no illusion that our work to stop vilification simply ends today with the passage of this bill.

**Michael GALEA** (South-Eastern Metropolitan) (16:56): I rise to speak today on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. On Friday afternoon in New South Wales three men allegedly performed Nazi salutes outside Sydney Jewish Museum, and as Dr Ratnam just noted, just this Saturday in Melbourne at around 1:30 in the morning a group of about 25 people dressed in black, many wearing face coverings, made Nazi salutes at Flinders Street station. They did so again as they boarded a train. It is reported that the group was seen with an antisemitic banner, shouting racist and antisemitic insults. It is also reported that they then, as Dr Ratnam said, intimidated a passenger on that train, apparently seeing a blue-and-white handkerchief, prompting them to demand to know if that person was Jewish – on a train in Melbourne in 2023. These are just two recent examples of people using a raised-arm salute in a publicly intimidating, traumatising and offensive way. Sadly these acts are becoming more and more common, and as we all know, they were very close to home for us here earlier this year. Many of these incidents are targeted explicitly at and intended to distress the Jewish community as well as the Indigenous community, multicultural community, LGBTIQ communities and many, many others of different races and backgrounds and different faiths that make up our great state. These groups, rightly, find these acts to be intimidating and offensive.

This bill bans the public display or performance of any symbol or gesture used by the Nazi party and its paramilitary arms. It does so by amending the Summary Offences Act 1966 to expand the offence of publicly displaying a Hakenkreuz to cover all other symbols and gestures used by the Nazi party, explicitly prohibiting the public performance of the Nazi salute. The bill forms part of the anti-vilification reform package in addressing hate speech and hate conduct in Victoria. This expanded offence builds on the reforms brought into effect last year when the Victorian government enacted the Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022. These amendments mean that anyone who intentionally displays or performs a Nazi symbol in public will face penalties of more than \$23,000 and jail time. A police officer will have the power to direct a person to remove from display a Nazi symbol or gesture, whether on public or private property, if the police officer reasonably believes an offence is being committed. Of course we can draw from a real example, the home in Beulah back in 2020, which shamefully displayed a flag featuring the Hakenkreuz. With this amendment, a police officer would be able to direct a resident to remove such a flag. If a flag or banner displays a Nazi salute, a police officer would be able to give a likewise direction to have it removed.

All Victorians deserve to feel accepted, safe and included. Our state is proud to be home to a vibrant, longstanding Jewish community. Victoria, as a colleague Mr Batchelor noted this morning, has the highest concentration of Holocaust survivors outside of Israel. Incidents of Nazi symbols and gestures are inseparably linked to the harrowing and the evil crimes of the Holocaust, the Shoah. I recall several years ago reading a family history book as part of my stepfamily and reading through the various chapters all the way back to the 1850s. In several of those chapters you would see an acronym appearing again and again and again, and that acronym was ‘KIH’. It did not take too long to connect the dates that were connected with this acronym or then to see what the explanation was: KIH meant ‘killed in Holocaust’. We can never again have something like that; we can never again tolerate that. I cannot imagine the anguish of surviving those atrocities and making a new life in Victoria only to be confronted by someone displaying the Hakenkreuz or making a Nazi salute. Such acts are beyond unacceptable. They are intended to intimidate, stoke hatred and cause harm. Nazi ideology is antithetical to our values, and this bill reinforces that fact. Banning the Nazi salute and gestures reiterates that this ideology is unacceptable and must not be tolerated. As lawmakers and Victorians, we cannot and should not accept Nazi iconography to spread that ideology and intimidate, harass, distress or harm our communities.

Seventy-eight years after the Holocaust ended, antisemitism remains prevalent across Victoria and Australia. Hate incidents against Jews are being perpetrated across the community, on the street, in schools, on sportsgrounds and at university campuses. There has been a considerable rise in antisemitic

incidents. According to the Executive Council of Australian Jewry, there was a 6.9 per cent increase in incidents in the 12 months leading up to the end of September 2021. This figure is 35 per cent higher than the incidents recorded in 2020. In the last few years we have witnessed rising far-right activity, including 25 males gathered at the Elwood Point Ormond lookout, where the neo-Nazi flag was hoisted followed by a Nazi salute. Several incidents have occurred where individuals and groups have directed the Nazi salute explicitly at Jewish individuals to intimidate and harass them. This includes incidents that occurred outside of synagogues and Jewish schools. There is an increasingly brazen presence of neo-Nazi-affiliated individuals distributing antisemitic posters, stickers and graffiti in suburbs with large Jewish populations, such as Caulfield and Balaclava. And as many in this chamber will know, this year in March we saw neo-Nazis appear at an anti-transgender rally on the steps of this building, where some members performed the Nazi salute. Following this incident, the government committed to banning the Nazi salute. This bill fulfils that promise. Indeed it is the genesis for the bill which is here before us today.

Following that event, we saw a committed campaign of intimidation and harassment directed at Pride celebrations and events organised by the LGBTIQ+ communities. Intimidation at council meetings, threats of violence and acts of intimidation saw events cancelled across numerous LGAs, including the City of Casey, in my region. An ASIO submission to the Parliamentary Joint Committee on Intelligence and Security into extremist movements and radicalism in Australia noted extreme right-wing groups have been in ASIO's sights for many decades. During a hearing, their director-general confirmed that investigations into ideologically motivated violent extremism comprise roughly 40 per cent of all of ASIO's cases. The rise of far-right groups is linked with an increase in anti-LGBTIQ+ and antisemitic incidents. Banning the display of Nazi symbols and gestures helps to protect communities from the intimidation, harassment and harm they cause. Furthermore, it is likely to reduce the incentive for these groups to appear in public without the shock, hate-mongering, intimidation factor of the Hakenkreuz and other banned symbols, such as the Nazi salute. These symbols and gestures are part of spreading their ideology, garnering media attention and perhaps even legitimacy for their existence, which they then use as a recruitment tool.

So, as stated, in 2022 Victoria banned the Nazi Hakenkreuz. Other states soon followed suit, and we have also seen earlier this year the federal government introduce the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023, which criminalises public display of those hate symbols and trading of those items. That reform brings the ban on Nazi symbols to a national level. The Tasmanian government has also taken similar action to Victoria and passed legislation prohibiting Nazi symbols and salutes earlier this year. Many aspects of this bill align with those reforms which were also passed in Tasmania. That state may have led the nation in terms of banning the salute, but we will lead the mainland with this bill. Internationally, various countries have also enacted various laws to ban Nazi symbols, acts and aspects of ideology, including Austria, Belgium, Brazil, the Czech Republic, Estonia, France, Germany, Hungary, Israel, Italy, Latvia, Lithuania, Poland, Romania, Ukraine, Serbia and Slovakia, with the particularly notable examples in there of Germany and Austria.

Returning to Victoria and this bill before us, Nazi salutes will under this bill be prohibited alongside the Hakenkreuz. It will be made an offence if a person intentionally displays in a public place or in sight of a person in a public place a Nazi symbol or gesture that the person ought to reasonably know is a Nazi one; they will be liable under this bill. This will ensure that people who may not be aware of the history of the gesture, including children and people with a cognitive impairment, are not inadvertently committing an offence.

Another exception, as for the Hakenkreuz, will apply to the Nazi salute, most notably for genuine artistic purposes and legitimate satire. It will be an exception to the ban, which I am sure is a delight to *Fawlty Towers* fans the world around. When banning the Hakenkreuz great care was taken to ensure that there were exceptions for the cultural and religious significance of the swastika for Buddhist, Hindu, Jain and other religious observers. Some may argue that there is a legitimate use for the raised-

arm Nazi salute. They may even call it the ‘Roman salute’ and pretend that they are emulating a longstanding gesture of significance to their culture. No historical evidence exists that anyone in ancient Rome ever used that salute that the Italian fascists and the German Nazis used, so there is no need for an exception permitting a Nazi salute to be used for any genuine cultural or religious purpose. The true origins of the Nazi salute are far stranger. The salute was begun in the late 18th century by French neoclassical painter Jacques-Louis David, who painted it as part of his Roman paintings. From there it was incorporated into plays, then early films, leading the Italian fascists to adopt it, believing it to be Roman. The Nazis in turn adopted it from the Italian fascists, and after World War II film and media used the salute more in Roman settings to emphasise a narrative allegory between Rome and the Nazis. The true real-world history of the salute is reserved for the fascists and the Nazis. There is no valid cultural or religious use for this gesture. When someone uses the gesture, they are emulating and identifying with Nazi ideology and bigotry.

A lot of stakeholder consultation has also gone into this bill, and I would like to also acknowledge the extensive work of the Attorney-General Jaclyn Symes in ensuring that this bill does strike the right balance without going too far into those areas which I have already outlined to be exceptions whilst being a very firm and robust law which will do what it needs to do, and I would also like to acknowledge the many other stakeholders who have contributed to that feedback process. There has been considerable consultation to ensure that this bill appropriately balances the need to address the harm caused by public expression of Nazism whilst ensuring that innocent gestures or displays are not captured.

‘Never again’ is more than a phrase; it is a solemn promise. It means that we preserve the memory of the Holocaust and other genocides, learn the lessons of history and stand vigilant so history does not repeat itself – never again. In standing against hatred, I believe that this bill has an important role to play. It is beholden on us to draw a line in the sand, come together and state that some things are unacceptable – that there are actions entirely incompatible with who we are as a people, our values and morals and the very essence of our society.

Displaying Nazi symbols and gestures should not be protected under the guise of freedom of speech and communication. The heinous nature of these acts demands that they stand apart from those protections. It is deeply insulting to associate these symbols and gestures with the hard-fought intrinsic and essential freedoms that have been fought for and achieved by the efforts of so many people over generations. You cannot compare those fundamental freedoms that are the right of every person in our society with a gesture so profoundly and inherently associated with the most heinous and evil atrocities ever committed in human history. These gestures corrode freedom, and they represent an ideology that is opposed to everything that is good and decent in our society. Nazism is wholly antithetical to who we are as a people and what we hold dear as Victorians. I wholeheartedly commend this bill to the house.

**Gaelle BROAD** (Northern Victoria) (17:11): I rise today to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. The Liberals and Nationals support banning the Nazi salute and ensuring Victoria Police has the powers, resources and training to stamp out these shocking acts of hate. This bill seeks to ensure that the Nazi salute and other gestures and symbols used by the Nazi party will be banned in Victoria, including anything which closely resembles a Nazi symbol or gesture, to ensure that people who deliberately try to circumvent the ban and spread hate are punished. Exceptions will apply – for example, if the performance or display of a Nazi symbol or gesture is done in good faith for a genuine academic, artistic or educational purpose – but anyone who intentionally displays or performs a Nazi symbol or gesture in public will face penalties of more than \$23,000, 12 months imprisonment or both.

Just days ago we saw neo-Nazis hold a rally before performing the Nazi salute as they boarded a train at Flinders Street station hours after the Jewish community held a vigil for Israel. The behaviours of these neo-Nazis are a deliberate attempt to incite hatred and violence. These shameful individuals hide their faces, and their hateful ideology should never be tolerated. This bill seeks to ensure that if this

appalling behaviour does take place, appropriate remedies will be there for the police and through our legal system.

The Nazi regime committed atrocities on a scale and with a barbarity that is largely unparalleled in history. I remember studying history at high school, learning about the atrocious mass murder of millions of Jewish people and the chilling images of horrific experiments and barbaric acts carried out by the Nazis. Members of my family fought in the Second World War, and we should be proud of our Australian heritage and our history: standing up and fighting against the Nazi regime to stop the Holocaust.

While the increase that we have seen in antisemitic behaviour in certain locations in this state is appalling, this group of people represents a very small minority. It is important for Parliament to stand united to send a clear message that we condemn neo-Nazi protesters and their toxic bigotry and hate. This sort of behaviour is completely unacceptable and against the values of an inclusive, tolerant and multicultural community. It has no place in our society today. Australia is a proud multicultural country, and Victoria welcomes people from all backgrounds. Our immigration program supports people from all backgrounds to come together in shared liberal democratic values.

I will mention briefly an essay that was shared by my parliamentary intern Pascal Samfat. While he is undertaking research about the Victorian floods, knowing this bill was coming up, he kindly shared his university essay about balancing the right of freedom of speech against the need to regulate forms of hate speech. His essay covers the complexity of the issue. He referred to the fact that state governments in Australia need to react promptly to protect the shared social values of our communities and not put up with racism, discrimination and intolerance, and he identified that it is imperative for governments to enforce regulations to balance freedom of expression and prevent hate speech.

I want to thank the Shadow Attorney-General Michael O'Brien for his work developing some commonsense amendments to improve this bill and that will strengthen this bill, and I want to thank my colleague David Davis for outlining these amendments.

I just want to speak briefly about the important role of Victoria Police. The Nationals really do support the frontline officers of Victoria Police, who continue to focus on community safety in frequently dangerous and complex situations. I want to thank Victoria Police for their work in keeping our local communities safe and thank frontline officers, who must deal with appalling behaviour. But until this bill is passed, there is very little they can do to address the situation. Under this bill Victoria Police will have the power to direct a person to remove a Nazi symbol or gesture from public display if a police officer reasonably believes an offence has been committed and to arrest and lay charges. The legislation will come into effect immediately after passing the Parliament and receiving royal assent to ensure Victoria Police can quickly begin enforcing the ban.

Earlier today we had a condolence motion in this chamber in recognition of the horrific events in Gaza, and it reminded us all of the dangers of extremists and the need to protect those who are persecuted. I appreciate also the consultation that has taken place on this bill with a number of groups, including the Criminal Bar Association, the Human Rights Law Centre, the Law Institute of Victoria, Liberty Victoria, the Police Association Victoria, the Victorian Aboriginal Legal Service and many within the Jewish community, including the Jewish Community Council of Victoria, Zionism Victoria and the Melbourne Holocaust Museum. This bill is supported by both sides of the chamber. I commend the bill and the proposed amendments to the house.

**Adem SOMYUREK** (Northern Metropolitan) (17:16): I rise to make a brief contribution in support of the bill before the house. By banning Nazi symbols and gestures, this bill will only help prevent the spread of the hateful ideologies which were responsible for the Holocaust. I get the freedom-of-expression and the slippery slope arguments, and I certainly get that banning symbols and gestures on its own will not tackle the root causes of the scourge of racial hatred and vilification. Clearly more needs to be done by government and society through education campaigns, social

awareness and social programs, but there is absolutely no place in our society, indeed in any civilised society, for gestures propagating the hateful ideologies that were responsible for the systematic destruction and death of 6 million people simply because they were of one particular ethnic or racial group. With that, I would like to finalise my contribution. Also, I will not be supporting the amendments to the bill before the house. I think they were formulated in good spirit, but I am not sure that they actually address the problems they seek to address.

**Ryan BATCHELOR** (Southern Metropolitan) (17:18): I rise to lend my voice in support of this legislation before the chamber today, which is seeking to outlaw the Nazi salute. We heard of and we saw earlier this year, in March, with absolute horror a group of people standing on the steps of this very Parliament and performing the Nazi salute. It was an abhorrent gesture then, clearly linking to an ideology of hate and division, an ideology that led to the genocide of millions of Jewish people and others during World War II. Fundamentally it is the opposite of what we as Victorians stand for and believe in. So we are taking clear action with this legislation to send a message to these groups and those who seek to follow them that this behaviour and its consequences will not be tolerated in Victoria, because everyone has the right to feel safe in our community, and not just the right to feel safe but to be safe.

We cannot and should not accept the use of Nazi symbols and gestures – particularly the Nazi salute, which is loaded with the history of the Nazi regime and its ethnic cleansing agenda – to convey contemporary messages of hate and intimidation. Last year the government enacted the Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022, which made it an offence to publicly display the Nazi Hakenkreuz symbol. The offence commenced at the end of December last year. Ministers and the government have been working with Victoria Police and relevant agencies to monitor the display and use of Nazi symbols to determine whether further prohibitions are needed, and since that ban was introduced there has been a steady and extremely concerning rise in the use of the Nazi salute.

This bill is an important next step in a package and a sequence of anti-vilification reforms being undertaken by the government. Diversity is one of this state's greatest strengths, and all Victorians deserve to feel safe, included and accepted. If taking the significant step of legislating against hate is a step that we need to take to ensure that all Victorians feel safe, included and accepted, then that is what we should do. The reforms send a clear message that we will not tolerate hateful behaviour. They are sensible and well thought out and provide protections and exemptions that balance genuine use for educational and artistic purposes with a need to protect Victorians from hateful ideology. They have been developed in response to the parliamentary inquiry into Victoria's anti-vilification protections.

We really, in the context of this debate, should be very, very clear and very, very blunt about who uses them and why. It was only this weekend that we saw another group of cowards in black, with their faces covered, using and giving the Nazi salute on Melbourne's trains. As the *Age* reported, this demonstration – if you want to call it that – in the early hours of Saturday morning included the singing of white supremacist songs, antisemitic banners and racist slurs. None of these should be accepted or tolerated in Victoria. Too many are hurt by these sorts of actions, and this government is very clear, particularly when it comes to supporting the Jewish community, the LGBTIQ+ community and other multicultural and multifaith communities who have been the targets of Nazi behaviour in the past and who continue to be targeted by those who hide their ideology behind this salute. The users of this salute intend to cause fear and division in our community, and we should not tolerate it.

The bill sends a very clear message denouncing Nazi ideology and the use of gestures and symbols to intimidate, incite hate and harm others. It has been extensively informed by stakeholder feedback, with 15 consultation meetings and a consultation paper that has been distributed to more than 80 stakeholder groups, including representatives from Jewish and other faith and religious groups, legal and human rights stakeholders, LGBTIQ+ stakeholders, Aboriginal and multicultural community stakeholders and other groups impacted by the exceptions to the offence, including the

arts sector. The government has held round tables with groups of Holocaust survivors and consulted with member organisations of the Jewish Community Council of Victoria.

The bill appropriately balances the need to address harm caused by the public expressions of Nazism with ensuring that innocent gestures or displays are not captured. We spoke at length this morning about the current context which this bill is placed in, one where we are seeing worrying displays of hateful speech and conduct on our streets. Those displays must be condemned. There are communities here in Victoria who are suffering from grief and trauma right now because of actions on the other side of the world, but that grief and trauma has been caused not just by what happened last weekend with the terrorist acts by Hamas but by history, most disturbingly in the Holocaust but for centuries, when things like antisemitism have led to unspeakable acts and unspeakable harm being perpetrated on many communities but particularly the Jewish community. So I think it is exceptionally important at this time that this Parliament takes this action to make it absolutely crystal clear that hateful ideology has no place in Victoria and sends a message to the communities who are the intended targets of that hate that this Parliament, this government and the people of Victoria stand with you. We will support you, and we will stop these hatemongers and their actions on our streets.

