

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 12 MAY 2022

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

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| Minister for Planning | The Hon. EA Blandthorn MP |
| Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers | The Hon. CW Brooks MP |
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FIFTY-NINTH PARLIAMENT—FIRST SESSION

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Deputy Speaker

Ms N SULEYMAN

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The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

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Deputy Leader of The Nationals

Ms E KEALY

Leader of the House

Ms EA BLANDTHORN

Manager of Opposition Business

Ms LE STALEY

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Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Ms T Burrows

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FIFTY-NINTH PARLIAMENT—FIRST SESSION

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| Allan, Ms Jacinta Marie | Bendigo East | ALP | McCurdy, Mr Timothy Logan | Ovens Valley | Nats |
| Andrews, Mr Daniel Michael | Mulgrave | ALP | McGhie, Mr Stephen John | Melton | ALP |
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| Battin, Mr Bradley William | Gembrook | LP | McLeish, Ms Lucinda Gaye | Eildon | LP |
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| Hamer, Mr Paul | Box Hill | ALP | Theophanous, Ms Katerina | Northcote | ALP |
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| Kealy, Ms Emma Jayne | Lowan | Nats | Wells, Mr Kimberley Arthur | Rowville | LP |
| Kennedy, Mr John Ormond | Hawthorn | ALP | Williams, Ms Gabrielle | Dandenong | ALP |
| Kilkenny, Ms Sonya | Carrum | ALP | Wynne, Mr Richard William | Richmond | ALP |

PARTY ABBREVIATIONS

ALP—Labor Party; Greens—The Greens;
Ind—Independent; LP—Liberal Party; Nats—The Nationals.

Legislative Assembly committees

Economy and Infrastructure Standing Committee

Ms Addison, Mr Blackwood, Ms Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

Environment and Planning Standing Committee

Ms Addison, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Ms McLeish and Mr Morris.

Legal and Social Issues Standing Committee

Mr Angus, Mr Battin, Ms Couzens, Ms Kealy, Ms Settle, Ms Theophanous and Mr Tak.

Privileges Committee

Ms Allan, Mr Carroll, Ms Hennessy, Mr McGuire, Mr Morris, Mr Pakula, Ms Ryan, Ms Staley and Mr Wells.

Standing Orders Committee

The Speaker, Ms Blandthorn, Mr Fregon, Ms McLeish, Ms Settle, Ms Sheed, Ms Staley, Ms Suleyman and Mr Walsh.

Joint committees

Dispute Resolution Committee

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

Electoral Matters Committee

Assembly: Ms Hall, Dr Read and Mr Rowswell.

Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

House Committee

Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Mr Fregon, Ms Sandell, Ms Staley and Ms Suleyman.

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.

Integrity and Oversight Committee

Assembly: Mr Halse, Mr Maas, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Council: Mr Grimley.

Pandemic Declaration Accountability and Oversight Committee

Assembly: Mr J Bull, Mr Eren, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Council: Ms Crozier and Mr Erdogan.

Public Accounts and Estimates Committee

Assembly: Ms Connolly, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Council: Mrs McArthur and Ms Taylor.

Scrutiny of Acts and Regulations Committee

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Council: Ms Patten and Ms Watt.

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Thursday, 12 May 2022

The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (09:33): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Condolences

SENIOR CONSTABLE BRIA JOYCE

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police) (09:33): (*By leave*) The *Sunraysia Daily* headline on Monday, 11 April, read ‘Our hearts are broken’, and the hearts of the Victorian police family, family and friends, the community of Mildura and Victorians right across the state were broken by the loss of yet another member of Victoria Police in the line of duty and the serious injuries suffered by another.

On 8 April 2022 Senior Constable Bria Joyce kitted up with Senior Constable Tom Kinnane to commence her shift as part of the Mildura highway patrol. She did not come home from that shift. There was a head-on collision on Kulkynne Way, near Red Cliffs, that claimed her life and seriously injured Tom Kinnane. The driver of the other vehicle also died at the scene. I want to take this opportunity to pass on this house’s best wishes to Tom for what is a very long recovery ahead. It speaks volumes about his character and resolve that even as he embarks on what will be a long rehabilitation process he wanted messages read out about Bria’s funeral and said that he wanted to work hard get back to the job.

The motor vehicle collision on 8 April was a catastrophic one. The scene, for those who witnessed it, was traumatic. I want to acknowledge all the first responders who attended the scene on the night of 8 April. It is a massive burden that we place on our police officers, firefighters, SES and paramedics that they attend these types of scenes as part of their day-to-day responsibilities. This is made even more difficult when it is one of their own, someone they knew, for many someone they knew very well. Most of the first responders were friends with Bria and Tom; they spent time with them outside work. But that night, despite the horrific scene they were confronted with, they did their jobs with dignity and respect.

I also want to call out the role played by Acting Senior Sergeant Liam Tinkler. Liam was a divisional response supervisor attending the scene, coordinating and managing the police response and supporting the emergency services personnel throughout. He performed the role in the most trying of circumstances, and he was one of the most stoic people that I met when I was up there.

I also want to acknowledge the motor vehicle collision response team, who deal with our worst road accidents and again did so with courage as they pieced together what had occurred to someone who was very much part of the police family.

I further want to thank those who came to support the Mildura team and Bria’s loved ones: Reverend Jim Jung and the welfare team; the Police Association Victoria welfare support; police from the Western District, who came in to fill shifts that the local Mildura police did not feel they were able to; and Superintendent Bec Olsen and Assistant Commissioner Cindy Millen—both incredible rocks for the staff up there.

But Bria will never be defined by the manner of her passing. She will be remembered and forever valued by the impact that she had on everyone she knew and worked with. She commenced at the Mildura police station in 2018 after working as a police officer in Melbourne, before commencing

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with the Mildura highway patrol in October 2021. But even in that short time she had become a loved member of the police family. To give you some sense of that I want to paraphrase some words from Superintendent Bec Olsen. Bria:

... put many of us to shame with her drive and determination to be the best person. Bria was a ray of sunshine, she was an over achiever in all that she set out to do—a successful triathlete, musician playing in local orchestra's, an artist and an accomplished quilter for most would be miles apart—

in terms of skills and interests—

... but Bria's interests were vast and her appetite for challenge great.

A lover of birds and people, a loyal friend. A proud member of Victoria Police. It only recently came to light that Bria had saved the life of a 14 year old swimmer from drowning in the Murray River. Bria never mentioned this ...

to her colleagues.

Of course she didn't—typical Bria.

Bria Joyce wandering the corridors smiling from ear to ear lifting everyone that she meets spirits will be missed.

And she is so missed. In the days after her passing I met with her work colleagues at the Mildura police station. The grief and the tears from many of the most seasoned and experienced country police officers were the most profound that I have ever experienced. The outpouring of grief from the community was also extensive. From the moment I arrived at the station I witnessed bouquets of flowers and plates of food being delivered to the station at least every couple of minutes. It was a grief that was still raw and on full display at her funeral on 21 April.

An element of that shock and grief is what is experienced by all first responders when they lose one of their own. But it was so much more than that. It was a grief for losing an exceptional individual. It was a grief for all the potential that we have been denied and for all of those day-to-day interactions with Bria that had enriched her colleagues and that had renewed in all of them their love and passion for policing and giving back to the community. Her graduation photo has been widely shared, and I encourage anyone to have a look at it. It is a single, perfect image that speaks of all the enthusiasm, energy and promise that we want to associate with policing. One of the photos that her mother shared with me is a photo of me at Bria's graduation. The grief is so profound because we know that we are so much the poorer for not having her in our lives or in the Victoria Police family anymore.

To ensure the Parliament properly records her contribution to policing I am honoured to read into *Hansard* her record of service. Bria Joyce, registered number 42368, entered the Victoria Police Academy on 22 August 2016, straight from school. She graduated eighth in her squad of 27 and was sworn in on 11 November 2016 before continuing her training with initial operational duties in the Melbourne CBD. From 30 April to 10 June 2017 Bria worked at the road policing drug and alcohol section, which gave her a passion for that area of work. Following this she was assigned to Ringwood police station as her dedicated training workplace from 11 June to 10 September 2017. Her permanent training station was at Moonee Ponds in the uniform branch from 11 September 2017. Bria worked in this busy inner-Melbourne station before commencing with Mildura uniform on 16 April 2018. She successfully completed her probationary period and was confirmed as a first constable on 10 November 2018 and promoted to senior constable on 11 November 2020. On 11 October 2021 Bria commenced duties at her final location, the Mildura highway patrol. On 8 April 2022 Senior Constable Bria Joyce was killed in a motor vehicle accident while performing highway patrol duties.

It is a tragically short record, and we are robbed of everything Bria would have done in the decades to come if fate had not taken her from us. I know that the Chief Commissioner of Police has already proposed to award Bria the Victoria Police Star, that honour bestowed on members who are killed or seriously injured in the line of duty. He also plans to exempt Bria from the qualifying years of service to award the National Police Service Medal and the Victoria Police Service Medal. He is doing that on the basis of her passion and commitment to serving the community, which is what these awards are

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intended to recognise. I fully support this move because, like the Chief Commissioner of Police, I know she would have given so much more back to the community if only she had been given the opportunity.

Bria was an exceptional individual. She was a beloved daughter of Dianne and a dearly loved partner to Kyle. Together they had already forged a life in their local community, he a firefighter and she a police officer. They were a dynamic couple. She loved her birds, which Kyle is now taking care of and promised to take care of. They were on display at her funeral—Daz and Pip. She was a valued police officer, and she will always be remembered and honoured for her sacrifice. Vale, Senior Constable Bria Joyce.

Mr BATTIN (Gembrook) (09:43): (*By leave*) I rise to join the Minister for Police in a very fitting tribute to Bria. I know that many in the community would have been listening and hearing the words there from the minister, and I know they are reflected across the entire Parliament and all of the first responders who had to attend the tragic accident up in Mildura, which resulted in the death of Bria, with Tom in the car.

I had as the start of this to talk about Bria and her number 42368. The number for a police officer is more than just a number; it is your membership to a family that lives with you forever. And still today, anytime you speak to any police officer, the first thing they ask is, 'What was your number?'. 42368 is a number that we should all never forget in the future. I was going to go through the record of service as well, but rather than go through the whole lot I will acknowledge that she had a very short service and an amazing time with what she achieved in that short period of time within Victoria Police.

Bria was known lovingly by her family as the million-dollar baby on account of the allergies that she had. She was bright and bubbly and described as a real country girl. Bria was a much-loved, active and passionate member of her local community. Bria's friends, family and colleagues could always rely on her to be there when they needed her, and that is an amazing trait to have. As a young girl she was sporty and musical, and she volunteered her time sewing pouches for orphaned joeys. So from a young age she was always a person that wanted to give back and serve—leading to her time in Victoria Police, which is all about giving back and supporting your community. Anytime someone goes to work and does not return home it is tragic. But for the people I have spoken to and with, Bria's death has hit particularly hard. The 25-year-old had been a police officer for just six years, but even from that short time of her policing she has left a very memorable impact. As the minister has mentioned, she was off duty when she rescued a young girl struggling in the Murray River and did not tell her colleagues about it. It was just something that she did to give back, but the father of that girl said it would have been disastrous if Bria was not there. It was just an example of a person who puts others first.

At the celebration of Bria's life, Kyle spoke through grief from his heart. He spoke of Bria's bold, brave, passionate approach to everything she applied herself to. Kyle reflected not only on how much they shared in their three years together but also how much Bria had impacted on his life and how much she had packed into her life. Alana Downie from Bria's squad spoke of the fact that her squad family fell instantly in love with her. Alana remarked that when Bria joined the squad, it was the luckiest day of their lives. That just shows you how much of an impact Bria had on those around her, and Alana recounted that, even though Bria was bright and bubbly, she was as tough as nails and worked hard at everything she did.

Chief Commissioner Shane Patton spoke at the funeral service about the impact that Bria's passing had on her colleagues, and as a former serving policeman myself, I am acutely aware of the dangers faced by members each and every shift and the trauma that can ensue. Any time a police member has to attend a fatal accident it is traumatic, but when that accident involves one of your own colleagues it is even more so. With no disrespect to any person in here today, there are a couple in this place who are former police officers, and it does impact you just that little bit more, knowing someone from that police family has been lost. Reverend Jim Jung, a senior police chaplain, spoke wonderfully at Bria's funeral. He reminded those in attendance of Bria's strength, characteristics and values and that, while she is not with us anymore, they remain with us and we can learn.

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Before I read the *Police Ode* to honour the life of Bria, I want to send our strength and support also from the whole Parliament to Thomas Kinnane, or Tom. Tom was in the car with Bria on that evening, and Tom was in my sister's squad in 2001. I have been speaking to him over the last few weeks, and he has an exceptionally long road to recovery, but on behalf of myself, and I am sure the minister and every person in this place will join me: Tom, to you and your family we send our strength and our support as you face a battle to get back to where you want to be, and we thank you for everything you have done in our community. And for Bria:

As the sun surely sets:
dawn will see it arise,
for service, above self,
demands its own prize.
You have fought the good fight:
life's race has been run,
and peace, your reward,
for eternity begun.
And we that are left,
shall never forget,
rest in peace friend and colleague,
for the sun has now set.

To Bria's friends, family and colleagues, if they happen to be watching this or reading it at any time, it is also a reminder to them it is okay to not be okay. It is okay to be hurting from the loss of Bria. Remember, there are people who are there to support you, so please reach out, whether it is someone in here, the Police Association Victoria or someone in your community—share your grief. Share the loss of Bria together and make sure that you keep those memories alive, because that will be what makes the difference. From all of us here in this place, we are thinking of you. Rest in peace, Senior Constable Bria Kathleen Joyce, 42368.

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

Petitions

Following petition presented to house by Clerk:

BUS ROUTE 684

This petition of residents in Victoria draws to the attention of the Legislative Assembly the importance of the Yarra Valley bus service, Route 684, for community members which travels to and from Southern Cross Station to Eildon. Route 684 allows passengers easy access to Eastland, Southern Cross Station and key health services including St Vincent's Hospital. Changing modes of transport disadvantages elderly, those with mobility issues, mental health concerns, workers and tourists.

The petitioners therefore request that the Legislative Assembly direct the Department of Transport to keep the existing bus service, Route 684, travelling to and from Eildon to Southern Cross Station.

By Ms McLEISH (Eildon) (497 signatures).

Tabled.

Ordered that petition be considered next day on motion of Ms McLEISH (Eildon).

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT—The Clerk tabled the following document under an Act of Parliament:

Subordinate Legislation Act 1994—Documents under s 15 in relation to Statutory Rule 21.

Business of the house**ADJOURNMENT**

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (09:51): I move:

That the house, at its rising, adjourns until Tuesday, 24 May 2022.

Motion agreed to.

Members statements**KYABRAM SCHOOL BUS SERVICES**

Mr WALSH (Murray Plains) (09:51): I raise the concerns of several families in Undera who cannot get a school bus to their closest secondary school unless they drive 6 kilometres to St Germain's, which is just up the road. Families are being forced to drive the 6 kilometres from Undera to St Germain's each morning and each night so that their children can attend the school in Kyabram. If they do not drive to St Germain's each morning and each night, their children have to go on a longer bus trip to the Shepparton super-school, a school which their families do not want their children attending for all the reasons which have been well documented.

The simple solution is to have the current school bus route from St Germain's to Kyabram extended to Undera so that these children can have a shorter school trip to go to school. I ask the Minister for Education and the minister for transport to actually work together to have this bus route changed so that these students from Undera can attend their closest school. Changing school bus routes is a challenge quite often, but I ask those two ministers to please work together to have this bus route changed so that the students from Undera can attend school in Kyabram without their parents having to drive 6 kilometres to and back from St Germain's each morning and each night.

WARRINGA PARK SCHOOL

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (09:53): I am pleased to update the house on my recent visit to the Warringa Park School in my electorate to congratulate this wonderful community on their funding allocation of \$14.6 million through the 2022–23 state budget. A group of delightful and excited students led me on a tour, and I could see firsthand how this funding will assist the school community. Thanks to the students in the cafe for their fantastic coffee, and congratulations to principal Sharma and your team for the programs in place that help build essential life and work skills for your students.

As a government we are committed to our special schools, such as Warringa Park, and believe every child should be provided with the opportunity to achieve their full potential in their studies. This investment builds on previous funding of \$7.97 million and \$12.4 million for the school's Cayleys Road campus. And we are catering for our growing community across Werribee by funding the construction of three new schools and creating the jobs required to build them.

WERRIBEE MERCY HOSPITAL

Mr PALLAS: This budget also provides a significant boost to our health services in Werribee. We will redevelop and expand the emergency department of Werribee Mercy Hospital with a \$109.6 million investment, backing the incredible hard work of our healthcare workers so that they can keep looking after their local families. With this budget I am pleased that the Andrews Labor government is getting on with delivering for the people of Werribee.

EASTFIELD BMX CLUB

Mr HODGETT (Croydon) (09:54): I rise today to speak about a wonderful local sporting club, the Eastfield BMX club. The BMX club was founded on 27 November 1980 by David Hall, with their first track located in Norton park in Croydon. The club then moved to their current track in Colchester

Road in Kilsyth in 1991. Approximately 100 people visit the track per week, with the club offering gate practice, beginners coaching and also club meets. They welcome all boys, girls and adults to join up as an Eastfield member and ride in their race meets. As long as you can ride a bike without training wheels there is a place for you at the Eastfield BMX Club.

Funding and support are needed to help make improvements to the track, such as providing a new start gate so that the club can continue to offer this great local sport within the community. I had the pleasure of visiting the club in January for their annual regional BMX competition, and I thank Ariana, Bill and Bodi for their time. I look forward to working with the club to deliver improvements to their facilities to support this exciting sport.

THE BABES PROJECT

Mr HODGETT: I also wish to talk about the amazing work which the Babes Project deliver in supporting and empowering women in their pregnancy or early parenting. Trained and experienced volunteers work with women who are facing crisis or who have challenging pregnancies, offering a perinatal support program. They assist women to address challenging circumstances and engage with other healthcare and supporting agencies, provide workshops where they can learn life skills and baby care and allow women the space to begin to plan a different future for their family. My electorate benefits from the support available from the Croydon centre. I continue to advocate and back this wonderful organisation so they can keep supporting and empowering women within the community.

MERRIANG SPECIAL DEVELOPMENTAL SCHOOL

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:56): I rise to acknowledge a very significant investment in the Merriang Special Developmental School announced in last week's Labor government budget of 2022–23. Merriang Special Developmental School will receive \$5.32 million to deliver the final stages of the school's master plan for both South Morang and Lalor campuses. This funding goes a long way for the junior campus in South Morang and will deliver multipurpose rooms where students can safely participate in physical, music, arts and home craft activities. I had the opportunity to visit Merriang junior campus in South Morang last week and meet with the principal, Ebony Mitchell, and a number of students. I was reminded yet again of what a wonderful school this is and the excellent education opportunities and experiences the staff at this school are providing for their students, who have physical or multiple disabilities or complex health needs. I would like to congratulate Ebony Mitchell and the rest of the Merriang Special Developmental School staff, students and their families for their amazing work and sense of collegiality.

The local schools in my electorate do so much to give every child the best start in life, and the \$5.32 million announced in our budget ensures that students with special needs receive the same opportunities as every other student in my electorate to achieve their very best. This budget like no other has shown what Labor is really about. It is about investment in our people through our schools. We understand that people matter, and we show it by delivering for the wellbeing of every Victorian.

FOUR PILLARS GIN

Ms McLEISH (Eildon) (09:57): I did not think it possible, but the Four Pillars gin distillery in Healesville just keeps getting better and better. Four Pillars have become the first carbon-neutral distillery in Australia since opening their distillery extension—Healesville 2.0—in April. I ducked in on day one and was super impressed by the set-up. Well done to Cam, Matt, Stuart and the Four Pillars team. This is a wonderful accomplishment and a great demonstration of how businesses can become more sustainably minded and focused on reducing their environmental footprint.

Four Pillars have driven the establishment of other sellers and wine bars nearby. Payten & Jones Wines at No.7 are across the road and Jayden Ong and Watts River Brewing are around the corner, making this precinct in Healesville the place to go.

ANZAC DAY

Ms McLEISH: It was a delight to attend the Upper Yarra RSL children's Anzac service last week. Every year the Upper Yarra RSL do a great job bringing together grade 6 students from local primary schools and the Upper Yarra Secondary College for the service. Well done to the students presenting on the day, talking about the history of Anzac Day, the service men and women, the animals in war; sharing the meanings behind the poppies and the legendary story of Simpson and his donkey; and of course the lovely reading of poems—all done in front of a very large crowd who were all very impressed. A special shout-out goes to the MCs from Millwarra Primary School, Michaela Boss and Cooper Noonan, who did a terrific job running the service. It is always a delight to see children take on something a little bit new and do so well.

GO WEST FESTIVALS FUND

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (09:59): I rise to celebrate the Victorian state budget news that the best is coming to the west with the announcement of a \$2.4 million Go West Festivals Fund, coming soon to a western suburb near you. Along with my western suburbs colleagues in Niddrie, Footscray, St Albans, Koroit, Sydenham, Werribee, Altona, Tarneit and Williamstown, I am delighted that with the support of this fund Melbourne's west will host signature events, including the Melbourne International Comedy Festival, Rising and the Melbourne Fringe. We are encouraging and supporting these major events to stage shows and commission exciting new works in the heart of Melbourne's west.

We know the west is a powerhouse of diversity and creativity, full of people, places and communities buzzing with life and ideas. The Go West Festivals Fund, combined with an \$8.7 million investment in the Footscray Community Arts Centre precinct, which I know the member for Footscray is thrilled about, as well as funding for planning for a new performing arts centre in Tarneit, which the member for Tarneit is also thrilled about, sees our beloved west on the road to an exciting creative future.

We on this side of the house are committed to harnessing and showcasing the incredible local talent and culture of the west. Our creative state has a multibillion-dollar creative economy. The creative economy seeks arts and cultural destinations big and small to create jobs, share talent and ideas and deliver the experiences that Victorians truly love. I am thrilled that the Go West Festivals Fund and the Andrews Labor government will support the mighty west to play its part in the creative state.

COUNTRY FIRE AUTHORITY LILYDALE BRIGADE

Ms VALLENCE (Evelyn) (10:00): It was a privilege to attend the Lilydale CFA fire brigade's annual dinner recently. The highlight of the evening was the unveiling of the brigade's pumper being named in honour of Frank Whelan OAM, former brigade captain and current president of Volunteer Fire Brigades Victoria (VFBV) district 13. Frank has proudly dedicated 60 years of his life to our community as a volunteer firefighter, including 30 years as captain of Lilydale CFA. It was the first time in the brigade's history that one of the trucks was being named after a member, and it was wonderful to see so many of Frank's family in attendance to share the occasion with him—a fitting tribute to an outstanding volunteer firefighter and a highly respected community member.

Also I wish to pay tribute to Val Oliver, who received her medal for 60 years of service to the brigade's auxiliary; Ron Haines AFSM, who was recognised as Firefighter of the Year; Trevor Dean, who was bestowed with life membership of the Lilydale fire brigade; and my dear friend Gwen Corbett, who I was honoured to present with the inaugural Frank and Anne Whelan Community Award. Gwen also received the VFBV Gold Star award.

Many brigade members received years-of-service medals on the evening. I congratulate them all and pay tribute to and thank captain Warren Davis and all of the Lilydale fire brigade volunteers, who for 365 days of the year put their lives on the line to keep our community safe. They are our true local heroes.

CURLEWIS GOLF CLUB

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police) (10:02): In mid-April I was again very happy to welcome the Premier back onto the beautiful Bellarine Peninsula. With the new iconic Curlewis Golf Club currently completing a \$20 million redevelopment, the Premier was only too pleased to accept an invitation from owners Lyndsay and David Sharp to officially open the new facilities, which include a superb 60-room accommodation complex, together with a magnificent new clubhouse. These are in addition to an \$8 million driving range and of course upgrades that the Sharps previously completed at the club.

I know that when you combine these fantastic new facilities with the first-class reputation the Sharps have in providing quality food, wine and hospitality, the club will quickly become a must-do, play-and-stay destination for golfers and tourists alike. I congratulate and thank Lyndsay and David Sharp and their team not only for this redevelopment but for their unprecedented and ongoing commitment to tourism on the Bellarine.

BELLARINE WATER SECURITY

Ms NEVILLE: On another matter, in my role as local member and Minister for Water I was recently pleased to mark the completion of the \$2 million recycled water pipeline extension on the north Bellarine. This pipeline means recycled water can now be supplied to more local agricultural and horticultural businesses between Church and Scotchmans roads. The increased use of recycled water will boost and secure agricultural production, particularly in light of climate change, and create local jobs and importantly reduce reliance on drinking water. I thank Jamie Bennett of Bennetts winery and his staff for hosting the event.

MCMAHONS ROAD–BURWOOD HIGHWAY, FERNTREE GULLY

Mr WAKELING (Ferntree Gully) (10:04): Since 2014 I have consistently raised in this house the need for traffic lights to be installed at the intersection of McMahon's Road and Burwood Highway in Ferntree Gully. The Andrews government consistently ignored the needs of Ferntree Gully residents on this important issue. In March of this year the Leader of the Liberal Party and I announced that we would commit to installing traffic lights at this intersection, and I am very pleased to see that the government followed the lead of the Liberal Party and announced funding for this important project in this year's budget. Residents are now asking when the traffic lights will be installed, so I am calling on the government to explain to residents when work will commence and when the traffic lights will be complete.

URBAN ALLEY BREWERY

Mr WAKELING: I was pleased to attend the opening of the Urban Alley Brewery, a fantastic new facility which was opened in Knox Ozone. Located next to the cinemas and on the site of the former Irish pub, this new facility will provide Knox residents with a new world-class craft brewery experience. In fact one of the brewery's beers recently took out third place in the world beer awards. A big congratulations to all at Urban Alley for persevering with their venture during COVID. This \$5 million investment not only means an exciting new hospitality facility for Knox but will provide employment for 60 staff. Make sure, residents, to drop by for a drink and a meal at this exciting new facility.

KNOX SMALL BUSINESSES

Mr WAKELING: Small businesses across Knox are deeply hurting due to the impact of two years of lockdown, and this government is failing to provide the support they need.

BUDGET 2022–23

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:05): Last week the 2022–23 state budget delivered important support for local projects in my electorate of Richmond. From classrooms to community sporting clubs, this government has delivered a variety of community

infrastructure that is of enormous benefit to my community. The budget contains massive investments for Victorian schools because the Andrews Labor government is committed to investing in the future of our children. It is why Victoria is the Education State. \$7.2 million is being invested to upgrade and modernise Yarra Primary School, fully funded in this budget. Yarra Primary School is a historic and vibrant school in the electorate; it opened its doors to the kids of Richmond in 1888. I had the pleasure of visiting the school with the Premier and our candidate for Richmond, Lauren O'Dwyer, where we met with the students who of course will benefit richly from these major upgrades. I thank the Minister for Education for this funding and his unwavering commitment to students and giving them the classrooms they deserve.

We are also investing \$6.3 million in stage 2 of the historic Brunswick Street Oval redevelopment. This will go towards the construction of community rooms and upgrading the existing tennis pavilion and create storage space under the existing grandstand, a fitting tribute to the mighty Fitzroy Reds, who play their games at this much-loved oval.

MORNINGTON PENINSULA HOUSING

Mr MORRIS (Mornington) (10:07): We have a housing crisis on the Mornington Peninsula. We have the sixth-largest number of rough sleepers in the state. We have low—in fact extremely low—vacancy rates in terms of rental properties. We have a genuine crisis. I thought it might have been instructive to see what the government, particularly the member for Nepean, has been saying about housing, so I searched *Hansard*. The member for Nepean has mentioned housing on the Mornington Peninsula once, on 9 September 2021. He asked the Minister for Housing to provide an update to his community about:

... how the Victorian government's announcement on funding to provide housing support and targeted initiatives to address homelessness in—

the budget—

... will help to reduce homelessness on the Mornington Peninsula.

What was the response? None—absolutely none. A government member asked in an adjournment for a response from the Minister for Housing and he has had nothing at all. I guess it is hard to talk about what you are doing when you are not actually doing anything.

My own electorate has a number of locations where public housing is literally falling apart—literally collapsing. It is prime real estate, but if you are not going to invest in public housing on the Mornington Peninsula, how about you utilise the assets better? Surely we can use them more effectively. The sites are great, the buildings are not. Well-located slums are still slums. There is a real opportunity here to take action and make improvements that will make a real difference to people's lives. I challenge the minister, who it is great to see at the table, to really get on and do something.