**Evan MULHOLLAND** (Northern Metropolitan) (17:25): I wish to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. The purpose of this bill is to amend the Summary Offences Act 1966 to make the public display or performance of Nazi gestures an offence and to extend the application for the purposes of public displays of Nazi symbols. The bill has been introduced because of incidents since the commencement of the provisions introduced by the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 on 29 December 2022. These instances have highlighted that the law does not extend to Nazi gestures.

In our state, which has always been a proudly tolerant, multicultural and diverse state, we have recently seen some quite disturbing incidents of antisemitic behaviour. Recently there have been several high-profile incidents involving the use of the Nazi salute. Only last Friday Melburnians had to bear witness to masked neo-Nazis performing the Nazi salute at Flinders Street station. As my colleague Mr Batchelor said, in a quite cowardly act they could not even show their faces. This has led to many calls from the Jewish community for the state government to do more to disrupt their behaviour. We have also had incidents of black-clad neo-Nazis – or neo-Nazi-wannabe losers, because that is what they are, pathetic losers – turning up to the front steps of Parliament, this place that we hold so dear.

Victoria Police do not appear to be using their existing powers. This bill adds an offence where a person must not intentionally perform a Nazi gesture if the person knows or ought reasonably to know that the gesture is a Nazi gesture and the performance occurs in a public place, a non-government school or a post-secondary educational institution or if it occurs in sight of a person who is in a public place, a non-government school or a post-secondary educational institution. The penalty for this offence is 120 penalty units or imprisonment for 12 months or both.

It will have exemptions where the display or performance is engaged in in reasonably good faith for genuine academic, artistic, educational or scientific purposes or in making or publishing a fair and accurate report of any event or matter of public interest; where the display of a Nazi symbol is engaged in reasonably and in good faith for a genuine cultural or religious purpose; or where a display of a Nazi symbol is engaged in reasonably and in good faith in opposition to fascism, Nazism, neo-Nazism or related ideologies.

A police officer may give direction to a person to remove from display a Nazi symbol or Nazi gesture if the person is the owner or occupier of a property on which the Nazi symbol or gesture is being displayed and the police officer reasonably believes an offence is being committed against section 41K. However, the directions power does not currently extend to a direction to a person to cease performing a Nazi gesture. The bill is consistent with the previously introduced law for banning the public display of the Nazi swastika, subject to certain objections.

We do have a concern with the definition of ‘Nazi symbol’ being too wide, because it includes not only the Hakenkreuz but any other symbol used by the Nazi party. On the face of it that would include any symbol used at all, whether or not it was specifically used by the Nazi party. We are concerned that the definition undermines the intent of the bill, which is designed to ban the display of symbols specifically associated with the Nazi party. We also believe there should be a power for a police officer to direct a person to cease performing a Nazi gesture in a public place. It is part of our amendments, which Mr Davis spoke about, but one example of what I was talking about before with the difference between ‘used by the Nazi party’ and ‘associated with the Nazi party’ is that the Star of David was used by the Nazi party. So our amendment to say ‘used by and associated with the Nazi party’ would rule that out as being captured under this law. We think that is a reasonable amendment to make.

As part of our consideration for this bill my colleague and friend Michael O’Brien, the Shadow Attorney-General, has consulted with a wide range of organisations and legal groups, including the Criminal Bar Association, Police Association Victoria and Jewish community groups. One organisation that is in opposition to this bill is Liberty Victoria. Its president Michael Stanton said:

... we understand the important motivation for the Bill ...

...

We understand that the display of Nazi symbols is highly confronting and offensive, particularly to the Jewish community and other minority groups that have been targeted by –

this –

... ideology.

He gives some reasons why Liberty Victoria do not support the bill for their own reasons. I tend to disagree.

The opposition does support this bill, but we believe it would be more effective if the government supported our two very reasonable, constructive amendments. As discussed, the first is to amend the bill’s definition of ‘Nazi symbol’ to insert the words ‘and associated with’ so that it reads ‘any other symbol used by and associated with the Nazi party’. The second is to amend the bill to provide for a police officer to have the power to direct a person to cease performing a Nazi gesture in a public place, with the same criteria that apply to cease displaying a Nazi symbol in a public place.

This is a bill that we support, and I would also like to acknowledge my friend and colleague David Southwick, who I know campaigned for many, many years for the government to take action on Nazi symbols in Victoria – something the government took up. And I think that his community in particular is going through a very, very difficult time at the moment, as are all communities, but certainly the feedback the opposition has received is significant. I am sure the government has been getting the same feedback from the Jewish community and Jewish community members who are concerned about the rise of antisemitism in Australia and are concerned with the rise of hate groups and neo-Nazis. I know this is something my friend Senator James Paterson has looked at as former chair of the federal Parliament’s intelligence and national security committee. It is a very serious issue where you have got these wannabe, loser neo-Nazis running around, very cowardly blocking their faces from view, spreading hate. That is not in the spirit of what I think is a very diverse state, a very multicultural state.

Unlike what these people spit out, our multicultural communities do not actually take anything away from our nation or our state. What they do is make our state richer, make our state more diverse and make our state more tolerant and I think more cohesive, because we are able to learn from so many different cultures. That is the beauty of multiculturalism: yes, we are all Australian, but within us are many cultures to celebrate, and to be able to celebrate that diversity I think is a really important part of the character of Victoria. To have these losers running around, clad in black or Nazi uniforms, doing all sorts of gestures, is deeply disturbing and something that must be stamped out. I think that this bill goes some way to doing that.



**Rachel PAYNE** (South-Eastern Metropolitan) (17:36): I rise to make a contribution to the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 on behalf of Legalise Cannabis Victoria. Appallingly, Melbourne has been labelled the neo-Nazi capital of Australia. This is a hard label to refute, given reports over the weekend of a group of masked men performing the Nazi salute at Flinders Street station and aggressively questioning people on the train about their faith and whether they are Jewish. In recent years there has been a steady increase in far-right groups in Victoria using the Nazi salute to promote hateful ideology.

The events that triggered the creation of this bill occurred at an anti-trans rally in March this year, where members of the National Socialist Network repeatedly performed the Nazi salute. These groups have been targeting our communities to incite hatred and fear, and they are doing so in an increasingly organised, violent and escalated way. First Nations people, the Jewish community, LGBTIQ+ people, people with a disability and other racial and religious groups have all been targeted by these attacks. This bill sends a message that this hate has no place in Victoria, and we are pleased to see the full force of the law being used to target these harmful, hateful symbols and gestures. In the context of this increasing hate and the need to curb far-right extremism, bills such as this need to be part of a wider, proactive and holistic response. This must include continued education about Nazi and fascist movements and their horrific consequences throughout history.

The Nazi salute that this bill seeks to prohibit is inseparably linked with the Holocaust. The atrocities committed by the Nazi regime were countless and marked one of the darkest periods of human history: the genocide of 6 million Jews, millions of prisoners of war and countless victims of other marginalised communities. To see the glorification of this history and the same hateful rhetoric and gestures in Australia all these years later is profoundly disturbing. These symbols and gestures target the very core identity of groups of people and vilify them for it. With this in mind, I am sure you cannot help but understand my frustration that we continue to wait on expanded anti-vilification protections. Every day we delay we allow this hate to fester. As I mentioned, the triggering event that caused the creation of this bill occurred at an anti-trans rally in March this year. The Nazi salute was just one aspect of the hate speech being directed at those trans Victorians on that day, and it is that hate speech more broadly that we so urgently need to address.

I spend quite a bit of time talking with particularly the LGBTIQ+ community. The response by the government to the hateful language and the rally in March has been 'We'll just ban the Nazi salute' rather than actually looking at the cause and effect and the vilification that is occurring and protecting those people that are being vilified. That is something that is incredibly frustrating for the community.

This matter has been the subject of a parliamentary inquiry, which was completed in September 2021. In the government's response they accepted recommendation 1, in principle, to extend anti-vilification protections in both civil and criminal laws to cover the following attributes:

- a. race and religion
- b. gender and/or sex
- c. sexual orientation
- d. gender identity and/or gender expression
- e. sex characteristics and/or intersex status
- f. disability
- g. HIV/AIDS status
- h. personal association.

The inquiry recognised that extremist movements cause harm to the community and that mainstreaming of marginalised homophobic and transphobic sentiments legitimises the kind of targeting of LGBTIQ+ Victorians that we are seeing. As this government have said in their response:

The harm caused by hate conduct and vilification can be profound, affecting the physical and psychological wellbeing of individuals as well as whole communities' ability to participate in daily life. Significantly, hate

conduct and vilification challenges the very core of Victoria's social cohesion through its inherent divisiveness and unequal distribution of power.

Delay is causing harm. I know the government are committed to extending anti-vilification protections to additional groups of people, pending a consultation process. It is a matter I have raised with the Attorney-General in this chamber on several occasions. I was grateful when she committed to an 18-month time frame, but I am not sure if that has since been walked back. What I do know is that it is over 800 days since the government accepted those parliamentary inquiry recommendations, while there are people in our community who are desperate to see reform occur. We need to expand anti-vilification protections, and those affected will benefit so greatly from a concrete time frame for this legislation. The fierce urgency of the moment is clear: when people seek to spread their hatred we must be firm in our position that this has no place here.

My electorate is one of immense diversity. Our diversity is our strength. It should be embraced, and we should all work towards a shared future of our nation. We must stand against those that seek to divide us. Accordingly, Legalise Cannabis Victoria lends its wholehearted support to the bill, and we hope to see the government soon deliver more to stamp out far-right extremism, vilification and hatred.

**David LIMBRICK** (South-Eastern Metropolitan) (17:43): History rarely sides with the censors. This bill and the way it has come before this Parliament as a knee-jerk response I think is ill considered, counterproductive and frankly dangerous. We have already heard from the government that their banning of the swastika, the Hakenkreuz, last year has been totally ineffective. In fact incidents by these losers – they call themselves the National Socialist Network, these losers, or I would call them clowns; losers, as Mr Mulholland calls them – have only increased, because what has happened is they have goaded the government into a response. They have responded once already with the ban last year, and now they are responding again. So firstly the government set the precedent of banning symbols, to which their response was to immediately just change to another symbol – totally ineffective. Now we are setting the precedent of banning gestures. Of course these clowns last weekend thought they would get in a last hurrah before the ban goes in.

What I would say is dangerous here is that this is totally counterproductive. I know that Liberty Victoria agrees with me on this. Mr Mulholland referred to their views on this: banning expressions of someone's beliefs does not change those beliefs; far more work is required to do that. I do not think that banning the way that people express themselves with symbols or gestures is going to in any way deradicalise them. In fact it is going to push them underground and give them the victim status that they crave, and most dangerously of all, I am concerned that it is going to create a martyr here, because someone eventually is going to test this law. Is that really what we want here? Do we really want someone going to jail for this? Because I think that that would be wholly counterproductive.

On another note, there is a very, very clear tendency, primarily amongst the left, to smear anyone that disagrees with them as a Nazi, and this includes the government itself. I can name a few instances of this. This totally undermines what the government claims to be a serious view of this hateful ideology, smearing anyone that disagrees with them as a proponent of it. I will give you a very good example of this. Back in September 2021 there was a protest. It was out the front of the CFMEU office. There were a bunch of people down there, and I and a few of my staff went down there to watch what happened. I go to protests a lot because I do not trust the government's view on things and I do not trust what the media reports, so I went to see it with my own two eyes. What I saw was a bunch of workers who were upset with their union. The media only really reported on one thing that they were upset about, which was vaccine mandates. They were upset about another thing as well. They had two demands; the second demand got memory-holed. The second demand was that their lunch sheds be reopened. They were upset about this right that they had fought long and hard for, to get the lunch sheds – upset that they could not use them. If you cast your mind back, you will know that the week before that they were actually going out on the street and setting up tables on the tramlines and stopping traffic because they were upset about the sheds being closed.

This escalated because these people were demanding that their union support them. They wanted to march on Parliament, and they wanted to go on strike until these demands were met. The union clearly did not want to go on strike, and what happened after that was there was this apparently coordinated campaign to say that there were Nazis there amongst the crowd. All the many unions put out media releases. The government even started talking about it. Everyone started talking about those Nazis there. Well, I can tell you: I was there, and I did not see a single Nazi. In fact they all looked like tradespeople as far as I could tell. I did not see any Nazis. In fact I got people calling up my office the next day – these were union members – who were upset with the government. They were saying, ‘My grandparents fought against Nazis, and I am outraged that the government would smear my union comrades as Nazis.’ They were absolutely outraged by what the government did – but go ahead they did.

Fast-forward to March this year, to the Let Women Speak rally, where a group of women wanted to talk about what they saw as the clash of rights between women’s rights and transgender issues. This is an entirely legitimate discussion to have and something that these women wanted to speak about. I was there also to listen to what they had to say. I did not hear anything that I would classify as hateful. But lo and behold, a group of men turned up – about a couple of dozen men dressed in black. I saw them. No-one knew who they were. In fact no-one actually knew what Nazis looked like because people had been pointing at everyone and calling them Nazis for so long that we did not actually know what they looked like. So everyone was quite shocked when they saw them unfurl an awful sign and start doing Nazi salutes. Many of the women that were speaking at this event were already being shouted down by people across the road – highly authoritarian activists who just simply want to shut women up that want to talk about this. Many of the women could not actually see these men who were standing sort of adjacent to them because they were worried about their own security issues. What happened after that was absolutely appalling. The Premier himself started talking about how Nazis had turned up and how these women were associated with Nazis, and lots of people started associating them. These women that turned up to talk about women’s rights were drowned out by a group of men who were going there and doing this crazy stuff.

By smearing people like this, unjustifiably, these people have inadvertently – and I include the government when I say ‘these people’ – empowered these groups with this sinister ideology to cancel anything that they choose just by turning up. We have to clearly state – whether or not you agree with what the women were saying there that day – and we have to clearly differentiate that this group of Nazi clowns that turned up had nothing to do with those women. They were not organised. They had nothing to do with it. They were totally separate. They got hijacked by it, and then that was the story and it led to all these problems.

I know that Mrs Deeming got criticised because she did not call out these Nazis immediately, and she had the very principled response: she considered it a very grave accusation and wanted to make sure that she was actually correct before making that accusation. I wish the government would take that advice – and many from the left, because I know many of the activists that were there shouting down at those women that day were calling them Nazis as well. Maybe people should think twice before throwing that accusation – that grave, grave accusation – about the hideous ideology that has caused so much harm to so many people. Maybe people should think about it a bit more. But I think that what we are doing here, what this Parliament is doing here, setting a precedent of banning symbols, is dangerous and it is counterproductive. You are going to create martyrs, unfortunately, and I just think that this is exactly the wrong way to go about deradicalising these people. I know that there are many other people that agree with me on this. Many people are too scared to speak the truth about this stuff, but I will be opposing this bill. I think it is counterproductive. I think that there are better ways to do this. I think that this is a kneejerk reaction. It is poor legislation, and it should be condemned.

**Sheena WATT** (Northern Metropolitan) (17:52): I rise to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, and in doing so I would like to note to this chamber that there is no place for hate in Victoria, not now and not ever. We have all witnessed many incidents

throughout this year when Nazi symbolism, such as the Nazi salute, has been used to intimidate, harass and incite hate all across our state. This has been directed towards various Victorian communities, including the Jewish community, the Aboriginal and Torres Strait Islander community, the LGBTIQ+ community, people with disability as well as other multicultural, racial and religious faith communities. Simply, this is not acceptable, and our government will not stand idly by and let these disgusting behaviours continue.

Victorians deserve to feel safe and feel accepted. It is what makes the state what it is, and the Allan Labor government is fulfilling its commitment to making this state welcoming and inclusive. This bill will make it an offence for a person to intentionally display or perform these heinous acts and symbols in a public place, a non-government school or a post-secondary education institution or in sight of a person in a public place, a non-government school or a post-secondary education institution. This bill before us sends a clear message, denouncing Nazi ideology and the use of its gestures and symbols to intimidate, incite hate and harm others. The offence is accompanied by powers for Victoria Police to direct a person to remove a Nazi symbol or gesture from public display. Our state here draws its strength from its diversity, and any attacks on that will not be tolerated in any form.

As the chair of the Anti-Racism Taskforce, I have firsthand experience of both the negative impacts these reprehensible behaviours have on Victoria and the positive impacts this bill will contribute to the social cohesion of our state. Social cohesion is precious, is fragile and needs constant attention and care. For Victorians, we take this so very seriously. Many of our multicultural and multifaith communities can take this very seriously and step up to be part of the constant vigilance required to keep our cohesion, as valued as it is. To those members who have joined me in the work of the Anti-Racism Taskforce over the last two years, I give my thanks to you. Thank you for sharing your insights, the aspirations and sometimes the sorrows of your communities as you join us to dream of a better future for our state. From all corners of our state, you have joined with us. For some, it was your first chance to share a room and a cuppa with someone new from our big multicultural family.

I will take this time to give a particular shout-out to a member of the taskforce. My deepest thanks go to Rabbi Gabi Kaltmann. Rabbi Gabi of the Ark Centre in Hawthorn East has so generously shared his Jewish culture and faith with us over this time. It was Rabbi Gabi that hosted the first ever Shabbat–Iftar, a really special evening of cultural and religious exchange, an evening that I will cherish forever. I know that Rabbi Gabi and his community are hurting right now, and I send to him and to the members of the broader Jewish community my deepest sympathies. I will go back to the bill, because I do not want to start on that with where I am at the moment.

The benefit that Victorians, especially those from marginalised communities, will receive from this bill before us cannot be overstated. It will give Victorians the assurances they need to feel safe, secure and welcome. An immediate response is required to initiate an immediate stop to the community harm and outrage being caused by groups using the Nazi salute to intimidate and incite hatred. This bill forms part of a range of initiatives that the Victorian government is developing to prevent and address racism and vilification in our state. These initiatives are a clear indication of the work this government does to stamp out this hateful, hateful ideology.

The Allan Labor government is committed to developing a new statewide anti-racism strategy to proactively prevent and address racism in our state. The Anti-Racism Taskforce is leading this work. I am sure we can look forward to seeing that very soon, and we will be meeting with the new Minister for Multicultural Affairs about that in the coming weeks. Once this strategy is completed Victoria will have even broader strategies to protect Victoria's most marginalised communities from the vile actions that we have seen take place here in Melbourne. These ideologies only exist with the intention to harm and divide, and we will not let this happen. We will ensure that Victorians know that this government is here for them, their friends, their family and the people that matter to them, and this bill will solidify that.

The bill will also complement a suite of reforms the government is undertaking to strengthen our anti-vilification laws and address the underlying causes of hateful behaviour, with consultation underway via Engage Victoria, an important tool in fighting hate within the state – so get on board if that is of interest to you. We need to send a clear and urgent message that Victoria will not tolerate hateful conduct so that anyone undertaking this disgusting and reprehensible behaviour will understand that there are consequences for these hurtful and divisive actions. The abhorrent display of the Nazi salute on the steps of Parliament earlier this year was revolting and highlighted the need to create laws to ban this hateful, vile conduct. Nazi symbols and Nazi gestures represent the mass atrocities committed during the Holocaust, and their display does not meet the reasonable community expectations of the way we conduct ourselves in political debate and expression. Victorians agree that there is no place for these symbols and gestures in our community, and we stand side by side with all Victorians and say we will not tolerate these symbols of hate.

The bill will prohibit the public display or performance of any symbol or gesture used by the Nazi party and its associated paramilitary groups. This practical and meaningful step in the right direction will ensure that Victoria remains a bastion of acceptance and safety for our marginalised communities. We simply cannot and should not accept the use of Nazi symbols and gestures – particularly the salute, which is loaded with the history of the Nazi regime and its ethnic cleansing agenda – to convey messages of hate and intimidation. As a government and as a state we categorically disavow this behaviour and these ideologies. The harm, the trauma and the pain that these gestures and symbols bring up for so many in our community are why this bill is so integral. It will keep our community safe and secure and reinforce to everyone in this state that this has no place. That is what the community wants in Victoria, and that is why we are here really.

Over 80 stakeholder groups were approached to give their thoughts on the changes. There were round tables held with Holocaust survivors and member organisations, the Jewish Community Council of Victoria, legal and human rights stakeholders, LGBTI organisations across our state and Aboriginal and multicultural communities. Listening to the communities that will be most affected by this change is a commitment of this government. We listen to communities and to Victorians, and we always will do what matters to them. Let me just say there are a number of stakeholders involved in this. They include the Jewish Community Council of Victoria, the Office of Public Prosecutions, Victoria Police, the Victorian Equal Opportunity and Human Rights Commission, Victoria Legal Aid and the Magistrates' Court. There are so many that gave their time and consulted so deeply with those that they know and represent, and I say thank you to all of them.

This bill forms part of the anti-vilification reform package in addressing hate speech and hate conduct in our state. I am thankful to and commend all the ministers so involved in the creation of this bill on their efforts in making Victoria a more welcoming environment. The efforts of this government, my fellow parliamentary colleagues and members of our community and leadership in actively fighting hate and division have been nothing short of outstanding. There is time to reflect on the work done previously in the parliamentary inquiry into anti-vilification protections, so thank you to the committee members for that work.

Can I just say as recently as this weekend just gone we saw hate and division being spewed out in the CBD. It makes it a tough place to go. It makes it not the sort of Melbourne that we all know and love. This behaviour is why we need this bill, why we need these changes. It is clear that we need to act and act with urgency. These changes, commitments and more importantly the actions of the Allan Labor government have been undertaken to ensure that Victoria remains a place deeply and profoundly committed to acceptance, safety and inclusion. This, the summary offences amendment bill, is yet another example of this government doing what matters and doing what needs to be done. Racism, hate and vilification have no place in Victoria. This is a state of welcoming, of belonging, and we intend to keep it that way. I commend this bill to the chamber.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (18:02): I rise to speak on this very important bill at a very disturbing time in our own history. The Summary Offences Amendment (Nazi

Salute Prohibition) Bill 2023 has a purpose to amend the Summary Offences Act 1966 to make the public display or performance of Nazi gestures an offence and also to extend the application of the offence of public display of Nazi symbols.

This bill is relevant now more than ever with what we are experiencing worldwide and with the terrifying situation currently taking place in Israel. The horrific atrocities in Israel are proving to be triggers for some antagonists in our own country who have been found to be taking on these symbols of hate, like the Nazi symbols and the Nazi salute. As an opposition we support this ban of the Nazi salute, because such symbolic actions serve to incite hate and violence and cause untold pain to decent everyday citizens, especially those who have lived, or are descendants of those who have lived, through the Holocaust and its atrocities. Many of them can be, and many are at this time, experiencing trauma as these memories are being triggered not only by what has been happening here but also by what has happened and is happening in Israel. Ordinary, everyday citizens have been badly impacted by what can only be described as a failure to instantly stamp out behaviour. Police have been, perhaps, unprepared. In the interests of democracy, they have perhaps allowed in public places people to publicly humiliate others with such symbolic gestures. We recognise that this must stop. These actions have no place in this country or in any country for that matter.

This bill gives Victorian police the power to direct a person to remove a Nazi symbol or gesture from public display and gives police the power to arrest and lay charges. The penalties for the performance or display of a Nazi symbol or gesture in public will be high, as they should be, including fines of up to about \$23,000 or 12 months imprisonment or both. We need to send a message that these acts are violations of human decency and do need to be punished.

On 13 October, the ABC reported the passing of the Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022 in the upper house in New South Wales with unanimous support. I only mention New South Wales because the Jewish Board of Deputies' Darren Bark said that this was long overdue. This is a quote that I have from him:

Nazi symbols are a gateway to violence and are used as recruitment tool by extremists.

Racial violence or the incitement thereof should not be allowed to grow, and by stamping out any form of this type of behaviour we send a message, as a state, that antisemitic behaviour is not going to be accepted in this state.

International reports by Australia's counterintelligence have previously warned that cases involving neo-Nazi cells and other ideologically motivated groups have been growing. Organisations now spend a lot of their time on domestic anti-terrorism. In June the Australian federal government announced it would ban Nazi symbols, with a punishment of up to a year in prison, but left it to the states and territories to decide whether to ban the Nazi salute. Last year Victoria became the first Australian state or territory to ban the public display of the Nazi symbol following recommendations from a cross-party inquiry into anti-vilification laws, and I commend the work of the Parliament for that. This was a situation where all sides needed to come together as one, working with all multicultural leaders on these types of reforms.

The Anti-Defamation Commission chair, Mr Abramovich, said that seeing the Nazi symbol tore a hole through Jewish people's hearts. I am a person who went to school with many Jewish people and who has many friends throughout the Jewish community. I have enjoyed spending time with them – celebrating Passover with them over the years and even being invited to bar mitzvahs and to attend synagogue – and I know that they are very traumatised by what has been happening. There are incidents that have been occurring in Melbourne on our train stations. People are feeling threatened. People are being accosted and asked if they are Jewish. The terror that must go through people is just unfathomable.

As a person who has talked about the Holocaust and who has spent a long time privately researching and looking at images of what took place during the time of the Second World War, a photo can speak

a thousand words. I have read the stories and taught the stories to young people, and I have spoken to Holocaust survivors over the years. I still remember the first time, as a girl, I went to my friend's house and saw the tattoo on the arm of her grandmother. I did not know what it was. I asked my friend about it, and that is when she mentioned the Holocaust. I remember going home to my parents and asking more questions because I could feel that it was something I was not to ask anything more about in my friend's home. It has left such an imprint on me. I will never forget the moment that I saw that tattoo for the first time. I consider myself very fortunate and privileged to have had the opportunity to have friends, colleagues and other people that I have spent time with who are Jewish. I think it is a wonderful community. It is very diverse, and it is very rich in its history and tradition and symbolism.

I can say, going back to Mr Abramovich, that when he talked about campaigning on these bans, he said that displays from Nazis have been distressing to Holocaust survivors:

We have seen a resurgence of the white supremacist movement here in Australia, becoming much more agitated, much more angry, taking their online activity into the real world, taking their activity to the steps of the Victorian Parliament House, doing their Heil Hitler salute ...

Holocaust survivors who never imagined that in their lifetime, they would see the offspring of Hitler, marching through the streets, giving this salute, and trying to resurrect the ideology of extermination.

For them, it's like being threatened with a gun. There's a hole in their heart.

According to Lydia Khalil in the *Age* on 29 March this year:

Expressions of Nazism are ... a form of rebellion and subversion for young men in particular. Many have no real understanding or perspective on these symbols' terrible history. Banning them only makes them more seductive.

But I think we really do not have another choice at this point in time than to take a strong stand. I think that the actions that we are taking are incredibly important. As we know, at the moment Jewish schools and other cultural institutions across Australia are having to add extra security measures. Parents are known to have kept their children home from Jewish schools, and students who are attending are fearful. Many students in Jewish schools now are not wearing their uniforms because it would distinguish them as Jews. Is this something we really want for our great state? Absolutely not. That type of terror and fear is coming I know from the attack in Israel, but this is all connected, and I think that is something that we need to be very aware of. Any memory of people being exterminated simply because of their race is just unacceptable. It is inappropriate. We have to do whatever we have to do in order to protect humanity.

In South Yarra last week there was a reported incident where a car of young men stopped and asked a pedestrian where the Jews live, so they could hunt them down and kill them, allegedly. Also allegedly, 25 people dressed in black made Nazi salutes at Flinders Street station and expressed antisemitic sentiments. Similar incidents have occurred in Sydney, where it was reported that 'death to Jews' chants were heard at a pro-Palestinian rally. The Nazi salutes on the steps of Parliament in March and these recent train incidents are things that have been really haunting us as a state. This is not the Australia we have come to live in. It is not why people have come to our nation; no-one wants to live like this. As members of Parliament, outlawing this type of behaviour is incredibly important, because we cannot let these sorts of ideologies, so different to our own and our way of life, gain hold in this country. We should outlaw all evidence of hate and the persecution of any peoples. We need to continue to be a humane society, and people need to be protected.

As we once again reflect on the recent barbaric terrorist acts in Israel that demonstrate extreme terrorism, violating human rights, when Jews feel threatened with genocide – and they have actually experienced it again; this is the worst example, as it has been said in this house, since the Holocaust – we have to take adequate protective action to help our communities feel safe. Banning the public performance of Nazi military symbolism and the public display of the Nazi salute is a step towards this. This bill is supported by both sides of politics, and I want to thank all those who have worked on this bill and consulted to create it. I commend this bill to the house.

**Rikkie-Lee TYRRELL** (Northern Victoria) (18:14): I am rising today to oppose the government's move to ban the Nazi salute. Let us get one thing straight first, though: I am in no way, shape or form a supporter of anything that promotes or enshrines the symbolism of the Nazi movement and their genocidal history. I find myself conflicted in fact on how I should stand on this matter today. On one hand I do not wish to see the Nazi salute or symbolism being used in our society to incite fear or dominance or to terrorise Victorians. On the other hand I do not wish to see the liberties of Victorians being further eroded.

Symbols and bodily gestures such as a salute are but one thing an individual utilises to express their opinion and stance on an issue. This may incite offence, fear or an emotional response in others, but it does not physically harm them in any way. It does not damage an innocent party's property nor enforce any economic detriment. If this bill is successful, it will not stop members of these extreme Nazi groups creating and using other means to express themselves. If this bill is successful, which I believe it will be, where will we draw the line on Victorians' freedoms? Will we continue to take liberties from Victorians if they may cause offence? Will we see a gross overgovernance if the public do not conform to government agendas? Will we continue to see an authoritarian dictatorship being rolled out over time? I fear that this is just another step towards the liberties being stripped from our free society.

Acknowledging that I believe this bill will pass with or without my vote, I do believe that the opposition's responsible amendments warrant my support. However, I will not be supporting this bill in its current form today. This bill will not solve the problems it seeks to address.

**John BERGER** (Southern Metropolitan) (18:16): I rise before Parliament today to contribute for the government on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. But before we begin I would like to say that it has been a hard week for my community of Southern Metro, and what is worse is that this poison has infected our shores. With your indulgence, Acting President, we have seen ignorance on our streets. We saw people at the opera house chanting things that I will not repeat in this chamber as they do not bear repeating anywhere. Antisemitism is the world's oldest form of discrimination. It has existed since the times of ancient Egypt, which is why this bill is appropriate to be debated now and needed.

Earlier today we saw this chamber come together in solidarity and unity across the chamber to mark this tragic event. When I attended the Caulfield Shule last Monday night I was joined by one of my staffers. His name is Zac, and he is Jewish. His dad is Israeli, and his family has many members that are currently serving in the Israel Defense Forces. This is near and dear to him, and his advice and his education on this to me have been eye opening. It was also great to be joined by my colleagues in the chamber from across the aisle – people like Mr McGowan, Dr Heath, Ms Crozier and Mr Bourman – who came out to express their support and their solidarity with the Jewish community and to stand in unity at what was an emotional, touching and jarring event. This is why this bill is needed.

These people claim to be Australian patriots. They fly the Australian flag whilst also chanting Nazi slogans and making Nazi salutes. It is a disgrace. There is nothing Australian about it. Australians fought under our flag. Our diggers fought under the Southern Cross against that signal and party, that evil. I am a big supporter of the shrine. The shrine is an important station to my office, against that evil, against those slogans. So this bill should be universally supported, and it needs to be supported now more than ever. I am proud to stand in solidarity with the Allan Labor government to continue to combat all forms of racism, antisemitism and vilification in our state and ensure all Victorians feel safe and accepted in our communities.

This bill will amend the Summary Offences Act 1966 to make the public display or performance of the Nazi salute or other gestures used by the Nazi party a criminal offence and to extend the application of the offence of public display of Nazi symbols and for other purposes. It will be an offence for a person to intentionally display in a public place or in sight of a person in a public place a Nazi symbol or gesture, particularly if a person knows or ought reasonably to have known that the symbol or gesture is a Nazi symbol or Nazi gesture. The offence is accompanied by powers for the Victorian police to



direct the person to remove a Nazi symbol or gesture from public display. But I do want to note that the bill requires the written consent of the Director of Public Prosecutions before the commencement of a prosecution of a child for an offence. Police have existing search warrant powers under section 465 of the Crimes Act 1958 and will need to apply to a magistrate. This means the police will continue to need a warrant to enter a premises to search for and seize a Nazi symbol or gesture.

We do know that there will be existing exceptions for different versions of the swastika, but other Nazi party symbols and gestures will be covered under this bill. They include the SS bolts symbol; the Nazi skull, which was also used by the SS; and any other symbol of Nazi paramilitary organisations. However, it will ultimately be up to the court to decide which symbols or gestures were used by the Nazi party, particularly when the display of a Nazi party symbol is engaged reasonably in good faith for genuine academic, artistic, educational, journalistic or scientific purposes, and sometimes a symbol or gesture may be applied or used to combat fascism, Nazism, neo-Nazism or related ideologies. But the exceptions for the performance of Nazi party gestures have been narrowed, with exceptions for religious, cultural and other purposes applying.

The performance of a gesture in opposition to fascism, Nazism, neo-Nazism and other related ideologies also applies, and the risk of innocent gestures being captured by offences has been mitigated – for example, hailing a taxi at a taxi rank. It is highly unlikely that anybody observing a person hailing a taxi at a taxi rank would consider that a gesture. That is why the context in which a gesture is performed is critical to understanding whether an offence has been made. So we have built in provisions and safeguards through the knowledge and intent elements of the offence. For an offence to be made out, a person must intentionally display it in a public place or in sight of a person.

Banning the Nazi salute in Victoria will provide a legal remedy for acts of vilification and the promotion of genocidal symbols. There is no other way of putting it: Nazi imageries are symbols of hate, bigotry and indeed of ignorance. As recent events have shown, Australia has a long way to go to combat racism and vilification. It is important in such times as those we are currently facing to unite against displays of hatred. There is no place in Australia for those symbols that glorify the horrors of the Holocaust – not now and certainly not into the future. This gesture has the power to incite hate in the same way that a word can incite an action. It reminds us of what can only be described as one of the darkest times in our history and reflects the absolute horrors of the 20th century which were recorded. We are making sure that people who use such gestures to harass, intimidate and incite hate are held accountable for their cowardly behaviour.

The Executive Council of Australian Jewry's most recent report on antisemitism in Australia, which covers the period between October 2021 and September 2022, notes 478 antisemitic incidents logged within that period. That is an increase of 6.9 per cent over the overall number of reported antisemitic incidents compared to the previous 12 months, and that in itself was a 35 per cent increase over the number of recorded incidents in 2020. Of those incidents, 170 occurred within our state. This shows that we sadly have an antisemitism problem in Victoria. There is a need for this bill.

This is an important and significant bill, a bill that stands against hate, stands against violence and stands against evil acts committed against innocent people. This is a piece of legislation that will help to combat racism, vilification and far-right extremism in our community. It will not eliminate the existence of neo-Nazism, but it will deprive them of the use of the symbols which incite hate. Most importantly it will send a clear message to everybody that neo-Nazism is not only unacceptable but abhorrent.

History has shown us how dangerous participating in actions associated with Nazi and neo-Nazi ideologies can be. We know the harm caused by the conduct of hate and vilification can be profound, and it can affect the physical and psychological wellbeing of individuals and often prevent them from feeling comfortable and participating in their communities. Holocaust survivors and their families should never have to experience the hateful behaviour of those few in our community that continue to promote such beliefs. It is our obligation to act and protect our communities. The ultimate gesture of

inhumanity will never find refuge here. For our Jewish community, the Nazi salute is more than just a symbol, it is a reminder of the danger that hate and discrimination pose to our society. There is no place for this hate within our community. An attack on one community is an attack on all communities, and we should never forget that.

With this legislation we will fight those who seek to divide. This landmark reform sends a clear message that the public display and performance of Nazi gestures has no place in Victoria and certainly has no place in my electorate. What this bill does is send a strong message and clear message that intentionally performing Nazi gestures will not be tolerated in this state. The vilification of our Jewish community will not be tolerated. Intimidation toward our fellow Victorians will not be tolerated.