NORTHERN SUBURBS SOMALI COMMUNITY

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:08): I rise to update the house on the work the Andrews Labor government is doing to support the Somali community across the northern suburbs. As part of the building safer communities program, Banyule City Council has been funded with a grant of almost \$300 000 to build the strength and resilience of the Somali community. As well as social events, the program includes employment workshops, mental health support, sessions to tackle the challenges of alcohol and other drug addictions, developing cultural awareness training for services and running leadership programs. The young people running this program are absolutely outstanding.

I was lucky enough to join the council, Himilo Community Connect and hundreds of Somali women for a swim night at WaterMarc on Saturday night. Part of the Eid celebrations, this event was an opportunity for women to socialise and use the pool that they would be unable to use at other times. I heard firsthand about the challenges that young Somali people face. I know the member for Ivanhoe

and the member for Bundoora have connected with these communities, and they understand the challenges faced. We heard from a young woman who said she faces the dual prejudice of racism and Islamophobia, which acts as a barrier preventing her and others in the community finding meaningful work and accessing different cultural and community programs. We know these barriers can contribute to contact with the justice system.

GREATER SHEPPARTON SECONDARY COLLEGE

Ms SHEED (Shepparton) (10:10): Education has undertaken a transformational change in Shepparton, so it is incredibly disappointing to stand up and have to say that there are members in this place and in the other place who do nothing but criticise the Greater Shepparton Secondary College. Do they not think that young people in this school want to be proud of their school, want to value their school, want to be able to say, 'I go to Greater Shepparton Secondary College', want to grow up one day and say, 'That's the school I went to' and know that they have achieved something? It is incredibly disappointing. I would have thought that members in this place would know better and would think about the needs of young people before they get up and publicly criticise the educational institution that over 2000 young people in my community go to. But education has always been on my agenda, and there is always more to be done. I was very pleased just this week to chair a meeting of a diverse group of people in the community who are very interested in lobbying the government, working with those who are stakeholders to look at ways to engage young people at the school who are challenged, whether by being—well, we call them diverse learners, a huge range of young people.

PROFESSOR CHRIS BROOK

Mr CARBINES (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (10:11): I rise to give thanks for the life of Professor Chris Brook. Chris joined as chief medical officer in 1998. He stayed for many years in a variety of positions, including director of public health; director of acute health; executive director of rural and regional health and aged care; executive director of wellbeing, integrated care and ageing; chief advisor on innovation, safety and quality; and state health and medical commander in emergency management. Chris made so many significant contributions to the Victorian public service, to public service and indeed to health care in Victoria—it is impossible to name them all—through advisory committees, statutory roles, authority board positions, countless publications, and population-based preventative health strategies. Chris truly helped improve the lives of millions of Victorians. Some of the formal accolades he received over the years include an honorary life membership of the International Society for Quality in Health Care, the Public Service Medal, the gold medal for lifetime achievement in safety and quality, the National Emergency Medal twice—all of these and so many more, so very well deserved. Of course I have borrowed there from current secretary Euan Wallace's missive to the department. Many staff both past and present are hurting and sad at Chris's passing. As someone who worked many years with Chris both as a ministerial adviser but also as staff in the positive ageing unit in the aged care branch a long time ago, he was a great leader, had a huge intellect, and he got the best out of all of us. To CW Brook, vale.

ANZAC DAY

Mr ANGUS (Forest Hill) (10:13): I was honoured to attend recently the Anzac Day events hosted by the Waverley RSL, including laying a wreath on behalf of the residents of the Forest Hill district. On Sunday, 24 April, there was a terrific march from the RSL to the cenotaph at the Monash Civic Centre, which included numerous cadets, the Melbourne High School Band and many Waverley RSL members, returned veterans and various dignitaries. This was followed by a very well attended commemoration service. The Anzac Day dawn service was also a very special occasion with a large crowd in attendance, many of whom returned to the RSL club for a traditional gunfire breakfast. My congratulations and thanks go to the Waverley RSL president, Michael Black, and the other committee members, together with all the RSL members and other volunteers who work so hard to enable these important commemorations to happen.

MENTAL HEALTH

Mr ANGUS: My office continues to be contacted by constituents advising of their concern for the mental health of their children and other family members. It is now well known that mental health issues, including anxiety, depression, eating disorders, self-harm and suicidal ideation, in the community are at record levels following the last two years. Evidence received from Victoria's chief psychiatrist at the recent parliamentary Pandemic Declaration Accountability and Oversight Committee public hearings shows that the number of teenagers presenting at emergency departments for self-harm and eating disorders is still at concerning levels. He also noted the unsurprising fact that children and teenagers were the most vulnerable group during the pandemic, due in part to the lack of socialising as a result of lengthy school closures. This is a crisis that the government has contributed to and now must fix as a matter of utmost urgency.

BUDGET 2022–23

Mr ANGUS: The recent state budget was again another slap in the face for the residents of the Forest Hill district, with schools and clubs that are desperate for infrastructure being ignored— (*Time expired*)

INTERNATIONAL NURSES DAY

Ms HENNESSY (Altona) (10:14): I am delighted to rise today and I would like to acknowledge all the wonderful hardworking nurses from Melbourne's west, but in particular in my electorate of Altona. It is of course International Nurses Day today, and there has never been a tougher couple of years for those wonderful hardworking professionals. I want to pay an enormous tribute to all of the nurses in my electorate, many of whom work at the Werribee Mercy. They are delighted with the announcement in the state budget of a \$236 million expansion. They are very grateful for our investments in things like the Point Cook community hospital, the investments that are being made in respect of Sunshine Hospital and particularly an emphasis on alcohol and drug treatment expansion services.

Some of the important reforms that our government have delivered in collaboration with nurses and their representatives have been things like nurse-patient ratios. I want to lend my support to this debate that is occurring at a federal level in the prelude to the federal election. The Royal Commission into Aged Care Quality and Safety made it crystal clear that ensuring that we have proper investment in nursing workforces in the aged care sector is critical if we are to rise to the challenge of any of the recommendations laid out in the *Neglect* royal commission interim report into aged care. That means ratios and that means nurses in aged care, and it cannot come soon enough.

FEDERAL BUDGET

Mr FOWLES (Burwood) (10:16): Speaking about the federal budget, Josh Gordon from the *Age* asked:

... has there ever been a greater distribution of federal taxpayers' money away from Victoria ... And has it ever been done in a more brazen manner?

Indeed. Extraordinarily, the Shadow Treasurer, Mr Davis in the other place, agrees. He said:

... Victoria hasn't had a fair deal on many of these national programs.

He added that we need to make our

... political point, that Victoria has done very, very poorly out of the commonwealth ...

That is the Shadow Treasurer, but what about his boss, the Leader of the Opposition? He had a chance to stand up for Victorians, to put the interests of the state ahead of his party. Did he rise to the task? No, emphatically no. When the Minister for Transport Infrastructure pointed out that Victoria was not getting a fair share, the member for Bulleen's response was, 'Now she wants more money? Grow the hell up'. That response speaks to the heart of the Liberal Party's attitude to both the policy and the

politics of government spending in this country: go for the short-term political sugar hit and to hell with the policy.

The Leader of the Opposition is all froth and no beer, all tip and no iceberg, all soundbite and no substance. The last thing Victoria needs is a Premier that will not stand up for Victoria and will not stand up for Victorians. It is bad enough that we have a Prime Minister for Sydney and a federal Treasurer for no-one. We simply cannot afford a puppet as a Premier, and the federal budget bells the cat on all three of them.

COWES PRIMARY SCHOOL

Ms CRUGNALE (Bass) (10:17): It was absolutely magnificent. Accompanied by a 525-plus thunderous, symphonic, highly animated student and all-school community roaring cheer, the ribbon was cut officially opening the new competition-grade, shared-with-community Cowes Primary School gymnasium. I was welcomed by principal Rod McKenzie and the school captains, Lily and Brydon, and the guided tour began. Wonder set in at the transformation of the old cannot-fit-everyone-in gym into STEM and art rooms. Through the doors there was a library teeming with books. The captains' pride and enthusiasm abounded, showcasing 3D printers, Lego stations, pottery-filled shelves, walls adorned with artistic creations and then a wall flanked by the sanctuary, overseen by the pool, plantings at every turn and a mini amphitheatre nestled in. The official celebrations they led saw the choir sing the national anthem. Vocalists Adelle, Briar, Kathy and Isla performed an Elton John number. Speeches followed. A scroll of people were acknowledged and scissors were handed out, then the cut and the collective cheer.

A massive thankyou to all involved. Special mention to the school council's Brendan Cashman and Carly O'Brien who, with Principal McKenzie, started this quest back in 2018. Project 12 Architecture have excelled and accentuated through design the external vista, and Becon Constructions brought it to life. This school now has facilities and learning environments that match the dedication, care and energy of the teaching and supporting staff. We promised a competition-grade gym, and that is exactly what we have delivered—gold star. Outstanding teamwork, Cowes Primary. What an asset, and so deserved.

HEALTH INFRASTRUCTURE

Mr McGUIRE (Broadmeadows) (10:19): The Victorian budget will invest more than \$12 billion to make patients priority one after the global pandemic placed health systems under unprecedented pressure. The pandemic repair plan will deliver more staff, better hospitals and first-class care, and I am delighted that Broadmeadows Hospital is a priority in the Victorian government's investment to cut patient waiting lists.

The Andrews government is committed to ensuring every local community gets the health infrastructure they deserve. This budget invests \$2.9 billion to build new hospitals and deliver upgrades to health services throughout Victoria. By expanding our emergency departments, adding more surgical beds for elective surgeries and increasing maternity care services this budget will ensure more Victorians get the best care available close to home, and that is critical. The Andrews government will deliver the \$60 million for the new Broadmeadows Health Service Community Centre of Excellence—that is what we got in the last budget—and this is the first stage of revitalising Kangan Institute's landmark campus in Broadmeadows, training the local people for the local jobs in the areas where we need them most. This is the next generation of migrant and refugee children coming through. They have got the incentive, they have got the drive, and this will help our entire health network, as the pandemic has exposed—because it stalks inequality, and this is where you need to build the future.

WOMEN'S REPRODUCTIVE RIGHTS

Ms HALL (Footscray) (10:20): In recent weeks we have witnessed scenes in the United States that have sent shock waves around the world, with the very real scenario that girls in the US may inherit fewer fundamental reproductive rights than those of their grandmothers. The stacking of the Supreme Court with conservative judges means that an ideological war over reproductive health rights and the

access to safe and affordable abortion may be at risk with the overturning of *Roe v. Wade*. Ruth Bader Ginsberg once commented that:

The decision whether or not to bear a child is central to a woman's life, to her well-being and dignity. It is a decision she must make for herself. When Government controls that decision for her, she is being treated as less than a fully adult human responsible for her own choices.

The United States is a good example of the damage of unsafe abortion. The rate of abortion-related deaths decreased by 85 per cent in the five years following *Roe v. Wade*. We might feel like we are a long way from the US— (*Time expired*)

Business of the house

NOTICES OF MOTION

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (10:22): I advise that the government does not wish to proceed with notices of motion, government business, today and request that they remain on the notice paper.

Bills

CHILD EMPLOYMENT AMENDMENT BILL 2022

Statement of compatibility

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (10:23): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Child Employment Amendment Bill 2022.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Child Employment Amendment Bill 2022 (the **Bill**).

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

Overview of the Bill

The Bill amends the *Child Employment Act 2003* (the **Principal Act**) to, amongst other things:

- amend the meaning of employment for the purposes of the Principal Act;
- replace child employment officers with authorised officers and to provide for the appointment and powers of authorised officers;
- enable the Wage Inspectorate Victoria to issue compliance notices for contraventions;
- increase the penalties for certain offences and to provide for the criminal liability of nominated officers and employer representatives in certain circumstances; and
- provide for a new system of licences to allow the employment of children under the age of 15 years.

Human rights issues

Amendments to provisions regulating child employment

The Bill makes a number of amendments to provisions in the Principal Act that regulate the employment of children under 15 years of age in Victoria, including:

- amending the definition of what is employment for the purpose of the Principal Act to provide more clarity and include not-for-profit entities (clauses 6 and 46);
- raising the age for child employment in pharmaceutical delivery from 11 years old to 13 years old (clause 11);
- providing for prohibited conduct in entertainment employment, involving employer duties to ensure that a child employed in entertainment is not subjected to certain behaviour or strong adult content (clause 14) and supervision requirements for children participating in casting or audition processes (clause 18);

- altering the exception applying to child employment in a family business to only apply where children are directly employed by their parents or another person who has parental responsibility for the child (clause 5) and to impose a duty of direct supervision on that person with parental responsibility (clause 23);
- increasing the minimum age of a person who is supervising a child to 18 years old to ensure that children aged 15 to 18 years old are not attributed the responsibility of implementing Child Safe Standards (clause 17); and
- replacing the current individual permit system with a licensing system to streamline and simplify the process for obtaining permission to employ a child under 15 years (Part 3 of the Bill).

These amendments will engage the rights to protection of children (s 17(2)), equality (s 9), privacy (s 13) and protection of family (s 17(1)) which I will discuss in turn.

Rights of children (s 17(2))

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children, and requires states to adopt social, cultural and economic measures to protect children to foster their development and education. The scope of the right is informed by the United Nations *Convention on the Rights of the Child*, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration. The Convention recognises that children face greater risks to their health, safety and welfare at work, due to their physical, mental and emotional immaturity, and their vulnerability to exploitation and abuse. The scope of the right thus includes a right to protection from economic exploitation or any work likely to be hazardous or interfere with a child's education, or be harmful to their physical, mental, spiritual, moral or social development. The right obliges legislative protection, including providing for minimum employment ages and appropriate regulation to the hours and conditions of employment.

The suite of amendments to the provisions regulating child employment will promote this right by ensuring that the Principal Act remains effective and best practice at protecting the risks to children posed by child employment in light of a changing social and work environment. The amendments take account of developments such as broadened child safe standards, increased focus on risk-based frameworks to target regulatory activities and changing expectations for education participation.

In relation to the removal of the current permit scheme and replacement with a licence scheme, I am satisfied that these suite of amendments will continue to provide strong protection of children from exploitation in the workplace, whilst supporting opportunities for children to benefit from employment. Licence applicants will be required to satisfy a 'fit and proper person' test, particularly in relation to past compliance with child employment and other relevant workplace laws (clauses 56 and 57). Compliance with the new Child Safe Standards under the *Child Wellbeing and Safety Act 2005* will be a requirement under the new child employment licence.

The Bill will apply existing monitoring and enforcement powers in the Principal Act to the licensing scheme, and, as will be discussed below, will broaden such powers to ensure effective investigations into contraventions or possible contraventions of the Principal Act and the regulations. The Bill provides for licences to be suspended or cancelled where the health, safety, wellbeing or development or education of a child is suffering or is likely to suffer from the employment, the child is being or is likely to be subjected to any form of exploitation in the course of the employment, or the employment is prohibited employment (clause 61). Additionally, the Bill introduces a suite of contravention offences for employer representatives and nominees, who knowingly permit or authorise a range of prohibited conduct involving child employment to occur, or fail to take reasonable steps to prevent such conduct occurring (clause 68).

Accordingly, I am satisfied that these suite of amendments will promote the children's right to protection in the Charter.

Rights to privacy and equality (s 8 and 13)

Section 8 of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. 'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (EO Act) on the basis of an attribute in section 6 of that Act, which includes age. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute.

Additionally, section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. Privacy is a broad right that protects, amongst other things, an individual's interest in the freedom of their personal and social sphere, including their freedom to pursue their chosen employment and develop social relations in the course of employment. An interference will be lawful if it is permitted by a

law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The suite of amendments to the provisions regulating child employment will engage a child's right to equality and privacy, in that these amendments may place additional restrictions on a child's capacity to engage in their chosen employment, or prevent employment entirely in certain circumstances, and does so on the basis of a protected attribute (being their age). However, in my view, any limits on the right to equality are reasonable justified and any interferences with privacy are proportionate to the aim and not arbitrary. The important objective of these provisions is to protect children from undertaking work posing risks to their health, safety or wellbeing, or prejudicing their attendance at school. The amendments are informed by the findings of a significant review on child employment in Victoria and extensive consultation with key industry stakeholders, peak bodies, community organisations and relevant government agencies. The amendments target a number of key issues and risks identified by research and consultation, including a lack of clarity around the meaning of employment, an absence of protections for children aged between 15 and 17 years (particularly in the entertainment industry), concerns and confusion around the exclusion of family business from existing permit requirements and concerns about school exemptions for children working in entertainment and the potential impact on their education. Accordingly, I am satisfied that these provisions are compatible with the Charter.

Protection of family (s 17(1))

Section 17(1) of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the State. The right in s 17(1) is related to s 13(a) of the Charter, which relevantly provides that every person has the right not to be subject to unlawful or arbitrary interferences with their family.

It remains open as to whether the scope of this right would extend to protecting against interferences with a family business, and specifically a family's capacity to employ their children, however, should these amendments be considered to limit this right, I consider any limits to be reasonably justified on the basis of protecting the best interests of the child, for the reasons advanced above. I note that case law has considered that the best interests of the child in s 17(2) are the paramount consideration when interpreting this right, and that the family's interests are ultimately subordinate to those of the child.

Notification and information sharing requirements

The Bill makes a number of amendments to notification and information sharing requirements, including:

- ongoing notification requirements of licence holders relating to an employed child's name, date of birth, home address, parental details, workplace, employment duties and hours of employment, amongst other things (clause 61);
- broadening the confidentiality provision to permit authorised officers to share information with the Secretary, the Department and the Minister (clause 37).

These provisions are relevant to the right to privacy, in relation to any personal information of a person captured by these provisions. In relation to the first amendment, the notification obligations are necessary to ensure the Wage Inspectorate Victoria is able to properly assess and monitor the risks of a particular employment. Any information provided under this provision will be subject to the existing confidentiality provision in the Principal Act prohibiting any unauthorised disclosure. In relation to the second amendment, as the Secretary and the Department advise the Minister in relation to the administration of the Wage Inspectorate Victoria, and Minister is in turn responsible to Parliament, such information sharing is necessary to facilitate the effective operation and funding of that entity and facilitate Ministerial responsibility.

Accordingly, I am satisfied that any interference with privacy resulting from these amendments will be proportionate and not arbitrary.

Broadening existing compulsive powers

The Bill transfers the existing enforcement functions and powers provided for in the Principal Act to authorised officers appointed by the Wage Inspectorate Victoria. The Bill also broadens these existing powers, which previously could be exercised in relation to investigating an application for a permit or monitoring compliance with the child employment law, in the following ways:

- providing for an additional purpose for which such powers can be exercised, which is to the extent reasonably necessary to investigate contraventions or possible contraventions of the Principal Act and regulations (clause 30);
- expanding the purpose in which a power of entry over a place of business can be exercised to also include investigating contraventions or possible contraventions of the Principal Act and the regulations (clause 31);

- broadening the powers on entry to include photographing, audio-recording or filming any part of a workplace (clause 32);
- broadening the scope of the power to compel production of documents to include for the purpose of investigating contraventions or possible contraventions of the Principal Act or regulations (clause 32); and
- broadening the power to give directions to apply where reasonably necessary to do so to respond to an immediate or serious risk to health, safety, wellbeing or development of any child employed at the premises (clause 33).

The broadened powers engage the right to privacy (s 13), and in the case of the compulsion of documents, the right not to be compelled to testify guilt (s 25(2)(k)), in that they may be potentially exercised over a greater cohort of persons.

The primary purpose of these amendments is to ensure that authorised officers have adequate powers to conduct investigations into contraventions or possible contraventions of the Principal Act, which advance the underlying objective of child safety in employment. These targeted amendments address identified limitations of existing powers, which, if not remedied, risk compromising these underlying objectives of the Principal Act to protect children.

The expansion of the statutory purposes for which the compulsive powers can be exercised, from mere ‘monitoring of compliance’ to include investigating possible contraventions, is necessary to ensure authorised officers are able to respond to identified risks in certain sectors of employment. This includes permitting compulsive powers to be exercised against third party providers who may be engaged in the employment of a child, but are not considered to be the employer for the purposes of the Principal Act. This is particularly prevalent in the entertainment industry, such as through the engagement of talent agents. These providers act as an intermediary between the child and employer, and may have relevant evidence to the investigation of a contravention of the child employment laws, such as correspondence with parents or employers about conditions of employment relevant to a contravention. The amendments allow evidence to be sought from this third party, which may arguably not otherwise come within the scope of the existing purpose of monitoring compliance with the Act (as third party providers have no obligations or need to comply under the Act).

The inclusion of powers to take photographs, audio-recording or filming of a workplace are necessary to support these investigative powers, and ensure that evidence of a contravention can be collected to support compliance and prosecutorial processes. The amended power to issue directions is necessary to ensure the power to give protective directions can be exercised in relation to identified serious risks that may not be immediate, and is consistent with comparative powers of work safety inspectors under occupational health and safety laws.

These expanded powers remain subject to the existing safeguards in the Principal Act, including requiring all powers to be exercised with as little inconvenience as possible, limiting powers of entry to places of employment during ordinary working hours with the requirement to not remain on premises any longer than is reasonably necessary, requiring occupier consent to enter any residence and the protection against self-incrimination in relation to compelled provision of information (with the exception of provision of documents required to be kept under the Principal Act).

Accordingly, I am satisfied that these amendments are compatible with the Charter.

Compliance notices

Clause 38 introduces a scheme of compliance notices, which the Wage Inspectorate Victoria may issue to a person where the Inspectorate reasonably believe the person has contravened the Act. The Notice must state the action that the person must take to remedy the alleged contravention and the date by which such action is required to be taken. It is an offence to fail to comply with a compliance notice, by failing to take the action specified in the notice by the specified date.

As the prosecution of a failure to comply with a compliance notice does not require proof of the commission of the underlying contravention to which the notice was issued, this may engage the right to the presumption of innocence in the Charter (ss 25(1)). Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. Additionally, a proceeding for a non-compliance offence may also require a person to respond to matters relevant to the alleged contravention, engaging s 25(2)(k) of the Charter which provides that a person cannot be compelled to testify against themselves or confess guilt. The scope of both these rights have been interpreted as extending to protect a person to circumstances prior to the issuing of a criminal charge.

However, in my view, the provision attracts adequate safeguards so as to not constitute a limit on these rights. As a preliminary point, the compliance notice scheme serves an important objective of providing authorised officers with a timely and targeted mechanism for compelling a person to take necessary remedial action in

response to an identified or alleged (on the basis of reasonable belief) contravention of the Act. It facilitates the immediate and direct prevention or remediation of conduct which may be putting a child risk and may be continuing, in a way that proceeding with a prosecution for an alleged contravention is not able to do.

Secondly, to protect the above mentioned criminal process rights, new section 46D provides that during the period specified in the compliance notice (including any extensions), no proceeding may be commenced for an offence against the Principal Act that is constituted by the alleged contravention to which the compliance notice relates, and no other enforcement action may be taken in relation to that alleged contravention. If a person fulfils all of the requirements of the compliance notice, no proceeding may be commenced for the alleged contravention to which the compliance notice was issued, and no other enforcement action may be taken in respect of the alleged contravention. The clause further provides, amongst other things, that the fulfilment of the requirements of a compliance notice by a person is not to be taken as an admission of guilt in relation to the offence or an alleged contravention of a provision of the Principal Act. Finally, a person retains the right to seek judicial review of the issuing of a compliance notice, particularly in circumstances where it is disputed that any alleged contravention has been committed.

Accordingly, I am satisfied the compliance notice scheme provided for in the Bill is compatible with the Charter.

The Hon Tim Pallas MP
Minister for Industrial Relations

Second reading

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (10:23): I move:

That this bill be now read a second time.

I ask that the second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

Background

The Bill amends the *Child Employment Act 2003* (the Act) to improve the efficiency and operation of the child employment regulatory scheme, whilst maintaining levels of protection for children in the workplace. It introduces a streamlined child employment licensing system which is risk-based and targeted, to replace the current individual permit system. It also provides additional clarity and certainty for persons who engage children under 15 years as well as providing the Wage Inspectorate with a new suite of compliance tools in line with its role as a modern regulator.

The Act regulates the employment of children under 15 years of age in Victoria. The last few years in particular have seen significant changes to the employment landscape as well as to regulation around child protection which may impact on children in the workforce. In light of this a comprehensive review of the Act was undertaken to ensure it was responsive to contemporary workplace issues and provided an effective, modern regulatory regime.

The Act is designed to:

- set out the age, types of work and conditions applicable to child employment;
- protect children from performing work that could:
 - o be harmful to their health or safety;
 - o impact on their moral or material welfare or development;
 - o impact on their attendance at school;
- protect children from being subject to any form of exploitation.

The current regulatory scheme

The employment of children under 15 years is primarily regulated through a permit system. Children aged 11 years and over can undertake delivery work where their employer obtains a general industries permit. Similarly, children aged 13 years and over are able to be employed under a general industries permit.

There is no minimum age for children to work in the entertainment industry, which generally includes performing, modelling, photographic and television/film work. However, a specific entertainment industry permit is required. A mandatory code of practice further prescribes conditions around the employment of children in the entertainment industry.

Children of any age working in family businesses are exempt from the permit requirements.

Children are only permitted to undertake light work (as defined) and are excluded from employment in a number of hazardous industries and from performing dangerous tasks.

Review of the Act

A review of the Act commenced in 2019 by procuring a significant piece of research which focused on gathering data about the incidence of child employment in Victoria, the types of work children were doing and their experiences in the workplace. ABS data generally only collects information on persons over the age of 15 years in the workforce and there had not been any substantial research done in this area since 2006. Therefore, there were considerable knowledge gaps about child employment in Victoria and across Australia more broadly.

The research found that the retail (35%) and food services (21%) industries were employing the largest number of children under 15 years, with the entertainment industry third. It also found that there were a large number of employers who were unaware of the Act and also a widely (but wrongly) held belief that children are able to be employed from the age of 14 years and 9 months. Children generally reported positive experiences of working and were largely motivated by wanting to earn their own money and gaining skills and experience in the workplace.

Upon completion of the research, Industrial Relations Victoria (IRV) undertook extensive consultation with key industry stakeholders, peak bodies, community organisations and relevant government agencies. The consultation included a number of targeted, in-depth focus groups as well as a survey and invitation for written submissions utilising the Engage Victoria website.

The research and consultation identified a number of key issues with the operation of the Act, including a lack of clarity around the meaning of employment and a high regulatory burden associated with the individual permit requirements as well as the regulatory regime's inability to respond to dynamic industry needs.

Proposed reforms

New licensing system

The Bill introduces a streamlined child employment licensing system which is risk-based and targeted to replace the current individual permit system.

One of the key issues identified by stakeholders and industry participants during consultation was the inefficiency of the current permit system. Employers currently require a permit for each individual child they engage. This means that some employers who engage children frequently, such as those in the entertainment industry, can have hundreds of permits at a time, creating a significant amount of administrative work. Moving to a targeted licensing system where an employer only requires one licence will streamline the process and make it easier for employers to comply.

The new licensing system will, however, maintain the distinction between an entertainment licence and a general industry licence, recognising the unique protections required for children working in the entertainment sector. The new licensing system introduces two key new roles for the entertainment licence—the nominated officer and the employer representative. These roles create an additional level of responsibility and accountability for the protection of children performing work under an entertainment licence. A licence applicant will also be required to satisfy a 'fit and proper person' test. This ensures that current levels of protections for children in the workplace are maintained moving to the new system. The general industry licence covers all children's work that is not entertainment work.

The other key issue identified during the review and the consultation process is that the current permit system is not targeted to risk. Currently the same information is required on a permit application irrespective of the work the child is performing and the risks involved. The new licensing system will be risk-based and the information required for a licence application and any conditions of a licence will be targeted to risk.

New definition of 'employment'

The Bill updates the definition of 'employment' to provide greater clarity and certainty to people engaging children about what activities performed by children are considered employment for the purposes of the Act. The definition recognises that children can be engaged in a variety of different ways and in activities that may not ordinarily meet the multi-factorial common law test to determine an employment relationship. It further recognises that sometimes children are not remunerated in the usual way and may be provided with products, merchandise or experience for the work or tasks they carry out rather than with monetary payment. The amended definition makes the application of the Act clearer and easier to understand.

In addition to providing clearer boundaries to what employing a child does and does not include, the definition is also amended to remove the reference to a business, trade or occupation being carried on 'for profit'. This extends protection for children in employment, as the profit status of an organisation is not determinative of potential risk to children in this setting. The Department sought a Legislative Impact Assessment (LIA) to

determine the impact on the not-for-profit sector. The impact was found to be low to moderate with the additional protections for children clearly outweighing the burden.

The exclusions for certain activities remain. This includes participating in a church, religious service or program and performing in a project or entertainment for the benefit of a church or religious body. This is because there are other, more effective legislative mechanisms to address known risks, such as the criminal law, reportable conduct scheme, work health and safety laws and the Child Safe Standards. Ministers of religion are also required to obtain a Working with Children Check. Employment of children in relation to low-risk sporting activities (such as coaching, refereeing and umpiring) also remain excluded. The Child Employment Act aims to regulate risks to children associated with work and the tasks they are required to perform as part of that work, such as fatigue, risk of injury, disruption to education etc. These work-related risks are considered unlikely to arise in the context of the above excluded activities children might be employed to undertake.