This bill is of great importance to the Jewish community, and I want to acknowledge certainly the large and vibrant Jewish community within the Southern Metropolitan Region, my electorate, which is home to the largest Jewish population in Australia. This community has historically suffered in a way that very few have, and to be able to build a new life and contribute to this society in all aspects, whether that be economically, academically, in the arts, in the community life or in sports, highlights a sense of pride and celebration for me as a local member but also for Victoria as a whole. Certainly in my time as a member for southern region I have enjoyed being involved in community events at the local synagogues or at Jewish social service organisations or meeting with proud Jewish people who live in and around Southern Metropolitan electorate. For instance, there is the Jewish Arts Quarter, which I visited twice this year, which means so much to my community of Southern Metro. It is a credit to the City of Glen Eira, the Jewish Museum of Australia, Kadimah and many more for getting it off the ground. I want to pay tribute to Gary and Kylie for their work on this, and it is the same with the Holocaust centre educating the next generation.

I acknowledge the antisemitism faced by university students particularly at this time, and again I call on universities to adopt the International Holocaust Remembrance Alliance definition of 'antisemitism'. I know this bill will mean so much for those individuals and those groups and the wider Jewish community.

Victoria is a proud multicultural and multifaith state, and it is because of this that our government is committed to protecting the rights of all Victorians to be free from racism, vilification and hatred and to ensuring everyone feels welcome and accepted in this state and of course in this country. We are working with our partners in the Commonwealth closely on this, and I will speak about the Commonwealth and their approach shortly. But I want to say this first: the bill does not apply to online displays of Nazi symbols or gestures, but the Commonwealth government is committed to introducing legislation to prohibit the public display of these evil symbols, including two Nazi symbols that I have mentioned before. The Commonwealth will also prohibit the sale of memorabilia featuring these two symbols. This includes the sale of memorabilia in the real world and online trading through sale and leasing out. So you will hear it loud and clear: whether you were born here or you were born overseas, whether you are Jewish, Muslim, Hindu or Buddhist, no matter what your religion, faith or colour – you belong. The rise of antisemitism incidents and trends is unacceptable.

Yesterday I listened to the Honourable Tony Burke speak in the Australian House of Representatives, and he spoke of fear. He said:

There is also the ongoing grief for loss which is not loss of life but is the permanent loss to people through all the fear which lies ahead. There is the fear of something as joyous as a music festival being something where people will feel they cannot relax; the fear of something as routine as attendance at a pizza shop; the fear of being confronted at a checkpoint; and the fear of sleeping and not knowing whether, by the time morning comes, a bomb may have struck or a knock on the door may have come saying that your home is to be demolished. There is the base fear of the constant risk of terrorism and the base fear of living with a seemingly endless occupation. All of those fears are something now that will last longer as a result of what has just occurred.

But rest assured that I, with the Premier and other senior people in the government, including the Minister for Multicultural Affairs, will continue to take real action to ensure that Victoria is a safe

space for all diverse communities that will prosper. We will continue to consult, listen, work, understand and be informed by stakeholder feedback on this bill. We have been working on this for a long time. Feedback has been sought from Jewish and other faith religious groups. That includes legal scholars and academics, human rights activists and stakeholders, our First Nations and multicultural communities and other legitimate stakeholders that may be affected by this, including the arts sector. Through that, we have held 15 consultation meetings, and a confidential consultation paper was sent to 82 stakeholder groups. On top of that, round tables were held with a group of Holocaust survivors.

**Sitting suspended 6:30 pm until 7:33 pm.**

**John BERGER:** We have held 15 consultation meetings, and a confidential consultation paper was sent to 82 stakeholder groups. On top of that, round tables were held with a group of Holocaust survivors and member organisations of the Jewish Community Council of Victoria. Through that engagement I am confident that we have crafted the best bill. This bill will set the standard, making it very clear that there is no place for hatred in our community. Again, I want to reiterate to the Jewish community in my electorate of Southern Metropolitan Region: you will always have my support.

This bill will come into operation on the day after the bill receives royal assent, and I look forward to seeing it work. I will fight to ensure that you can live your lives free of violence, free of intimidation and free of humiliation. I am extremely proud to see this government be one of the first in Australia to take a stand and ban the public display of Nazi gestures, historic symbols of hate which do not belong in this state, nor in our nation. This bill is another way that we can really send the message that Victoria is a welcoming place. We are proud of our multicultural roots, and we are proud of the diversity of our community. This amendment bill acts to protect this, and I am honoured to wholeheartedly support it.

**Nicholas McGOWAN** (North-Eastern Metropolitan) (19:35): Thank you for the opportunity to speak on this important bill. It took some deliberation for me to consider what I might say tonight. In truth I started with David Goldberger. Those here tonight might not be very familiar with his name, but he is a very prominent Jew in New York and he is certainly famed in the United States for his role in what is called the Skokie case. The Skokie case was where David and his organisation defended the rights of – believe it or not – neo-Nazis to demonstrate. Looking at his example and starting with that point of reference I spoke to very close friends of mine, two of whom are the children of survivors of Auschwitz. And then we obviously had an internal discussion within our own party – and that is an important part of any democratic process; I am sure everyone here would agree with that.

It is clear tonight that not only given recent events but historically this bill has a place, but I think it is also important that we do not just look back to 18 March 2023, as some have perhaps done – and that is not a criticism of them – because I think it is important in this place that when we talk about the past we do it in a manner which has due regard to all of our past. It gives me no pleasure to remind this place of some of the less savoury moments that we have all been witness to. I go back to my childhood in 1990 with Premier Joan Kirner and the Hoechst dispute. For those of you who do not recall the Hoechst dispute: unfortunately, a number of people, as part of demonstrations, chose to use and adopt the salute. At the time this was a very prominent issue in the media. It was prominent because the Premier at the time failed to criticise those actions, the use of the salute in that context. I think that is important, because people have to understand when and in what context the salute is used. That should not be misinterpreted by anybody here as an endorsement in any way, shape or form. It is not. I abhor the salute.

Fast-forward to November 1992, after the election victory of 3 October 1992, when the Kennett coalition government came into power. It is a day in history perhaps unparalleled in this state and maybe unparalleled in the country: more people than ever before in this country adopted and used the Nazi salute on the steps of Parliament. There was a massive, some say a 100,000-person, march and rally that day. Many of those protesters, protesting against the government of the day, carried signs with all sorts of derogatory, insulting slogans, most of which I will not repeat, but certainly one of them was ‘Victoria: the Hitler state.’ That was November 1992 – ‘Victoria: the Hitler state.’ Now, I

understand the context in which that was used. In fact I observe that that is perhaps the occasion that most of us in our lifetime would have observed the salute – that is, people giving the salute in disgust as a sign of the ultimate insult because that is what that person, in giving the salute, thought of the other person and their actions. It is a certain kind of irony – a sad one at that. Then we had nothing less than a salute in one of these chambers – and that too received media attention – in 1994. That member of Parliament then went on to become a police minister. I will not name the member, because we all know who it is, and if you do not, you can google it and find out pretty quickly. In the chamber they gave a Nazi salute. These were unimpressive acts.

Nonetheless, the actions this year of a group of black-clad, masked men demonstrating on the steps of our Parliament have triggered a further national debate. This year, as many have already observed in their own speeches, Tasmania became the first Australian state to ban the salute. From now on in Tasmania first-time offenders will face a fine of up to \$3620 or three months in jail, and these penalties will be doubled for subsequent offences.

Victoria, as has been said today already, has already banned the use of the Nazi swastika, and today we debate the banning of the salute. To my mind, arguing for a ban of the Nazi salute, in fact all Nazi symbols, is easy. The ideology of racial superiority that such symbols represent is abhorrent to all fair-minded Australians. I am mindful that Nazism was not just an ideology about racial superiority, it was also about the state having total control over what the German people could say and do and what they could not. I am also mindful that banning the salute does not ban Nazism. We cannot and will not, despite all our best efforts, legislate our way out of hate. We cannot and must not be lulled into thinking a ban alone will solve the problems we are increasingly facing here in Victoria, Australia and across the globe.

Like all speakers before me, in fact most, I too acknowledge the importance of the protection of the civil liberties of each and every one of us. I acknowledge too that it is these individual civil liberties which are central to limiting the power of the state and keeping a check on its capacity to decide and tell its citizenry how they can express themselves. But society too has a responsibility to ensure incitement to violence and threatening behaviour cannot be allowed to masquerade as free speech or a freedom of expression that we find in any way tolerable. Yet I do have my fears. I do fear that by banning it we believe we are somehow controlling the imagery. I do fear that by banning it we believe we are effectively controlling the ideology and in some way preventing it from perpetuating. None of these things can be said to be achieved from a ban alone.

**Moira DEEMING** (Western Metropolitan) (19:43): As I have said many, many times before, Nazism is the benchmark of all evil in society, which is why accusations of Nazism and antisemitism are so serious. Nazism is the most serious and odious accusation that can possibly be made against a person, which is why it must never, ever be made without basis or used as a political football. To do so would be deeply disrespectful of the suffering that Jewish people have endured throughout history as well as entirely cruel and unjust to the innocent victims.

These last few months have shown us that the evil ideology of antisemitism is not a nightmare of the distant past, with Nazi salutes and public incitements to gas and exterminate Jewish people happening on the streets of just about every country in the world. These things have shocked and horrified us all. But it was on 18 March that I, for the first time in my life, witnessed a Nazi salute, and that was just outside Parliament House. I could not believe my eyes. I condemned the act as vile that day and then repeatedly in the days and months that followed. And yet following that first disgusting Nazi salute, this government chose not to fly the Israeli flag above Parliament House but the trans flag. And just as confusingly, even though I am part Māori and was raised in part by my Holocaust survivor uncle, even though my children have Jewish blood, even though I took in a Vietnamese asylum seeker to live with my family and nursed him through cancer and VCE, and even though I was just an innocent bystander who had nothing whatsoever to do with Nazism, those vile men or that vile Nazi salute, I found myself being condemned as a wilful associate of Nazis and antisemitism. The impact on my family has been horrendous.

People here have spoken about the power that words, labels and symbols can have to vilify and to incite hatred and violence against innocent people, and that is why I do not want to ever see another Nazi salute tolerated in public again. But that is also why, now that I have experienced real vilification and hatred and incitement to public violence from people who have been led to believe that I am a Nazi sympathiser, I want to ensure that, if we are going to try and quash or deter Nazism or any other form of hateful bigotry in this state, we take responsibility and be careful to aim our measures and our condemnations at actual perpetrators rather than those with whom we simply disagree, because that would be the absolute height of hypocrisy. Worse, it would only add to the volume of bigotry and hate in our society, and as we have just seen throughout these horrendous past weeks, our society is actually desperately in need of genuine tolerance.

**Council divided on motion:**

*Ayes (34):* Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Sarah Mansfield, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (2):* David Limbrick, Rikkie-Lee Tyrrell

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1 (19:55)**

**Evan MULHOLLAND:** I only have a couple of questions, and I will be quick for the assistance of the chamber. Attorney, we are concerned with the breadth of the definition of ‘Nazi symbol’ as ‘any other symbol used by the Nazi party’. We are concerned that there are many symbols that may have been used by the Nazi party in various forms – for example, the Star of David – but that should not be banned as Nazi symbols. As you may know, we have an amendment to improve the definition. As such, our amendment states it should read ‘any other symbol used by and associated with the Nazi party’ so as not to capture symbols like the Star of David. Why do you believe these symbols would not be captured by the definition in the bill as it stands?

**Jaclyn SYMES:** Thank you, Mr Mulholland, for your question and for flagging the intent of the Liberal amendment. As you would know, the bill is part 2 effectively of where we have got to in dealing with these concerning behaviours that are evident in Victoria. The bill will specifically ban the Nazi salute and other symbols or gestures used by the Nazi party and its associated paramilitary arms. The bill is also intended to capture other symbols – the SS death’s head, for example, along with flags, insignia and medals used by the Nazi party, including its paramilitary organisations, the SA, the National Socialist Motor Corps and the National Socialist Flyers Corps. It also bans variations of the symbols and gestures where varied gestures or symbols are likely to be confused with ones used by the Nazi party. This ensures that we are avoiding people flouting the laws.

Within the bill ‘symbol’ will take on its ordinary meaning, so a symbol used by the Nazi party will mean something, particularly a material object, that is used to stand for or is regarded as representing the Nazi party, and the word ‘gesture’ – you have focused more on symbols but for completeness – will also take on its ordinary meaning, which is understood to mean movement of the body, head, arms, hand or face expressive of an idea or an emotion. At the end of the day it will ultimately be up to a court to decide exactly which other symbols and gestures, other than the Nazi salute and the

Hakenkreuz, are banned, because they are the ones that we have specifically called out. They are the ones that we are most concerned about. They are the ones that stakeholders have told us are the most offensive. There are a range of other symbols, particularly things that are, I guess, modern evolutions of offensive gestures which are not causing the level of fear and concern of those historical ones, which cannot be confused for any intent other than a symbol and display of hate.

Obviously the Star of David would not be captured, given the intent of the bill in regard to the ordinary meaning of the words. This is the golden rule of legislative interpretation. But I guess if in some bizarre situation it was, there are exceptions for cultural and religious displays of symbols that would apply in an instance such as that. That would probably be how we would see it operating. But this is a bill that has been through a lot of consultation, a lot of variations in how to bring about its intent, and from reading the Shadow Attorney-General's amendments, we think we are on the same page in terms of the purpose – I can certainly assure you of that.

**Evan MULHOLLAND:** I just want to touch on police powers. In the existing legislation there is already a power for a Victoria Police officer to direct a person to cease displaying a Nazi symbol. Our second amendment seeks to provide a Victoria Police officer with the power to direct a person to cease performing a Nazi gesture in circumstances where doing so would be an offence under section 41K. Why do you believe this power is not necessary?

**Jaclyn SYMES:** In relation to the proposal that the amendment touches on, it is effectively wanting to include a power to direct people to cease performing Nazi salutes and gestures. The short answer is that police already have that power. They already have the ability to verbally communicate with or direct people. It is standard police practice and a very common occurrence in the day-to-day operations of police interactions with the public. We would say that the amendment is therefore completely unnecessary. I guess just to really respond in detail to that, police do not need additional legislative power to tell someone to cease performing the salute. As you have indicated, the bill does provide powers for police to direct a person to remove a Nazi symbol or the display of a picture of a Nazi gesture from public if the police officer reasonably believes an offence is being committed. This power is needed, as opposed to a power to cease, because it requires the police to direct someone to take a positive action to remove a display. So hopefully that has answered your question, Mr Mulholland.

**David DAVIS:** I would just make one comment on that matter. I accept the Attorney's intent on this, and I think there is agreement across the chamber on what we all want to achieve. I think essentially her argument is that the powers are there. But this amendment provides certainty and absolute clarity, and in that sense it ensures a way forward that in a different way empowers police but also makes it clear to the community that police have that power in the clearest and sharpest possible way.

**Jeff BOURMAN:** Attorney-General, should the neo-Nazis turn up in what is effectively their uniform now, which is unbranded and all that, and keep their hands in their pockets, what can the police do about it?

**Jaclyn SYMES:** Mr Bourman, you know that in my role as Attorney-General I do not like to give legal advice in relation to very nondescript-type arrangements. This bill is building on the previous legislation, and it responds by banning the public display or the public performance of the Nazi salute. So in your situation you are referring to a group of people that you may identify as Nazis or neo-Nazis, but you have not given me any details as to why you would form that view. But if they are not performing a salute, if they do not have a display of a hate symbol on them and they are just standing there, then that is not attracting these laws.

**Jeff BOURMAN:** I know it is not attracting the laws, Attorney-General. The uniform that you basically see is black shorts, black shoes and black everything. They are clearly neo-Nazis. I look at what happened with Mrs Deeming, and other than the salute – that is how they turn up. I guess what I

am trying to point out is that this is all well and good – and I do support this bill – but if they just turn up and can be disruptive just by their mere presence, what is the government going to do about that?

**Jaclyn SYMES:** Mr Bourman, this is not proposing to outlaw uniform and it is not proposing to outlaw association; the bill is focused on harm. What we know is that Nazi hate symbols and the performance of the Nazi salute have a really profound effect on a range of people, particularly people of Jewish background, who associate it undeniably with the Holocaust. But we know that in a modern society this is being used as a way to inflict harm, intimidate and cause fear for people of a range of backgrounds, and so that is the behaviour that we want to respond to and that is what these laws are designed to do. In relation to intimidation or offensive behaviour, there are other laws or other tools that police can enact, but this legislation does not propose to respond to people that are just unpleasant or people that are offensive or people that you disagree with; this is responding to the actions and the harm that it causes people.

**Jeff BOURMAN:** You really do not have to tell me how unpleasant the Nazis are; I have got a fairly good view of that. I guess where I am going is – this will be more a statement; you do not have to reply if you do not want to – that move-on laws would have been perfect for this. I understand why they were removed at the time, but at this stage, if offensive people stay and cause disruption by their mere presence and stay quiet – let us be honest: if they rocked up at an event with Holocaust survivors, their mere presence would not just be something you do not agree with or offensive, it would be disruptive. I would have thought this would have been an opportunity for the government to craft something that would help. I really do not want to be back here in X number of months and years, because, like all people with an extreme ideology, they will work out a way to get their message across. What I would like to do or what I would like to have seen is that dealt with in the best possible way.

**Jaclyn SYMES:** Mr Bourman, I would love to. I had a conversation with my kids on FaceTime before I came in here today to describe what I was doing, and they were very excited that I was banning Nazis. I said I cannot quite do that – I am not quite doing that – but we are taking measures to disrupt this hateful conduct as much as we can.

I just wanted to take you through police move-on powers and that in some instances they can be used and have been used in relation to responding to instances involving this type of behaviour. Police can tell a person to move on from a public place if they reasonably believe a person is breaching the peace or is likely to do so, putting another person in danger or likely to do so, likely to injure someone or damage property, or likely to be a risk to public safety. Police can tell a person to stay away from a public place for up to 24 hours, and if a person does not move on or does not stay away for the period, they can give that person an on-the-spot fine or arrest them. PSOs can also move people on from certain designated public places. This includes places where you would normally see PSOs, like railway stations.

In relation to protesting – I think this was one of the issues you indicated – purely protesting does not attract the ability for police to ask people to move on. So standing in a group with a sign or behaving in a way that advertises your view about something does not invoke the ability for police to move you on, and there are a range of reasons for that. I know Mr Limbrick has touched on some of those issues that he is concerned about – if you go too far. But a police officer can tell a person to move on if they are protesting and they put the safety of another person in danger or are doing something that is likely to injure someone or damage property. It depends how someone is behaving. Mere presence and intimidation would have to, in the minds of police, attract some of the issues that I have taken you through.

But more broadly – and I think for the conversation that has been had in relation to the fact that we do not want to be legislating to ban things, we just want people to behave appropriately – we do have the anti-vilification work that we are doing, the framework to beef up criminal and civil responses to hate speech, hate conduct and the like. That is currently going through consultations but is definitely linked to this.

In fact we were going to do them together, had it not been for some really concerning behaviour involving Nazi salutes. We brought it out to do it first or at the head of the anti-vilification broader reform because, one, it is pretty simple. There was very little opposition to it. We had already consulted on the symbol. People were doing this. Police said if they had this as an additional tool, they could use it, so much so that they are ready to go – when this bill receives royal assent, it will be outlawed from that time. They do not need implementation time and the like. This is one piece of the puzzle in responding to inappropriate behaviour which is condemned by the vast majority of Victorians.

Laws are something I can do, and the community like to see us acting, particularly people that we are protecting. This is a really strong message to marginalised groups, to the Jewish community and to the LGBTIQ+ community, that we are taking this seriously and we are wanting to outlaw this behaviour, but we know that there is going to be broader education, broader communication and more support that we are going to have to bring into the community for cohesiveness and responses to any type of hate.

**Jeff BOURMAN:** I have other questions, but I will take them offline because I am in serious danger of going down a rabbit hole here, and now is not the time and place. They are kind of close to the scope of this thing but outside, so I would prefer to ask them later.

**Nicholas McGOWAN:** Attorney-General, I just have a couple of questions. I noticed during the speeches this afternoon that a couple of members referred to judges deciding what symbols might be. Is that correct, what they have asserted here tonight?

**Jaclyn SYMES:** Yes. The interpretation will be left to the courts bar the specific salute and Hakenkreuz that we have already legislated for. The legislation is specific about certain symbols; others that fall into the definition will be determined by the court.

**Nicholas McGOWAN:** Presumably things such as Adolf Hitler himself, his image, are something that could be determined by a judge to be a symbol of Nazism, for good reason. The Panther tank could likewise be a symbol of Nazism. Are these things that have been considered or were considered for inclusion specifically?

**Jaclyn SYMES:** If performing the salute and in public display, then that could attract the laws, if that individual was.

**Nicholas McGOWAN:** So only done in conjunction with the salute, is that correct? If somebody was to hold a banner not doing the salute but with either Hitler himself or the Panther tank, then that would not attract the provisions of this act, is that correct?

**Jaclyn SYMES:** Correct. Just an icon would not be captured.

**Nicholas McGOWAN:** Somebody dressing up as Adolf Hitler on the steps of Parliament, would that attract this act?

**Jaclyn SYMES:** Again, I do not want to fall into the situation where I am ruling things in and out, because we want to ensure that this is for its intended purpose, and that is to respond to banning Nazi symbols and the salute and things that cause harm to people. In relation to a uniform, if it had symbols on it, then that would be captured by the legislation, but in relation to just a specific person, not necessarily. I will take you through some of the further information that we have got, because we have considered all of these scenarios. I think I have been asked, ‘What about symbols of the moustache?’ and things like that, so we have gone into a lot of consideration in the consultation process.

The offence captures the public display of symbols used by the Nazi party. ‘Display’ has its ordinary meaning and therefore captures visible clothing in a public space. If the person wears or otherwise publicly displays a uniform that has a symbol used by the Nazi party embroidered onto it, then an offence would be committed under the bill. There are several exceptions, including where the display is done reasonably in good faith or for genuine academic, artistic or educational purposes. The public



display of a uniform that has a Nazi symbol on it may fall under these exceptions depending on the context of what it is displayed for.

Again, when you talk to the leaders in the Jewish community they are not so concerned about the accidental or unintentional or even what people are doing in their private homes – sure, concerned in terms of the mental state of those people perhaps. But what we are talking about is the impact on individuals – the harm it causes. So that is the focus of the legislation. We know that indisputably with the Nazi hate symbol and the performing of the salute there is no reason to have those on display other than to cause harm, and that is what we want to respond to.

**Nicholas McGOWAN:** I think it is important because no doubt after today we will be asked questions in the community, and they are the sorts of questions I will get all of the time – those sorts of detailed questions about specifically what this does and does not cover. I gave a couple of examples when I gave my speech before about, in the 1990s, a number of people on the steps of Parliament whose view perhaps might have been that there was a fascist government back in 1990–92, for example. Would that be covered under the act?

**Jaclyn SYMES:** Would what, sorry?

**Nicholas McGOWAN:** There was a protest in November 1992 where you had in the order of 100,000 unionists on the steps of Parliament, and they were giving in unison the Nazi salute. One might assume that they were of the view that the then government was a fascist government. Perhaps not, but would they be covered by this act if it was today?

**Jaclyn SYMES:** In performing the Nazi salute you can fall foul of the legislation, but the scenario that you articulated is probably less clear. I do not really want to take a real-life example from 1992 and apply laws from 2023, because it is a different time. You are creating laws now to respond to behaviour that we are concerned about now, so I think I would be reluctant to want to bring my laws back in a time machine. Actually, sorry, just further to that, you did raise a really good point about the fact that as MPs our offices will get questions about this, and a fact sheet is being prepared to ensure that our offices are well equipped in being able to respond to the most obvious questions that we think people will ask.

**Nicholas McGOWAN:** Well, that actually leads nicely to the next question I had, and that was about how this law is implemented, particularly across schools. I gather schools are one of those places where young boys, for worse, tend to be juvenile in their regards, and it is not uncommon for them to be doing such salutes. Is there any plan to make them aware or the schools aware of the new laws and how they might apply, notwithstanding that we do not want to be locking up children, clearly?

**Jaclyn SYMES:** Just let me get an extra bit of info on that.

I thank Mr McGowan for his question and his concern in relation to just ensuring that we get the educative role of this reform considered and as best possible implemented. I think, as I have said on a number of occasions, sometimes having the conversation is the best thing about these laws, because I do not actually want people being charged with this law at all. Just do not offend it – that would be a great situation. The fact sheet that would benefit MPs will be similar to material that will be provided to schools so that they are equipped with the information. But we also want to target the right people. We want to respond to the concerns that the community have asked us to.

We do not want to inadvertently penalise and capture people that are not motivated by the conduct that we are trying to outlaw. So I just want to take you through some of the considerations about ensuring that we do not capture inadvertent performances or innocent-type behaviour. For instance, we have looked at innocent gestures such as hailing a cab being captured by the offence, and it has been mitigated by ensuring that the offence is described in the legislation as using gestures that are used by the Nazi party. I had similar questions raised about synchronised swimming performances and the like. That is why literally we have gone down the definition route that we have. ‘Resembles’

is in the legislation. It has its ordinary meaning within the bill: it is 'to be like or similar to'. Importantly, the term 'resembles' in the bill is preceded by the words 'that so nearly', which read together will require a symbol or gesture in question to be very close to or regarded as almost having the same appearance as a symbol or gesture used by the Nazi party. Whether the party is intended to be informed by both the physical characteristics in the gesture or symbol used in the context in which it is displayed or performed, it needs to be considered whether a symbol or gesture is taken to resemble a symbol or gesture. While, for example, an innocuous gesture, such as farewell or the cab example, may bear physical resemblance to the Nazi salute, the context in which the gesture is performed will be vital to understanding whether the offence has been made out. In the unlikely event that anyone observing a person in that type of situation would consider that the gesture so closely resembled a Nazi salute that it could be mistaken for it, giving the context in which the gesture is performed would be a relevant factor.

The knowledge and the intent elements of the offence will also act as a safeguard for people who may not be aware of the history or meaning of certain gestures from inadvertently committing the offence – specifically drawing on your concerns about children and also drawing on people perhaps with a cognitive impairment. We have seen examples of the salute being used as recently as the weekend. We know that there is an awareness of the salute but not necessarily an understanding, so we do not want to capture kids and people that might have disabilities and the like.

So, irrespective of what gesture or symbol is used, it is important to acknowledge that there are a range of exceptions to enable gestures performed for appropriate purposes, including educational or artistic purposes as well. And the further protection for children in relation to this is that in order for there to be a charge progressed through the courts, you need the specific approval of the DPP.

**Nicholas McGOWAN:** I appreciate the answer. I suppose I am looking for perhaps some guidance with respect to whether there is an intention by the government, through the Department of Education, to actually provide some sort of outreach or education or whether your department will be solely responsible for the public information campaign around awareness.

**Jaclyn SYMES:** Mr McGowan, for absolute clarity, yes, of course I am not responsible for the dissemination of information in the education sector, the education department is, but we will work with them in relation to that information in particular. Where schools are going to become really relevant is in that continued conversation around anti-vilification. It is a good conversation to have with young people.

**Nicholas McGOWAN:** I do not have many further questions – just a couple of quick ones, really. In respect to the penalties, can you give us any insight as to how 12 months was arrived at, whether other lengths were considered, and why that is the benchmark you have chosen for this bill?

**Jaclyn SYMES:** Consistent with existing offences is generally where we start, Mr McGowan. In this particular instance, anyone who is intentionally displaying or performing a Nazi symbol or gesture in public will face penalties of more than \$23,000, 12 months imprisonment, as you have picked up, or both. It is a significant penalty, but it does reflect the breadth of the offence and that no injury or harm needs to be proved as a result of the display. It helps to ensure that the potential impacts on human rights under the charter are reasonable and proportionate, and it is not only consistent with our previous offence of banning the Hakenkreuz but also consistent with penalties in other jurisdictions.

**Nicholas McGOWAN:** Just on that, Attorney-General, in terms of other jurisdictions, can you tell me what the other jurisdictions have as their imprisonment term?

**Jaclyn SYMES:** I will have to take that on notice because I do not have a table on me, but I can get you one.

**Ann-Marie HERMANS:** I just have one question: noting and taking up from where Mr McGowan left off, I wondered, in the situation of penalties, why there was nothing in terms of education that

would allow people to understand why the Nazi salute, for example, is so offensive and why this law is actually coming about. Because I think that quite often people that maybe perhaps get involved in some of these groups have not fully understood the implications of how this actually impacts other people's lives. Perhaps a bit of education on the background of things like the Holocaust and the horrors that people have endured as a result of being involved in things that were quite extreme may actually result in a little bit more reform. I am aware that there are penalties but there do not seem to be any steps towards reform, and I just wondered whether this was something the government had considered when it put this bill together.

**Jaclyn SYMES:** It is a really good point that you raise. Again, I come back to my view that I really do not want anybody being charged with this offence; I certainly do not. The penalty is a guide. The courts will have discretion. There will be the capacity for diversion and the like. But I think, as I was describing to Mr Bourman, this is behaviour that we want to outlaw as soon as possible. We have brought it forward in response to public incidents that caused a lot of harm. It cannot be viewed in isolation from the anti-vilification reforms, and some of the issues that you have touched on are the things that I am really interested in exploring through the anti-vilification framework. I think that there is great opportunity in scope for restorative-type practices in responding to complaints that come to the attention of the Victorian Equal Opportunity and Human Rights Commission or others in relation to how they can deal with concerning behaviour through a criminal lens but also through a civil lens. In ensuring that people are exposed to the experience of others, their backgrounds and the ability to be empathetic, I am with you. It is probably a stronger tool in changing behaviour than being slapped with a fine and the like. I think that it is a very powerful experience to be forced to consider the impact that your behaviour has on somebody else, particularly when they have a history as horrific as those from the Jewish community.

**Clause agreed to; clauses 2 to 5 agreed to.**

**Clause 6 (20:29)**

**David DAVIS:** I have already outlined the reasons for this amendment, as has Mr Mulholland. I move:

1. Clause 6, page 3, line 14, after "used by" insert "and associated with".

**Jaclyn SYMES:** I did respond a little bit to Mr Mulholland, but I might just take you through it again. This is in relation to the 'associated with' amendment. The opposition are proposing that the definition be changed from 'of symbols and gestures used by the Nazi party' to 'used by and associated with the Nazi party'. It was considered that the inclusion of the words 'associated with' would expand the operation of the offence, capturing a wider range of symbols and gestures. This could include symbols that are associated with Nazi ideology, neo-Nazism or fascism. Co-opted innocuous gestures, such as the okay hand signal, for instance, would or could be potentially captured because they are associated with Nazi ideology.

As I was touching on before, we have the same intent. We considered it, we looked at the exact proposal that the Liberal opposition are putting forward, and we discounted it based on the operation of it and the concerns that we had – the fact that it would expand the offence potentially in relation to some of those gestures that are not at this point in time designed to be captured by this legislation and in relation to other regimes associated with the Nazis, such as symbols that are used by other bodies, which is not our commitment and not the intention at this time.

As I have been articulating throughout this very respectful committee stage, we want to keep within the desired effect of the bill. We know that there are several people in the house, if not all, that share the same view and intent that this bill capture symbols and gestures exclusively used by the Nazi party, and the concern that we have in relation to the amendment moved by the opposition is that it would distract from the intention of this bill and lead to unintended consequences. But I do acknowledge that the intent is certainly pure. We did look at it ourselves, and we did rule it out because we thought it

would be problematic. That is why we confined the legislation to the deliberate use of ‘used by the Nazi party’, because it has the most direct use of the symbols. Any suggestion that this wording risks banning any symbol used by the Nazis, including things like full stops, as I got asked about – that would not be captured by the way we have drafted this legislation. We are not in a position to support the opposition’s amendment, but we certainly are in favour of the intent.

**David DAVIS:** I will make one response to the minister. We are in furious agreement about the intent and direction here. We think that this is sufficiently safe to provide a better alternative, not least for the exact reasons that are outlined in the minister’s correspondence to the Scrutiny of Acts and Regulations Committee that was tabled in the chamber today. All of those caveats that are put in there and the contextual points which I noted in my speech earlier in the day apply to this amendment.

**Council divided on amendment:**

*Ayes (15):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Evan Mulholland, Rikkie-Lee Tyrrell

*Noes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendment negated.**

**Clause agreed to; clause 7 agreed to.**

**Clause 8 (20:40)**

**David DAVIS:** The amendments have been well canvassed. I move:

2. Clause 8, after line 24 insert –

“(1A) A police officer may give a direction to a person to cease performing a Nazi gesture if the police officer reasonably believes the person is committing an offence against section 41K(1A) by performing the Nazi gesture.”.

3. Clause 8, page 7, after line 6 insert –

“(4) In section 41L of the Principal Act –

- (a) in subsection (3), after “(1)” insert “, (1A)”;
- (b) in subsection (5), after “(1)” insert “, (1A)”.

**Jaclyn SYMES:** As I have already put on record, the opposition’s proposal is unnecessary. Police do not need additional powers to verbally communicate with or direct people; it is standard police practice. The amendment is therefore superfluous and would in fact potentially cause confusion because it already happens.

**Council divided on amendments:**

*Ayes (15):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Evan Mulholland, Rikkie-Lee Tyrrell

*Noes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendments negated; clause agreed to; clauses 9 to 11 agreed to.**

**Reported to house without amendment.**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (20:44):  
I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (20:45):  
I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

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

**David Davis:** On a point of order, President, with respect to this bill, the swipe card system, which has occasionally been difficult for many in this chamber, did come to bite a couple of our members trying to get out to go to the synagogue. Mr Luu and Dr Heath were unable to get back in because the swipe would not let them back in. I think they may raise that matter in detail –

**The PRESIDENT:** They actually have already, so I will take that into consideration. I know you have got some other swipes that you are not happy about – I know about that one – and I know you are trying to use this as an opportunity maybe –

**David Davis:** I am, but in particular I am trying to make it clear that members have been to the synagogue and were unable to get back in when they needed to vote.

**The PRESIDENT:** I will take that into consideration.

**Education and Training Reform Amendment (Land Powers) Bill 2023**

*Second reading*

**Debate resumed on motion of Ingrid Stitt:**

That the bill be now read a second time.

**Georgie CROZIER** (Southern Metropolitan) (20:47): I rise to speak to the Education and Training Reform Amendment (Land Powers) Bill 2023, and I am pleased to be able to make a contribution towards this debate this evening because it is an important bill that has been brought before the house. It does look at early childhood education, and it has been an issue that this government has been very much lauding for many years with their free kinder program, but of course we know that the free kinder program comes with costs, as has been highlighted by my colleague in the other place Ms Wilson. She has highlighted that in fact this is probably a flawed model that the government has not thought through, and why would we be surprised by that? It is disappointing that the government has probably got this flawed project running in relation to this bill, and I will come back to that. It should not surprise anyone, given their track record of delivering infrastructure-type projects.

What this bill does, as part of the \$14 billion investment by the government for the Best Start, Best Life initiative, is expand access to early childhood education and care. As a result of that expansion, the government is going to need to build new state-owned early childhood infrastructure across multiple sites across the state. That is why I make the point about it being probably a flawed plan that the government has implemented, because they have got such a shocking track record on infrastructure

projects. As we know, \$30 billion in waste, in mismanagement, and of course the Premier has been largely responsible for the vast majority of those infrastructure project blowouts.

I think it is important to understand that this bill, which goes to amending the Education and Training Reform Act 2006, is to extend the Victorian government's current powers to compulsorily acquire land for schools. That will now cover state-owned kindergartens and childcare centres. That is the point of this act. It is extending that act that is in place that already has the powers to acquire land for the development of schools; it is going to extend into early childcare centres, as I have mentioned. That is the very point, because the Premier, as I have said, has a shocking track record in compulsory acquisition through the many infrastructure projects that she has been responsible for and overseen. The North East Link, sky rail in my area of Southern Metropolitan Region – and Mr Davis knows only too well because of what we did working with the community in areas that were impacted in Southern Metro, around Murrumbeena and Oakleigh and the like, where many, many people had properties acquired. Of course the government went and acquired all those properties, and it was found that they did not need to acquire them all.

Isn't that just so typical of Labor? They just cannot get anything right. God knows what their boffins do, but they honestly do not do anything properly, and these ministers who are responsible never take any responsibility. It is the now Premier who has overseen the mismanagement of many of these projects, and many know in this chamber that the North East Link has had compulsory acquisition of homes and businesses and of the distress that has caused many.