Sporting activities with a high risk of injury, such as martial arts, gym instruction and horse riding, remain covered by the Child Employment Act as it is important that children participating in those activities are safe.

As is currently the case, children working in their family's business, including on their family's farm, may continue to do so without needing a permit/licence provided they are directly supervised. The Bill clarifies that 'direct supervision' means direct supervision by the child's parent, a person who has parental responsibility, or for limited periods, another responsible adult who works in the family business.

The Bill provides stronger protections for children by increasing the minimum age of a person supervising a child in the workplace to 18 years. This requirement will only apply to supervision of a child in the workplace who is under the age of 15 years. Children under 15 are particularly vulnerable in the workplace so requiring their supervision to be provided by an adult adds a further safeguard. The Bill explicitly excludes children under 15 years old participating in formal work experience from the requirement to be covered by a licence as this is regulated under education legislation.

Compliance and Enforcement

Amendments to the Act also increase the effectiveness of the Wage Inspectorate's compliance and enforcement regime by expanding its suite of regulatory tools and increasing the penalties for contraventions of the Act.

Part 4 of the current Act provides necessary functions and powers to Child Employment Officers to enable them to monitor and enforce compliance with the Act, including powers of entry and information gathering powers. It also creates offences under the Act, provides relevant protections for individuals and enables prosecution of detected breaches in appropriate circumstances. The powers of Child Employment Officers are limited and may currently only be exercised when investigating an application for a permit or determining compliance with the Act.

The Bill substitutes Child Employment Officers with Authorised Officers and provides them with expanded functions and powers aimed at delivering a stronger, more contemporary and responsive enforcement scheme. These include a power to issue compliance notices and infringement notices which will provide the Wage Inspectorate with more options to effectively monitor and enforce compliance with the Act. Currently the only option for the Wage Inspectorate where a breach is detected is prosecution, which is not always an appropriate or viable option, in addition to being costly and adversarial. The new enforcement tools also recognise the Wage Inspectorate's new regulatory responsibility for the Child Safe Standards.

The Bill increases the penalties for primary offences proportionate to the gravity of the conduct and aligned with other offences under comparable risk-based schemes.

The scheme also provides for a public register of child employment licences, allowing parents and other persons interacting with child employees to assess a given workplace's compliance.

Benefits of the reforms

There are clear social benefits to children engaging in some form of part-time or casual employment, including gaining important work experience, improved self-confidence and independence and being able to earn their own money. The proposed amendments to the Act balance these benefits with the additional protections needed for this vulnerable cohort in the workplace.

A key benefit of these amendments is creating a clearer, more streamlined system to support the ongoing protection of children from exploitation and harm in the workforce. The system is designed to be risk-based which means the requirements under a licence will be greater where the risks to children are higher. Work that is low risk will have fewer licensing obligations. Whilst there will be some initial burden transitioning to the new system, for both stakeholders and the regulator, this will be offset by the reduction in ongoing administrative requirements and regulatory burden in the future. To ensure that there is no reduction in the

level of protection for children in the workplace, there are key oversight and accountability provisions within the scheme, including the roles for nominated officers and employer representatives as well as the fit and proper person test.

The amendments will facilitate greater compliance with the scheme by reducing red tape for business in the longer term and clarifying key definitions of which businesses are covered by the Act. This will be supported by a targeted education campaign about the changes by the Wage Inspectorate.

The amendments also increase the effectiveness and capacity of the Wage Inspectorate, who will now only be required to review and enforce a single licence for each employer rather than potentially thousands of individual permits. In 2018/19 there were over 11,000 permits issued so the move to the licensing system will reduce the administrative burden significantly. The expanded suite of compliance and enforcement tools provides the Wage Inspectorate with additional options to achieve compliance, aligned with contemporary developments in risk-based regulation.

The amendments improve the overall operation of the child employment regulatory scheme, maintain protections for children in the workplace and support businesses to understand and comply with their obligations when employing children.

Commencement date

The licensing provisions of the Bill and the new requirement for supervision during the casting and audition process, as well as the expanded coverage of not-for-profit entities, will commence on 1 July 2023 to allow time for stakeholders to transition to the new licensing scheme and for the Wage Inspectorate to implement the new system. The remainder of the Bill will commence on the day after the day on which the Bill receives Royal Assent.

I commend this Bill to the House.

Mr WAKELING (Ferntree Gully) (10:23): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 26 May.

SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022

Statement of compatibility

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:25): In accordance with the Charter of Human Right and Responsibilities Act 2006 I table a statement of compatibility in relation to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022.

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022.

In my opinion, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 (the Bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Summary Offences Act 1966* by creating a criminal offence which prohibits a person from intentionally displaying a Nazi symbol in a public place or in public view. The new offence will apply to the public display of specified Nazi symbols—initially, limited to the Hakenkreuz—in circumstances where the person knows, or ought to know, that the symbol is a symbol associated with Nazi ideology.

The Bill's purpose is to reduce racism and vilification in the community by preventing Nazi symbols from being displayed publicly and by allowing them to be removed from public display. It will deliver on the Government's commitment to implement a key recommendation of the Legislative Assembly Legal and Social Issues Committee's Inquiry into Anti-vilification Protections in Victoria (Inquiry).

The Bill will:

- prohibit the intentional public display of a Nazi symbol (a Hakenkreuz), or a symbol that so nearly resembles a Nazi symbol that it is likely to be confused with or mistaken for that symbol;
- provide exceptions to the offence where the display is engaged in reasonably and in good faith:
 - o for a genuine academic, artistic, religious, scientific, cultural or educational purpose;
 - o in making or publishing a fair and accurate report of any event or matter of public interest; and
 - o in opposition to fascism, Nazism, neo-Nazism or other related ideologies;
- provide exceptions to the offence where:
 - o a Nazi symbol is displayed on a person's body by means of tattooing or other like process; and
 - o the display occurs in the performance of a law enforcement officer or member of an intelligence agency's duties and is done in good faith; and
 - o the display occurs in the course of official duties connected with the administration of the justice system, including the investigation or prosecution of offences, and is done in good faith;
- create powers for a police officer to direct a person to remove a Nazi symbol from public display, and to apply to a magistrate for a warrant to enter a premises to search and seize a Nazi symbol.

The Bill will also provide that the written consent of the Director of Public Prosecutions is required before a child can be prosecuted for the offence.

Human Rights Issues

The Bill promotes the following rights under the Charter:

- right to recognition and equality before the law (section 8);
- right to freedom of thought, conscience, religion and belief (section 14); and
- right to culture (section 19).

The Bill limits the following rights under the Charter:

- right to privacy and reputation (section 13);
- right to freedom of thought, conscience, religion and belief (section 14);
- right to freedom of expression (section 15);
- right to peaceful assembly and freedom of association (section 16);
- right to take part in public life (section 18);
- right to culture (section 19);
- right to property (section 20); and
- right to be presumed innocent until proved guilty according to law (section 25).

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.

As discussed below, these limitations are reasonable and justified in accordance with section 7(2) of the Charter.

Right to recognition and equality before the law (section 8)

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination, and has the right to equal and effective protection against discrimination. Justice Bell in *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* [2009] VCAT 1869, 277 noted the equality rights in section 8 are 'the keystone in the protective arch of the Charter', and the fundamental value underlying the right to equality is the 'equal dignity of every person'.

The public display of symbols associated with Nazi ideology impinges this right by causing significant harm to the Jewish community and a wide range of other groups, including Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with disability and other racial and religious groups. For these communities, the Nazi symbol represents hate, genocide, and trauma.

Victoria has seen an unwelcome number of recent instances where the public display of Nazi symbols has been used by various individuals and groups to intimidate and convey a message of hate and intolerance. The extent of harm caused by the display of a Nazi symbol was evidenced by a high-profile incident in January 2020 where a Nazi flag was flown on a private property in Beulah, in north-west Victoria. This display of

Nazi ideology caused extreme distress to observers and the wider community. Both the Yarriambiack Shire and Victoria Police were unable to compel the residents to take the flag down.

The Inquiry highlighted the rise in the public display of vilifying materials, such as the Hakenkreuz, and the importance of sending a clear message to the community that the public display of Nazi symbolism is not acceptable and has wide-ranging, negative societal impacts.

The creation of an offence to prohibit the intentional public display of Nazi symbols therefore promotes the right to recognition and equality before the law by protecting against the harm and distress caused by these symbols to individuals, the Jewish community and other groups, and the wider Victorian public.

The Bill will also promote this right by empowering a police officer to direct a person to remove a Nazi symbol from public display, and to apply to the Magistrates' Court for a warrant to enter a premises to search and seize a Nazi symbol. These powers can be used in situations where there has previously been no power to remove the display of a Nazi symbol, such as the Nazi flag being flown on private property in Beulah. This will better enable police to act quickly to remove Nazi symbols from public display, thereby reducing the potential harm and distress caused to others.

Right to privacy and reputation (section 13)

Nature of the right

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

According to Justice Bell in *Kracke v Mental Health Review Board (General)* (2009) 29 VAR 1, the right to privacy 'protects people from unjustified interference with their personal and social individuality and identity.' This includes protection from interference with a person's individual identity and physical integrity.

An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed. It will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The Bill limits the right to privacy by interfering with a person's ability to display a Nazi symbol in private, if the symbol can be seen by people in a public place, or on their person (such as on clothing) in public.

The importance and purpose of the limitation

The limitations support the Bill's purpose to reduce racism and vilification in the community by minimising the harm caused by the display of Nazi symbols and by allowing such symbols to be removed from public display.

Nature and extent of the limitation

New section 41K in clause 3 limits the right to privacy by prohibiting the intentional public display of Nazi symbols and is intended to prevent the harm caused by the public display of these symbols, regardless of whether the symbols are physically located on public or private property. The offence is only aimed at public display and will not prevent a person from owning or displaying these symbols in private where they cannot be viewed from a public place (for example, inside a private home). Additionally, the offence will not prohibit Nazi symbol tattoos or other like processes (such as branding), even where the tattoo is visible on a person's body while in public. This ensures the Bill is not more restrictive than necessary to fulfill its purpose and preserves rights to bodily integrity. Given the limited scope of the offence and the harm the offence is seeking to prevent, this limitation is lawful and does not arbitrarily or unreasonably limit the right to privacy.

New section 41L in clause 3 limits the right to privacy by allowing a police officer to direct a person to remove a Nazi symbol from public display (whether on public or private property). The purpose of new section 41L is to support enforcement of the offence and to prevent any further harm caused by the continued display of a Nazi symbol. It requires the police officer to reasonably believe the person is committing an offence, or an offence has been committed. A person who does not comply with a direction to remove the symbol is liable for a fine of 10 penalty units, which is commensurate with the severity of the conduct. The defence of reasonable excuse will ensure a person who does not receive the notice would not be liable for a penalty. Given the limited circumstances in which a direction can be given and that a Nazi symbol can still be displayed in private, interference with the right is lawful and does not arbitrarily or unreasonably limit the right to privacy.

New section 41M in clause 3 limits the right to privacy by empowering a police officer to exercise search and seizure powers in relation to property containing a Nazi symbol that contravenes the offence. New section 41M, which provides that an existing warrant power under section 465 of the *Crimes Act 1958* (Crimes Act) applies to this offence, requires a police officer to apply to the Magistrate's Court for a warrant to search premises and seize property that displays a Nazi symbol and is in connection to, or as evidence of commissioning of the offence. This is the same as an existing power under section 28 of the *Racial and Religious Tolerance Act 2001* (RRTA). Police can only seize property if a warrant is obtained from the

Magistrates' Court, which requires the magistrate to be satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle something that is connected with the offence that has been committed or might be committed in the next 72 hours, or anything that will afford evidence for the offence. Given the narrow scope of the power, the requirement for police to seek a warrant and the oversight provided by a court, any interference with the right to privacy as a result of a warrant would be lawful and not arbitrary or unreasonable.

The relationship between the limitation and purpose

These limitations are intended to support the effectiveness and practical enforcement of the offence and to prevent or minimise any harm caused by the public display of a Nazi symbol.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

To achieve the aim of preventing a Nazi symbol from being publicly displayed, the Bill could exclude the power to direct a person to remove a Nazi symbol from public display and instead rely on general deterrence arising from criminal penalties under the offence. This option however does not adequately prevent a person who has committed an offence from continuing to display the symbol. It also does not address circumstances where a Nazi symbol has been displayed on property by a third party (for example, by means of graffiti), as it may be necessary to direct the owner or occupier to remove the symbol, even though they have not been involved in the commission of the offence.

The general search and seizure powers are necessary to ensure sufficient evidence can be obtained to prosecute persons under the offence. It is also possible for secondary evidence of a Nazi symbol (e.g. a photograph) to be used instead of the property item. Under the Victorian Police Manual, police officers are required to apply the test of essentiality before seizing any property. This includes an assessment of whether the property is lawful, whether it is necessary to seize it and whether secondary evidence can be used in its place.

Right to freedom of thought, conscience, religion and belief (section 14) and the right to culture (section 19)

Nature of the right

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including to adopt the religion or belief of their choice and to demonstrate their religious belief in public or private. A person must not be coerced or restrained in a way that limits their freedom of religion or belief in worship, observance, practice or teaching.

The right to culture in section 19 is based on Article 27 of the International Convention on Civil and Political Rights (ICCPR). This right ensures individuals, in community with others that share their background, can enjoy their culture, declare and practise their religion and use their language. It protects all people with a particular cultural, religious, racial or linguistic background.

The Bill promotes both rights by allowing people of Jewish faith to practice religion, hold beliefs and engage in cultural celebrations, without fear of harm or vilification.

The Bill limits these rights by placing an evidential burden on people using the symbol for a religious or cultural purpose, such as people of Hindu, Buddhist, and Jain faith. The exception for religious use is intended to ensure any limitation of religious or cultural rights is the least restrictive possible. However, a person seeking to rely on an exception may need to adduce or point to evidence that the display symbol was for a genuine religious or cultural purpose.

Importance of the purpose of the limitation

The purpose of the limitation is to minimise the harm that display of a Nazi symbol in public causes to the Jewish community and other affected groups, by restricting display to a list of prescribed circumstances.

The Inquiry found that the Jewish community in Victoria is experiencing vilification on the basis of their religion in increasing frequency and severity. In November 2020, the Executive Council of Australian Jewry reported a marked increase in the number of the most serious categories of antisemitic incidents, including physical assault, direct verbal abuse, harassment and intimidation. Prohibiting the public display of Nazi symbols minimises the harm caused to the Jewish community and others by such displays and sends a clear message to the entire Victorian community that the public display symbols of this nature is extremely harmful and not acceptable.

Nature and extent of limitation

By creating reasonable and in good faith exceptions, the offence places an evidential burden on the accused, requiring them to raise evidence that the display of the symbol was for a genuine religious or cultural purpose. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed

to evidence of an exception, the burden shifts back to the prosecution to prove the essential elements of the offence beyond reasonable doubt.

The preamble or opening statement in the Bill acknowledges the importance of the swastika as a benevolent symbol for Buddhist, Hindu, Jain and other religions, which signals to the public, police and courts, that the ongoing use of the religious and cultural swastika by faith communities is not intended to be inhibited by the Bill or prosecuted under the offence.

The relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community by denouncing and prohibiting the display of hateful symbols and ideology, while also ensuring appropriate uses of the Nazi symbol are permitted.

Less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

It is possible the burden for demonstrating a religious or cultural purpose for a public display of a symbol could instead rest with the prosecution as an element of the offence. However, this would require the prosecution to prove beyond reasonable doubt that a symbol was not displayed for a good faith and reasonable religious or cultural purpose in every case, even where there is no evidence suggesting such a use. It would also create inconsistencies with the approach to all other exceptions, such as artistic use or opposition to Nazism and neo-Nazism. In addition, whether a person is displaying a symbol for a religious or cultural purpose is a matter peculiarly within the knowledge of that person. Such persons are best placed to provide evidence as to whether the display was for a religious or cultural purpose.

For these reasons, any limitation on these rights is reasonable and justified in the circumstances.

Right to freedom of expression (section 15)

Nature of the right

Section 15(2) of the Charter provides the right to freedom of expression includes the freedom 'to seek, receive and impart information and ideas of all kinds'. The right protects criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions (*Sunday Times v United Kingdom (No 2)* [1992] 14 EHRR 123).

The right contains an internal limitation that allows freedom of expression to be limited where it is reasonably necessary to respect the rights and reputation of others, or for the protection of national security, public order, public health or public morality.

The Bill limits the right by restricting a person's ability to impart certain information and ideas through the public display of specified Nazi symbols.

The importance of the purpose of the limitation

The Inquiry highlighted the rise in the public display of vilifying materials, such as the Hakenkreuz, and the importance of sending a clear message to the community that the public display of Nazi symbolism is not acceptable and has wide-ranging, negative societal impacts.

The creation of an offence to prohibit the intentional public display of Nazi symbols is therefore intended to protect against the individual harm and wider community distress caused by these symbols.

Nature and extent of the limitation

The Bill limits the right to freedom of expression by restricting the ability of any person from freely expressing information or ideas through any medium that depicts a Nazi symbol in public.

Given how deeply upsetting and harmful the display of Nazi symbolism can be to community members that view these symbols, especially for Jewish communities and other groups, this limitation is considered lawful and reasonably necessary to protect people's rights not to be intimidated, vilified or harassed, to feel safe, and to maintain public order.

Additionally, the offence will only apply to the Hakenkreuz, the most widely recognised symbol historically associated with Nazi and neo-Nazi ideology.

In line with the purpose of the Bill, the application of the offence is further confined so it does not apply to situations where the Nazi symbol is being displayed for another appropriate purpose, rather than as a symbol of hate. The Bill also contains a list of exceptions which exempt situations where a symbol is publicly displayed for reasons such as:

- for a genuine academic, artistic, religious, cultural or educational purpose; and
- making or publishing a fair and accurate report of any event or matter of public interest; and
- expressing opposition to fascism, Nazism, neo-Nazism or other related ideologies.

The relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community by denouncing and prohibiting the display of hateful ideology, while also ensuring that appropriate uses of the Nazi symbol are permitted.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill does not include a requirement that a person intended to harm or vilify a particular person or group as a result of displaying a Nazi symbol. This reflects the fact any display of a Nazi symbol to which an exception does not apply can cause harm to members of communities impacted by the Nazi regime, by making them feel excluded or at risk of harm.

The Bill is also limited in scope to only displays of the Hakenkreuz, rather than a large number of other symbols associated with Nazi ideology. This recognises the Hakenkreuz's position as the most well-known symbol of Nazi ideology and is the symbol which has most frequently been used in Victoria to intimidate, cause offence and promote hateful ideologies.

Further, the offence will not prohibit Nazi symbol tattoos or other like processes (such as branding), even where the tattoo is visible on a person's body while in public. This ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose.

The approach taken by the Bill is therefore the most appropriate option to achieve the purpose of the Bill, and the limitation of the right to freedom of expression is justified.

Right to peaceful assembly and freedom of association (section 16) and right to public life (section 18)Nature of the right

Section 16(1) of the Charter protects every person's right to peaceful assembly. Under the ICCPR, the right to peaceful assembly entitles persons to gather intentionally and temporarily for a specific purpose.

Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs. The UN Human Rights Committee, when commenting on article 25(a) of the ICCPR, considered the right to participate in public life to lie at the core of democratic government.

The offence limits the right to freedom of association and right to public life by preventing people who wish to use a Nazi symbol to display their political ideology from doing so in public, such as in gatherings or while attending a council meeting. The offence also limits the right to freedom of association by disincentivising membership to groups with Nazi or neo-Nazi ideologies, for fear of criminal sanctions if this association is conveyed through the display of Nazi symbols.

The importance of the purpose of the limitation

The creation of an offence to prohibit the intentional public display of Nazi symbols is intended to prevent the harm caused by the display of these symbols. The Inquiry's findings showed that far-right extremist cohorts are rising in number and have led to an increase in public gatherings displaying symbols of hate.

Nature and extent of the limitation

The narrow scope of the offence means that groups who hold beliefs associated with Nazi ideology may still assemble in public or participate in the conduct of public affairs without a Nazi symbol being displayed in public. Persons who support such ideology will therefore remain free to express their opinions in gatherings or at council meetings, subject to existing laws, and may continue to own or display Nazi symbols in private. They will also be able to publicly display their association with or support for such ideologies or groups through other means, including the use of symbols to which the offence does not apply.

The limitations on both rights are reasonable and justified given the significant harm caused by the public display of these symbols and the impact on the right to equality and non-discrimination of groups targeted by these symbols, outweighs the limitations placed on people that wish to use these symbols to display their ideology.

Relationship between the limitation and its purpose

The inclusion of 'public place' in new section 41K(1) of clause 3 (the offence) is essential to the purpose of the Bill. The significant harm caused can only be addressed by prohibiting public display as this is where the harm is caused.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill does not include a requirement that a person intended to harm or vilify a particular person or group as a result of displaying a Nazi symbol. This reflects the fact any display of a Nazi symbol to which an exception does not apply can cause harm to members of communities impacted by the Nazi regime, by making them feel excluded or at risk of harm.

The Bill is also limited in scope to only displays of the Hakenkreuz, rather than a large number of other symbols associated with Nazi ideology. This recognises the Hakenkreuz's position as the most well-known symbol of Nazi ideology and is the symbol most frequently used in Victoria to promote hateful ideologies.

Right to property (section 20)

Nature of the Right

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right contains an internal limitation which provides that the right is not limited where property deprived is in 'accordance with the law'. For deprivation of property to be in accordance with law, the law (whether legislation or the common law) authorising the deprivation of property must be clear and precise, accessible to the public, and not operate arbitrarily.

The right to property is limited by the power to seek a warrant to search and seize property that may be publicly displayed within the next 72 hours or that has already been publicly displayed. This power under new section 41M in clause 3 permits Victoria Police to enter any place to seize property which displays Nazi symbols.

Importance and the purpose of the limitation

The limitation supports the Bill's purpose to reduce racism and vilification in the community by allowing police to prevent the imminent public display of a Nazi symbol and enabling Nazi symbols to be removed from public display.

Nature and extent of the limitation

Police can only seize property if a warrant is obtained from the Magistrate's Court and the magistrate is satisfied that the conditions for obtaining a warrant have been met under section 465 of the Crimes Act. Given the narrow scope of the power and the requirement for police to seek a warrant from a court, any interference with property as a result of a warrant would be lawful and not arbitrary.

Relationship between the limitation and its purpose

This limitation is intended to support the practical enforcement of the offence and to prevent any further harm caused by the continued display of a Nazi symbol.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The general search and seizure powers are necessary to ensure sufficient evidence can be obtained to prosecute persons under the offence. It is also possible for secondary evidence of a Nazi symbol (e.g. a photograph) to be used instead of the property item. Under the Victorian Police Manual, police officers are required to apply the test of essentiality before seizing any property. This includes an assessment of whether the property is lawful, whether it is necessary to seize it and whether secondary evidence can be used in its place.

Right to be presumed innocent until proven guilty according to law (section 25)

Nature of the right

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

The Bill limits the right by creating an offence for the public display of Nazi symbols which contains a list of exceptions under new section 41K in clause 3 that place an evidential burden on the accused to raise evidence to suggest that display was 'engaged in reasonably' and 'in good faith' for one of the prescribed exceptions.

Importance of the purpose of the limitation

The limitation minimises the harm caused by the display of Nazi symbols in public by limiting display to a list of defined circumstances.

Nature and extent of the limitation

By creating reasonable and in good faith exceptions, the offence places an evidential burden on the accused since it requires the accused to raise evidence that the display of the symbol was for a prescribed purpose. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of an exception, the burden shifts back to the prosecution to prove the essential elements of the offence beyond reasonable doubt.

The imposition of this evidential burden is necessary to support practical enforcement of the offence, acknowledging that Victoria Police will not always have clear evidence to demonstrate the accused's intention for displaying a Nazi symbol. By contrast, the manner and purpose for which a Nazi symbol is publicly

displayed will be knowledge held by the accused in all cases, as it concerns their own actions and intentions. The burden is also necessary to prevent a person from displaying a Nazi symbol under an exception dishonestly for some inappropriate purpose. The limitation reflects the significant harm that display of a Nazi symbols cause to the community and is proportionate with the maximum penalty imposed (maximum one year imprisonment or a fine of 120 penalty units or both). This limitation is therefore reasonable and justified in the circumstances.

Relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community by denouncing and prohibiting the display of hateful ideology, while also ensuring that appropriate uses of Nazi symbols are permitted.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

It is possible that the burden for demonstrating an exception applies for a public display of a symbol could instead rest with the prosecution as an element of the offence. However, this would require the prosecution to prove beyond reasonable doubt that a symbol was not displayed in good faith and reasonably for all prescribed purposes in every case, even where there is no evidence suggesting any such purpose applies. In addition, whether a person is displaying a symbol for a prescribed purpose is a matter peculiarly within the knowledge of that person. Such persons are best placed to provide evidence as to whether the display was for a prescribed purpose.

For these reasons, any limitation on the right to be presumed innocent is reasonable and justified in the circumstances.

As discussed in this Statement of Compatibility, all of the limitations in the Bill are reasonable and justified.

Hon. Natalie Hutchins, MP
Minister for Crime Prevention
Minister for Corrections
Minister for Youth Justice
Minister for Victim Support

Second reading

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:25): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

I am proud to deliver this Bill which fulfils a Victorian Government commitment to implement recommendation 24 of the 2021 report of the Legal and Social Issues Committee's (Committee) Inquiry into Anti-Vilification Protections in Victoria (Report) to ban the public display of Nazi symbols. It also forms part of the Government's broader commitment to introduce a suite of reforms to strengthen anti-vilification protections in Victoria.

The Government is committed to protecting the rights of all Victorians to be free from racism, vilification and hatred, and to ensure all Victorians feel welcome and accepted. The harm caused by hate conduct and vilification can be profound, affecting the physical and psychological wellbeing of individuals and often preventing them from feeling comfortable participating in their community.

The Government is deeply concerned by the recent increase in the public display of Nazi symbols in our community. In particular, recent displays have used the Hakenkreuz (often commonly known as the Nazi swastika) to convey messages of hate and intimidation, given the broad recognition of this symbol and its association with Nazism. Recent examples include:

- in January 2020, a Nazi flag depicting the Hakenkreuz was flown on private property in Beulah, easily visible by members of the community,
- in May 2020, a Hakenkreuz was graffitied onto Cranbourne Golf Club, which was founded by members of the Jewish community,
- in March 2021, a person was photographed wearing a hat with a Hakenkreuz at Richmond train station, and
- in April 2022, Federal Treasurer Josh Frydenberg's campaign signs bearing his image were defaced with antisemitic imagery, including a Hakenkreuz drawn on his forehead, in the electorate of Kooyong.

The display of symbols associated with Nazi and neo-Nazi ideology is harmful and offensive to all members of our society, and particularly to the Jewish community. The display of such symbols in Victoria is particularly abhorrent given, outside of Israel, Melbourne has the largest per capita concentration of Holocaust survivors in the world. The Government also acknowledges that the public display of Nazi symbols is used to communicate hatred and cause harm to a wide range of other groups, including Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with disability and other racial and religious groups.

The dissemination of these ideas through the public display of Nazi symbols undermines social cohesion by provoking animosity between Victorians of different ethnic and religious backgrounds, and threatens the viability and success of our democratic, multicultural and multi-faith society.

The Government respects and acknowledges that the swastika has great cultural and religious significance for some faith communities—particularly the Hindu, Buddhist and Jain communities. The use and significance of the symbol by these communities long pre-dates its more recent associations with Nazism. The swastika has been used in these communities for millennia as an ancient and auspicious symbol of purity, love, peace and good fortune. It was only after the swastika was misappropriated by the Nazi party and the Third Reich in Germany that it became a symbol of racism and hate, especially in western society. Sadly, it is this more recent association that will be more familiar to many in our society, who may not appreciate the long history and deep significance of the symbol for our faith communities. The swastika continues to be embraced by members of these religions and can be found in places of worship, architecture and religious books, as well as in commercial and personal settings such as people's homes. The Government makes clear that the use of the swastika by these religious communities should continue unimpeded and should never fall within the scope of this offence. Importantly, the Bill directly recognises the cultural and religious significance of the swastika, and clearly distinguishes this symbol from the Hakenkreuz used by the Nazi party and Third Reich.

Purpose of the offence

The Bill creates a criminal offence in the **Summary Offences Act 1986** which prohibits a person from intentionally displaying a Nazi symbol in a public place or in public view if the person knows, or ought reasonably to know, that the Nazi symbol is a symbol associated with Nazi ideology.