I make those points because we are talking about education, and of course we want the best education for our children. Unfortunately, standards are falling in the state, and there are real concerns around kids coming through schools that just do not even have the basics. We do want good education facilities in this state and we understand that with a growing population kindergartens and childcare centres need to be built, but when you are coming in and acquiring personal property, then you need to do it in a very considered way, and that is why we do hold out some concern, because of the government's track record on this and their disregard for private ownership. I mean, they really do not regard that in the way that we on this side of the house do. We absolutely value and understand that it is incredibly important to be able to have your own home and, if government has come over the top of you, that it has to be the very last resort and not done lightly. And that is my point about the Premier and her track record in compulsory acquisition: it has been a disaster. So I have no faith in this government actually doing what they need to do, and I urge them to be very diligent in any compulsory acquisition.

Returning to this bill, the Education and Training Reform Act, as I said, is the legislative framework that governs public education in Victoria, and it provides that authority to be able to compulsorily acquire land. As I said, it does not extend to allowing early childhood and kindergartens to be included, and this bill will then allow that to occur. Last year, in the lead-up to the election, in a desperate plea to win over voters the government announced with great fanfare that 50 government-operated childcare centres would be up and running by 2028. That is in just a few years time, and it is a big ask to be able to get all of those childcare centres up and operational. Thirty of the 50 locations were identified – only 30 – so there is a big gap there, and to date the government have only identified land for four childcare centres. So a year ago they made this big announcement that they were going to have 50 centres, and to date there have only been four that have been located.

The government also told Victorians that they would co-locate these childcare centres with primary schools, and I do not have a problem with that notion; I think that is a sensible notion. It makes sense to have an education hub and have those facilities onsite. But you have got to do the work to go out there before you tell Victorians what you are going to do, and that is where I think this plan is largely flawed, because they are now saying, 'Well, that's not going to be appropriate,' or it is not always appropriate or even possible.

So the government, as a result of those issues that they have found themselves in, are progressing plans to construct an unstated number of state-owned childcare centres on newly acquired land that is either close to existing school sites or on existing sites. That is going to be where they can acquire possibly ovals or areas of education centres to put early childhood centres in, and we do not want to be losing any of that land if it is to the disadvantage of children being able to conduct their education programs and sporting endeavours. I think that is incredibly important – that we need to maintain as much as we can our sporting ovals to give open space and sporting facilities to as many children as possible. We have got a real issue in this state about physical activity, a growing obesity problem, and as we know, sport is so good for not only your physical health but also your mental health.

As I return to what this is about, this early education issue, we do know that research into education in early childhood demonstrates the critical importance of education in a child's early formative years, and we do support that in terms of setting young people up into the future around their education. So we need these facilities, but we need to make sure that when it is done it is done appropriately. I know that there have been various stakeholders who have raised concerns regarding how the government may acquire land from private property owners, and that includes non-government schools. Now, we know this government has an absolute ideological – it is almost like they just do not believe in anything that has private ownership or anything to do with private schools. They are taxing private schools; we know that. The schools tax is going to impact on so many Victorian families, and it has put real pressure on so many schools, so this is a real concern. If they are going to go and identify land in non-government schools and start to put early childcare centres in those areas and to impact on those facilities, that just shows the ideological bent that this government has – and it is very anti-private in so many areas.

Now, what I wanted to say is the government made this announcement of \$14 billion, but what is the impact of the budget on this? I mean, where is the budget around how they are actually going to do it? There are a lot of questions around that, and I want to tease that out in committee when we get to that on Thursday. I will be asking some questions around the impacts to the budget and how the Best Start, Best Life policy will require a significant amount of capital and also resources to run it. In this year's budget, the 2023–24 state budget, it included provision of \$2.2 billion to build these early childhood infrastructure facilities – so the 50 the government has said would fit in that envelope. But as I said, there are a lot of questions around, well – does that \$2.2 billion include the acquisition of land? And as we know, land costs are increasing. The government is putting taxes on so many areas in property, but of course this would be exempt from any of that. But nevertheless, we want to understand: how does that budget component actually fit, and have they done their sums? Somehow, I suspect not.

Now, we also have concerns around the implementation of the Best Start, Best Life initiative, the government's signature policy. This bill supports that initiative, but again I say this government is all about spruiking big announcements. They overpromise but they underdeliver the whole time, and we have seen that in many, many areas around infrastructure. So with the issues around the Big Build and the growing debt that the state has we really do need to understand: have the government done their sums, have they got it right and what are the impacts going to be for the Victorian community – but particularly for those young people that may be left without the facilities because of poor planning or implementation?

I just want to make a comment around sessional kinder. We have asked questions to the former minister. She has moved on from that portfolio now, but we have raised many concerns because our not-for-profit kinders, especially in my area of Southern Metro, have raised concerns with me over many months about the government's funding program of \$2500 per child. It does not go to the actual ability to deliver the programs in some of these kindergartens. These educators that are in these kindergartens are highly trained, but the funding does not actually meet the needs of those kindergarten programs. So those kinders are going to have to cut services or cut programs, and that is going to be to the detriment of those young children that are getting high-quality education in these not-for-profit kindergartens. The government has refused to listen to these concerns. We asked the former minister

on many occasions about that, but the reality is we are seeing what is happening, and I think certainly in some areas in Melbourne we are seeing the viability of these services being put under enormous pressure.

Just a couple of weeks ago, in August, Knox City Council announced that it will cease running almost all of its kindergartens at the end of next year. That is going to have a direct impact on what the government is saying it is doing to deliver these programs and provide this education to these young people. If councils cannot run these kindergartens – you have got four of the 50 identified. When are they going to be up and running? The four that they have identified out of the 50 are Eaglehawk North Primary School early learning centre, Moomba Park Primary School early learning centre, Murtoa College early learning centre and Sunshine Primary School early learning centre. I am not sure how many of those are in Knox – not too many I do not think. So that is a real concern.

Of course we have got other councils that are also saying, ‘We can’t be providing these services to deliver these programs,’ and parents are very concerned. Many parents have spoken to me about the concerns around councils really struggling or the not-for-profit early education sector really struggling, as I said, to be able to deliver those programs. That is not delivering quality education; that is actually diminishing quality education. That is as a direct result of government policy – ill-thought-through big promises of free kinder: ‘We’re going to do this. We’re going to do that. It’s going to be free.’ It sounds fabulous, but in reality this government’s free policy has big costs and big implications for the actual delivery of what they tell Victorians they are doing.

I will leave my contribution here. I want to just say I will be asking questions on Thursday, as I have said, but I do hope the government can clarify a lot of the concerns that we have regarding this bill around the implementation and around the sites and what will happen to the areas as Victoria grows and as these young children require the early education that has been promised by this government. I hope it will not be a broken promise. I hope they can do it, but the reality is that in many areas there is limited space. The government, I think, has gone out there and promised the world, and I have real concerns that they will be unable to deliver what they have promised.

**Michael GALEA** (South-Eastern Metropolitan) (21:03): I also rise to speak on the Education and Training Reform Amendment (Land Powers) Bill 2023, and I do so having sat here through the previous contribution wondering that we hear the Greens speaking in this chamber accusing us of privatising everything, and now we hear the Liberals speaking and accusing us of trying to seize private land all the time excessively. The fact of the matter is this is a government that is delivering for Victorians, and under the Allan Labor government we have a clear laser-eyed focus on putting children at the heart of that. On that note I would also like to acknowledge the new Minister for Children Minister Blandthorn. I know you will play an outstanding role in this space with your team as well.

We have had all sorts of stuff. I will come back to Knox later, but we have heard about sky rail and North East Link. And I very much appreciate the opportunity that the opposition members continually provide us with to talk about the achievements of this government, including having removed 71 – it might be 72 now – level crossings across Melbourne as part of our plan to remove 110 across the state and of course providing the vital infrastructure that we need. Whether it is the Metro Tunnel or the North East Link, projects big and small are being delivered. To use the examples of these projects that are well advanced, and in the case of level crossing removals already achieved, I say I appreciate them because they do highlight that this government has a strong track record, as evidenced by some of the things that Ms Crozier herself was talking about.

This bill is an important part of delivering these Best Start, Best Life reforms that are going to transform education for our youngest Victorians. There are many, many aspects to what this bill will do. Fundamentally, though, it is going to assist the minister to deliver the critical infrastructure that is needed to support this reform program and in doing so provide affordable child care to more Victorians where they need it most. This is the government that is doing something about it. Expanding the



minister's powers to do so either by agreement or compulsorily and to take on or grant other interests in land to provide childhood education and care, alongside other services associated with early childhood education and care, is the focus of this bill. The reform will give the minister the needed powers to address a lack of ECEC facilities and proactively deliver services to areas where demand is expected to exceed the existing capacity.

Change is needed. The Allan Labor government is getting on with it, and in both metropolitan and regional Victoria this government is building new kindergartens, expanding services and upgrading existing facilities to be modern, accessible and inclusive. Also of course, as part of this year's state budget, there is \$1.2 billion allocated for kindergarten infrastructure projects required for the continued expansion of three-year-old kinder and the transition to pre-prep. This will help in delivery, and it will help various parts of it. It is critical in facilitating the delivery of these kindergartens and early learning centres. This will expand the state's powers to acquire and develop land to provide early childhood education, care and other associated services in whichever framework is applied. It is most likely to be done with the assistance of the Victorian School Building Authority.

Having co-located kinders or kinders adjacent to schools is a really, really important thing, and we are seeing this in the growing suburbs especially. My colleague Mr Tarlamis and I have been keeping a close eye on the new Topirum Primary School, former name Alexander Boulevard, in Clyde North, a fantastic new school that will be opening for Clyde North next year. As part of this initiative we are also going to see a brand new co-located kinder site. That is under works at the moment as well. It is going to be fantastic to see these things together. It is better for the children, better for the families and better for our local communities as a whole, especially our growing communities in the outer south-east.

There has been some conversation, and Ms Crozier raised the issue, of some councils currently going through the process of privatising their kindergarten services. She cited the example of Knox. I do have to say and, as other members in this room have previously stated, I do find it highly disappointing that the Knox council is in the process of privatising, of handing back, their kindergarten services, not because of a lack of increased government investment but in spite of it. These reforms are providing the resources that they need. I might as well say, as I am one of the local MPs for that area, from their own discussions with us they have not cited cost as a reason for why they are doing it. They have cited all sorts of things. In my personal view I think they have something of a privatisation bent, and I would say to other colleagues as well: if you want to look at privatisation with some of these councils, definitely have a look at them, because I think this is the wrong thing for Knox council to be doing, and as I say, they have not cited funding as a reason for not doing this. They have cited all sorts of things – frankly things that, Mr Puglielli, you and I will probably agree on in terms of what people who like to privatise things often do say in terms of flexibility and things like that. I will definitely have that conversation with you in more detail. But frankly they have not cited cost.

I do want to acknowledge that Mr Batchelor this morning talked about Glen Eira council doing similar things. But not every council is, and Mr Batchelor acknowledged Bayside City Council. I would also like to acknowledge Kingston City Council in my region, who are expanding those services and who are doing more. So I do not think Ms Crozier's comments are fair, linking the decisions of a council, which frankly I strongly disagree with, to these reforms, because the funding that we are providing is actually still increasing. So I do not know how you can say that you provided it previously; we are now giving you more money and suddenly you cannot provide it. As I say, I do not believe those are the reasons.

There are many other aspects of this bill, and I know many colleagues of mine will go into much more detail, but as I do say, it goes to the fundamental principle of believing that Victorian children deserve a good education from the early years, irrespective of their postcode and irrespective of their background. For many other reasons, which I know my colleagues will go into as well, this is a really important part of our reform package in this space.

I take Ms Crozier's comments in the cooperative and productive spirit in which I hope they were intended. I was not quite clear from her contribution if the Liberals will be supporting this bill. I certainly hope they will be. For the benefit of our children and, going forward, for the benefit of our broader society, I certainly hope that this will be a bill widely supported in the house. Therefore I do commend it.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (21:11): I rise today to speak on the Education and Training Reform Amendment (Land Powers) Bill 2023, which the Greens are supporting. This bill will expand the minister's powers to acquire land, either by agreement or compulsorily, for early childhood education centres and other associated services, such as maternal and child health centres. Currently land for a preschool program can only be acquired by agreement. It also provides for the leasing of land or premises for relevant early childhood education purposes.

The bill also expands the purpose and principles of the Education and Training Reform Act 2006 to cover early childhood education centres, as they currently only relate to the education of adults and school-age children, and it adds some aspirational commitments about the importance of early childhood education and of universal access to it. These powers already exist for the provision of other educational sites, such as schools and TAFEs and the like. This bill is just expanding the scope of educational facilities to include early childhood, primarily so that the government can progress their Best Start, Best Life reforms, which include establishing 50 government-run early learning centres.

Learning begins at birth, and the first five years of life are the most important time for development, and a child's experiences and opportunities during these first years can have lifelong impacts on health, future learning and life success. Access to early childhood education is vital for setting children up for a brighter future and helps foster their mental, physical and emotional wellbeing. Early childhood learning can reduce poverty and inequality and improve social mobility. It is such an important part of building our communities. We really need to make sure that governments are providing the funding and resources required to match the care and education that this sector brings to our children.

The Greens have long been supportive of free kinder for three- and four-year-olds – something we have been calling on the government to implement for years before the more recent announcements. That aside, free kinder is good policy. As I have already said, early childhood education is incredibly important to set young people up for the future. Universal access to early childhood education is critical for the development of children. It is important that this access to early childhood education is the same across Victoria. Children who live outside our metropolitan areas and those from disadvantaged backgrounds are at a higher risk of starting school behind their peers, something that can have a lasting impact on their education.

Another important element of a thriving early childhood education system is quality staff who are well paid and offered good conditions and opportunities for career development. We all know that early childhood educators have been poorly paid for too long, particularly given just how essential child care and kinder are to a child's development and how important they are to women and to carers and to supporting them to return to work. It was another thing that the pandemic exposed: for those in the caring economy, health sector and education sector it has led to a long overdue re-evaluation of the significance and essential nature of these professions. It has become increasingly clear that our most essential workers are among those in the lowest paid and most precarious roles. The impact that early childhood teachers have on a child's life is certainly not reflected in their wages, and it is well past time for people who educate and care for our children to have the pay and the conditions that they have long deserved. Making the early childhood education sector as attractive as possible will help increase the number of people entering training, will help support a stable workforce and will benefit the whole community. There are still concerns that there just will not be enough early childhood educators to cover the need, so we need to be doing all that we can to encourage, train and retain these workers. We have much more to do, but those are conversations for another time. I commend the bill to the house.

**Sheena WATT** (Northern Metropolitan) (21:15): It is good to be here to rise and speak on the Education and Training Reform Amendment (Land Powers) Bill 2023 and the positive impact it will have on Victorian families and the future generations of our littlest learners. The Allan Labor government is building 50 early childhood centres in communities that need them most. These centres are crucial to be able to deliver programs like free kinder and pre-prep. The opening of these new childcare centres is a testament to our government's commitments to working parents. Balancing the demands of work and family can be a tremendous challenge, and these new centres will ease that burden. They will provide a reliable and nurturing environment for children, allowing parents to have peace of mind knowing that their children are in free kinder at one of the 50 new childcare centres right around our state.

This initiative will also provide a significant boost to local economies by creating local jobs and stimulating growth in our communities. These centres are not just places of learning, they are hubs of opportunity. They are creating employment opportunities for educators and support staff, empowering local businesses and contributing to the overall prosperity of our towns and our cities. Let us take this moment to embrace it with gratitude and optimism. You see, the opening of these 50 new childcare centres is a testament to the Allan Labor government's unwavering commitment to our children, our families and our future. Together we are building a society where every child has access to quality education and every family is supported on their journey. These centres are not just buildings, they are symbols of progress and how very far we have come.

Can I just take a moment to acknowledge the former Minister for Early Childhood and Pre-Prep Minister Ingrid Stitt for her hard work. I know that she has left an incredibly ambitious load for the new minister, and I am sure she is up to that massive challenge. I have got to say I will look back with fond memories of our time together in the inner city opening, visiting and reading books at some centres in the inner city, because as much as there is an explosion of need right across the state, our inner cities are feeling the pinch. But these centres that we so very much need cannot be delivered without this bill before the house right now and the proposed changes it will make to the minister's ability to acquire appropriate land for these childcare centres. It is a basic, simple and practical change that will allow the government's policy to be implemented as fast as possible so Victorian families can see the tangible benefits of these policies.

The key change that this bill will make is to amend the Education and Training Reform Act 2006 to provide the minister with the ability to acquire and deal with land for the purposes of providing early childhood education and care and other associated services as part of the Victorian government's Best Start, Best Life reforms and policies. It ensures that we can acquire and develop land to provide early childhood centre education and care and stresses the importance of early childhood education and the state's role in providing these services. These services nurture our future generations. They ensure Victorian families have ample access to the facilities they need.

The next generation of Victorian little learners deserve to be educated in world-class, first-class facilities, and that is exactly what will happen once these centres are made available. It will allow Victorian families greater access to another terrific Allan government policy, free kinder. You see, free kinder is a staple policy of the Allan Labor government, with the Best Start, Best Life policy being a life-changing platform that will provide enormous benefits right across the state. I reflect on many, many conversations that I have had. Can I just say, the free kinder program that is included in the Best Start, Best Life policy will see Victorian children aged three and four have the opportunity to access free kinder at both standalone sessional kinder and the long day care childcare centres.

This policy is not just good for the little ones. The policy will save Victorian families an average of \$2500 a year per child. Let me just repeat that for a moment: it is \$2500 a year per child, and we know that the childcare bill can be an enormous strain on the family budget. This policy recognises that immense financial relief that it will provide to families, and the burden of education costs can be almighty daunting for parents, but with the free kinder policy in place families can breathe easier knowing that their children are receiving a high-class, high-quality education without the hefty price

tag. This not only empowers parents but also creates an environment where financial stress does not stand in the way of a child's learning journey. The free kinder policy is a testament to the Allan Labor government's vision for every child's potential to be valued and nurtured. It embodies the belief that investing in education is investing in our collective future. We are sowing the seeds of progress, ensuring that our state continues to prosper for many generations to come. It is just another way the Allan Labor government is delivering for Victoria and doing what really matters.

Looking into future commitments, I am delighted to be here making a contribution to this bill before us and saying that this policy just makes sense. Investment in early childhood education is an investment in our littlest learners and indeed our whole state. That is why the Allan Labor government is delivering a \$14 billion transformation of Victoria's early childhood sector, delivering our nation-leading Best Start, Best Life reform. It is a once-in-a-generation reform committed to giving Victorian children the very best start in life. And let me just say that cannot happen without skilled educators, so I will just take a moment to acknowledge the incredible, incredible work these centres will do, backed by the enormous skills of our educators. I will take a moment to acknowledge those workers, their education, their training, their commitment and the passion that they bring to the job each and every day, supported so much by their union, the United Workers Union. I have had the good pleasure of meeting a great number of early childhood education workers over the years, and more so recently, since beginning this role, and I must say they are the gems of our community and should be valued as such.

Whilst I could go on and say more, the truth is that these centres will not be possible without the bill before us, and where possible they will deliver child care, kindergarten and eventually pre-prep and other early childhood services – and I am thinking too of maternal and child health services. They will be built right across Victoria in areas that have the greatest need, and I do know that there are some areas across the Northern Metropolitan Region that do fall in that 'greatest need' category. It will make it easier for families to access education and care.

I commend this bill to the floor so that the cost will no longer be a barrier to families accessing early childhood education – or those dreaded daily double drop-offs and those incredible commutes that so many of our parents are making to find a local centre close to home so that they can get on with their jobs.

**John BERGER** (Southern Metropolitan) (21:24): Today I rise to contribute to the Education and Training Reform Amendment (Land Powers) Bill 2023, which will provide the Minister for Education and the Minister for Children adequate and appropriate powers to acquire and develop land to implement the expansion of the \$14 billion Best Start, Best Life (BSBL) program. First, I want to begin by thanking the two former members in this space, Minister Hutchins in the other place, as the former Minister for Education, and Minister Stitt in this place, the former Minister for Early Childhood and Pre-Prep. Their commitment to and stewardship of our reforms will ensure that the Allan Labor government's reform of \$14 billion over the next decade will completely transform early childhood education and care. I thank them not just for their hard work but for their advocacy and commitment to their respective portfolios, and I wish them well in their new roles. I am excited to work with the new Minister for Education Deputy Premier Carroll in the other place and Minister Blandthorn, overseeing portfolio responsibilities for children. I congratulate them on their new ministerial appointments and wish them all the very best. I look forward to working with them to deliver on this reform agenda.

The BSBL program was a groundbreaking reform by the then Andrews Labor government with a clear vision of expanding early childhood education and care to all children, making sure we are looking after all families in Victoria. The government made strong commitments to supporting the sector and expanding the program further, and we are getting on with just that. To do that we need to build early childhood education and care centres, to develop key infrastructure. The infrastructure to support this once-in-a-generation reform program will be delivered by all Victorian school building authorities under the early childhood and pre-prep portfolio. These projects will be central to delivering

these services and our broader commitment to reforming and expanding early childhood education and care in this great state. To do this there needs to be more land available for use so we can build these centres. It is my pleasure to stand before the Parliament today to commend the amendment of the Education and Training Reform Act 2006. This will make further provision for the acquisition, use and development of land for the purpose of early childhood education and care and for services associated with early childhood education and care and will provide for other minor and related matters.

The bill expands on the current education-focused powers in the act to acquire and develop land to include purposes related to the provision of early childhood education centres. Currently the purposes of the act are limited to the provision of education and training for adults and children of school age. As such, references to education and training in the act are limited to school-based education, vocational education and training, and higher education, without making specific provisions for early childhood education. The bill will amend the purposes of the act to include this vital area of education, which will in effect expand the minister's existing powers to include acquiring and developing land for the purposes of early childhood learning, which I will touch on shortly.

Just to give some clarity on the scale of the early education reforms I am talking about here, in the last decade the Victorian government has committed \$14 billion to delivering the Best Start, Best Life reforms. That investment has allowed free kinder to be rolled out for all three- and four-year-old children at participating services. This is a meaningful change which shows the importance of access to early childhood education programs for all children.

Over the next decade, four-year-old kinder, being kindergarten in the year before school, will transition to pre-prep. Pre-prep will become a universal 30-hour-a-week program of play-based learning available to four-year-old children across the state. This will enable a doubling of educational opportunities available for children in their years before school. Subsequently it will mean children will have twice the amount of teacher-led play-based learning time to develop the critical social, emotional and cognitive skills they need for the following years of their education and ultimately their life – and how good is that. Research has indicated that children who have attended two years of a quality kindergarten program will on average benefit from better developed cognitive, social and emotional skills when they start school; achieve higher examination scores at secondary age, including better grades in English and maths; and be more likely to take final year exams and go on to higher academic study.

These children are the future of Victoria, and this bill enables this change to happen. It paves the way for our government's ambitious and nation-leading reforms to be delivered across the state. Early childhood education should be available to all Victorian families. That is what this bill does. It helps make sure that no child in this state is left without an opportunity to advance themselves. The bill will play a critical role in facilitating the delivery of these commitments by providing already existing land powers that are currently in place for the education portfolio to the early childhood and pre-prep portfolio to create a clear legislative power for other land arrangements such as leasing.

I want to make it clear before I go on that this bill in no way tramples on the important role after-school care workers play in Victoria. Child care provided outside school hours is incredibly important for working families who are not always able to pick up their children from school at the advertised end of the day. This bill does not intend to push these providers to the side. They work hard to look after our children, and I thank them for their service. Grants are available for those providers, such as various Building Blocks grants, which help these providers grow and continue to deliver their work for their families. What we intend is an expansion of early childhood education and care in areas where there are some gaps in the market. It is not our intention to go up against these providers but to address the parts of our state where insufficient access to these services is available. Many parts of our state do not have early childhood centres to help their families.

Our bill aims to fix that by developing centres devoted to early childhood education and care where provision of care is scarce. As I said earlier, every child in this state deserves to have these opportunities and services. We are ensuring with this bill that all working families have the same services and options as every other family in Victoria, not to the detriment of school hours care providers and not to the detriment of family care services but to the benefit of everyday Victorians. By creating a legislative power to acquire the land and enter into leasing arrangements, the government can get started on building key infrastructure for the sector and expanding services to more Victorians, which I will touch on in a moment.

First, I want to bring up the consultation behind this bill. In most of my speeches in this place this year, whenever I have spoken about one of the bills that this side of the chamber has crafted, I have talked about consultation, listening to those who understand the issue to come to the best outcome. My office manager, who is a law student, was telling me how the law profession has the perception that bills are becoming more and more poorly drafted across the Westminster system of government. I am pleased that the government is committed to best practice and ensuring that bills are plain and clear and that our government has consulted with the relevant government departments. We have particularly engaged with the Municipal Association of Victoria, the Victorian Planning Authority and the local government portfolio within the Department of Government Services. We have also consulted with all relevant areas of government, including the Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Transport and Planning, the Department of Energy, Environment and Climate Action and the Department of Health. Feedback received was minor in nature and inconsequential to the bill.

The consultation with the Municipal Association of Victoria involved discussions centred around the likelihood of the state government compulsorily acquiring local government land. The Department of Education noted that these powers had not previously been used by the Victorian School Building Authority (VSBA) to acquire local government land under the education portfolio and were unlikely to be used for early childhood and pre-prep projects given the strong partnership approach to early childhood education and care infrastructure project delivery with local government. The government will do its due diligence if it is to go down the path of compulsory land acquisition. We will consider other options, and we will do what we can to minimise the impact on landowners. Where compensation can be agreed on, we will follow through on that.

The government will also do what it can to ensure that the acquisition of land for development is done with proper engagement with traditional owners. We will take the necessary steps to ensure that we are respecting the First Peoples of Victoria by identifying sites of significant Aboriginal cultural heritage on a case-by-case basis. But, again, compulsory acquisition is a last resort. The VSBA is unlikely to acquire land in such a manner.

The development and expansion of early childhood education projects is in the interests of local governments, who in the past of work cooperatively with the state government to expand preschool education programs across Victoria. Some may ask why the government must engage in such land acquisition for the development and expansion of the BSBL program. In the past government has worked hand in hand to ensure land is available for early childhood education and care, but there is a difference between now and then. The government has consulted with relevant key stakeholders to forge the best outcomes, and we think we have done just that. We are in a position to work with the community, the departments and the providers to uphold a vision that promotes universal access to early childhood education and care. We do not mean to, nor is it our intention to, compete against private sector care providers. We simply see areas with insufficient available services and hope to build early learning and care centres to look after those who are currently left behind, filling the gap. We will do so in a manner that is respectful to the traditional owners of the land. We aim to compensate landowners for any compulsory acquisitions through case-by-case negotiation.

I am proud of the vision that the Allan Labor government has and our legacy of delivering affordable early childhood education for families, and this bill will be part of that legacy. It will move us forward and help us push towards a great vision. I commend the bill to the chamber.

**Lee TARLAMIS** (South-Eastern Metropolitan) (21:34): 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.**

### *Adjournment*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (21:34): I move:

That the house do now adjourn.

### **Radio Lollipop at Monash Children's Hospital**

**John BERGER** (Southern Metropolitan) (21:35): (498) My adjournment matter is for the Minister for Health in the other place, Minister Thomas. It is with great pleasure that I share with you the Allan Labor government's commitment of \$150,000 for Radio Lollipop at Monash Children's Hospital. This is thanks to the 2023–24 budget earlier this year. My electorate of Southern Metro Melbourne is extremely fortunate to have access to one of Victoria's largest public health services here. Monash has been caring for children for more than 100 years and is one of Australia's leading children's hospitals. It is an asset.

Radio Lollipop first began at Queen Mary's Hospital in England. It was so successful that it established itself as a national charity and expanded to America, Australia and New Zealand. Children, families and healthcare professionals in my community of Southern Metro benefit from Lollipop. These children are bravely battling illnesses while in the hospital's experienced care – comfort, play and entertainment through a broadcast radio studio. The broadcast radio studio is part of an armoury of activities in the 'toy box', providing a unique child-oriented program of interactive competitions, music, stories and games. With Lollipop they can request their favourite songs, win prizes and hear their voices on radio. These activities give young patients a voice and something just as important – choice. While their stay in hospital can be strange, different and scary, Radio Lollipop helps provide a sense of normality in the hospital. The service to children is provided entirely by volunteers who have been specially selected and trained to make a child's stay in the hospital more fun and less frightening. Staff, volunteers and supporters of Lollipop bring joy and relief to the young patients of Southern Metro.

As a father of six children and a husband, father, son and brother of a nurse, our health system is near and dear to me. I am proud to be a member of an Allan Labor government that gets that, and that is why today I want to thank the hundreds of volunteers that make this service possible and keep our children smiling. That is why my adjournment to the minister is this: can the minister visit my community in Southern Metro and the Monash Children's Hospital to speak to the many volunteers at Radio Lollipop and join me in thanking them for their work and listening to how we can best support their work.

### **Teachers**

**Trung LUU** (Western Metropolitan) (21:37): (499) My adjournment matter is for the Minister for Education. Minister, teachers are leaving the profession at alarming rates. The action I seek is for the minister to address teachers' concerns around school violence and increased admin work and deliver a strategy to retain teachers. It has been reported that there are over 3000 teacher vacancies. Competition for teachers is fierce, and schools that hire someone often lose them to another school that makes a better offer. A recent survey by the Australian Education Union found that nearly 40 per cent of schools have to cut subjects and cancel classes because they cannot get enough teachers. The

government has announced a free teaching degree program which might encourage some teachers to enter the profession, but this will not stop experienced teachers leaving. The education union has called for retention payments for existing teachers and placement payments for training teachers to assist with retention. Teachers are not leaving because of the pay but because conditions in today's schools are bad and getting worse. Teachers are overloaded and burnt out by increasing demand as the paperwork piles up. They are also stressed because violence in schools is growing. Teachers feel powerless to stop bad behaviour because of government directives around classroom management. So, Minister, I ask: could you please step in, address the problem and help schools to retain teachers?

### Cost of living

**Sarah MANSFIELD** (Western Victoria) (21:39): (500) The action I am seeking today is for the Assistant Treasurer to declare groceries a regulated industry. This week the 2023 *Food for Thought* report was released by the Give Where You Live Foundation and Sustain Australia as part of the Feed Geelong appeal, which runs until Sunday 22 October. Across the G21 region, which represents five local government areas in Western Victoria, including Geelong, the proportion of residents struggling financially quadrupled between 2020 and 2023. Increasing financial stress in the region means that in the past few years Geelong Food Relief has reported a 239 per cent increase in demand. The picture of people seeking support is also changing. Previously the main customers of the food relief sector were people on inadequate income support. Now services say they are seeing significant numbers of working families and full-time workers walking through their doors, and the need is not slowing down.

The food relief sector was set up to meet short-term needs and act as a stopgap in times of crisis, but with more people accessing emergency relief it is clear that what we are seeing in our communities is chronic food insecurity and hunger as a result of the cost-of-living pressures. This Labor government have taken a 'not our problem' approach to the cost-of-living crisis, when in reality there is plenty they can do. For example, they could introduce rent controls, build more public housing and provide greater access to essential services like community health and public dental care. The Greens will continue to push for action in all these areas, but there are other interventions that directly affect the cost of food that Labor could make.

Currently the major supermarkets are given free rein over increasing the prices of their goods. They are making massive profits at the expense of people, more and more of whom are being pushed out of stability and into uncertainty, being forced to skip meals, go without fresh food, raid their savings or go into debt just to pay for the essentials. State governments have significant power to take on and regulate industry, and they should be using these powers to lower supermarket prices for essential food items. Labor could in fact give the Essential Services Commission the power to prevent supermarket profiteering and implement mechanisms such as price controls on essential items if their prices are unfair. Once again, I urge the minister to declare groceries a regulated industry, because right now we should be pulling all the levers we can to ensure people can afford the things they need.

### Murray Valley Highway–Labuan Road, Yarroweyah

**Wendy LOVELL** (Northern Victoria) (21:41): (501) My adjournment matter is for the Minister for Roads and Road Safety, and it concerns a recent reduction in the speed limit on Labuan Road from 100 kilometres per hour to 80 kilometres per hour and the need for further safety upgrades at the intersection with the Murray Valley Highway. The action that I seek from the minister is to immediately implement safety upgrades at the intersection of Labuan Road and the Murray Valley Highway, including the removal of a significant hump on Labuan Road prior to the intersection, which is part of the decommissioned rail reserve and reduces vision of the Murray Valley Highway; the clearing of some of the trees on both sides of Labuan Road which restrict vision of the Murray Valley Highway; the installation of a stop sign in the place of the give-way sign; permanent illuminated signage to warn motorists they are approaching a major intersection; lighting of the intersection at night to increase visibility for drivers on both Labuan Road and the Murray Valley Highway; and repairing the surface and replacing the rumble strips, which are currently severely deteriorated.



In April this year a horrific accident at this intersection claimed the lives of five people, and in February 2022 a man died and two police officers faced severe injuries following a van crashing into a police car at the intersection. Local residents report seeing near misses regularly as cars fail to stop at this intersection. While Labuan Road is a local government road, the intersection – and all signage associated with it – is the responsibility of the state government because it forms part of an intersection with a major arterial road, the Murray Valley Highway. Following the crash in April I called upon the Minister for Roads and Road Safety to expedite safety works at this intersection. Unfortunately these works have still not been undertaken. The Moira shire have done all they can to install temporary signage and have now moved to reduce the speed limit on Labuan Road, which will remove it from Google Maps as a suggested route. However, speed restrictions alone are not enough to make this intersection safe, and much more needs to be done. I appreciate that the accident that caused the death of five people in April is the subject of a coronial inquest, but the reality is the intersection is dangerous and the government needs to act now rather than wait for the coroner's report. Local residents consider this intersection one of the worst black spots in their local area and fear further lives will be lost if the safety upgrade works I have outlined are not completed.

### **Beaconsfield level crossing removal**

**Michael GALEA** (South-Eastern Metropolitan) (21:44): (502) I raise a matter for the Minister for Transport Infrastructure and in doing so also congratulate him for becoming the new minister for this most critical portfolio. The matter relates to the Beaconsfield level crossing removal project – a project I have raised in this place many times to ensure that in addition to creating safer roads in Beaconsfield the project minimises construction impacts for residents. We know that consultation with the local community is an important part of any project delivery, and it is through consultation that the community can have their say on aspects of the final design. The action that I seek is for the minister to continue providing opportunities for the community to have their say on how this project takes shape.

I have worked closely with the former minister, now Premier, to provide feedback from impacted residents who proudly protect the village feel and Beaconsfield's history. The level crossing removal in this location will result in a road bridge being built to replace the level crossing at Station Street, which will no doubt create some change to the character of that particular area. That is why ongoing local feedback is critical to the success of the project and the retention of this neighbourhood character. This crossing removal is very timely considering the establishment of several new large housing developments to the south of Beaconsfield. This project will ensure that traffic movements throughout the train station precinct are safer, and it will also contribute to the Pakenham line being level crossing free by 2025.

The Beaconsfield community includes some true and committed locals, and I would like to acknowledge the advocacy of the Beaconsfield Progress Association – the BPA – Ann and Graeme Taylor, Fran Healy, Cr Brett Owen and mayor Tammy Radford. They have all participated in extensive feedback, surveys and advocacy, particularly in relation to saving the railway house and the bunya-bunya pine tree. I would also like to take this opportunity to congratulate both Ann and Graeme Taylor tonight for being re-elected as president and secretary of the BPA, as I am reliably informed by my electorate officer, at their meeting this evening. In conclusion, Minister, I look forward to working with you and the community while we get on with delivering the Beaconsfield level crossing removal project.

### **Rural and regional planning**

**Rikkie-Lee TYRRELL** (Northern Victoria) (21:46): (503) My adjournment matter today is for the Minister for Planning. With the slowing of the economy statewide, it is encouraging to see regional projects like VHM's rare earth and mineral sands project gaining traction. Construction and operations are expected to generate more than \$2.1 billion to the local Loddon Mallee economy and an additional \$1.4 billion to the Victorian economy. Throughout its projected 20-to-30-year life span the Goschen

project is likely to create an initial 250 construction jobs, then an additional 400 jobs once it is fully operational. While this is obviously fantastic news, it places significant challenges on regional growth areas. As I am sure the minister can imagine, with the current housing availability crisis these much-needed projects are further exacerbating the demand for residential housing in regional areas. We have many industries that require the supporting regions to undergo urgent rezoning. To allow local councils to open up more land for much-needed development, I am requesting that the minister take much-needed, decisive action to expedite the rezoning process.