The offence is accompanied by powers for Victoria Police to direct a person to remove a Nazi symbol from public display, and to apply to the Magistrates' Court for a warrant to enter a premises to search and seize a Nazi symbol.

The Bill sends a clear and strong message to the community that the public display of Nazi symbols is not acceptable and has wide-ranging impacts on affected groups and society.

The Bill offers a clear response to the recent rise in the public display of Nazi symbols by addressing existing gaps in the criminal law which enabled these displays to occur.

Opening statement

The Bill includes a preamble, or opening statement, which provides vital context to the application of the offence. The opening statement was co-designed with leaders from the Jewish, Hindu, Buddhist and Jain communities to ensure it appropriately reflects their views. The government thanks each community for their important contributions to the opening statement and their generosity in assisting with the development of this Bill.

In particular, the opening statement recognises the historic and ongoing use of the swastika in the Buddhist, Hindu and Jain communities as an ancient and auspicious symbol of purity, love, peace and good fortune. The distorted version of the symbol is also known as the Hakenkreuz (twisted or hooked cross in German). The Hakenkreuz became a symbol of the Third Reich, under which heinous crimes were perpetrated against humanity, particularly the Jewish people.

It is important to acknowledge that a swastika and Hakenkreuz are visually very similar and in some cases may appear identical. However, the intention behind the use of a swastika and Hakenkreuz is fundamentally different. The opening statement is intended to acknowledge these similarities but make clear that the use of the swastika by Buddhist, Hindu and Jain faiths should never fall within the scope of the offence.

The government acknowledges there is a diversity of views within Victoria's religious communities about the creation of this offence. Throughout consultation on this offence the government heard clearly that all faith communities strongly support the intention of the offence to reduce vilification of Victoria's Jewish community. However, there are also concerns the offence may lead to increased vilification of the Hindu, Buddhist and Jain communities who continue to lawfully display the swastika. The offence has been carefully drafted to ensure the rights of these faith communities to display the swastika are not limited. However, for some faith communities this does not fully address their concerns and they do not support the Bill in its current form. The government recognises these concerns and the ongoing need to ensure the offence does not negatively impact these faith communities.

Prohibited symbols

The Bill only lists one symbol—the Hakenkreuz—as a prescribed Nazi symbol. The Government recognises there are a range of other Nazi symbols which are often used to promote Nazi and neo-Nazi ideology such as the SS (Schutzstaffel) symbol, the Nazi Iron Cross and the Nazi eagle. The public display of these symbols also causes harm and fear for the Jewish community and others targeted by the Third Reich.

However, the Hakenkreuz is specifically targeted by this ban given it is the most widely recognised symbol historically associated with Nazi and neo-Nazi ideology and its display in any form can cause harm and offence. In addition, the Hakenkreuz sadly continues to be the symbol adopted in many high-profile displays, such as the Nazi flag which was flown on private property in Beulah. Limiting the list of prohibited symbols to only the Hakenkreuz also appropriately balances the breadth of the offence and the absence of a requirement to incite hatred or cause harm through the display of the Nazi symbol.

The Government acknowledges by limiting the offence to only cover the Hakenkreuz, it is possible other Nazi symbols may be publicly displayed to avoid penalties under the offence. As noted in response to recommendation 25 of the Committee Report, the Government will work with Victoria Police and other relevant agencies to monitor the public display of other hateful symbols to determine whether further symbols should be prohibited under the offence in the future.

Definition of ‘Hakenkreuz’

The Bill defines a Hakenkreuz as ‘a symbol of the cross with the arms bent at right angles in a clockwise direction’, or a symbol that so nearly resembles a Hakenkreuz that the symbol is likely to be confused or mistaken for it.

Although the Hakenkreuz is more widely known as a swastika or Nazi swastika, this term is adopted as it creates a distinction in language from the swastika of the Buddhist, Hindu, Jain and other faith communities, which has been used for millennia. The word swastika comes from the Sanskrit svastika, which means ‘good fortune’ or ‘well-being’.

For the avoidance of doubt, the distinction in the Bill between the words Hakenkreuz and swastika does not create a de facto intention element requiring that the display of the symbol must intend to promote, or relate to, Nazism or neo-Nazism. Any display of a Nazi symbol as defined under new section 41J in clause 3 is prohibited unless an exception applies.

The display of a Nazi symbol is not limited only to its display on a Nazi flag. The offence would apply to the display of the Nazi symbol in any format, whether on a flag, graffiti or clothing.

Definition of ‘public place’

The offence will prohibit the intentional display of a Nazi symbol in a public place. The term ‘public place’ relies on the existing definition within the **Summary Offences Act 1986** with some modifications. In particular, the definition of public place has been expanded beyond only government schools to also include non-government schools and other post-secondary education institutions. This ensures equal application of the offence across all educational settings. It is appropriate the offence applies to some places that would otherwise be private due to the possibility of a Nazi symbol being displayed in these places and the potential for the display to cause considerable harm.

The offence also applies where a display is in public view (i.e. occurs in sight of people who are in a public place). This encompasses displays of a Nazi symbol on a private premises if it is visible to the public. For example, it would capture the January 2020 incident in Beulah where a flag was flown on private property but was visible from the street. This acknowledges the harm public display of Nazi symbols causes in the community, regardless of where the symbols are physically located.

The private possession of Nazi symbols will still be allowed, provided the symbols are not able to be seen from a public place. This recognises the broader harms caused when Nazi symbols are used to communicate hatred and racist ideologies to the public.

Fault elements of the offence

The offence has two fault elements. First, the offence has an intention element which requires that the person intentionally displayed a Nazi symbol in a public place or in public view. Second, the offence has a knowledge element, requiring the person knows, or ought to know, the Nazi symbol is a symbol associated with Nazi ideology.

The offence adopts an intention element to ensure accidental public displays are not captured by the offence. For example, the offence would capture the March 2021 incident where a person wore a hat with a Hakenkreuz at Richmond train station as this display was clearly intentional. It would not capture a person who, while walking in a public place with posters in their bag which contain the Hakenkreuz, trips and the posters are inadvertently displayed to members of public.

The knowledge element requires either that:

1. the person knows the symbol is associated with Nazi ideology (subjective knowledge), or
2. a reasonable person in the position of the person who displayed the symbol would have known that it was associated with Nazi ideology (objective knowledge).

The knowledge element safeguards against an offence being committed innocently or unintentionally. For example, by a child who does not understand the connotations of the Hakenkreuz, and where a reasonable person (of the same age) in the child's position ought not to have known the Hakenkreuz is a symbol associated with Nazi ideology, taking into account any other relevant circumstances. Similarly, it will safeguard against a person with cognitive impairment, who does not understand the implications of the Hakenkreuz and the harm it can cause, from committing an offence.

The intention and knowledge elements ensure the offence clearly targets the conduct intended to be prohibited and penalised and is not unfair in its application.

Penalty

The offence for the intentional public display of a Nazi symbol has a maximum penalty of one year imprisonment or a fine of 120 penalty units or both. This penalty is consistent with vilification offences under the **Racial and Religious Tolerance Act 2001** and across Australia. It reflects the breadth of the offence and that no injury or harm needs to be proved as a result of the display.

Exceptions

In line with the Committee Report's recommendation, the Bill includes a range of exceptions to the offence. The exceptions are based on current exceptions to unlawful conduct in the **Racial and Religious Tolerance Act 2001** with some modifications to reflect the specifics of the offence. The exceptions to the offence apply where the display was engaged in reasonably and in good faith:

- for a genuine academic, artistic, religious or scientific purpose;
- for a genuine cultural or educational purpose;
- in making or publishing a fair and accurate report of any event or matter of public interest; or
- in opposition to fascism, Nazism, neo-Nazism or other related ideologies.

The offence also does not apply where the display is by means of tattooing or other body modification, or where displayed by a law enforcement or intelligence officer in the performance of the officer's or member's duties and is done in good faith.

Genuine academic, artistic, religious and scientific purpose

The exceptions for genuine academic, artistic, religious and scientific purpose specifically mirror the current exceptions to unlawful conduct in the **Racial and Religious Tolerance Act 2001**. The religious purpose exception is particularly important to those of the Hindu, Buddhist and Jain faiths, to ensure the swastika can continue to be displayed as symbol of purity, love, peace and good fortune. The use of the swastika by religious communities should never be the target of this offence. To this end, the Bill includes a number of examples which reflect some of the circumstances in which the swastika continues to be used by the Hindu, Buddhist and Jain faiths to aid with education, training and awareness about the religious exception.

Genuine cultural and educational purpose

The Bill includes two exceptions which are not currently contained in the **Racial and Religious Tolerance Act 2001**. These exceptions have been included to reflect stakeholder feedback about the breadth of circumstances where the Hakenkreuz or swastika should continue to be allowed to be lawfully displayed.

The cultural exception recognises while the swastika has its origins in the Hindu, Buddhist and Jain faiths, its use can often be a mixture of both religion and culture. Religion and culture are closely intertwined and often not readily able to be separated. To ensure faith and cultural communities can continue to use the swastika with confidence, the Bill includes a separate cultural exception to overcome concerns the religious exception alone may be too narrow.

An educational exception has been included to reflect the very broad range of circumstances in which the Hakenkreuz is displayed to educate and raise awareness. It overcomes concerns the academic exception alone may be too narrow to cover all such circumstances. For example, the Hakenkreuz is often displayed as part of Holocaust awareness training. Similarly, the Hakenkreuz may be displayed on educational items for sale, such as textbooks in a bookshop.

Making or publishing a fair and accurate report of any event or matter of public interest

The Bill includes an exception where material is displayed reasonably and in good faith in the making or publishing of a fair and accurate report on any event or matter of public interest. This exception reflects a current exception to unlawful conduct in the **Racial and Religious Tolerance Act 2001** and is intended to ensure, for example, news coverage of a demonstration or political commentary on the harm caused by the display of Nazi symbols can continue.

Opposition to fascism, Nazism, neo-Nazism or other related ideologies

The Bill includes an exception where material is displayed reasonably and in good faith in opposition to fascism, Nazism, neo-Nazism or other related ideologies. This exception is based on an exception to a similar offence in Germany and is intended to balance the right to protest against the breadth of the offence. It would allow, for example, the display of a Nazi symbol at a public rally in denouncement of Nazism.

The exception is not limited to opposition to Nazism and neo-Nazism alone and includes ‘other related ideologies’. This acknowledges the fact the Hakenkreuz is often used to promote a range of hateful ideologies, such as racism. The inclusion of ‘other related ideologies’ ensures displays of a Hakenkreuz to clearly oppose such ideologies—such as displaying a flag of Nazi Germany with a marking through it—would not fall within the scope of the offence.

Tattoos and other like processes

The offence does not apply where the public display of a Nazi symbol is done by means of tattooing or other like process (e.g. scarification, branding). The exclusion of tattoos or like processes takes account of human rights considerations and the practical enforcement issues of capturing such displays.

In terms of human rights considerations, as noted in the accompanying Statement of Compatibility, a ban on public displays by means of tattooing or like process would be incompatible with the Charter at this time. If the offence applied to an individual with a Nazi symbol tattoo in a conspicuous position on their body (e.g. face), that person’s rights to freedom of movement and expression, as well as taking part in public life, would be strongly curtailed. The individual would be required to perpetually cover their tattoo or would otherwise commit a new offence each time they were in public. At present, there is insufficient evidence suggesting displays of Nazi symbol tattoos gives rise to a social pressing need to warrant such a strong limitation of human rights. However, should the display of Nazi symbol tattoos become a significant issue, there would be a greater case to expand the offence to capture tattoos in the future.

Aside from human rights issues, tattoos create many practical enforcement issues. While it may be possible to ban prospective Nazi symbol tattoos (i.e. tattoos given after the commencement of the offence), this would be very difficult to enforce as police would not be able to easily determine when a tattoo was created. The Government is also not proposing a ban on new tattoos in Victoria. This would have only a small impact as individuals could still receive such tattoos outside Victoria.

The Government will monitor the public display of Nazi symbol tattoos. The display of tattoos and other like processes to incite hatred or violence will be considered when implementing the Committee Report’s recommendations to reform vilification offences. These included recommendations to lower the civil incitement test, implement a new civil harm-based provision and to simplify and lower other thresholds for criminal vilification offences.

Law enforcement or intelligence officer exception

There is a specific exception for a law enforcement officer and member of an intelligence agency, where the public display of a Nazi symbol occurs in the performance of their duties and is done in good faith. This might apply where such an officer has an assumed identity and is displaying Nazi symbols as part of their role.

Connected with the administration of the justice system

The Bill includes an exception for a person that displays a Nazi symbol in the course of official duties connected with the administration of the justice system, including the investigation or prosecution of offences, if the display is done in good faith. This exception is intended to ensure that the proper administration of justice is not impeded by the offence, such as where a Nazi symbol is produced as evidence when considering an offence in court. It is modelled on section 51J of the **Crimes Act 1958**, which provides a similar exception to the child abuse offences under the Act.

Consent of the Director of Public Prosecutions before the prosecution of a child

The Bill requires the written consent of the Director of Public Prosecutions before the commencement of a prosecution of a child for the offence. This will act as a safeguard (along with the knowledge element of the offence) to limit the circumstances in which children could be prosecuted. In many cases, a more appropriate response for children would be educating the child about the harm caused by the display of the Nazi symbol.

Trade and sale of historical Nazi memorabilia

The government acknowledges the harm which can be experienced through knowing Nazi memorabilia is being traded for profit, even where such items are not being publicly displayed. While the offence does not prohibit the public trade and sale of historical Nazi memorabilia, it will have some direct impact. In particular, for trade that does not fall within an exception—such as trade purely for commercial or personal reasons—traders will need to cover the Hakenkreuz or avoid trading altogether to avoid prosecution. This reflects the focus of the Bill on public display as the most significant harm.

Trade of Nazi memorabilia that is clearly educational or cultural in nature—such as the sale of an educational textbook on World War II which has a Hakenkreuz on the cover—will fall within the exceptions for display for a genuine educational or cultural purpose. The government will continue to consult with the Jewish community to monitor the impact of the offence on the trade of Nazi memorabilia, the impact of such trade more broadly and whether any further changes are required in the future, noting the difficulty posed in regulating online environments.

Police powers

The offence is accompanied by powers for Victoria Police to remove a Nazi symbol from public display as soon as possible, to support the enforcement of the offence and enable police to take immediate steps to prevent continuation of the harm caused by the display of these symbols to the community.

The Bill will empower a police officer to direct a person to remove from display a Nazi symbol (whether on public or private property) if the police officer reasonably believes an offence is being committed. A police officer may give a direction to the person who caused the display, or the owner or occupier of a property on which the Nazi symbol is being displayed. The direction can be provided orally or in writing and can be left at a property or on a vehicle if the direction is not able to be given in person.

This power could be used in situations where there has previously been no power to remove the display of a Nazi symbol. While existing police powers will apply to the offence, this new power enables the removal of a Nazi symbol where it cannot be seized as evidence.

A person who, without reasonable excuse, does not comply with a direction to remove material is liable for a penalty of 10 penalty units.

The Bill also provides the warrant power under the **Crimes Act 1958** applies to this offence, to ensure police can enforce the offence appropriately. This enables police to apply to the Magistrates' Court for a warrant to search premises and seize property that displays a Nazi symbol and is in connection to, or as evidence of commissioning the offence. This is the same as an existing power under section 28 of the **Racial and Religious Tolerance Act 2001**, which enables serious vilification offences to be treated as indictable offences for the purpose of applying for and executing search and seizure warrants.

Commencement

The Bill will commence one year after Royal Assent, unless proclaimed earlier. This allows time to provide guidance and training on the offence to Victoria Police, and to develop and implement a community education campaign on the origins of the religious and cultural swastika, its importance to Hindu, Buddhist, Jain and other faith communities and its distinction to the Hakenkreuz. There will also be guidance and education provided to police officers and support for police engagement with faith groups on a local level.

I wish to thank all the stakeholders who engaged with the development of this Bill. In particular, I wish to extend a sincere thank you to faith leaders in the Buddhist, Hindu, Jain and Jewish communities, who took the time to share their lived experiences and provide vital input on the Bill. While I acknowledge that members of these communities may not support all aspects of this Bill, your contributions are greatly valued and have shaped and strengthened this landmark legislation. Future engagement will be undertaken to inform implementation of this reform and I wish to thank everyone in advance who will contribute to the implementation process.

I commend the Bill to the house.

Mr SOUTHWICK (Caulfield) (10:25): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 26 May.

APPROPRIATION (2022–2023) BILL 2022**APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022***Second reading***Debate resumed on motions of Mr PALLAS and Ms ALLAN:**

That this bill be now read a second time.

Mr GUY (Bulleen—Leader of the Opposition) (10:26): Last Tuesday the Treasurer delivered this Labor government's most significant piece of economic vandalism, and that is saying something. It is the final piece of the jigsaw to confirm to all Victorians that not only do Labor often fail to deliver what they have promised—simply telling people what they want to hear—but also what they actually do will send us all broke in doing it. I will say this again. This Labor government, this Premier, is sending our state broke. The money was there, but as this budget tells us, it has all dried up. After all we have endured over the last two years our reward as Victorians is to find out that Labor and the Premier are now sending us broke. Labor cannot manage money. Labor cannot manage major projects. Despite hero promises, they have run down our health system. They have left our nurses, doctors, paramedics and health staff utterly overworked. Labor has failed our kids. They have left them vulnerable and in desperate need of catching up on lost learning. They have hurt our small business families. They have lied to our multicultural communities. And the Andrews Labor government is making life for every Victorian harder, much harder.

This state knows all about hardship under this Premier, particularly over the last two years. Victorians were told in March and April 2020 that we had to flatten the curve to get the health system fixed and ready. That was more than two years ago. We were told that home learning would not last long, and some in the government even said it would be beneficial for our children. We were told there would be ample support for small businesses and their families. We were told that endless lockdowns would ultimately be good for us. With health advice asked for but never produced, families were separated. Victorians were locked out of returning to their own state. People were banned from travelling to funerals and farewelling their loved ones. Playgrounds were chained up, curfews imposed, 5-kilometre limits enforced on every citizen.

The Premier boasted about his ring of steel around the nation's second-largest city, a ring of steel designed to isolate and lock up 5 million people, and despite all this suffering the Labor Party tweeted adulation at the number of press conferences he did to announce these measures. It was all about one man—unchecked power on an unlimited ego—and Victorians were left as the helpless passengers in the 'Dan show'. Yet more people died here than in any other state, and no-one—the Premier, his ministers or public servants—would even say they remembered who made the decisions to cause this unimaginable grief to so many families. The lack of decency, honesty and integrity to those families is unbelievable. And while this horror played out—people dying, Victorians under curfew and locked in their homes, businesses failing, people trying to home-teach their children and healthcare workers left overworked, depressed and tired—the government's focus was of course on itself.

COVID management to this government was about PR management first and health second, and it was a distant second. We were promised hope from the government. Remember the 4000 ICU beds that were apparently on the way? Where are they? Remember when Victorians were repeatedly berated that our kids could get COVID and die from using playgrounds? There was no health advice to back that decision up. How about the curfews? There was none there either. It is the Dan show, and the state is trapped in it until November this year. But now Victoria wakes up to the hangover of the Premier's one-man COVID show. In fact it is waking up to the hangover of eight years of this Premier—a one-man band, a government that is simply a one-man public relations exercise. That has been the extent of government in Victoria for eight years.

Let us take a step back. Let us see, after eight years of Labor and Daniel Andrews, where Victoria has got to.

The SPEAKER: I remind the member to use correct titles.

Mr GUY: Spending is unchecked. As the Premier says, 'It costs what it costs'. Can you imagine a business saying this to a bank manager or a household behaving in this way? It costs what it costs—a reckless and irresponsible way to manage any state's finances is the modus operandi of this Premier and his government. Where has the 'it costs what it costs' mantra got us? Major projects in Victoria have blown out to the tune of more than \$27 billion. The Big Build is fast becoming a big bill. \$27 billion in cost overruns—Melbourne Metro, level crossing removals, hospital upgrades. Most are good ideas, good projects, but this government has not managed a single one of them well.

In my own electorate we have the North East Link. It is not just the nation's largest road project; I suspect it is also the nation's largest project cost blowout. Promised for \$5 billion, the build cost appears today to be around \$15.4 billion. Let that figure be registered, because I bet it will not stop there. It takes a special kind of managerial incompetence to blow a budget of \$5 billion on a project by more than 200 per cent. And remember that \$27 billion could have built 27 new Melton hospitals—a brand new hospital as big as Melton's in every single growth area and every regional city in Victoria. That is the price of Labor's Big Build. If those projects had been on budget, that is what could have been delivered for every growth area and every major regional centre. Fifty-four Geelong women and children's hospitals is what \$27 billion could have got for us—54 of them. That is the consequence of an arrogant and out-of-touch Premier with an unimaginable ego and unchecked power.

Victoria is on track to having debt equivalent to that of New South Wales, Queensland and South Australia combined—just shy of \$170 billion. That is a special kind of recklessness. Who would have thought in 2014 when the government changed and Labor came to office and debt levels were around \$20 billion that we would genuinely be looking at putting another zero on the end of that figure within two terms of office? And let us not believe the lie that it was all for COVID. On the eve of the 2018 election Labor announced their plans to ramp up debt dramatically. An arrogant and out-of-touch Premier with an unimaginable ego and unchecked power—that is what will see debt blow out like that, and it has.

Tax collections have increased by 80 per cent, from \$16.9 billion in 2013–14 to a forecast \$30.5 billion. Land tax has increased from \$1.7 billion to a forecast \$4.8 billion over the same time frame. That is a 192 per cent increase. Land tax is now 17 per cent of the state's total revenue; it was 10. Land transfer duties increased from \$4.2 billion to a forecast \$8.2 billion from 2013–14 to 2022–23—a 97 per cent increase. Payroll tax has increased from \$4.95 billion to a forecast \$6.8 billion in the same time frame. And yet gross state product is up from \$399 billion in 2013–14 to an estimated \$494 billion in 2021–22. That is 23.7 per cent, a much smaller increase than the increase in state taxation.

Tax is up far more than the growth in the economy. What a surprise! And let us not forget the solemn promise the Premier made every Victorian on the eve of the 2014 election. That is why those figures are important, because the now Premier gave the guarantee that there won't be any more taxes—no tax rises under a government that he leads. Let that lie stand for every Victorian to see. Forty-two new or increased taxes later, this is where the state is at. We are now the highest taxing state in Australia. What a prize! An arrogant and unchecked Premier, an unchecked power, has got Victoria back the title of being the highest taxing state in Australia.

The state government constantly tell us they are spending more than ever before on services to our 6.7 million citizens. That is great. So let us look at where our state is at today as a result of that spending: a life-threatening 000 crisis; short-staffed emergency departments; ambulances that do not have the resources to turn up; health professionals that are overworked and exhausted; 90 000 Victorians on hospital elective surgery waiting lists; people dying before they can get the surgery they need; country women having their babies on the side of the road because maternal services have closed in country Victoria; a mental health crisis with our children; kids who are in dire need of catching up on lost learning; businesses struggling to recover after COVID; high levels of office vacancies in the city area due to diminished demand and high taxation; the highest level of taxation in Australia, with 42 new or

increased taxes; the cost of living for families ballooning; population decline at record levels—record levels; Melbourne losing its position as the world's most livable city. Where will it stop?

It will stop with new leadership. It will stop with a new government, with new energy. It will stop with Victoria changing the channel from the Dan show. We have got to move on. This election Labor will have been in power for 19 of the last 23 years. That is a long time. Labor cannot evade responsibility for the difficulty Victorians find their households, their families, their kids, their businesses and their state in today. What we are living today is the handiwork of a long-term Labor government and a long-term Premier, a man whose ego says, 'I need to be here longer than Bracks', whose ego says, 'I need to be here longer than Kennett', a man motivated by a bronze statue of himself and not motivated by fixing the many problems he and his government have caused—because the Premier who got us into this mess is not the Premier to get us out of this mess.

So how does Victoria recover and rebuild from the crisis that we find ourselves in? Let me be clear, very clear, on the principles of a Liberal-Nationals government. Firstly, we want to bring confidence back to this state, and we want to make sure Victorians understand there will be no more lockdowns under a government I lead. Victoria needs that certainty. They need to hear this from their government. Definitively and certainly, they will hear that from me.

We will slash hospital waiting lists and fix Victoria's healthcare crisis. It is our priority. It is not an agenda item, it will be our priority. We will fix the mental health crisis, a crisis that is real. We will keep our schools open. As a father of three school-age boys I know firsthand—Renae and I know—there is nothing more important than the future of our sons. No Victorian parent would think any differently, and that is why no Victorian student can have any more interrupted learning.

We will keep the cost of living down. Life is hard enough without a state government making it worse. And we will support businesses to recover, to employ more Victorians, because on this side of the house we know that business grows the economy, business grows jobs, not the government.

There is nothing more important than our health. It is why a coalition government has committed so far to build new hospitals in Melton and Mildura and a brand new infectious diseases centre. Melton needs a new hospital. Labor promised it in 2018. So far the government have done nothing more than buy a patch of land, and they have only just done that too. A coalition government will begin building within 12 months of coming to office. Melton cannot wait until 2029 or 2030 for a new hospital. Our plan is to start now—not in four years like the government, now. Mildura needs a new teaching hospital—a new centre linked to the university, central to the city, a job-generating health centre. \$750 million—we will start it straightaway.

Victoria needs a new infectious diseases centre. This centre will be an Australian first, a national response centre for future pandemics so we will never have the chaos, the despair and the heartbreak that locked our citizens out of their own state and locked healthy people in their own homes longer than anywhere else in the world. Labor types like to harp on about the Fairfield infectious diseases centre. That was built in 1906—six years before the *Titanic* was launched. We will build a new centre that is fit for purpose in the 2020s, not the 1900s, because that is something Victorians deserve.

Our kids need to be at school, and they need to stay at school. Our kids deserve a quality education to get secure jobs—jobs that become careers. That is why our plan is to treat schools as a bubble, to keep them open should any health issues arise. A Liberal and Nationals government does not shut kids out of schools; we find ways to keep them there, get them there and get them learning. And with the health issues over the last two years it is clear that our kids need more mental health support. That is why we have tried in this Parliament—and will after the election—to change definitions around counsellors so we can avail a further 2500 mental health workers, predominantly for our kids.

Hear this absolute commitment: a Liberal-Nationals government will introduce no new taxes. When a Liberal leader heading a coalition makes that absolute commitment, we keep it—unlike the Premier and Labor. It is in our DNA to reduce the taxation burden. Victoria cannot tax its way to prosperity,

and with 42 new and increased taxes, that is what the Labor government wants to do. But the alternative is clear: no new taxes. The beginnings of our plans to reduce the taxation burden have begun even today, because reducing taxes helps the cost-of-living pressures, and with interest rates rising, Victorians need all the help they can get, particularly in housing.

We know that if this government is re-elected back to power, back will come the big new housing tax—one that every growth-area family moving into and trying to buy a new home in a growth area is going to pay. It is unfair and it is wrong. Our commitment is to ensure that the planning reforms after consultation that that tax was attached to are introduced and carried through but that the tax is not. This gives industry certainty to invest, to plan, to grow jobs, and a Liberal-Nationals government will not add to the crippling taxation burden of this government in order to make that happen.

But further, tradies and their families have done it pretty tough under this government. Unless they get to work on government debt-fuelled projects, they are on their own under Labor. Tradies have been left alone to face a rising taxation burden and slowing residential market and alone to combat their family's and their ever-increasing grocery bills. In the state budget, fees paid by tradies for company building registration have been jacked up by up to 200 per cent—up to 200 per cent. Some annual fees, depending on the category, have risen from \$288 to \$644 in one year. Some of the five-year renewals have risen from \$457 to over \$1400. These are average suburban tradies trying to make a living, trying to get by, and it is just unfair. Is there no-one that this government will not impose a taxation burden on?

Let me be clear: every one of these increased charges—every one of them, big or small—will in the end make housing less affordable than ever before. Unlike the Premier, this side of the house believes our children should have the right to aspire to own a home. I am proud to say that home ownership and giving every Victorian in every generation a chance to own a home is a pillar of the Liberal and National parties. With up to 40 per cent of the price of a new home going straight to taxation, it is very little wonder that families and particularly younger Victorians find home ownership a diminishing chance, and it is unfair. We will unwind the tax hike on tradies. It is a small start to help, but it is a \$63 million start, and it is better than adding \$20 000 to the cost of a new home. This side of the Parliament will not keep adding costs to houses. We will try and ease that burden. We will try to help Victorians who want to buy a house. Easing the taxation burden on thousands of tradies and their families is one way to start, and that is what we will do.