### Voice to Parliament

**Bev McARTHUR** (Western Victoria) (21:48): (504) My adjournment matter is for the Minister for Treaty and First Peoples and concerns the rejection of the Voice referendum on constitutional change. I was not surprised by the result but was impressed by how comprehensive the no victory proved. Even Labor-dominated Victoria voted no, and across all six of the federal electorates in Western Victoria Region – four Labor, two coalition – the result was the same. As of this afternoon the tally in Mallee is a remarkable 79 per cent for no, in Wannon, 69 per cent, and in Hawke, 65 per cent. It is not just a rural rejection: 59 per cent said no in Ballarat; 52 per cent in Corangamite. Corio, the most urban and economically challenged electorate, voted even more strongly no, at 55 per cent. With 60 per cent of the national vote and majorities in every state, even the most ardent yes advocate cannot believe that a few minor tweaks in the proposal or campaign would have changed anything.

The fact that only the ACT and wealthy inner-urban electorates voted yes is telling. It is remarkable that the Northern Territory clearly voted no too. It shows that last weekend, electorally the deepest divide was not between Indigenous and non-Indigenous but between the inner-city elites of the eastern states and the rest of the country. Victorians voted no for many different reasons, some with enthusiasm, others with reluctance. Many were infuriated by the binary choice forced upon them so unnecessarily by Prime Minister Albanese.

There is in fact more common ground than the apparently opposite positions of the yes and no votes might suggest. For many, including me, the no vote was not a vote for the status quo. I am delighted that the waste, inefficiency and self-interest of the Indigenous industry has now been exposed. We need a national review of expenditure on programs to assist Indigenous disadvantage, to ensure taxpayers money is no longer wasted and instead delivers results for those needing it.

I believe there are lessons for Victoria too. The yes campaign took people for granted, relying on optimistic early polling, with nothing to offer but emotional blackmail and personal smears when the sentiment changed. The architects of treaty in Victoria must take note – they cannot blindly progress without properly making the case and taking Victorians with them. The reaction in rural areas to recent recognition and settlement agreements demonstrates this. It may even have contributed to the enormous no votes in Mallee and Wannon. So, Minister, I seek your commitment to acknowledge that democracy demands assent from the majority and to explain exactly how you will win and prove a democratic mandate for treaty for the people of Victoria.

### RMIT chiropractic degree

**Renee HEATH** (Eastern Victoria) (21:51): (505) I just want to say from the outset that I am a chiropractor who trained at RMIT and maintain my registration with the Australian Health Practitioner Regulation Agency. 25 per cent of all Australian chiropractors practise in Victoria. Australians see a chiropractor for more than 21 million visits per year. This takes a huge burden off the public healthcare system. Despite that number, from 2024, students will no longer be able to study to become a chiropractor in the state of Victoria.

While I respect that Australian universities are autonomous self-governing institutes, they are training the workforce of the next generation and their decisions carry consequences. The consequences of this decision will put increased pressure on the Victorian public healthcare system. That is why, according to the Commonwealth Grant Scheme funding agreement, the university must consult with the

government before closing any higher education course that has been operating for more than two years. However, the vice-chancellor Alec Cameron single-handedly made the decision to end the chiropractic training program without any consultation. He did not consult with students, he did not consult with the profession and he did not consult with key stakeholders. After investigation, we have evidence that RMIT did not consult with the federal government prior to making this decision, which puts them in breach of the agreement. If they did not consult with the feds, that leaves us with the question: did they consult the state government, whose healthcare system will be left to pick up the pieces? This breach of process is unacceptable for an institution funded by public money.

Since then, I have had a young lady from Sale contact me to ask if she is going to have to leave her home state of Victoria to achieve her dream of being a chiropractor. Therefore, my adjournment is to the Minister for Skills and TAFE, and the action that I seek is that the minister writes to RMIT to ask them to reverse this decision, to continue the program and to follow correct processes outlined by the government.

### **Wild horse control**

**Georgie PURCELL** (Northern Victoria) (21:53): (506) My adjournment matter is for the new Minister for Environment in the other place, and the action I seek is for him to halt brumby killing in order to undertake an independent population count. So often our immediate response is to control what we do not understand through eradication. We forget how situations began and in turn we forget our moral responsibility to find a kinder solution. Almost always we choose efficiency and ignore suffering. This is either intensified or relaxed depending on our relationship with or perception of a certain species. We all have a responsibility to protect and enrich our environment without the use of violence, and this is the message we must consistently send. Put simply, we owe it to animals to do better and work harder. Whilst adult brumbies do not have any natural predators, populations are threatened by drought, food scarcity, parasites and humans with guns and poison, with very few wild horses reaching their maximum life span of 20 years old. Like the horses we keep as companions, brumbies are intelligent and social creatures with a strong awareness of their surroundings. Through the 180 years that horses have been present on Australian mountains, they have adapted as a species to their environment and vice versa.

Where environmental degradation from brumbies is demonstrated, non-lethal control measures should be implemented. It is evident that much more research is needed in this space by the government. For small groups of brumbies posing minimal threat to natural systems, management through rehoming, not killing, should be reconsidered. The current kill campaigns in Victoria and across the border impose horrific suffering on these animals by implementing aerial shooting by helicopter or poisoning on the land. These methods have extremely cruel outcomes not only for the animals directly targeted but those who may endure injuries during efforts to escape.

Humane control of breeding has proven successful in wild horse and other species populations. Not only does it offer a humane alternative to lethal control, but it may also prove to be more effective than aerial shooting itself. Targets from helicopters are often missed, leading to unsuccessful culls, which allow populations to re-establish and waste taxpayer money. In larger populations of brumbies, fertility control should be considered in conjunction with the capture and rehoming of existing herds. Brumbies can be humanely captured and rehomed. Although experts have proven rehoming of wild brumbies to be successful, rehoming groups struggle to cover the costs associated with transport, feeding, gelding and vet bills. Rehoming services often rely on donations and adoption fees to continue their work, and the government must support them too. I look forward to working with all sides of this place together on an ethical solution that does not involve short-sighted killing and prolonged cruelty, and I hope the minister will action this request.

### Public transport fare evasion

**Nicholas McGOWAN** (North-Eastern Metropolitan) (21:56): (507) Many of my constituents rely on public transport and in particular buses, as many parts of my electorate are not covered by rail. I have one particular citizen who has written to me and shared some interesting facts. Of course a good transport system does rely upon both passengers and passengers that pay, because if they do not pay, well, they are not reinvesting in the system, one would assume. This specifically speaks to the 907 bus – that is, the bus from Mitcham via Doncaster to the city. On three occasions this particular constituent of mine, Lionel, noted the amount of people who got on and did not touch on, so to speak. On the first occasion, on the 2nd of the 10th, 23 passengers boarded for the duration of his journey, and only six touched on. That is something in the order of 26 per cent – or put the other way, quite a lot of people did not. On the 5th of the 10th, again on a journey from Donvale into the eye and ear hospital, of the 24 passengers that got on the bus, only seven – and that was including Lionel's wife – touched on, so that is 30 per cent. So put the other way, 70 per cent did not pay. On the third occasion, and this is returning from the eye and ear hospital to Donvale, of the 26 passengers that joined that journey, eight this time tapped on, and that is including Lionel and his wife again, so that is 31 per cent.

**A member:** Goodness!

**Nicholas McGOWAN:** Goodness indeed. What is concerning about these figures is that somewhere in the vicinity of 70 per cent of the people using the bus on those three occasions were not paying. If this was to be replicated right across the system, of course it would have very dire consequences – and perhaps it is having dire consequences.

In any case the action I seek from the minister is to provide the house with an outline of current fare evasion, as seen in the last 12 months, and any projections the Minister for Public and Active Transport may have in respect of the ongoing expectations for fare invasion. It is an important point to make in this house, I think, to all Victorians that when you use the system there is a degree of honesty that is required, and of course the more that we adhere to that honesty, the more we can actually reinvest in the system ourselves. We all want a great transport system, and we have to pay for it. So I would urge citizens to do precisely that.

### COVID-19 vaccination

**Georgie CROZIER** (Southern Metropolitan) (21:59): (508) My adjournment matter this evening is for the attention of the Minister for Emergency Services. I have raised with the minister before the number of firefighters who are healthy but unvaccinated, and they are unable to return to work because of directives by the FRV. Now, it seems completely ludicrous that these individuals can go into a hospital to visit loved ones, they can go into any crowded area – into a sporting arena, into –

**Melina Bath:** A pub.

**Georgie CROZIER:** a pub, into clubs. They can –

**A member:** Fly internationally.

**Georgie CROZIER:** They can fly internationally and they can do all aspects of everyday living, yet they cannot go back to work because of an FRV directive. In a letter I have seen it talks about the measures that FRV have adopted to address the risk of transmission and infection with COVID-19 in the workplace. Twelve months ago this government provided that there was no requirement for mandatory isolation. It ended a year ago. Most people, I suspect, in this house have not had a vaccination update for many months, if not years, and yet you have got healthy, able people willing to work, wanting to work, being banned by their workplace. Is that not discrimination because of a directive by the FRV which makes no sense whatsoever? It is a disgrace. The letter I have seen goes on to say:

FRV continues to monitor the legal and occupational health and safety dimensions of the evolving COVID-19 landscape and will keep employees apprised of any material change to FRV's approach.

Clearly they are not even budging on this, not allowing these healthy, able workers to return to work, based on some ideological bent that they have because of the 'evolving COVID-19 landscape', where the rest of the community can get on and live their lives and these individuals can do everything but go to work. I want to find out from the minister the legal dimensions around the 'evolving COVID-19 landscape' that this letter talks about and how it is impacting on the rights of those employees to be able to return to work. I want to understand what advice the minister has, so the action I seek is what advice she has had around the legal implications for the discrimination against these workers who are able to work, healthy and wanting to go back to work.

### **Bass Coast housing**

**Melina BATH** (Eastern Victoria) (22:02): (509) My adjournment matter this evening is for the Minister for Housing, and the action I seek from the minister is to guarantee 370 social housing dwellings for the Bass Coast to meet the need as outlined by Housing Matters, which is an organisation auspiced by the Wonthaggi Neighbourhood Centre. We know that neighbourhood house people are close to the real world and close to a very important population. Beth Banks of Housing Matters speaks about the dire need for increased public housing in the Bass Coast for low-income earners, for single parents, for workers, for women over 55 and for women escaping a domestic violence situation. Housing Matters have forwarded a petition that they ran to the member for Bass, so the government should be well aware of this issue. Currently only 1 per cent of households on the Bass Coast are in public housing – 1 per cent; meanwhile rents have increased by a staggering 45 per cent, so both social housing and affordable homes are required in this fantastic region.

\$25 million has been slated, if you believe the government media releases, for 30 new homes. Doing the maths on that one, that equates to \$800,000 per home. I would have thought that there should be some economies of scale to produce better value than that \$800,000 per home, but there is no detail on what these homes will be. Will they be public homes? What is the time frame for delivery? This is the key thing that my constituents certainly want. It is only spin unless we see bricks and mortar.

Housing Matters have also written an open letter to the former Minister for Housing outlining their valid concerns about the crisis. There is a crisis – rising rents are compounding the problem. Since 2018 across the Gippsland region there has been a 43 per cent increase in rents. Finding a private rental is almost impossible. It says – and these are ABS stats – that 34 per cent of Bass Coast renters are in rental stress. By comparison, roughly 26 per cent of all regional Victorians are under rental stress. People are couch surfing, sleeping rough and using the library to keep warm. Housing Matters is also trying to get a soup kitchen up with shower facilities as well to support those people doing it very tough. So again I ask the minister not only to produce these 374 social and public housing dwellings but to provide a time line so that the people of the Bass Coast can see when this will come to fruition.

### **Voice to Parliament**

**Evan MULHOLLAND** (Northern Metropolitan) (22:05): (510) My adjournment is directed towards the Minister for Treaty and First Peoples. The action I seek is for the minister to consult with her federal colleagues to work towards ensuring practical outcomes for Indigenous Victorians and to continue to repair the immense damage they have done to the reconciliation project. In August I rose in this place and called for the Voice referendum to be sensibly abandoned. We knew it would not have support – only eight of 44 proposals for constitutional change have been approved, all with bipartisan support, and the polls had indicated for a long time that this had no chance of success. I will note, for those blaming the Liberal Party for the result, that 80 per cent of Labor seats voted no across the country.

This is because Australians value egalitarianism, which means everyone is equal under the law regardless of where their families come from and regardless of their creed, background, religion or other characteristics. We see that in the way many new Australians in the northern suburbs voted in the referendum on the weekend. My electorate is a very multicultural electorate, yet many booths emphatically rejected the proposal. I note that in the seat of McEwen in my electorate 60 per cent of

the community voted no. In the seat of Calwell 55 per cent voted no, and in the seat of Scullin 62 per cent of Victorians voted no. In the seat of Maribyrnong in my electorate it was basically a dead heat but ticking towards a no. I was at a polling booth in Beveridge in my electorate, in the centre of McEwen, a working-class area, where many tradies walked in and said they were voting no. Some of the descriptions of these people in the outer suburbs have been quite unfortunate. I would suggest that someone who goes and gets an apprenticeship and learns a trade and is earning \$200,000 a year is much smarter than someone with three university degrees.

It was unfortunate that the Prime Minister proceeded with his ill-fated proposal and left no room for compromise, which is why the referendum was considered so divisive by the community, including Victorians. Although this result does not represent a rejection of Indigenous Australians, I called for this referendum to be pulled because I did believe, and I still do, that it presented a risk to reconciliation. If the proposal had been for constitutional recognition in the preamble to the constitution, I suspect it would have succeeded, and I would have been out there campaigning for it.

The federal government and the Victorian Labor government, which supported this proposal, now must work to undo the damage they have done and which was caused by them putting forward and supporting the referendum. The action I seek of the minister is for her to consult with the federal government, listen to the needs of Indigenous people and work on the ground to achieve practical outcomes and repair the damage they have caused to reconciliation.

#### **Lombardy sister state relationship**

**David DAVIS** (Southern Metropolitan) (22:08): (511) Tonight I want to raise a matter for the Minister for Economic Growth, Tim Pallas. It relates to the sister state relationship that Victoria has with Lombardy. The MOU signed last year is something that we welcomed strongly; in fact I was there at the launch. It is a significant link for Victoria. Lombardy is the strongest and most prosperous region in Italy, and I think it is a good thing that Victoria has signed such an agreement. There is an MOU and a number of areas for cooperation between the two subnational jurisdictions, between Victoria and Lombardy, which is very well positioned in terms of Europe. Brexit means we need strong representation and linkages into key parts of the European Union economy. I was fortunate enough to meet the Lombardy officials in Europe in July, and I note that there is a significant keenness to work with Victoria in line with the MOU.

I note that Lombardy is hosting the 2023 world summit on 23 and 24 November in Milan. It is a significant outing for that jurisdiction. I note the president of the region is opening the proceedings, and the undersecretary for international and European relations in the Lombardy region, Raffaele Cattaneo, is doing the formal introduction. Then there are significant groups from around the world who are presenting. To date it seems the one group that is not represented there is Victoria. With our sister state arrangements, we do need strong outreach. We need to build our business links with Europe. We need to build our links with Lombardy, which is the powerhouse region of Italy. We do need to strengthen those relationships. So what I am saying to Mr Pallas is: would you please ensure that there is significant representation, preferably a government minister, but if not a government minister a senior official or two?

**A member** interjected.

**David DAVIS:** Well, I have not said that. My purpose is to make sure that there is representation for Victoria at these significant events and that Victoria's sister state relationship with Lombardy is maximised.

**Georgie Crozier:** Our reputation has been damaged.

**David DAVIS:** Well, it is true that our reputation has been damaged, but what I am asking today for the Treasurer to do is to ensure that there is proper representation of Victoria.

### SYN Media

**Matthew BACH** (North-Eastern Metropolitan) (22:11): (512) My adjournment matter tonight is for the Minister for Youth, and the action that I seek is for the minister to match the pledge that was made by the coalition parties at the last election to double the base funding for SYN Media. SYN Media is a really interesting and quite unique media organisation in our broader landscape that is run entirely by young people. On a personal level, I do not always agree with the editorial positions that are taken by SYN Media, but I do respect the role that SYN Media plays. A few weeks ago I was alerted to the fact that SYN Media was having to furiously fundraise lest in just four weeks time the organisation has to shut its doors. I think that would be such a shame because the organisation has a really strong focus on outreach. The organisation has a really strong focus on training up young people, on dealing with school groups. The organisation wants to talk about a whole range of interesting issues that impact young people. Some issues, as I say, ultimately I find myself agreeing with SYN Media and its hosts about and others I do not, but I do think that it has an important role to play.

Some time ago, in another lifetime, I worked as an official in the Office for Youth, and without wanting to appear hubristic I could say to the government that should I be let loose on the budget of the Office for Youth I could easily trim millions and millions from that budget, without young Victorians seeing any negative impact, in order to find the loose change necessary – just \$100,000 or so – to double the base funding for this important media organisation that does really good work. It is entirely youth led.

We have a new Minister for Youth. I know that Minister Spence when she was minister shared my view that SYN Media should be supported, notwithstanding the fact that she was not able to gain support from her caucus colleagues at the last election for a very modest increase in the base funding for SYN Media. I would urge Minister Suleyman to seek to do so now, and I want to assure Minister Suleyman that if she was able to secure the very modest increase in base funding that I am asking for it would be met with the full bipartisan support of the Liberal and National parties, as ultimately then we would be able to keep this important organisation on the air.

### Responses

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (22:14): Mr Berger has raised a matter for the Minister for Health. Mr Luu has raised a matter for the Minister for Education. Dr Mansfield has raised a matter for the Assistant Treasurer. Ms Lovell has raised a matter for the Minister for Roads and Road Safety. Mr Galea has raised a matter for the Minister for Transport Infrastructure. Mrs Tyrrell has raised a matter for the Minister for Planning. Mrs McArthur and Mr Mulholland have both raised matters for the Minister for Treaty and First Peoples. Dr Heath has raised a matter for the Minister for Skills and TAFE. Ms Purcell has raised a matter for the Minister for Environment. Mr McGowan has raised a matter for the Minister for Public and Active Transport. Ms Crozier has raised a matter for the Minister for Emergency Services. Ms Bath has raised a matter for the Minister for Housing. Mr Davis has raised a matter for the Minister for Economic Growth, and Dr Bach has raised a matter for the Minister for Youth. I will pass them on for a response accordingly.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 10:15 pm.**