Not only will easing the taxation burden be important to kickstarting small business in this state but so will business assistance. This side has for some years believed in a bringing manufacturing home initiative that is about the Victorian government investing in Victorians. It is a big plan, it has been a bold plan, it is a \$2.5 billion plan to grow and invest in businesses here in Victoria, because this side of the house knows that business creates jobs—real jobs—not governments. With \$1 billion of that quarantined for country and regional Victoria, the \$2.5 billion plan is for everyone—every council, every citizen, every business, not just those ones close to Labor electorates. And it is not just money—it is \$2.5 billion—it is also a change in attitude. Why did the state government focus on PPE from overseas when they could have prioritised our state's sole supplier in Shepparton? When the Labor government will not invest in their own state, why would anyone else? The difference on this side of the house, in Parliament, is that we will invest in Victoria and Victorians. It is our plan, it is fully funded, it is fully costed, and we will do it straightaway if we are elected in November.

Victorians are desperate to change the channel. The blur, the noise, that hectoring voice—it has driven us all mad for far too long. We all want to change the channel from the Dan show. Victorians deserve better than to be treated like passengers on the Premier's public relations bus. We deserve a lot better than to be just an audience to his self-proclaimed accolades. Victorians deserve a lot better than a Premier who has delivered a budget that is more of a PR repair game for one man than a COVID repair plan for 6.7 million of us.

The Liberals and Nationals are doing the work to repair the state. The economic vandals opposite have ruined the place twice before, and this time they are doing it on a grand scale, but this time there will

not be an easier fix. Labor's damage is far too great, far too severe, and I suspect it may even be generational. And it is not just financial, it is our physical health—undelivered health promises have had massive impacts on many of us physically. It is our mental health, our kids who desperately need to catch up on lost learning, our small businesses that have gone to the wall or come close, the thousands of Victorians who see no future here and who have left in record numbers.

After eight years Victoria needs new leadership. Victorians need a government focused on Victorians, not on themselves or a government that just plays politics. After eight years we have seen the soul of this government. It is uncaring, it is out of touch, it is one that views its political aims first, second and third. But it is time to change the channel, to get a government that sees Victorians first, second and third, and that is what a Liberal-Nationals government will do.

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:49): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms HUTCHINS:

That this bill be now read a second time.

Mr M O'BRIEN (Malvern) (10:50): Speaker, I am sure you are wondering to yourself, 'Why is the member for Malvern wearing a green tie today?'. Of course the answer to that question is to celebrate the magnificent league-winning performance of the Celtic Football Club in the Scottish premier league overnight, led by great Melburnian Ange Postecoglou. He is also a good Carlton supporter, I should add.

The SPEAKER: Back on the bill.

Mr M O'BRIEN: So thank you for asking me that question, Speaker! I am very grateful for that opportunity to put that on the record. My congratulations to Ange and the boys for their magnificent win in the Scottish premier league. Stop distracting me, Speaker. I am here to speak on the Justice Legislation Amendment Bill 2022. This is what we call in the business an omnibus bill, so there are many different aspects to this bill. I do state at the outset the opposition will not be opposing the bill.

Before I get into the detail of what is in the bill, I am first concerned by what is not in the bill. We have had a number of justice portfolio bills brought before this Parliament in recent weeks, but none of them have dealt with the most pressing issue in the justice portfolio, which is the enormous backlogs we have in our courts and tribunals. Victoria has the worst criminal case backlogs in the nation in the County Court, in the Magistrates Court and in the Children's Court—worse than any other state in the nation. For all the legislation the government bowls up, where is the plan to actually fix that? There is an old saying that justice delayed is justice denied, and too many Victorians are being denied justice because they cannot get their day in court. Whether they are victims of crime, whether they are somebody who has been charged with a crime and wants the opportunity to clear their name or whether they are in fact guilty and deserve to have their case heard and tried and a sentence imposed so they can get on with their lives, everyone deserves their day in court, and there is nothing in this bill to deal with that. This is a massive problem.

We see years and years of delays in VCAT. We saw in the recent budget that the VCAT digital transformation initiative has been delayed by a further 15 months—so another IT project supposed to fix problems being delayed for 15 months—and people just cannot get in. So while there is nothing

overly objectionable in this bill itself, what I do object to is the fact that once again the government has missed the opportunity to fix the pressing problems of the justice system in this state. As I have said on a number of occasions, and you will hear me say it again, we do not actually have a justice system in Victoria, we have a legal system, and they are two very different things. Victorians deserve a justice system.

Turning to the main provisions of this bill, and I do not do this in any priority order—I will simply go through them in the order in which they appear in the bill—the first is to amend the Crimes at Sea Act 1999, which sounds very *Pirates of the Caribbean*, but it is far less exciting. In fact it is to update references to commonwealth legislation, in particular references from the Petroleum (Submerged Lands) Act 1967, and it updates those to refer to the Offshore Petroleum and Greenhouse Gas Storage Act 2006. So I think you would have to be somebody with an extreme interest in the area and fairly pedantic to find many objections to updating the references to commonwealth legislation.

Where we get a little bit more interesting now are the amendments to the Equal Opportunity Act 2010. What the bill does in clause 7 is insert a new clause in the act to clarify that the only permitted discrimination by religious schools relates to a person's religious beliefs or activities and not any other protected attribute. There have been discussions in this Parliament over many years about balancing rights, and that is one of the things the Equal Opportunity Act tries to do, because people have a right to not be discriminated against because of certain attributes that they hold. But equally other people have a right to their own beliefs.

It is often when it comes to religious issues and religious beliefs and faith that we see the conflict of rights brought together. For many years this house has discussed the extent to which faith-based institutions such as religious schools and religious hospitals should be allowed to operate in a way which they see as being true to their faith and how that interacts with other people and the rights of people whose personal lives may be at odds with certain religious beliefs but who have a right to be employed without discrimination. It is not an easy thing to get the balance right, and there are absolutists on all sides. There are absolutists who say, 'Well, there shouldn't be any religious freedom. People of faith and religious schools and religious hospitals should have no right to discriminate against anyone; they should be forced to provide services that conflict with their inherent moral beliefs and their inherent religious teachings'. Most people of goodwill would say, 'Well, that's wrong'. Religion is far from perfect, but it has been a force for good by and large in our society when you think about all the things that religious institutions do in the schools—the education they provide, the social welfare they provide, the health-giving they provide, the volunteerism they provide. If we are to be a society that respects and reflects fundamental freedoms, then freedom of religious belief must be one of those.

So we can argue—and we do argue from time to time—about the extent to which particular pieces of legislation get the balance right when it comes to protecting the rights of people of faith and their institutions versus the rights of other people who have attributes such as those they are born with. They may be gay or their gender and gender identity—these are things that they are born with. We always try to get the balance right, and we are never going to be 100 per cent perfect because we as legislators are human. We are fallible, as fallible as anybody else in the community—some would say more fallible than many others in the community—but we try to get the balance right, and I do think that people of goodwill can work together on these issues and seek to try and ensure that we can function cohesively as a society.

The particular amendment to the Equal Opportunity Act in clause 7 of the bill is effectively a bit of a clerical tidy-up. There are other sections of the Equal Opportunity Act in other clauses which do reflect that the exemption carved out—for example, for religious schools—only applies to religious beliefs and religious activity. For example—and this is obviously a hypothetical—a religious school may choose to not hire, for example, a religion teacher who does not believe in that faith and does not want to teach that faith. That is something where a religious school has got an ability to say, 'Well, our religious belief and our religious activity are such that we believe you to be in contrast with that and

that you would contradict that, and therefore we wouldn't hire you for this particular role'. However, if a teacher said 'I am a Labor voter' or 'I am a Liberal voter', that does not give a religious school the right to discriminate against somebody. The only protected attributes where a religious school, for example, could discriminate would be on the basis of religious belief or religious activity. So this clause is effectively a clerical tidy-up. It just makes that point in relation to one aspect of the Equal Opportunity Act where the legislation already provides for that in other circumstances.

Clause 8 expands the exemptions from secrecy provisions that apply to the commission in circumstances where it is necessary to do so to prevent a credible and imminent threat of harm to a person, to comply with the mandatory reporting obligation or for purposes of an FOI review application by VCAT. Again, privacy provisions and secrecy provisions are always areas where balance is important. People do have a right to privacy and a right indeed to secrecy in some circumstances, but particularly in circumstances where you need to prevent a credible and imminent threat of harm to a person it does seem very reasonable that there is an exemption from those secrecy provisions.

Clauses 9 to 24 of the bill amend the Charter of Human Rights and Responsibilities Act 2006 to use gender-inclusive language. For example, 'his or her' where it appears in that act is often replaced with 'their' or 'that person'. Where you can adopt gender-inclusive language to avoid the risk of excluding people, I think it is a useful activity. I suppose I do contrast the symbolism, if you like, of putting gender-inclusive language in the Charter of Human Rights and Responsibilities with the fact that thousands and thousands of Victorians cannot get their day in court. One is symbolic and a nice-to-have, and there is no objection to it on this side, but we do ask: why is the government directing its energy and attention and legislative program to these matters as opposed to practical issues of access to justice that are happening out there, outside this chamber?

We know there are tens of thousands, if not hundreds of thousands, of Victorians who simply cannot get into a tribunal, who simply cannot get into a courtroom, whether it is for civil cases or criminal cases. We know there are victims of crime who are waiting and waiting and waiting to see justice happen—and they wait and they wait, and they do not see it. These are real human costs, and the fact that the government is giving greater priority to legislative matters that deal with symbolism rather than actual practical justice to me is a concern, and it is a lost opportunity. It does seem to indicate that we have got a government that wants to be seen to be doing the right things but does not actually have a program to make the right things happen.

Clauses 25 to 32 of the bill make a number of miscellaneous amendments to the Judicial College of Victoria Act 2001. The most significant amendments there are to the composition of the Judicial College of Victoria. It increases the number of directors of the college from eight to at least nine but not more than 10, so in other words from eight to nine or 10. This is to facilitate an increase in the number of directors appointed by the Attorney-General. At the moment the Attorney-General can appoint two directors to the JCV. The Attorney-General will I think, from my reading of the bill, be able to appoint three or four, and these appointees must in the opinion of the Attorney-General have broad experience in community issues affecting courts.

Obviously the Judicial College of Victoria has got an important role, and it has traditionally been made up of the heads of jurisdictions and senior members of the judiciary. I do not think there is any real objection to laypeople having a role in the JCV, but judicial independence in this state is under some threat. Bizarrely, the *Herald Sun* reported just the other day under the headline 'Justice for hire plan—temp magistrates discussed'. It is an article by Shannon Deery, and it starts off:

Senior legal officials considered hiring temporary magistrates to help ease the backlog of court cases plaguing Victoria's justice system.

But the proposed contract arrangement was dropped after concerns were raised by prominent legal figures.

The *Herald Sun* can reveal the idea to appoint magistrates on short-term contracts was floated with lawyers in the weeks before a job ad appeared online in August.

Does this government not understand what judicial independence means? How the hell can a judge act independent of government if they are on a short-term contract? If a magistrate or a judge is getting to the end of their term and they are worried about getting reappointed and they have a case before them that involves the government, how can the other party have any confidence that the magistrate or the judge will be acting in accordance with law rather than wanting to please the government to get a reappointment? The idea of short-term contracts or any contracts for judicial officers is appalling.

Judges must be independent of government. It is one of the fundamental principles of our system of government. We have three separate and equal parts: we have the executive, we have the judiciary and we have the legislature. Now, governments get to appoint judges. This government have done a lot of that, and they have appointed a lot of people who they are very, very comfortable with as judges. We all know that. But this is taking it a step further. This is going way too far. The idea of appointing a magistrate on a three-year contract, which can be renewed or not renewed, depending on whether the Attorney-General likes the job you have done, is fundamentally an attack on judicial independence. This government has been accused of politicising the courts and this government has been accused of politicising the judiciary, but this is taking it down a path that you cannot walk back from.

Now, the government says, 'Oh, it was a mistake'. I am sorry, you do not run ads because of a mistake. Somebody agreed to it. Who agreed to this? Who agreed to an ad appearing calling for magistrates on a three-year contract? The Attorney-General needs to answer that. I have been a minister. Nothing like that happens without ministerial approval, nothing that is a fundamental change from what has happened since the state of Victoria has been an entity, nothing that is such a cataclysmic attack on judicial independence happens without political sign-off. So please do not insult our intelligence as Victorians by saying, 'Oh, it was a mistake'. Somebody thought it was a good idea to advertise for magistrates on a three-year fixed-term contract. Somebody signed off on the wording of the advertisement. Somebody bought the space to put it online or put it in a newspaper. Then, when the government was called out, they said, 'Oh, sorry, it was a mistake'. No, no. You were caught out. You were caught out trying to fundamentally undermine judicial independence in this state, and it is a disgrace.

If you think it is ending here, you are wrong. We are going to push this. We are going to pursue this. We want to find out who made that decision because accountability is important, and this is one of the worst attacks on judicial independence I have ever seen. So do not think that this is just going to be swept under the carpet, that it is a one-day wonder—article in the *Herald Sun*, leave it there.

The extent to which the government does not realise how it is perceived by the legal profession—I think the government would actually be shocked if it understood. I am not talking about Liberal lawyers. Believe me, I speak to a lot of people who would never vote for me who are members of the legal profession, and even people who are sympathetic to the politics of the government are appalled at the way in which this government has treated the legal profession and attacked judicial independence, and for many this is the last straw.

So watch this space, because we are not going to let this go. There needs to be accountability for this government having advertised for fixed-term magistrates. That is the thin end of the wedge. We are going to send a very clear message: if you try that, you are going to be up for the fight of your lives because judicial independence is fundamental to this state and how it runs. We already have corruption issues in Victoria; we do not want to make it worse by this government having judges and magistrates on the end of a string, deciding whether to reappoint them or not depending on whether they like how they serve in that fixed term.

Bringing it back to the Judicial College of Victoria, what the government does in this bill is actually expand the number of appointees of the Attorney-General from two to three or four. So again, it is having the potential for political appointments because these are people chosen by the Attorney-General and they will be, I assume, people sympathetic or at least not antagonistic towards the government. And again, you are effectively doubling the number of political appointees to the board of the Judicial College of Victoria, and that is a concern.

Mr Fregon: It is called the AAT.

Mr M O'BRIEN: Well, the member for Mount Waverley does not understand that the Administrative Appeals Tribunal is an administrative body. This is the Judicial College of Victoria. It is not a court. It is not a tribunal. It is a different entity. And given this government's track record in undermining judicial independence, the fact that this bill doubles the number of political appointees on the JCV board is a concern, and we would like the government to use the opportunity in the debate to actually explain this. Why is it being done, and what are the safeguards? What safeguards is the government putting in place to make sure that they will not be political appointees and they will not undermine the proper role of senior judicial officers on the Judicial College of Victoria?

There are some administrative amendments relating to the Judicial College—increasing the maximum time between meetings from three months to four months, to enable the chairperson to appoint another director to preside at a meeting of the board if the chairperson is unable to attend, to enable the chairperson rather than the Attorney-General to approve absences from meetings of the board and also to remove the requirement for a director to seek the board's permission to appoint an alternate director from the same court or tribunal. All those seem quite sensible, and we have no objection to them. But given the already significant concerns about the undermining of judicial independence in Victoria which I have referred to, I do think the government need to explain why they are doubling the number of political appointees from two to potentially four on the board of the Judicial College of Victoria and what safeguards have been put in place to ensure that they will not be political appointments as opposed to people who can bring a community view to those matters.

Clauses 33 to 38 of the bill amend the Magistrates' Court Act 1989. In particular the bill streamlines the approval process for the making of rules under the Magistrates' Court Act. At the moment you need the Chief Magistrate and two or more deputy chief magistrates to approve rule changes, but in 2020 the number of deputy chief magistrates was reduced from four to two, so effectively you would need all three—the Chief Magistrate and both deputy chief magistrates—to approve rule changes. This reduces that threshold to at least one deputy chief magistrate, and that does not seem to be objectionable to us. Because of those changes going through there are some consequential effects on the rule-making powers under the Family Violence Protection Act 2008, the Personal Safety Intervention Orders Act 2010 and the Victims of Crime Assistance Act 1996, so the bill also updates those acts to reflect the new rule-making provisions.

Clauses 39 to 40 of the bill amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to federal jurisdiction. There was a court case that determined that VCAT has no jurisdiction to hear federal subject matters, for example, where one party to a proceeding lives outside Victoria. Because they are beyond the bounds of Victoria it is regarded as being federal jurisdiction, and a court case decided that VCAT cannot deal with matters such as that. Because of that those matters have been referred to the Magistrates Court, which does have jurisdiction. These amendments in the bill help to facilitate the referral of applications from VCAT to the Magistrates Court where federal jurisdiction is enlivened.

Clauses 41 to 47 of the bill amend the Births, Deaths and Marriages Registration Act 1996 to provide for the issue of integrated birth certificates to adopted persons. Integrated certificates are ones which note the birth parents as well as the adoptive parents of the individual. There has obviously been a lot of work that has been done by this Parliament through committees and in a very bipartisan way—can I say that has been welcomed—to look at past practices in relation to adoptions and some of the ways in which a lot of people have been let down by failures in past practices in relation to adoptions and trying to make sure that adopted people have got more rights. I think that the provision of integrated birth certificates where both their birth parents and their adoptive parents can be reflected on those certificates is a positive step. I also note that no fee is payable for the first issue of an integrated birth certificate. I should note there is no obligation on any individual to use or to apply for an integrated birth certificate. If an adopted person is happy with their issued birth certificate and the details on it, they can leave it at that. But this does provide another option for adopted people, and it is one that we support.

Clauses 48 to 60 of the bill amend the Adoption Act 1984 in relation to accessing certain information about adoptions. It permits the registrar of births, deaths and marriages to access certain information for the purpose of issuing the integrated birth certificate. It also updates references to departments in the act because, under new administrative arrangements put in place by the government, adoption services have moved from the Department of Health and Human Services to the Department of Justice and Community Safety. As a result of that a lot of adoption matters will now be in the Attorney-General's portfolio rather than the Minister for Health's portfolio, and we will obviously welcome the opportunity to deal with those matters.

Clause 54 of the bill is an interesting one. It removes the ability of the department to adopt out a child that is in its care without the consent of the natural parents, even where the person has deserted, persistently neglected or ill-treated the child or the person has seriously ill-treated the child to the extent that it is unlikely that the child would accept or be accepted by the family of that person. So we are talking about a situation where a child has been taken into the care of the department because the birth parent or birth parents have deserted the child, have persistently neglected the child or ill-treated the child or have seriously ill-treated the child to the extent that it would be unlikely the child would accept or be accepted by the family of that person. What this does is effectively give the birth parent or birth parents a right of veto on the department's ability to adopt that child out. You might ask the question: why is it that a parent who neglects their child or persistently ill-treats their child to the extent that the department has had to step in and take care of the child has the ability to stop that child being adopted out? Again, there is no easy answer. There would be some people who would say that somebody who so persistently neglects and abuses their own child should forfeit the right to be able to prevent that child being adopted out and maybe having a better life with a family that would care for him or her.

Of course we also have seen issues where perhaps governments in the past have been a little bit too quick to adopt out children and may have in the process reduced the scope for reconciliation or reunification. If, for example, parents had drug abuse issues which led to their actions to abuse or neglect their child and then subsequently were able to resolve those and were in a position to be able to look after their child, if the child had been adopted out it would be very difficult to reverse that and would be very disruptive for all concerned. So I do understand what I understand to be the intent behind this measure, but I do think that in all these matters the rights and the interests of the child must come first.

We will not be opposing this clause in the bill. But we are concerned by it, because we would not want to see a situation where parents who have been neglectful or abusive and ill-treated their child and have had that child taken away from them because of that are in a position to stop that child from having a better future and to deny that child that opportunity to be adopted by a family that would love him or her and would care for him or her. So I think this cannot be 'set and forget'. This has to be a measure which we have to look at very carefully and monitor very carefully to make sure that the interests of the child are paramount and are not being made subservient to the interests of abusive parents.

Another change, in clause 58, provides a new discretionary power to the secretary of the department of justice to use and disclose adoption information in accordance with the new section—and a number of specified factors are set out in new section 100A, subsection 3, which the secretary must have regard to in making any decision.

I do not have the time now to go through all these matters, but there are some significant issues around the rights of adopted people to have information about their birth parents and also the rights to privacy of those parents who themselves may be adopted. I have had a matter brought to my attention which is terribly sad, and I do think that this is an issue which we need to continue to have a discussion about to make sure, again, we get the balance right.

The bill also amends the Gender Equality Act 2020 to update a number of references and to enable the commissioner and specified persons to use or disclose information obtained under the act in certain circumstances. In summary, the opposition does not oppose the bill.

Ms HENNESSY (Altona) (11:20): I am very delighted to make a contribution on this bill today. Of course last Sunday was Mother's Day, and across many, many households we would have seen gorgeous sticky and chubby infant hands passing across to their mums gorgeous Mother's Day cards. I hope that there were the infamous coil ashtrays and the 'Best Mum Ever' mugs being distributed around as people celebrated these things.

Mr M O'Brien interjected.

Ms HENNESSY: The member for Malvern makes a point about ashtrays—they can be used for a variety of purposes, including for pot plants and for nuts and all sorts of things. But the spirit of Mother's Day was one that so many of us got to enjoy last Sunday, and as we discuss and debate the bill that is currently before the Parliament we should not forget that for many of the people who have inspired and advocated for the reforms in this bill, last Sunday would have been a very, very difficult day. I speak of course of those mums that were the subject of forced adoptions, and I speak of course of their children, because I can think of no greater bond than that between a mother and a child, which was broken in so many circumstances that we have learned so much about in recent times—but only because of the advocacy of groups like VANISH, only because of the bravery and the fortitude of so many who came to share their heartbreak and what they thought was their shame but was in fact our shame.

We saw over 40 000 adoptions in recent decades in this country, and we do not know how many of those were forced adoptions because so much of the evidentiary material has been destroyed. So even being able to demonstrate what kind of systemic abuse of women and children occurred is denied, but we still have the power of so many stories of those women, and I today in making my contribution on this bill make it in honour of those women and I make it in honour of their children—their fortitude, their bravery, their heartbreak and their continuing hope for us to be able to continue to right those wrongs, and this bill makes a really important contribution to that end.

Many of those women who were the subject of forced adoptions were in fact subjected to the most heinous of behaviours. I know this having discussed this issue directly with many of the women impacted, and I certainly know many of my colleagues have been terrific advocates for the sorts of reforms we see in this bill. Many of them were subjected to things like being taken away to special maternity services without their consent. Many were drugged. Many did not even get the opportunity to hold their own babies before they were taken away, and with my friend and colleague the member for Richmond here at the table I cannot help but also reflect on our national heinous shame in respect of the impact of this issue on the stolen generations as well. This is an intergenerational trauma that continues to be lived, and it continues to be lived not just by our First Nations people; it continues to be lived by those women that were taken away, that were subjected to shame, that were not supported, that were in many cases drugged, that were told that they were not fit to be mothers, that had their babies taken away from them and then were greeted in later life with a culture of denial and silence and disapproval.

Often when people reflect back upon these historic moments when we as governments of all persuasions and at different times in history have subjected people to this trauma, when we have denied children their rightful history and the rightful relationships that they ought to have been able to have with their mothers, we have not taken responsibility for those. There have been, however, some I think glaring exceptions to that as a general rule. I want to acknowledge and commend former Premier Baillieu, who in this Parliament made an apology to those women and their children that were the subject of forced adoptions. I want to commend and acknowledge former Prime Minister Gillard, who also made a heartfelt apology, on behalf of the nation, to those women that were affected. And I want to commend and acknowledge all the members of the Legal and Social Issues Committee. I had the great honour of being able to refer to them some terms of reference in order to consider many of these issues around unfinished business, because apologies are one thing—they are important, and I do not underestimate the power of what it means to have the premier of a state or the prime minister of a country make one—but an apology is not an atonement. Atonement is an action. Atonement is actually listening to how we can try and mitigate some of the gross intergenerational trauma that we have

subjected these families to. And to the Legal and Social Issues Committee, chaired by the member for Sydenham—

A member: St Albans.

Ms HENNESSY: St Albans—I have been rightfully corrected—and all the members of that committee, I also want to acknowledge what a cost there is, I suppose, to immersing yourself in those issues, to really listening to those stories and coming up with a great blueprint of a way forward. I want to commend and acknowledge the Attorney-General in the other place and the Premier for their incredibly compassionate support and embrace of many of those recommendations. Some of them are tricky. Some of them cost money, and there has been a really important announcement of just over \$4 million to provide compensation and assist many of those mothers whilst a redress scheme is developed and considered. The great tragedy of people in this set of circumstances is that for many of these mums and children, some people have died and some people are coming to the end of their lives, and it is just so critical that we do everything we can to try and right those wrongs.

The bill picks up a number of those recommendations around things like integrated birth certificates where that story could be reflected. It is not compulsory. Of course some people do not want their story to have to be told on every occasion they need to rely upon a legal document. It does take really important steps to try and ensure that we are giving government bodies powers to share information to help get to the bottom of many of these stories. As I said, some of the documents have been destroyed. Many institutions have not been as forthcoming as they should have been in respect of righting wrongs and truth telling, so giving the various bureaucratic arms of government the right sorts of powers to get stories and make those available to those women I think is absolutely critical.

For many of these families these changes are too late, and I know that organisations like VANISH and many others require ongoing support in order to support those women and children. I do know that the Attorney is actively engaged in making sure that they have the support that they require. But I do want to acknowledge just how critical they are in both the counselling and the information sharing. They are really the vessels of the truth for so many women and children. As for ensuring that we are able to support them with the funding and a seat around the table when these sorts of decisions are made, the Attorney and our government are committed to doing that in an ongoing sense.

I do want to also acknowledge many of my friends and colleagues, both here and in the other place, that have been just terrific advocates because they have heard the stories or they have had personal familial experiences with this issue. It is always a risk when you start to name names, but I do need to mention my friend the member for Geelong, the member for Yan Yean, the member for Macedon, the member for Cranbourne and the member for Carrum. They are but some of the people that I know who have been great agents and advocates for change and support certainly within our government. In fact it was a fortuitous discussion between the member for Yan Yean, the member for Macedon and me in Strangers Corridor where we thought about what else we could do to try and get this story told and bring greater focus to this issue. There is much more work to do, but this coming just on the back of Mother's Day I think symbolises a critical step in the right direction, and may they always have our hearts and minds as we continue the important journey of reform.

Mr D O'BRIEN (Gippsland South) (11:30): I am happy to rise to say a few words on this Justice Legislation Amendment Bill 2022, which has quite a wide variety of amendments within it—it is an omnibus bill, as we are quite used to dealing with in the chamber here. I echo some of the comments of the member for Altona in the issues that this will address with respect to past forced adoption practices. This is a very sensitive area and one that brings forth significant emotional turmoil for many people in Victoria, particularly the mothers who were subject to those horrible forced adoption practices. I have a number of them in my electorate, most particularly a tiger of an advocate in Brenda Coughlan, who comes to me regularly with issues. She has only one failing in that she barracks very strongly for the Bombers, which she always reminds me of. Brenda is a regular correspondent, and I met with her actually this week to discuss some of the issues with the redress scheme coming forward,

not directly related to this legislation. She has been through a lot, as have many others. The announcement of the redress scheme earlier in the year has certainly brought forward others. I met with a lady in Leongatha only a few weeks ago who has not had any contact with government or government agencies on this issue but was subject to those same abhorrent practices in the past. I suspect that there will be many more coming forward.

I know this will be a difficult process to work out who was involved, which agencies were to blame or involved in the practices and indeed therefore how to identify those that are in need or who are indeed deserving of redress. We often say in these cases the government should hasten on this, but I think hasten slowly as well and make sure that we get the process right. Certainly an issue was raised with me about which agencies will in fact be captured by the redress scheme. I have written to the minister, and I will not raise it any more now, but I would hope that would be addressed as the redress scheme is finalised.

There are a number of clauses responding to the Legislative Assembly Legal and Social Issues Committee's inquiry into responses to historical forced adoptions in Victoria, including, as previous speakers have mentioned, the issues of integrated birth certificates, which can be provided upon request. On that and the change to the adoption information service into the Victorian Registry of Births, Deaths and Marriages, I am concerned, as I am sure many other members of the chamber are, about births, deaths and marriages. To this day on the BDM website it still does not have its customer service centre open. Throughout the pandemic, even when every other department was open and available and responding to calls or emails, my office found constantly BDM was unresponsive. Even in the last couple of weeks I have had three or four constituents on a range of issues relating to birth certificates and change of name where BDM has been singularly unresponsive and really has failed in its duty to the public. These are matters I have raised with the Attorney-General. Certainly through the pandemic she was very much aware of them, and we understood that there would be some delays, but there have been quite a number that grate on me. It concerns me that BDM is being given more jobs to do.

I had a situation previously where a 16-year-old girl had, three years ago, tried to change her name, given there was a background there of adoption as well, and she and her grandmother were constantly being told, 'Yes, someone will come back to you', and that just never happened. This is a consistent message that I get. I think the Attorney-General does need to be reviewing the operation of births, deaths and marriages and its performance, from my perspective as a local member dealing with constituents who constantly come to me. I had a constituent last year who had one of their children born at home, and that caused enormous issues. It took them in the end something like six months to get a birth certificate because it was not done in the usual process. Now, that is not that unusual, to have a home birth, but this family were dairy farmers with a number of children already, and it just took an inordinate amount of time to get something as simple as a birth certificate. That is a concern that I raise.

I will just touch on the amendment with respect to the current grounds for adopting out a child. The member for Malvern touched on this too, and I just echo the concerns he raised. I understand this is also responding to a recommendation of the committee. It is basically that where—I had to read this a few times—there is a situation of neglect or ill-treatment of a child, if the parents do not consent to the child being adopted out, the department does not go ahead with that. As the member for Malvern indicated, that seems completely counterintuitive to me. As I read it a few times I thought, 'Surely I'm reading this wrongly'. I appreciate, as did the member for Malvern, that these are not simple and straightforward issues, but it does seem to be a concern that even where parents might be neglecting or ill-treating a child they still have a say in their future adoption, particularly if it is to a family or to a household of any description that will love them and care for them. Like the member for Malvern, I will be watching that carefully, and I hope the government does as well and reviews the implementation of that particular issue, because it does seem a little odd to me.

There are a number of other clauses in this bill amending the Equal Opportunity Act 2010 in relation to secrecy provisions and some changes to include more gender-inclusive language in various acts of

Parliament. On the changes to the Judicial College of Victoria Act 2001 the most significant of the amendments is to increase the number of directors from eight to at least nine but not more than 10 to facilitate an increase in the number of directors appointed by the Attorney-General. As the member for Malvern indicated, there are some concerns within the legal fraternity about that as to whether it will give the government of the day further power to influence the Judicial College of Victoria.

I think in all of this I would reflect on and hope, as the member for Malvern did too, that the government's focus is not entirely on these sorts of minor administrative changes but on in fact clearing the backlog in our court system. It is a truism of course that justice delayed is justice denied. Yes, we all understand the difficulties of the pandemic, but we also all remember standing in this place in about April 2020 and making significant changes to the operation of the court system to allow it to continue to operate through the pandemic and through the various lockdowns that we experienced, and I would hope that the government is absolutely focused on clearing the backlog of court cases right throughout the system as well.

I return briefly to the issue of adoption and the Assembly's Legal and Social Issues Committee inquiry into responses to historical forced adoption in Victoria. I acknowledge the work done by the committee on that, as the member for Altona did. I know she mentioned former Prime Minister Gillard. I did not actually catch whether she mentioned the Victorian apology.

Members: She did.

Mr D O'BRIEN: She did? Okay. I think it should be acknowledged, the work of Ted Baillieu and Peter Ryan as the Premier and Deputy Premier at the time. I had a wonderful experience with Ted and Peter unveiling a statue in Sale that was pushed, again by Brenda Coughlan, recognising the bond between mother and child. I know that apology, both at state and federal level, continues to warm hearts around our state, and let us hope that these amendments in this legislation and also the forthcoming redress scheme will do more than warm hearts as well.

Mr EDBROOKE (Frankston) (11:40): I would like to start by acknowledging all the people that made this legislation happen: the minister; the people on the Legislative Assembly Legal and Social Issues Committee inquiry into responses to historical forced adoptions in Victoria; former Premier Ted Baillieu, who of course as we have heard came out with the first apology, which was followed by obviously the redress scheme under this government; and let us not forget the Gillard statement as well. It is a very sensitive issue, but I think we can all agree that this is the best of Parliament right here, right now. This is what we are all here for. Sometimes we do have robust debates, but this is something that is so important to so many members of our community, and so many people are touched by this.

Before I go on to talk about the integrated adoption certificates—or birth certificates, if you will—I would just like to talk about one of the other reforms in this bill that I think is really, really important, and that is that we are making changes for gender-inclusive language in the Charter of Human Rights and Responsibilities Act 2006. There was a law student who was in a *Herald Sun* article a little while ago that was quite the warrior in this field. For too long we have sat here and read legislation that says 'He will unto remove' or 'He shall enter', and of course it is not inclusive. We are not in the 1800s. Yet I do read that it was only in the 1980s when the New South Wales Parliament allowed women into the Parliament. I am proud to be part of a caucus and a cabinet that is 50 per cent women, and our legislation needs to reflect that. The first part of actually doing that is making changes to the Charter of Human Rights and Responsibilities Act to reflect and include everyone who is writing that legislation. At the moment we are seeing, as a response to that need and that want, other pieces of legislation being reviewed as well as time goes on to remove gender-based language and include inclusive language or more equal language to reflect our community, which is, after all, 51 per cent women. I think that is really important.

I do want to spend some time speaking on the reforms to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996. Forced removal of babies is an absolute stain on our history. It is a shameful part of our history, and for many people this has resulted in insurmountable distress, whether they be the children or the parents involved, and lifelong trauma. It is great to have an apology, but actions are better than words, and including a redress scheme is one of the ways we do that. But actually putting in legislation the option for people to have integrated birth certificates with the different names of their parents on them is not controversial and should not be controversial in this house.

My personal story—I might have spoken about it before in this house—my father was adopted. We believe that he was taken from his mother in Scotland, although because of the records and history, we will never know. We have heard a lot about the impact on mothers and their children, and from my perspective, I can talk about the impact on the children of this. Certainly my father is quite open about how he feels about this and the trauma that he went through not knowing who his mother was. Then learning that quite possibly she had no choice in him being taken away from her—stolen from her—is something that I think, for want of a better word, haunts him. Every day he thinks about it. He was one of the people that decided that he would, through a private firm called Norco, try and contact his birth mum and get at least some biological details, some health details, from her for his own health as he got older. And it was very obvious that that woman had not dealt with the past and had not dealt with what had gone on. Indeed there is a documentary on SBS now.

Funnily enough—and I know you will look at me, Deputy Speaker, and say, ‘That’s a long bow’—but we are hearing now that Dad’s mother was with an American serviceman in Europe, and he was actually African American. That in those days was something that was not accepted at all. Dad has olive skin. You can believe that he genetically reflects that, and the genetic tests say that, but you can imagine the position his mother was put in. What we have been able to piece together show us that she became pregnant, and as soon as that bump started showing she was shifted off somewhere, probably to a nunnery in those days, where she gave birth. She basically had to stay in the nunnery until she gave birth, and then he was just taken away. Life just went on as normal, and that was an accepted fact. This bill is part of a modern society and a modern community actually getting better, but to get better we need to address some of the things we have done that were really wrong in the past.

I note with pride—but I do not think we should be patting ourselves on the back too much—that we have also introduced a redress scheme for members of our Indigenous community recently. We have started the treaty process, the first state in the nation to do so. It is with great pride that we can talk about that and try and create our future, knowing that we have, to some extent, apologised and tried to deal with some of the trauma of the past. For white colonial society we have got a lot of trauma in the past—whether it be for Indigenous people as the traditional owners of the land, whether it be the people that came over on ships as convicts, or even whether it be in the 1950s to 1980s when up to 250 000 children were taken from their mothers by people that obviously thought they were doing the right thing. Whether it was a faith-based belief or something else, they thought they were actually doing the right thing by these people. They had a belief that women who were unmarried could not support a child and could not raise a child.

We now know that those thoughts are well in the history books. I am not sure really where they fit these days, but we do need to ensure that parliaments like this one look back and make those reparations to people: acknowledge the wrongs, acknowledge that our culture has moved on, acknowledge that our culture is now accepting, acknowledge that our culture is one that is progressive enough to admit our mistakes as a state or as a nation and actually pay reparations to people. As the former minister, the member for Altona, said, for some people this is too late. There is, I note, in the scheme a system in place to help people who are getting older and who might be getting more frail get to the top of that scheme and be dealt with first so that they, in their final days, can actually have an apology and know that it was not just words but that action was taken by this government. I stand here very proudly today, though, knowing that as a Parliament this is bipartisan. As I said at the start, this is the best of who we are as a Parliament coming together to admit wrongs, which is really hard.

Whether it be personally when you are in a meeting or something and your ego comes into it or as a group of people, it is very hard. It is even harder when it is historical, so I think a brilliant job has been done here by the committee; by the department; and by the minister involved, the Honourable Jaclyn Symes in the other place, to get this where it needs to be.

I would like to just pay respect to the mothers, the children and the families of people who have gone through forced adoptions, who have been through that trauma and who actually found the strength as well to come forward to the committee and make a commitment to let people know that these things happened and document it, making their feelings known so that we could legislate this here today. It is history making. It will mean a lot to many, many people in everyone's community throughout Victoria. I certainly commend this bill to the house. I wish it a speedy passage through this house and the other house. I would be very surprised if there were any people who found issue with this bill. I would say to anyone who does, if they have read it: go and speak to some survivors, go and speak to some parents who have had forced adoption, and they will change your mind.

Mr MORRIS (Mornington) (11:50): I am probably going to disappoint the member for Frankston, but I do want to congratulate him on his contribution and the points he made on that particular element of the bill. I agree it is totally bipartisan, and I think there is wholehearted support across the Parliament for what has been done.

Unfortunately I do have some issues with some other parts of the bill. I guess the fact that we are dealing with yet another omnibus bill, which is a grab bag of bits and pieces, really points to the thinness of the government's legislative agenda; it is very, very thin. We have an absolutely broken health system. We have a CBD that is screaming for support and getting next to none. We have an infrastructure agenda that even the Treasurer admits is at risk of collapse because of a shortage of materials; we have heard that in the last few days. While we are talking about justice, we had a story on Anzac Day in fact warning that there will be a crisis in the courts that could take decades to clear. We have the government refusing to confirm the number of pending cases. We have the Auditor-General saying we need a 179 per cent increase in the number of courtrooms. A few days after that the figures were released. I can understand why the government was not keen to have them released, because they showed there were 116 000 cases pending in the Magistrates Court; that is up 45 per cent. Then a couple of days ago we had the *Herald Sun* reporting that criminals are walking free from jail early because of the backlog—judges reducing sentences to try and get guilty pleas to deal with the backlog. This is a very, very unnecessary and difficult situation for our justice system, but it is a reality.

There is nothing in this bill that addresses any of the multiple crises that we have currently across the state. Just look at the second-reading speech: clarifying an issue in the Equal Opportunity Act 2010; gender-inclusive language in the Charter of Human Rights and Responsibilities; reforms to the Adoption Act 1984 and the births, deaths and marriages register—which, as I said, is I think the important issue in the whole bill. We have got diversity on the Judicial College of Victoria board, how they appoint alternate directors, a change to VCAT's jurisdiction, updating of the Crimes at Sea Act 1999 and the secrecy provisions in the Gender Equality Act 2020. None of those things are problematic in terms of the actual legislation, but they are essentially administrative matters. None of them fix the crisis that our justice system is facing across the state.

Before I speak about the range of matters that are in the bill, I do want to make some comments on part 8, which is the integrated birth certificates part of the bill. Part 8 makes a range of amendments to the Births, Deaths and Marriages Registration Act 1996 and the Adoption Act. They are quite technical changes, but the outcome is to facilitate integrated birth certificates. As I mentioned earlier, this is a very important reform, and I think it is a very welcome reform that will enjoy strong support. It picks up recommendation 26 of the Legal and Social Issues Committee's inquiry into historical forced adoptions. This is an extremely difficult subject, and it has had a difficult history over a long period.

I have no doubt that many of the people that were engaged in the practice of what has come to be known as forced adoption felt that they were doing the right thing. But we need to be clear: they were

not doing the right thing. It was a practice that led to enormous trauma for far too many, and it is a practice that has had ongoing impacts across the generations—the impact of trauma, mental health impacts and potentially physical health impacts. This can, should be and I believe is a bipartisan outcome. I am proud of the fact that I was part of the 2012 apology—a part of the government that introduced that apology—and I am certainly proud to be standing here today saying I strongly support the changes that are part of this reform.

Going back to the chronology of the bill, in the time that remains, changes to the Crimes at Sea Act, part 2—irrelevant to Victoria but necessary, absolutely. Changes to the Equal Opportunity Act—now, the member for Malvern talked about clause 7. The advice we had was that it is an avoidance-of-doubt clause. If that is in fact the case, then I think it is quite a reasonable change. New section 176B adds to the section 176 secrecy provisions to codify a range of exceptions. According to the second-reading speech it is about enabling disclosure where necessary to protect the safety and wellbeing of others. There is nothing unreasonable there. I think it probably does indicate a weakness in the current FOI system—that the FOI system could be frustrated by hiding behind the secrecy provisions. And perhaps it also indicates a weakness in terms of the mandatory reporting provisions—the fact that we have to beef up this act to ensure that those things are still observed. Surely if we had a system that was doing its job, those provisions would override this, but unfortunately it appears they do not.

The changes to the Charter of Human Rights and Responsibilities Act 2006—clauses 9 to 24—are largely about changing ‘his or her’ to ‘their’, ‘that person’s’, ‘the child’s’, ‘the member’s’ or ‘the Minister’s’. It is interesting in the style convention that ‘the minister’s’ has a capital ‘m’ even though it does not apply to a particular minister but ‘the member’s’ does not. I am not sure how that evolved, but it is an interesting observation. Is it a reasonable change? From my perspective, absolutely it is. Personally, I would like to see this change happen a lot quicker than it is happening. I would like to see the legislation just done across the board, sort of similar to the 1958 consolidations of legislation that were undertaken.

I know some people are concerned about these sorts of changes. I suspect it is more about what you are used to than specific pushback about the intent. The fact is many people simply do not like change. That is the fact of it. I recall probably three or four decades ago the debate about whether you have a chair or a chairman or a chairperson. That debate has largely been forgotten now, and over three or four decades that practice has changed. Now of course we talk about batters et cetera. So from my perspective, the sooner we can get this done the better. It is a debate that we do not need distracting us in difficult times.

Changes to the Judicial College of Victoria Act 2001—the second-reading speech suggested that it was about implementing the recommendations of the review of sexual harassment in the courts and VCAT. Well, yes, it is about one recommendation, I think it was recommendation 7, but it is dealing with the big issues again: prohibition on acquiring or disposing of personal property of more than \$50 000—I do not know why it was in there in the first place, but this takes it out; removing the reference to the need to execute delegations under seal; board absences approved by the chair not the Attorney-General; and fewer meetings a year—three meetings instead of four. Why not make it four meetings a year rather than saying ‘every three months’? And permitting the chair to appoint a temporary chair. There is only one change related to the review, as I mentioned, and that is changing the number of directors from eight to nine or 10 and boosting the number of people with broad experience in community issues affecting courts from two to three or four. So that is the implementation of recommendation 7.

The Magistrates’ Court Act 1989—as I said, 116 000 cases pending, 45 per cent up. What are we doing? We are changing the mechanism for adjusting the court rules. VCAT, federal matters—again something needs to be done, but it is hardly a matter of moment. The changes to the Adoption Act—I will not have time to go through them, but they are again an important part of that process and certainly to be supported.

There is nothing remarkable. These are largely administrative reforms. Most of it is housekeeping. The changes that I identified at the outset of my contribution are the important changes. I would like to see far more matters of substance on the legislative agenda of this place. I live in hope.

Ms SETTLE (Buninyong) (12:00): I am delighted to rise to speak on the Justice Legislation Amendment Bill 2022. Before I go into the bill I would just like to acknowledge the opening speaker, the member for Altona, who as the previous Attorney-General did refer this to the Legal and Social Issues Committee. What I did not realise until I heard her speech was that the member for Yan Yean and the member for Macedon had been really integral in coming up with this as something that needed to be addressed. I have certainly spoken to the member for Yan Yean about it and know there is this passion, but I did not realise that she was the driving force behind it, and I do thank her for that.

I am on the justice committee and went through this inquiry. It was probably one of the most harrowing inquiries that I have sat through. Of course if I found it harrowing, I can only begin to imagine what it was like for the mothers and indeed children that came and spoke to the inquiry. I think we all acknowledge how retraumatising it can be to continue to tell those stories. As the member for Frankston did in his contribution, I really, really want to acknowledge those women for their continued fight to keep this issue at the forefront, because it is incredibly harrowing for them to tell their stories again and again. This bill for me shows that this government is really committed to getting on with implementing the recommendations from the forced adoption inquiry, and that makes me very proud. As I say, having listened to many of the contributions, these are people that really need acknowledgement of the terrible injustice that was done to so many of them.

The committee heard over 114 submissions over 11 days of hearings, and we did those hearings both here in Melbourne and also in regional Victoria. It was really startling to know just how widespread this practice was and really the suffering that it has caused. Approximately 40 000 adoptions were arranged in Victoria between 1958 and 1984. When we discussed the terms of reference and what sort of time period we would look at, one of the things I found personally fascinating was that there was a dramatic drop in 1974 of adoption, and of course that is when the Whitlam government introduced a single parent payment. It goes to show what a difference an act like that can make—that people could actually keep their children or they could fight back. A lot of times these women told us that there was no option. The things that they talked about—being drugged and having their child taken away from them. One of the things I found really distressing to hear about was them being given medication to dry up their milk without being told that was happening. There was such a sort of overt impost on women's bodies and women's lives. I think everybody in this place should be shuddering that this debate is going on again in America, about who has the right to discern what happens to women's bodies. Even in our very own house, in that other chamber, to hear the despicable words come out of that member's mouth that in fact what is happening in America around *Roe v. Wade* is a good thing is an obscenity. Women should have control of their bodies at all times. The forced adoption was really one of those iterations, that all of that control was taken away from women. As I said, they went through some really traumatic experiences in terms of being drugged, having children taken from their arms. It was a really, really difficult inquiry to listen to, but I am so, so grateful that those women keep sharing their journey and their experience so that we as the broader community can understand what happened and make sure that it never, ever happens again.

On the debate at hand I would just like to make a comment that the member for Malvern and the member for Gippsland South both did question one element of it, which was around parents' consent in adoption, and I just want to make the point that what we as the committee really felt in the end was that adoption is absolutely last resort. It has got to be the last resort. People did talk about someone being drug affected: how can they have that right? Well, that bond still exists. Talk to children that have come out of domestic violence situations. They still love their parents. And we still do great damage separating families. So adoption, which is irreversible—not entirely irreversible but pretty irreversible—is an absolute last resort, and of course the thing to be aware of is that the court retains that right of consent. It is an important part of the bill. I can understand why those on the other side

have raised questions about it, but having sat on the committee I heard how much people need adoption to be seen as an absolute last resort.

I also want to acknowledge my colleagues and fellow committee members, and of course in particular the chair, the member for St Albans, but also the member for Geelong, who is in the chamber and was incredibly passionate in this space and talked really from the heart about how important it was that we got some of this through. Thank you for your guidance in what was my first committee. I thank also the member for Clarinda and the members for Gembrook, Caulfield and Brighton for all of their contributions and dedication to the inquiry. It was during the pandemic, and it was, as I said, traumatic, so I thank everyone.

I also want to just take a moment to thank the secretariat. Yuki Simmonds went to such lengths to make sure that anyone who was speaking to us was well looked after at all times. There were support workers in the room, and they were just so incredibly sensitive to the complexities in this issue—and it is complex. What I found extraordinary to understand was that there are so many different positions on this, but the one thing that united everybody was the pain and suffering that both the adopted and the forced adopted went through. So I do want to thank the secretariat, because as I said, there was an extraordinary level of work and commitment by them to make sure that we looked after these people that were talking to us and minimised that trauma that comes with telling your journey and your experiences again and again. We all know that we cannot undo what was done, but we can recognise the harm that was caused, and we can provide some really meaningful support.

The integrated birth certificate was really one of the key things that came out of it. There are different views on this as well, and of course it remains optional. You can go ahead and do it if you like. I have got two sons, and their birth certificates—it really is about your identity; it is the thing that you hand over again and again to say who you are. I know that when people spoke to us they said they were living a lie, that their birth certificate is not true, and they wanted their birth certificates to represent who they truly are. There are people, as I said, who do not necessarily agree with it, but it is optional, so they do not need to go there. I can understand that perhaps it might be painful to in effect say to people, ‘This is the trauma I went through’. But that option is there, and it is an incredibly important option.

I am really proud that we have taken action straightaway on the redress scheme. Given the kind of time frame when this happened, a lot of these women are ageing—as indeed we all are—but it was incredibly important that we acted very quickly and swiftly. To that end I would like to thank the current Attorney-General for her swift action and her swift response to the inquiry. I am glad these elements have bipartisan support. I think we all acknowledge that terrible things were done to too many people in the past. Whilst we cannot undo them, we can seek to acknowledge them and in some way provide some sort of redress, and this bill goes a long way to doing that. There are other elements which I acknowledge, particularly around the language in gender equality, but I think really for me, having been through this inquiry, to see this government enact so quickly what we found and to try and provide some redress—*(Time expired)*

Ms KILKENNY (Carrum) (12:10): Thank you for the opportunity to contribute to the debate today on the Justice Legislation Amendment Bill 2022. This bill includes a number of amendments to legislation in the Attorney-General’s portfolio. We have heard that that includes the Equal Opportunity Act 2010, the Charter of Human Rights and Responsibilities Act 2006 and the Gender Equality Act 2020, but like many members in this place today, and I do want to acknowledge the terrific contributions that have been made so far, I will focus my contribution on the proposed amendments to the Births, Deaths and Marriages Registration Act 1996 and the Adoption Act 1984. I will do that because, like others in this place, I note that these amendments respond very swiftly to some of the priority recommendations arising out of the Legal and Social Issues Committee’s inquiry into responses to historical forced adoptions in Victoria.

That committee, in its report, made 56 really important, significant recommendations. The report was tabled in September last year, with the government’s response tabled in March this year. In this

government's response there was a clear recognition of the significant trauma experienced by Victorian women who were subjected to forced adoption practices. I too would like to acknowledge the tremendous work of the former Attorney-General as well as the Attorney-General in the other place, but also the department for bringing in the changes that we see in this bill today and bringing them in so quickly, just two months after the government's response was tabled in this place.

The bill will implement, significantly, recommendation 26 of the committee's report and that will see the introduction of integrated birth certificates for adopted people. I understand from reading the report that the need for integrated birth certificates was a recurring theme in evidence that was presented to the inquiry, and it is tremendous that with the amendments in this bill today adopted persons will have the choice to obtain an integrated legal birth certificate which includes the details of the natural parents as well as the adoptive parents and the date of adoption. As we have heard, this is a choice, but it is a really significant choice and part of this important process of not only healing but also understanding and discovery and just enabling these people to address some of the issues, some of the trauma, some of the grief and to come to terms with and learn to understand what has happened.

The bill will also implement recommendation 34 of the inquiry. There are amendments to the Births, Deaths and Marriages Registration Act that will ensure, importantly, that things like search certificate fees will be waived for people affected by forced adoption. Again, that is removing one of those barriers, those hurdles, that confront many people in this process. The bill will also make further amendments to the Births, Deaths and Marriages Registration Act to implement recommendation 28 of the committee's report. The requirement that has been in place for mandatory counselling for people applying for adoption information will now be replaced with an obligation on the department to offer counselling.

Why is all of this important? Well, as we have heard, it is important because these amendments really are the start of a process to address a dreadful wrong—a wrong that has impacted and literally changed the trajectory of people's lives over generations; a wrong that we know was barbaric, cruel and frankly almost incomprehensible in the level of deceit, unconscionability and immorality; and a wrong that we know has led to unimaginable and long-term suffering and grief for so many people. Unfortunately it was a wrong that did take place as a result of deliberate policy decisions made at both government and institutional levels with such absolute disregard particularly for the welfare of mothers who have been impacted.

Important steps have been taken. We have had really heartfelt, important apologies delivered both in this place by the former Premier of Victoria, the Honourable Ted Baillieu, back in October 2012, and of course in the federal Parliament by the former Prime Minister of Australia, the Honourable Julia Gillard, in March 2013. Significantly both of these apologies followed the 2012 Senate inquiry into the commonwealth contribution to former forced adoption policies and practices. But we know so many of those recommendations have not been implemented or have only been partially implemented.

That leads us on to the inquiry conducted by the Legal and Social Issues Committee here in this place. I too want to acknowledge the various members who made that reference—the member for Altona, the member for Yan Yean and the member for Macedon. I want to thank them for starting that. I also want to acknowledge the extensive, really empathic, detailed and important work conducted by the committee, chaired by the member for St Albans. It is clear, listening to some of the speakers today, including the member for Buninyong, that the submissions and the evidence before the committee had a really significant impact on that committee. It is really important work that they have undertaken, and I thank the committee for their work and the final report, including those 56 recommendations, a number of which will be implemented with this bill, with many more to follow. Of course the committee's work was made all the more challenging because of the pandemic, but despite that they pushed on. They held face-to-face meetings, they held online meetings and they did everything they could to put progress this inquiry.

To all of those who participated in the public hearings and to many more who made written submissions, I want to say thank you. It no doubt takes so much courage to share those kinds of experiences, particularly ones as profoundly personal as those which reveal such abuse and trauma and unimaginable loss. I can only hope that by sharing these experiences—some for the first time, I understand—that has enabled some healing for some of these mothers and for some of the people affected by forced adoption.

I would also like to acknowledge the various organisations who participated in and informed the inquiry, particularly those organisations whose mission it is to support people affected by forced adoption practices, and they are organisations like the association representing mothers separated by adoption and VANISH—organisations that evolved more than 30 years ago because people understood the need for an independent support service that is run by and for people who have got lived experience in forced adoption. Their work supporting people affected by forced adoption is really just so important and will continue to be important as we roll out the implementation of the various recommendations, including of course, I am so proud to say, Australia's first redress scheme for people impacted by forced adoption.

I want to acknowledge this government's commitment to doing just that. I want to acknowledge the support of the Attorney-General, the Treasurer and the Premier for making available a special hardship fund which will be implemented ahead of the redress scheme as well as further funding that will be made available to organisations such as VANISH to support applicants through that process.

This is such a significant step in the process to support mothers affected by forced adoption as well as people affected by forced adoption to start that healing process. It is so important that we are publicly discussing this matter. It was kept secret for way too long. Harm has been done; we must do everything now that we can to minimise that.

Mr HAMER (Box Hill) (12:21): I too rise to make a contribution to the Justice Legislation Amendment Bill 2022. It is an omnibus bill which seeks to make a number of amendments, but the important ones, as has been canvassed by many in this house today, are in relation to the implementation of the recommendations of the forced adoption parliamentary inquiry. I do want to thank the former Attorney-General, the member for Altona, and the current Attorney-General for bringing this very important bill to the house today and also congratulate the member for St Albans, the chair of the parliamentary Legal and Social Issues Committee, who put in an enormous amount of work—and all of the committee members—to listen to the testimony and come up with some very strong and powerful recommendations which are the basis for the legislation today.

After a couple of years of hearings and deliberations, some of which were delayed by COVID, on 8 September 2021 the Legal and Social Issues Committee tabled its report on the inquiry into the responses to historical forced adoption in Victoria. Like many others, I was deeply saddened by the stories from mothers, forcibly removed children and others who shared their significant grief and trauma caused by the shameful practices that were shared. I am very proud to lend my voice of support to the amendments, which begin the process of change to meaningfully support those who have been affected and acknowledge the harm caused by these dreadful practices in our state's history.

As was canvassed in the report, unwed mothers were historically regarded as unfit to keep and care for their babies, with decisions about their babies taken from their hands. They were often sent by their families to maternity homes. One which was in and around my area was the Kedesh Maternity Home, which was established by the Mission of St James and St John in 1926. It was established in Carlton originally, then it moved to Kew in 1929, and in 1986 it was closed and replaced by the Kedesh Hostel in Box Hill. It is a very interesting etymological name because 'kedesh' has a Hebrew origin. The root of the word 'kedesh' is 'kadesh', which is 'holy', and 'kedesh' itself means 'sanctuary'. For the women who were in this place it was anything but a sanctuary. The institutions that were trying to provide these services might have felt they were doing a holy task in providing a sanctuary. It is interesting in

that context that the committee did take a lot of evidence in this regard. In its executive summary it said that it did:

... not believe that historical forced adoption was a reflection of the values and attitudes of society at the time. Rather, there is evidence that the practices were the result of deliberate policy decisions made at government and institutional levels.

Towards the end of that period, and this was particularly during the 1950s and 60s—it was from the 20s but particularly through the 50s and 60s as well—there was the introduction of the single parent pension by the Whitlam government in 1974. Combined with changing social attitudes, this changed the orientation of the service into what it became in moving into the hostel in Box Hill. There are a number of histories written about this particular institution that are online, and one history of the mission describes the approach that was taken during the 1960s:

... most girls had little to do with their baby once it was born; it would be adopted from the hospital under a tight veil of secrecy. This was believed to be best for the mother and the baby. The babies were adopted by 'good Christian families' and the girls were told 'you'll have your baby and you'll go home and forget'.

In its hearings, the committee noted that many women reported feeling isolated, alone and ashamed, having been sent to the hostel to wait out the last trimester of their pregnancies, after which their children were adopted out. Of course the legacy of grief and distress this caused for these women and for many children forcibly removed lives on and can never be forgotten.

Our government's response to the inquiry was tabled on 10 March 2022—so barely two months ago—and the committee made 56 recommendations, of which 33 were supported by the government, including plans to introduce a redress scheme, with the remaining 23 recommendations to be further considered. I echo the sentiments of the member for Carrum in saying that it is terrific that in such a short time—in just two months since the government response—we have been able to get this legislation to Parliament to introduce some of the highest priority elements and amendments towards redressing some of these past wrongs.

In particular the bill makes a range of amendments to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 to implement recommendation 26, which is to introduce integrated birth certificates to be issued at the request of an adopted person who is 18 years or older. That is a legal birth certificate that includes the details of both the person's natural parents and their adoptive parents and the date of adoption. Currently the only legal birth certificate in respect of a person who has been adopted is the post-adoption certificate, which only shows the adoptive parents. The bill will allow the Victorian Registry of Births, Deaths and Marriages to issue a post-adoption birth certificate that includes the details of the natural parents and the adoptive parents and can be used as a valid proof of identity. This is a small step, but it is an important step towards implementing some of the committee's recommendations which support the needs and interests of those who were adopted and bringing our system into line with others that are already in place elsewhere. It grants the right for the individual to choose whether to discover or disclose the nature of their birth and their adoptive parents.

The bill also implements recommendation 28 of the inquiry, which seeks to amend section 87 of the Adoption Act. That section currently provides that a person who has applied for adoption information, including an adopted person, must attend an interview with an approved counsellor before they can receive information about the adoption to which the application relates. This bill further empowers the adopted person or other applicants with the right to refuse counselling or a previously mandatory interview prior to the release of adoption records. In its inquiry the committee heard that while the interview process may be considered beneficial for some, the mandatory requirement to be interviewed may be detrimental to others. Some participants reported that they felt disempowered, vulnerable and traumatised after the process, while others criticised the slow and bureaucratic nature of the process. Putting the power back into the hands of the individual who was adopted or the individual applicant provides some level of redress and of acknowledging those past wrongs and giving that power to those who need it.

Other amendments in the bill will empower the Secretary of the Department of Justice and Community Safety to obtain historical adoption records and information to preserve them for access now and into the future. Faithful keeping of records that may be accessed where and as appropriate preserves our state's adoption history so that we may learn from past wrongs and continue to do better in the future.

Just finally, the legislation also makes a number of other amendments, in particular in relation to the Equal Opportunity Act 2010 and the Gender Equality Act 2020. In relation to the Equal Opportunity Act, there is a specific change to section 83 to clarify that religious discrimination in education institutions is only available on a religious basis. I commend the bill to the house.

Ms COUZENS (Geelong) (12:31): I am pleased to rise to contribute to the Justice Legislation Amendment Bill 2022. I want to start by thanking the Attorney-General for her work on this really important bill and of course the member for Altona, the previous Attorney-General, who referred this inquiry. On 8 September 2021 the Legislative Assembly Legal and Social Issues Committee tabled its report on the inquiry into responses to historical forced adoptions in Victoria. The government response to the inquiry report was tabled on 10 March 2022. There were 56 recommendations, of which 33 were supported by the government, including plans to introduce a redress scheme. The remaining 23 recommendations will be considered further. As a member of this committee I was proud of the work of the inquiry, and I want to acknowledge the chair of the committee, the member for St Albans, and other members and the secretariat. This was a really challenging inquiry.

I want to acknowledge the member for Buninyong's contribution. It was, I think, her first inquiry, and she shared her thoughts in her contribution today. We were given the absolute privilege of the trust of those mothers who sat in front of us and gave evidence to the inquiry. I do want to acknowledge and thank the mothers who bravely came forward and gave evidence of their experience. They were subjected to horrific experiences that impacted them for their entire lives. They were taken away, hidden and made to feel they were unfit to be mothers. They suffered so much shame for that. They were drugged and never saw their babies. Many had lived their lives in silence until they gave evidence at that inquiry. It was so traumatic for them to do that. Some of those women who gave evidence were speaking for the very first time about what had happened to them many years ago, so it was very traumatic for those women.

We heard about the trauma of trying to get information from the homes that they were sent to, from the hospitals, from the religious organisations. These were homes that would never be able to operate today. But when they were operating, when those young, vulnerable mothers were sent to these places they were treated like dirt. They were treated like they were not human beings and were pushed into this situation where they felt utter shame and felt that they were not fit not only to be mothers but to be human beings. Some of the evidence that we heard was really traumatic for those women giving the evidence, but as the committee sitting there listening to what had happened to those women it was really challenging for all of us as well. To know that this actually happened and was condoned not only by government but by organisations right across this state was so disturbing. As I said, we heard from mothers who had never spoken of this trauma. For some it would be a bit of a healing process; we know that. Some of them we were able to speak to after the inquiry and they had conversations with us about what this meant to them.

I think the important thing for me is to now see that we are starting to implement some of those recommendations from that inquiry. It just proves to me how important these sorts of inquiries are—because that is how we make change, and it is how we make change that actually supports all of those mothers, all of the women that gave evidence at the inquiry—and that this government does care. We do care about what happens to them. We responded very quickly after the report was tabled in this place. It was a matter of months, and we were talking about what we could start to roll out and what in this bill is really important for these women. It shows them that we are going to start making progress.

The bill makes a range of priority amendments to enable some key recommendations of the inquiry to be swiftly implemented. Firstly, the bill makes a range of amendments to the Adoption Act 1984 and

the Births, Deaths and Marriages Registration Act 1996 to implement recommendation 26—to introduce integrated birth certificates for adopted people. It also amends the Adoption Act to enable the Secretary to the Department of Justice and Community Safety to disclose adoption information to other organisations that require access. This amendment is necessary to allow a forced adoption redress scheme to be implemented in line with recommendation 18. This will also allow future academic research into open adoption to occur, as set out in recommendations 14 and 15.

The redress scheme is a key part of the work that we did. For many of those women it was not about being financially compensated as such, but the redress scheme for them was seen as an acknowledgement of what actually happened to them. I think for just about every woman that we spoke to or who gave evidence during the inquiry it was a big issue—around acknowledgement. They felt they had not been acknowledged, that it did not really exist, that it had been hidden for so long. Even though other things had transpired over the last 12 years they felt that the acknowledgement just was not there. That was important to them, and the redress scheme was a key component of that.

But so are the areas of this bill that we are talking about today—about integrated birth certificates, about whether you actually have to have an interview or not and the stress caused by having to sit through that. For some women it was okay; for others it was really challenging. This is the sort of evidence that we heard, which informed the report and the recommendations that were so important to those women. There are many recommendations that we are working through as a government, but I think some of these key ones are really important to acknowledge today when we talk about the outcomes of this report and what women specifically asked that we look at in terms of our recommendations. And of course the redress scheme was really important, but it was really important as part of that acknowledgement of what actually happened to them.

Other amendments give the Secretary to the Department of Justice and Community Safety a clear function to provide additional adoption support services, which is the subject of recommendations 32, 37, 38 and 39, and they amend the Adoption Act to enable the secretary to obtain an order to properly protect certain adoption records.

We are not waiting to begin the important work in response to the inquiry's recommendations, which is why we are standing here today talking about this bill. These changes are meaningful changes. We cannot change what happened to those women in the past. We will never be able to compensate for what happened to them, but we can at least begin with the changes for the mothers who experienced the lifelong effects of forced adoption. The evidence we heard in this inquiry was shameful, and it has caused lifelong trauma for those women. So I am really pleased that we are now seeing these recommendations come through the legislative process. It is evidence that our committee work is so important. It changes lives. This is such an important step. Although we may consider these to be smaller parts of the recommendations within the report—for some of those women they are not small, I have to say—they are actually the beginning of making the changes that we need to ensure come through this place. That is why I am so proud that the Andrews government has listened to those women. We are addressing the issues that they have raised. We have acknowledged the recommendations. We have accepted the report. There are, as I said, many recommendations within the report. It is important that all of us continue to acknowledge the work that needs to be done, and the contributions in this place today are to be commended from this side of the house.

Mr KENNEDY (Hawthorn) (12:41): It is my pleasure to speak on the Justice Legislation Amendment Bill 2022. This is a bill that shows that the Andrews Labor government is getting on with the job of streamlining, modernising and reforming our justice system. Whilst many of these reforms may appear incremental, as a whole they represent a coordinated, consequential approach to our justice system. These are reforms which every member of this chamber can be proud of.

Opening the batting for the opposition, the member for Malvern raised a number of matters that I find myself in considerable agreement with. He was referring to things like clerical tidying up et cetera and sometimes the issue, too, between practical justice and symbolism, and that is something that will

always challenge lawmakers and law practitioners of course. However, there was just one thing there that I think he needs some correction on, and that is on the appointment of so-called ‘short-term’ magistrates. If you recall, the member for Malvern was very concerned about what he understood to be the situation in regard to such appointments. I must point out, on advice, that there is no plan to bring in temporary magistrates and there has never been a plan to bring in temporary magistrates.

We have very clear legislation in Victoria that provides that the appointment of magistrates is until the age of 70. A magistrates expression-of-interest process launched online and in print last year, and the process included an error which referenced an appointment duration of two to three years—I emphasise that was an error. This was subsequently corrected to make it clear that the role is ongoing and reposted to reflect the legislated duration for magistrate appointments. We continue to support our courts, including our magistrates.

The Victorian budget invests more than \$41 million in funding to help clear case backlogs caused by the pandemic—which was a concern for the member for Malvern and all of us really when you think about it—when a number of in-person court services were deferred to keep the community safe. This includes bringing on more remote hearing services, upgrading technology, appointing more judicial officers and staff and providing legal support to resolve matters before they get to court. I thought it was important that we just clear that up and move on with some other aspects.

This bill is a continuation of a pattern of reforms by the Andrews Labor government in supporting our courts in recovering from COVID. We know that our justice system has been especially affected by the onslaught of COVID. However, this is a government that knows the paramount value of our independent, effective justice system. This is why we so consistently in the house debate justice legislation, because our court and legal system is the linchpin of our society.

We have injected a gargantuan \$340 million since the start of the pandemic to ensure the courts can hear cases and resolve them. The 2022–23 budget handed down more than \$41 million in funding in order to clear case backlogs caused by the pandemic. And that is not all. There was \$80 million invested in 2020–21 for justice system recovery and there was another \$210 million in 2021–22 to continue justice recovery, help drive down court backlogs and bolster resources in courts across the state.

I know that my seat of Hawthorn is likely rivalled only by Malvern and Brighton in terms of lawyers per capita. Indeed it is a hub for magistrates and for Melbourne’s diverse legal community, with personalities ranging from the ever-present Julian Burnside to our good friend Chris Blanden, a man whose work I have no doubt all of us in this chamber are aware of. Despite our differences I think we can all take pride in Melbourne’s legal fraternity and indeed our broader civil society. It is this continuation of minor improvements to our judicial system by this government that supports this vital segment of our society.

In this bill the jurisdiction of the Magistrates Court is clarified, gendered language is removed from the Charter of Human Rights and Responsibilities Act 2006 and a number of other changes are made. An important aspect is the elimination of sexual harassment in the Victorian court system. The former Attorney-General, the member for Altona, and the Chief Justice of the Supreme Court of Victoria, the Honourable Anne Ferguson, instituted the preventing and addressing sexual harassment in Victorian courts and VCAT review. This review primarily identified how to build a culture that calls out sexual harassment and allows individuals to speak up without fear of retribution. The review benefited from 36 submissions or interviews with persons who had experienced sexual harassment; 26 roundtable discussions with 175 participants from legal and court settings; 50 interviews with judicial officers, experts in sexual harassment and leaders of relevant organisations; and 11 institutional submissions. A small number of the recommendations were aimed at the government, and this bill is implementing recommendation 7, which improves the education provided to judicial officers by making the board of the Judicial College of Victoria more diverse.

I would like to remind all of us in this chamber is that in the Australian Human Rights Commission 2018 national survey 33 per cent of respondents who had been in the workplace in the previous five years had experienced workplace sexual harassment. One-third is a huge amount, and this statistic shows us how much work we have to do in this area, which is why legislation like this is so important.

I would like to move towards a conclusion in regard to the changes to section 83 of the Equal Opportunity Act 2010. As a former Catholic secondary school principal, this interests me. I would just like to say that it is so important that we get the balance right. I think the Attorney-General somewhere wrote, 'We will better balance the right to equality with the right to religious freedom, ensuring protection and promotion of both rights'. So we are not just talking about one side or the other; it is a question of both.

I think it is important to understand that when we are talking about religious beliefs we are also talking about the charism of the school. We are talking about a number of other requirements, if you like, that might not be specific religious tenets but could well be part of what the ethos of the school is all about. There is no suggestion in this legislation that the ethos can be just ignored, if you like, or even acted against. Really what this is about is recognising the right to equality on gender, marital status and sexual orientation. So it is about respecting one's private life; it is as simple as that. It does not mean that people can behave in any way they like in the school community or say whatever they like necessarily in a classroom of impressionable young adolescents, for example, but it does mean that private life is just that—private life—and that there is no opportunity or entitlement to investigate private life. I welcome these amendments and simply point out that they must be seen in light of the other needs of the school, the charism of the school and the unofficial curriculum, dare I say.

Mr MAAS (Narre Warren South) (12:51): It gives me great pleasure also to rise and to make a contribution to the Justice Legislation Amendment Bill 2022. As has been noted in the chamber today, this is indeed an omnibus bill that is addressing several areas of reform. All the areas of reform in this bill hold up that tenet and that principle before law that everyone has equity before the law, and many of the changes that are being proposed in this bill fall within that category. Indeed it is a tenet of the law that this government will always promote and will always try to make sure that the enforcers of the law do uphold.

Being an omnibus bill, there are several provisions to the bill being proposed. I do note the very strong contributions that my colleagues have made on this side of the house, particularly in relation to the inquiry into historical forced adoptions in Victoria. You cannot have reform in this state unless you have a commitment to investment in it and investment in the justice system as a whole. The amendments in the bill complement the very many investments that this Andrews Labor government has made in supporting our court system in particular to recover from COVID. There has been funding of some \$340 million since the start of the pandemic to ensure that courts could continue to hear cases and to speed up the resolution of matters. This included bringing on more remote hearing services, upgrading technology, appointing more judicial officers and staff and providing legal support to resolve matters before they even get to court.

The 2022–23 budget just handed down provides more than \$41 million in funding to help clear case backlogs which have been caused by the pandemic, when a number of in-person court services were deferred to keep the community safe. In addition to this year's budget funding, the government's total investment includes close to an \$81 million investment for justice system recovery. That is made up of \$12.47 million for initiatives to resolve matters before they get to court; \$44.21 million for initiatives to provide safe and secure court access for all Victorians, including upgrading of audiovisual link technology, providing better court infrastructure and supporting the digital transformation of court and tribunal case list filing and management; and \$24.15 million to ensure cases are heard and finalised quickly, including the expansion of the online Magistrates Court and the very successful pilot of electronic pop-up courts with improved AVL capabilities, and to facilitate improved case management and listing programs.

Also there has been a \$210 million investment to continue justice recovery to help drive down court backlogs and bolster resources in courts across the state. This includes close to \$35 million to reduce wait times in court by providing extra resources, including innovative case management programs, expanded online services, the appointment of additional judicial officers and court support staff and remote hearing services; \$40.9 million to fund further expansion of the online Magistrates Court; \$56.78 million to enable VCAT to transition more of its hearings online; more than \$22.9 million to continue successful measures such as active case management at the Supreme and County court levels; and \$55.3 million to Victoria Legal Aid, Victoria Police, the Office of Public Prosecutions, Corrections Victoria and victim services to ensure that they have the necessary resources to play their part in backlog reduction.

It is with these investments in the judicial system that we also see there being support throughout the whole court system. In many ways it is the Magistrates Court which makes up the muscle, if you like, within our court system, and those moneys that I have just discussed, those types of investments, go towards assisting the transition and the amendments that this bill is proposing in relation to the Magistrates Court. First, the bill amends the process for making rules of the court, providing additional flexibility for the court and ensuring that not all deputy chief magistrates need to be involved in decisions of the court. Second, the bill also ensures that the court can hear matters that VCAT is unable to hear due to constitutional issues, which did arise and indeed were addressed by the Parliament last year.

The amendments will also help the court manage hearings and assist it to get through the backlog that has been caused by COVID restrictions. Whilst COVID did present very many challenges to all of us in all walks of life and in particular a court system which had to virtually halt overnight, within that there were several opportunities as well—opportunities which have been exploited and have been deemed to be successful in being able to get the backlog down. The court's pending caseload as a result of the pandemic did dramatically rise, but through the hard work of those court officials and the judiciary and the magistrates and supported by these government investments that I have spoken to what we are starting to see is those backlogs now beginning to decline.

The pending caseload of the Magistrates Court has been falling since the start of the year. It is very, very impressive that more than 5000 cases have been cut from the backlog between March and April of this year—to be able to administer justice in this state, as I said, at that Magistrates Court level that really does make up the muscle within the court system. It is very impressive that these new initiatives that have come post pandemic are able to trim the backlog to that degree. Some ways that it is doing that are through the use of online hearings as well, a much better modernised court practice, and expanded powers for judicial registrars, which are enabling the court to maintain access to justice and progress matters through the system in a very timely manner.

Sitting suspended 1.00 pm until 2.01 pm.

Business interrupted under standing orders.

Questions without notice and ministers statements

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Mr GUY (Bulleen—Leader of the Opposition) (14:01): My question is to the Minister for Ambulance Services. In announcing the Ashton review the government said Mr Ashton would:

consult key stakeholders across the emergency services sector and will deliver the review findings and recommendations to government early next year—

this year. Yesterday when asked, the Premier did not say whether he had read the Ashton report, so I ask: given the government's terms of reference explicitly include ambulance services, has the Minister for Ambulance Services now read it?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:02): Interestingly enough, that matter came up this morning at an opening of an ambulance service. And guess where that ambulance service was?

A member: Where?

Mr FOLEY: Templestowe. Guess who closed an ambulance service in Templestowe in 2013? Guess whose electorate it is?

Members interjecting.

The SPEAKER: Order! When the house comes to order! Members are going to be removed without further warning.

Mr Guy: On a point of order, Speaker, on relevance—

Members interjecting.

The SPEAKER: Order!

Mr Guy: On relevance, Speaker, I asked a question—

Mr Andrews: Ambulances you asked about.

The SPEAKER: Order! The Premier will come to order.

Mr Guy: I asked a question about the Ashton report and people who are dying—dying—in Victoria today. I think the response from the minister is not fitting of a question of that seriousness.

Members interjecting.

The SPEAKER: Order! The Deputy Premier!

Mr Guy: I asked a question about a contemporary report to the minister this year, a response in relation to people dying in the health system. The minister is clearly not addressing the issue that I raised—the Ashton report, addressing the deaths of 15 Victorians—and I ask you to bring him back to answering a very serious and sensible question.

The SPEAKER: Order! The minister has only just begun his answer. I trust that he will answer the question that has been asked.

Mr FOLEY: Thank you, Speaker. As I have sought to explain to the Leader of the Opposition on a number of occasions, the emergency services portfolio responds to the emergency services minister. The emergency services minister has addressed this issue on a number of occasions. Now, in terms of how a report that the former chief commissioner, Graham Ashton, has provided to the emergency services minister, that is currently being considered through government processes and will indeed receive—

Mr Guy: On a further point of order, Speaker, on relevance again, it is a straightforward question about a contemporary report that I have asked the minister about—a contemporary report. I have asked the minister to address a question: has he read it?

The SPEAKER: Order! I understand the question and I was listening carefully to the minister's answer. He is being relevant to the question that has been asked.

Mr FOLEY: Thank you, honourable Speaker. The Minister for Emergency Services has addressed this particular issue, and of course in terms of the preparation of the Ashton report you would expect all the services that ESTA has to deal with—be they fire, be they ambulance, be they health, be they SES and others—have all been engaged. In terms of how that process then plays out as through normal ministerial accountability processes, a government response will be forthcoming. That response will be led by and ultimately published by the Minister for Emergency Services. What it will do is build

on the more than \$333 million investment that this government has invested in her portfolio—as has been reflected in the budget papers, which the honourable Leader of the Opposition might want to reflect on. In those he will see that there is allocation for 400 further staff in that allocation process, which the Minister for Emergency Services will have a responsibility to deliver with. That will assist other ministers in other portfolios, such as my portfolios in health and ambulance services, which will allow us to do things like open new ambulance services and which will allow us to rebuild a process whereby, after having achieved the best outcomes in ambulance service response times in Victoria's history in 2019, only then to see the devastating effects of the global pandemic, we will have the ability to once again work in cooperation with our ambulances, our health service staff and our other health service professionals to rebuild and redeliver world's-best services and country's-best services through our ambulance services. And we will not cut them; we will keep your ambulance service open. *(Time expired)*

Mr GUY (Bulleen—Leader of the Opposition) (14:07): Professor John Wilson, the outgoing president of the Royal Australian College of Physicians and a senior doctor of the Alfred, quit his post after 30 years, saying he despaired for his colleagues and feared there could be a mass exodus of highly skilled, burnt-out doctors and nurses from Victorian hospitals unless issues concerning their welfare and working conditions were urgently addressed.

Members interjecting.

The SPEAKER: Order! People will be asked to leave the chamber.

Mr GUY: Professor Wilson said:

We've got absolutely unacceptable ambulance ramping, staff that are burnt out and unable to service the needs of the community ...

Minister, if the government has a report that may help fix this crisis, why are you failing to release it straightaway?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:08): Can I thank the Leader of the Opposition for his supplementary question. He personalised that in terms of 'Why wouldn't the Minister for Health'—I assume he said—'release the report?'. Well, because the report is not to the Minister for Health. It is pretty simple stuff. The report is to the Minister for Emergency Services. But what is important for the Minister for Health is the delivery of services.

Members interjecting.

The SPEAKER: Order! The member for Ferntree Gully and the Minister for Fishing and Boating can leave the chamber for the period of 1 hour. The Minister for Ambulance Services to continue his answer, without interjections.

Member for Ferntree Gully and Minister for Fishing and Boating withdrew from chamber.

Mr FOLEY: Thank you, honourable Speaker. In terms of the arrangements that apply in something like normal ministerial accountability processes, a full response together with the report will be released in due course, as the Minister for Emergency Services has made clear on a number of occasions. It is not that difficult a concept. There is a minister responsible for ESTA. That minister is doing a great job on the back of record funding— *(Time expired)*

MINISTERS STATEMENTS: SUBURBAN RAIL LOOP

Mr ANDREWS (Mulgrave—Premier) (14:09): I am delighted to rise to update the house on our state's largest ever transport project, the Suburban Rail Loop—a project that delivers \$1.70 of benefit for every dollar invested; a project that creates 8000 jobs in just its first section, the section between Cheltenham and Box Hill; a massive project to connect all of those spokes by putting a wheel around that so that people do not have to go all the way into the city on one train line only to have to go all the

way back to where they want to go on another train line. It is about a road network that works and a public transport network that works. It is about jobs and skills. It is about making sure that people across the suburbs can get to medical appointments, can get to TAFE, can get to university, can get to family and friends and can get to a job. Not only does it stack up but there is also the small matter of the fact that Victorians voted for this project—

A member: Overwhelmingly.

Mr ANDREWS: And, might I say, overwhelmingly. So you would think, wouldn't you, with all of those benefits and a business and investment case that is just glowing in terms of its recommendation the federal government literally would be racing to Melbourne to be a partner in that. Well, sorry, not a dollar—not one dollar. In stark contrast, the leader of the federal opposition, the leader of the federal Labor Party, Anthony Albanese, was here just a couple of days ago making a real commitment because he knows how to build things and get things done. He wants a partnership with our government and the Victorian community—\$2.2 billion for more jobs, better skills, a better road network, a better public transport network. That is what leadership is all about, not starving Victoria of funding, not being a Prime Minister from and for Sydney alone.

AMBULANCE SERVICES

Mr T BULL (Gippsland East) (14:11): My question is to the Minister for Health. At 11.20 am on 31 March this year, Danny Leatham of Orbost was advised he would be transferred from Orbost hospital to Monash after a cardiac event. Two flights were cancelled before he was told he would depart nearby Marlo more than 5 hours later, but the plane never arrived. Only after an inquiry did ESTA advise the flight had been cancelled, but no-one had told the local ambulance crew waiting at Marlo airport. Danny was then transferred to Bairnsdale, where he was ramped for an hour before being finally taken to the Bairnsdale airport for transfer. He arrived at Monash but was ramped again for another 4 hours, meaning it had been 16 hours since his cardiac event. Danny died two days later. I ask on behalf of his family: does the minister take any responsibility at all for the systemic failures leading up to Mr Leatham death?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:12): Can I thank the member for Gippsland East for his question. I am sure I join all honourable members in expressing deep sympathy and condolences to Danny's family and his many friends. In regard to the specifics of the circumstances that the honourable member has raised, like all of these events, they are subject to a process of review and assessment by a range of independent agencies as well as the various health services themselves.

In regard to the question that the honourable member asks, my answer is of course as the Minister for Health I am accountable to the people of Victoria and to this Parliament for the performance of our health system in the course—particularly as it comes out of that—of a once-in-a-century global pandemic that has seen the entire health system, primary care and acute care and ambulance services, right across the country, and indeed right across the world, respond to acute pressures that it has never before recorded.

As I understand the honourable member's question in terms of the time frame that he set out, that reflected, in terms of the entire history of our ambulance services, the busiest quarter on record that the ambulance services had ever had. This matter was recently addressed—in fact there are media reports only today—in a report by the Australian Medical Association pointing to the Australia-wide nature of this set of real, huge challenges that all of our services are facing, particularly our ambulance services. In rating how services have responded across all states and jurisdictions it has called upon all levels of government to do more, but it has particularly called upon the commonwealth government to come to the party and assist all the states and territories in a fair distribution of resource sharing and addressing this really significant set of challenges. This state under this government has commenced that process—a \$12 billion process of pandemic recovery that includes significant funding for precisely the set of circumstances that the honourable member has pointed to. In regard to the tragic

set of circumstances the honourable member sets out in his question, of course we all offer our deepest condolences, and we wish the family the best in these very tragic circumstances.

Mr T BULL (Gippsland East) (14:16): Throughout this ordeal Danny's family, who are watching today, were not advised of his whereabouts. They believed he departed Marlo airport at 5.00 pm the previous night. They never knew he had been ramped in Bairnsdale. They never knew he had been flown from Bairnsdale and then ramped again for 4 hours at Monash. Apart from the horrendous delays he experienced, how is it that Danny's family were not advised of his whereabouts, and they only became aware after a phone call from him just before his death?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:16): Can I thank the member for Gippsland East, and through him to Danny's family I reiterate our deepest condolences and best wishes at a very tragic time.

In regard to the broader issue, as I have reported in answering the substantive question relating to how these matters are reviewed, I will necessarily leave that review process and the engagement with Danny's family as part of that to that process. But in relation to the broader question of how patients and families are kept apprised of processes as allocations are made under the distribution of services model that Ambulance Victoria deliver, that is made on the basis of clinical priority decisions, and in doing so Ambulance Victoria, based on international and Australia-wide criteria, deliver those services and that advice in a consistent manner.

MINISTERS STATEMENTS: LEVEL CROSSING REMOVALS

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (14:17): This morning trains are running through the new Glenroy station, and cars for the very first time are travelling across a level crossing free Glenroy Road. At 6.00 am this morning the member for Pascoe Vale was out there talking with delighted members of the local community. I will just read out to the house one piece of feedback the member for Pascoe Vale and I received from a happy local: 'We zoomed to school in 5 minutes. My son and I had time to spend, having a baby Chino instead of being stuck in traffic for 20 minutes. Thank you, Daniel Andrews'. That is why we get rid of dangerous and congested level crossings, and Glenroy marks the 60th level crossing we have removed, six months ahead of schedule, when we said we would remove 50. What does this mean? Not only are these boom gates gone, I can advise the house that this means there are 42 hours less of boom-gate downtime across the city, thanks to the removal of these 60 level crossings, plus there is more: 35 new and upgraded stations, thousands of new car parks, rail corridors duplicated, road bridges and connections, 2 million trees planted, 20 MCGs worth of open space and 42 kilometres of walking and cycling paths. What an effort! Thanks to the 6000 people who are working on this program right now on sites and in small business; they have helped make this happen.

But there are some risks out there. We know there are risks. People call these additional investments—an extra 35 level crossings, an extra 35 stations, 42 kilometres of walking paths—a cost. They call that a blowout. We heard in this house this morning, as we have heard before, only the Andrews Labor government will remove dangerous and congested level crossings and only a Liberal government will cut those projects and cut those wages.

ELECTIVE SURGERY

Mr GUY (Bulleen—Leader of the Opposition) (14:19): My question is to the Minister for Health. Matthew from Melbourne's south-east had a history of congenital heart disease and a long history of severe cardiac disease. He was told in February 2020 he required vital surgery. Throughout 2020 and 2021 his condition continually deteriorated, and the operation kept being cancelled. He finally had surgery 16 months later, in June 2021. Sadly he died two days after the operation. He was 43. Even though he had surgery, it ended up being too late to save his life. I ask: how many more people like Matthew have tragically died because their surgery has been continually postponed?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:20): Can I thank the Leader of the Opposition for his question, and can I counsel the Leader of the Opposition to not conflate clinical and medical decisions and circumstances that are rightly the purview of the coroner for bait in this place or indeed any other place. I have no doubt that the circumstances in terms of the outcome that the honourable member points to may well have occurred, although I am not briefed in detail on that, but it is not for the Leader of the Opposition to assert, or indeed for any of us to assert, the cause and effect that he points to in his question. But I can address the issue more broadly, which I think the honourable member's question touches on, which goes to elective surgery.

We know that during the one-in-100-year event of the global pandemic in Victoria, in Australia and in comparable jurisdictions right across the world our health services had to make priority decisions around keeping communities safe, keeping workforces safe and keeping services functional to the point that they could under pressures that they had never previously experienced in the living memory or history of the services involved. That is why, as we slowly, cautiously and appropriately come out of this one-in-100-year global pandemic, this government is serious about how we respond to those pressures, particularly when it comes to delivering surgery in a timely and appropriate manner, which is why our most recent budget contained within its \$12 billion COVID recovery plan a \$1.5 billion investment to boost surgical activity right across the state. Part of that addresses the issue around deferred care, which the honourable member's question picks up. That involves the delivery of, for instance, eight public rapid-access hubs, it involves the bringing together into the public system of what is at the moment Frankston Private to deliver over 9000 further elective surgery outcomes and it also involves working with the private sector hospitals to increase their share of public patients—in a joint approach, I have got to say, with some substantial cooperation with our friends in New South Wales, given that they are facing precisely the same issues. So some of us work collaboratively in this space—*(Time expired)*

Mr GUY (Bulleen—Leader of the Opposition) (14:23): In referring to the postponement of surgeries, on Friday senior specialist and leading St Vincent's physician Dr Stephen Parnis said that Victorian emergency departments are a dangerous place to be in, labelling their current condition as utterly unacceptable. Dr Parnis said that without doubt—

Ms Allan interjected.

The SPEAKER: Order! The Leader of the House!

Mr GUY: we are losing lives and we could have saved and should have saved lives. Why has the government—

Members interjecting.

The SPEAKER: Order! When the house comes to order.

Mr GUY: Dr Parnis said that without doubt we are losing lives that we could have saved and should have saved. Why has the government failed Victorians, people like Matthew, in providing the necessary support to both patients and doctors which, in the words of senior physicians, is leading to the deaths of Victorians?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:24): Can I thank the Leader of the Opposition for his question, and can I join him in acknowledging the great work of Dr Parnis, who is a leading physician in our—

Members interjecting.

The SPEAKER: Order! I am going to ask the minister to stop. I am just going to remind the house that this question in its essence—

Members interjecting.

The SPEAKER: The Minister for Community Sport and the member for Euroa can leave the chamber for the period of 1 hour.

Minister for Community Sport and member for Euroa withdrew from chamber.

The SPEAKER: I am going to remind members that this question in its substance relates to a man who lost his life, and I need to be able to hear the minister's answer. Members should allow the minister to answer the question in silence.

Mr FOLEY: I join with the Leader of the Opposition in acknowledging the outstanding leadership that Dr Parnis has brought to a range of public hospital services and indeed broader governance of the medical profession over some substantial time. But I also know that this is the same Dr Parnis that was hugely critical of some who called for the removal of restrictions at the height of the global pandemic. He called for a science-based and evidence-based approach to it and particularly was critical of those who would have, as the quote was at the time, a 'let it rip' strategy which placed at risk the lives of people. This is the same doctor. We supported his comments then and we support his comments now. I want to wish that doctor particular goodwill over his three-month break.

MINISTERS STATEMENTS: VICTORIA'S BIG BUILD

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (14:26): It is my pleasure to update the house on the Andrews Labor government's rolling stock agenda, delivering hundreds of trains, trams and buses built by Victorians for Victorians as part of our \$80 billion investment in the Big Build. The \$8 billion rolling stock agenda is seeing more trains, trams and buses delivered right across this state, with mandated local content requirements.

In last week's budget there was another \$250 million, which nudges us closer to that \$8 billion investment in rolling stock—unprecedented. We were trailing the ACT government; we are leading the nation when it comes to rolling stock. The member for Dandenong knows very well, as do the Premier and I, having met all those apprentices and workers only a few weeks ago that putting all of our transport on the railway lines and on the buses—zero-emissions buses, trams, disability stops—it is an unprecedented agenda.

When you think about the Regional Rail Revival—can I acknowledge the member for Shepparton—it is going to see VLocities for the first time travelling on the Shepparton line. But where else might they be going? How about that former premier's seat, South-West Coast—for once we are going to deliver VLocities. A one-time Premier, one-time radio host and one-time vet could never deliver VLocities for this government, but this government will. We know the current member for South-West Coast loves her Ubers, but we are all about delivering train services to those people that need them.

Under our government we are the envy of Australia when it comes to rolling stock. Those opposite—you have to look over the Murray, not at that metropolis in Sydney but to the ACT government that led them. There was not one tram order in four years for the biggest tram network in the whole world. I rest my case.

CEMETERY FEES

Mr WALSH (Murray Plains) (14:28): My question is to the Minister for Health. Why didn't the government require Remembrance Parks Central Victoria to consult with the purchasers of burial plots, funeral directors and stonemasons before proposing increases of up to 300 per cent in the cost of a grave in Bendigo?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:29): Can I thank the Leader of The Nationals for his question. Sadly, the Leader of The Nationals is ill advised in his comments because no such decision has been made. No such decision has been made by an independent cemeteries trust in that community. What we do know is that cemetery trusts go through a process of consultation and engagement regularly with their communities

about their future plans. They work on the basis of feedback. They work on the basis of engagement with their communities, and I look forward to that community engaging with its cemetery trust and arriving at an outcome that is in the interests of that wider community, including the arrangements that that particular cemetery trust will put in place in due course after it engages constructively and responsibly, as you would expect, with its local community.

Mr WALSH (Murray Plains) (14:30): Simon Mulqueen from Bendigo Funerals has said that the burial plot fee increase is not only an assault on Bendigo families but a slap in the face for low-income families who will not be able to afford the new cemetery fees. Will the minister rule out major price increases for burial in Bendigo of between 140 and 300 per cent?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:30): The honourable Leader of the National Party again has this problem in conflating process with outcomes. There is no decision to increase the prices of engagements that the—

Mr Walsh: On a point of order, Speaker, on the issue of relevance, the minister obviously has trouble listening to the question.

Members interjecting.

The SPEAKER: Order! The Leader of The Nationals on a point of order.

Mr Walsh: I did not say a decision had been made. I talked about a proposal. If the minister would listen to the question he would not have to attack the opposition in the way that he is.

The SPEAKER: Order! The minister is to come back to answering the question.

Mr FOLEY: Thank you, Speaker. The Leader of the National Party, I think, in his interjection almost got it right in that the cemetery trust is going through a process. I am confident that that process will not result in precisely the scare outcome that the Leader of the National Party wants and is conflating in his question. I have engaged, as I do regularly, with a range of cemetery trusts on those arrangements, and I am confident that the arrangement that the Leader of the National Party seeks to, as those opposite regularly do, scare people with—because they have got no other policy position—will not occur.

MINISTERS STATEMENTS: SOUTH SUDANESE COMMUNITY

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:32): I rise to update the house on this government's support for young South Sudanese Victorians and their families. Our ten-year vision for reform in the youth justice system has a focus on supporting culturally diverse groups. Sadly, young South Sudanese people are one of those groups that are so overrepresented in our justice system. That is why we are establishing the South Sudanese Australian youth justice expert working group. The expert working group will be modelled on the Koori Youth Justice Taskforce, which has helped drive down numbers of Koori young people in our justice system. Backed by \$5 million, the group will work with experts and community leaders on the best way forward to help young people keep their lives on track.

We know through experiences we have had with other communities that working with these communities on a culturally connected and well-led program will give us the results. These young people deserve more assistance and culturally appropriate support—assistance like housing, jobs and most critically education; they do not deserve to be publicly attacked. I saw this firsthand just last week when I visited the Step into Training and Employment program run by the Brotherhood of St Laurence and Jesuit Social Services, who received \$300 000 in crime prevention funding. This program focused on supporting young people from social housing in Flemington and North Richmond, helping them to get a job. The program led young people to accessing training, undertaking new career paths and getting the connections they need for a brighter future. I was also pleased to announce, with the assistance of the Minister for Housing, that we are now extending that program into North Melbourne

to help these young people thrive and stay away from the justice system. Can I encourage all South Sudanese community leaders and organisations to take part in this process, and I look forward to working with them to give young people the best opportunities that we can.

HEALTH SYSTEM

Mr GUY (Bulleen—Leader of the Opposition) (14:34): My question is to the Minister for Health. Can the minister confirm that under his management Victoria's health system is now recording record low outcomes forecast for key emergency service performance measures, including just 66 per cent of patients being transferred from an ambulance to the emergency department within the target time frame of 40 minutes?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:35): Can I thank the Leader of the Opposition for his question. The information that he tangentially refers to is available on the public record in the budget papers. That is for projections, but it is also available in terms of performance measures to date, available every quarter, and was released a couple of weeks ago; that points to our health system being under pressure like it has never been before in its history. In the lived experience of everyone in this system it is facing pressures and demands, and those very performance measures and those very outcome measures that I have referred to show that they have been under demand pressures that no-one has seen. Ambulance Victoria has had its busiest quarter in its most recent reporting period in its history. That has flowed through to the demand pressures in our emergency departments, in our wards. At the same time as that we are also seeing record furlough numbers for staff across those systems, averaging at the moment at 1500 a day, having peaked at over 5000 in the last reporting period, which places even more pressure on those frontline healthcare workers, particularly our nurses.

Can I use this day, International Nurses Day, Florence Nightingale's birthday, to reflect on the fact that our nurses and our healthcare professionals have under that pressure delivered a performance outcome that is deeply appreciated and remarkable. This is a government that will work with those workforces, particularly our nurses, by supporting them, rewarding them, recognising them and getting more of them. That is why our most recent \$12 billion pandemic recovery package is designed to address precisely the improvement in performance outcomes that the honourable Leader of the Opposition points to, including the training and recruitment of 7000 clinical frontline workers, including 5000 further nurses—and in so doing making sure that we address precisely those outcome measures that the Leader of the Opposition points to.

But when you look at how those measures have moved over time, when this government was elected in late 2014 those performance measures were at that time the worst in the history of this state.

Mr Andrews: By choice.

Mr FOLEY: Some chose that outcome. This government got them to the best they had ever been in 2019, and it will again.

Mr GUY (Bulleen—Leader of the Opposition) (14:38): Once patients have been admitted to emergency departments, can the minister then explain why more than 40 per cent of Victorians—more than ever before—are facing a wait time of more than 4 hours?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:38): Can I thank the Leader of the Opposition for his supplementary question, and in reflecting on the substantive answer I will equally reflect in the supplementary answer the same basic premise: this is a country, this is a state, this is a globe that is coming out of the worst health crisis in a century. More than 6 million people officially, and likely double that, have died across the world. This is a country, this is a state that on excess death levels is at the bottom end of all international measures. That is a remarkable achievement.

Now as a result of the measures that have been put in place, we have seen performance measures in so many areas take a hit coming off the 2019 position of the best, and we will get back to those best figures— *(Time expired)*

MINISTERS STATEMENTS: RURAL AND REGIONAL INVESTMENT

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (14:39): I rise today to update the house on how the Andrews Labor government is backing our booming regions. This year's budget invests \$5.7 billion across rural and regional Victoria—

Mr Andrews interjected.

Ms THOMAS: \$5.7 billion, Premier, in health, education, jobs, roads and transport, bringing our total investment in rural and regional Victoria to \$36 billion since we were first elected, more than five times the total of what those on the other side invested in their time. Sometimes, they say, a picture tells a thousand words, so here is a little graph that illustrates—

The SPEAKER: Order! I warn the minister about the use of props.

Ms THOMAS: Thank you. My apologies, Speaker. This investment is delivering jobs and opportunities, with unemployment in regional Victoria now at 3.2 per cent. Our regional investments include \$1 billion for health infrastructure, \$250 million for 12 new VLocity trains, \$101 million dedicated to regional roads, \$30 million for our signature Regional Jobs and Infrastructure Fund—a fund that has invested more than \$700 million in rural and regional Victoria since we first came to government.

Mr Andrews: Hundreds of projects.

Ms THOMAS: Exactly, and an additional \$30 million for the Regional Tourism Infrastructure Fund. This has been a fantastic budget for rural and regional Victoria. Only last week I was at the Grains Innovation Precinct in Horsham. With \$12 million we are delivering world-class research and development of alternative proteins in order to feed the world, and this is happening on our watch, on a Labor government's watch. Only an Andrews Labor government is investing in the people of rural and regional Victoria.

Mr R Smith: On a point of order, Speaker, I want to reiterate the point of order I raised yesterday. Despite raising those issues yesterday—the clerks have the numbers that I was referring to yesterday—I still have received nothing from the relevant ministers on those issues. I raise again the question I asked that was due on 21 July last year from the Minister for Ambulance Services. I request that he gets his skates on and actually answers the question I put to him and fulfils his responsibilities to the people of Victoria.

Mr T Bull: On a point of order, Speaker, in addition to the outstanding constituency question I raised yesterday, I have some outstanding questions on notice that require response: 6551 to the Minister for Energy, Environment and Climate Change—that could have been the one I raised yesterday; 6550, also to the Minister for Energy, Environment and Climate Change; 6549 to the Minister for Roads and Road Safety; 6540 to the Minister for Consumer Affairs, Gaming and Liquor Regulation; 6490 to the Minister for Health; 6487 to the Minister for Education; 6239 for the Attorney-General, going back to October last year; 6209 to the Minister for Roads and Road Safety, going back to October last year; and one for the Minister for Disability, Ageing and Carers that goes back to 2019—1377. I know we have got a new minister, but we are now in 2022 and I asked that question in 2019. I reckon three years is probably good enough time to get a response.

The SPEAKER: That was a question on notice, that last one?

Mr T Bull: Yes.

The SPEAKER: Thank you. I will follow that matter up.

Constituency questions

CROYDON ELECTORATE

Mr HODGETT (Croydon) (14:44): (6346) My constituency question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. Can the minister please provide information and data on the change in the number of properties available for rent since the government implemented their changes to the Residential Tenancies Act 1997? Speaking to local real estate agents and several constituents, they have raised urgent concerns about the severe reduction in the pool of properties available for rent due to the changes to the Residential Tenancies Act—a reduction of up to 15 per cent. Property owners are selling their rental properties because this government has made it completely unattractive to hold a rental property. As a result of this huge shortage of rental properties, rent bidding wars are taking place on what is left and available for rent. People are desperately seeking places to rent, and this in turn is driving up huge increases in rent. Families are so desperate for properties that they have resorted to advertising on community noticeboards with photos of their families begging for rentals. The government was warned of these consequences of the legislative changes but refused to listen to industry experts. It is time that the government acknowledges their big mistake and revisits the changes they made to the Residential Tenancies Act. Victoria is in a rental crisis. Changes need to be made immediately.

MOUNT WAVERLEY ELECTORATE

Mr FREGON (Mount Waverley) (14:45): (6347) My constituency question is for the Minister for Housing, and I ask: how will the budget announcement of \$5.24 million for the Holmesglen TAFE youth foyer help to alleviate housing insecurity for constituents in my electorate of Mount Waverley district, in particular at-risk youth? Recently I was joined by the minister at the Holmesglen youth foyer in Glen Waverley, where former foyer resident Sam Jelley gave firsthand insight into how this youth housing model has played such an important role in his life, providing him with so much more than just a roof over his head but a place to belong, to learn and to thrive. I thank Launch Housing, their CEO, Bevan Warner, and his whole team for their ongoing work, and I look forward to the minister's response.

GIPPSLAND SOUTH ELECTORATE

Mr D O'BRIEN (Gippsland South) (14:46): (6348) My question is to the Minister for Health. What is the minister doing to address growing general dental care waiting lists in Gippsland given last week's state budget cut the dental health program by \$24 million? The latest data shows every Gippsland public dental care program saw an increase on its general dental care list in the last six months of last year. The budget papers reveal the government is targeting 44 000 fewer Victorians for dental treatment next year. With poor dental health regularly leading to poor general health, why is the government cutting dental services to Gippsland patients?

The SPEAKER: I take the opportunity to welcome to the gallery and to this Parliament the Venerable San Sochea. We welcome him today.

CRANBOURNE ELECTORATE

Ms RICHARDS (Cranbourne) (14:46): (6349) My constituency question is to the Minister for Veterans. What actions and programs is the state delivering to support young and recent veterans and their families in the Cranbourne electorate? As the minister is aware, some returning young veterans and their families face unique challenges in their physical and mental health, employment, homelessness and loneliness. While we are aware that the primary responsibility for Australian veterans and their families lies with the commonwealth, I am very happy that our Victorian government is active in the veterans portfolio. During my attendance at the recent Anzac Day parade and ceremony—and I would like to pay credit to the Dandenong-Cranbourne RSL—at the Cranbourne war memorial recently I realised there were many veterans' families and members of the Cranbourne community who have a stake in the support available and accessible to our young veterans. I was

pleased to speak of the Anzac story and its enduring impact on service women and men in our community, and I was invited by fellow speakers to reflect on the urgency and immediacy of veterans issues. I look forward to the response.

FERNTREE GULLY ELECTORATE

Mr WAKELING (Ferntree Gully) (14:47): (6350) My question is for the Minister for Education. I was recently contacted by Belinda Short, the school council president of Mountain Gate Primary School in Ferntree Gully, who is very concerned about the fact that the school is in urgent need of a double portable to provide extra classroom space for the ever-increasing student enrolment at this great local school. The school has previously requested a double portable through the Department of Education and Training but has been constantly denied this request. The school is committed to providing a high-quality environment for its students and is proud of the academic results achieved at the school. If they do not receive the double portable, they will have no alternative other than to combine grades or to convert their current library space into a classroom. This is completely unacceptable, so can the minister please advise families and students at Mountain Gate Primary School when they will receive their additional double portable that is desperately needed.

BROADMEADOWS ELECTORATE

Mr McGUIRE (Broadmeadows) (14:48): (6351) My question is to the Minister for Health. How will the people of the state district of Broadmeadows benefit from the Andrews government's COVID catch-up plan? A \$1.5 billion budget investment will boost surgery across Victoria to record levels, providing care deferred because of the global pandemic. Broadmeadows Hospital will play an important role as one of eight rapid-access hubs to be established in metropolitan Melbourne. These hubs will exclusively perform pain-relieving surgeries such as cataract removals, joint replacements and hernia repairs. The \$475 million strategy means more same-day surgeries, increased twilight and after-hours work and theatre improvements to increase efficiency. Victoria's healthcare workforce will be supported by a package worth more than \$80 million to upskill more than 1000 nurses and allied health workers, train another 400 nurses and recruit an extra 2000 highly skilled healthcare workers from overseas. It is great on International Nurses Day, as well, to acknowledge their contribution.

BRUNSWICK ELECTORATE

Dr READ (Brunswick) (14:49): (6352) My constituency question is for the Minister for Health. Local community health organisation Merri Health only has four dental chairs, and community demand far exceeds capacity. As of March, Merri Health had over 2500 clients on the dental waiting list, with waiting list times stretching out as far as four years. COVID-related delays and staffing shortages have worsened the situation, and clients' dental problems are becoming more severe while they wait. Will the government increase funding to Merri Health so they can provide more dental chairs to serve the community and so I do not have to tell their clients they will be waiting a few more years for essential health care?

ELTHAM ELECTORATE

Ms WARD (Eltham) (14:50): (6353) My constituency question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation. Minister, I thank you for supporting my community petition calling for a reduction in televised gambling ads. Minister, what is the Andrews government doing to respond to the impact of gambling advertising and the associated risk of gambling-related harm on our community?

SANDRINGHAM ELECTORATE

Mr ROWSWELL (Sandringham) (14:51): (6354) My constituency question is to the Treasurer, and I ask: when will the Treasurer respond to the Sandringham district budget submission sent to him on 22 April this year? In that budget submission, just to name a few items, there was the need for a major upgrade of the Sandringham Hospital that will give it renewed purpose to continue serving my

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community for this generation and the next, the need to extend greater protections to the Ricketts Point Marine Sanctuary and the need to remove the Hihett Road and Wickham Road level crossings in Hihett and replace them with rail underpasses. You will not be surprised to hear, Speaker, that I have raised these issues a number of times in this place consistently on behalf my community, and I again raised them with the Treasurer in my Sandringham district budget submission this year. The Andrews Labor government claims to be governing for every Victorian. I ask them to govern for the people of the Sandringham district.

FRANKSTON ELECTORATE

Mr EDBROOKE (Frankston) (14:52): (6355) My constituency question is for the Minister for Health, and the question I ask on behalf of my community is: what are the options for the intersection at the entrance to the Frankston Hospital? I would like to know what options exist to improve this intersection so that emergency service vehicles, ambulances and pedestrians can be safer. The intersection has been raised by many constituents on numerous occasions, who would welcome a response to improve this intersection.

Condolences

SENIOR CONSTABLE BRIA JOYCE

Ms CUPPER (Mildura) (14:52): (*By leave*) First of all, I apologise for not being able to make this statement alongside the Minister for Police and the Shadow Minister for Police this morning. Unfortunately my flight was delayed out of Mildura. I just want that to be on the record. I thank the house for giving me the opportunity to make a statement now, because it is an important statement for me and the people of my electorate.

It was around 10.00 pm on Friday, 9 April 2022, when Senior Constable Bria Joyce and her squad mate, Leading Senior Constable Thomas Kinnane, of the Mildura highway patrol unit were on a routine shift just out of Red Cliffs. As they headed down Kulkyne Way a ute veered head on into the path of their unmarked police car. There was no way of anticipating the collision. There was no opportunity to swerve or avoid the crash. The impact was so intense it blew a hole in the ground. Bria had no chance, and it is a miracle that Senior Constable Kinnane survived. A third car ran into the back of the police car. The driver and his three child passengers were physically unharmed, but the emotional impact is unknown.

The news of Bria's death swept through the local force and the entire Victoria Police team across the state. It rippled through our community, causing bewilderment and grief. When the first picture of Bria was released, reality set in even more. The image of Bria in her police uniform the day she graduated from the academy was quite literally a picture of pride, accomplishment and a future wide open with potential and possibility. In an instant she was gone. In the line of duty she was gone, with no chance for anyone to say goodbye. The tragedy affected us all, but nothing could compare to the loss felt by Bria's close friends and family, especially her partner of three years, Kyle, and her mother, Dianne. Adding to the tragedy is the fact that Bria was an only child. It was a reminder of the risk and the sacrifice inherent in policing and the sort of mettle it takes to sign up and serve, and by all accounts Bria was the best of the best.

The funeral was harrowing. Loved ones gathered from around the country and overseas via Zoom, and Senior Constable Kinnane watched from his bed at the Royal Melbourne Hospital. In attendance were the Minister for Police and the Chief Commissioner of Police, Shane Patton. It meant so much to the community that they were there to share in the celebration of Bria's life and the pain of her death. Following the spectacular guard of honour, which stretched far into the distance from the Mildura Catholic Church towards Walnut Avenue, I walked over to pay my condolences to Mildura police Superintendent Bec Olsen. I remarked to her about how awestruck I was by the full police honours, which included a motorcade, horses and a flyover by a police helicopter, and Bec said, 'We

know how to give a good send-off". She was right. The friendship, love, respect and comradery between the officers of VicPol was something to behold.

Bria's death and the death of any comrade is felt deeply and personally, and I can only hope that it is a comfort to VicPol; the Mildura police station; Bria's mum; her partner, Kyle; and her very many friends and loved ones that her death was felt deeply and personally by the broader community too. Our thoughts are with Bec Olsen and her team at Mildura as they continue to process the loss. Only a few minutes ago I received a text from Bec informing me that Kyle, Bria's partner, is taking her ashes home to Tamworth as I am speaking.

We wish Leading Senior Constable Kinnane all the best with his recovery. And Bria, if you are listening, thank you for your service. On behalf of a very grateful community, thank you.

Bills

JUSTICE LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed.

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (14:57): It is my pleasure to rise and speak on the Justice Legislation Amendment Bill 2022. As many of the speakers before me have acknowledged, this bill, at the heart of it, is about advancing the recommendations from the forced adoptions inquiry conducted by the Legislative Assembly Legal and Social Issues Committee. I want to put on record my thanks and appreciation to all members of that committee. Obviously it was one of those really most difficult, probably life-changing, experiences to participate on that committee, but to see the fruits of their labour with this legislation is really important. It will promote equality and also procedural fairness and clarity before the law.

The bill will introduce integrated birth certificates for adopted persons as recommended by the forced adoptions inquiry as well as make some technical changes to support other aspects of the government's response. Also, and my predecessor I know would be very proud of this as the person who introduced and saw Victoria having a human rights charter, we are, and I congratulate the Minister for Equality and the Minister for Women on this as well, updating the Charter of Human Rights and Responsibilities with gender-inclusive language.

We will also amend the secrecy provisions in the Equal Opportunity Act 2010 and the Gender Equality Act 2020 to better reflect their operational needs. We will ensure the Judicial College of Victoria's board is more diverse, in line with the Szoke review recommendation. We will also ensure that the Magistrates Court improves efficiency and remove unclear jurisdictional provisions, and there will be some changes to the Crimes at Sea Act 1999 to better reflect Australia and Timor-Leste. At the heart of this, though, this bill is really about ensuring that equal opportunity and our current framework around equal opportunity and human rights is where it should be and protecting some of our most vulnerable, and that is children.

The bill creates further exceptions to the secrecy provisions to enable the Victorian Equal Opportunity and Human Rights Commission to disclose information to VCAT in respect of freedom of information review applications. The review of freedom of information decisions made by government and government agencies, we know, is crucial to transparency. We know it is an important part of the mechanisms of how democracy functions as well as how government functions, and we are ensuring that when it comes to our important freedom of information laws they are as up to date as possible.

The bill also amends section 83 of the Equal Opportunity Act to include an avoidance of doubt provision which was inadvertently omitted from the Equal Opportunity (Religious Exceptions) Amendment Act 2021. The religious exceptions act already included the same avoidance of doubt

provision, but we know that strengthening sections, as this will do, will ensure that interpretation and greater clarity is there within the act.

I also know that updating the secrecy provisions of the Equal Opportunity Act, clarifying the protections from religious discrimination of LGBTIQ+ students and staff, ensuring the Charter of Human Rights and Responsibilities Act 2006 has gender-inclusive terms, introducing integrated birth certificates for adopted people as well as other miscellaneous amendments to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 are really important reforms.

When you consider that the Legislative Assembly's Legal and Social Issues Committee tabled its report on the inquiry into responses to historical forced adoption in Victoria back on 8 September 2021 and the government response to the inquiry was tabled on 10 March 2022, you see that the government has not wasted a moment. When you think about some of the debate that occurred yesterday concerning the Victorian Law Reform Commission report and the support and reform around victims rights—another key part of our legislative plank—it is vitally important that the government does take the time to ensure that when it does pass this legislation and it does amend relevant legislation, whether it be the Adoptions Act or whether it be the Births, Deaths and Marriages Registration Act, it does get it right. I am very pleased, and I do congratulate the minister, the Attorney-General, on doing what has been done here.

I think what is also very important is looking at integrated birth certificates. As someone who has dealt a bit with the office of the Registry of Births, Deaths and Marriages Victoria, they do an incredible amount of work there. Currently in Victoria the only legal birth certificate in respect of a person who has been adopted is the post-adoption certificate, which shows only the adoptive parents. This bill will allow the registry of births, deaths and marriages to issue a post-adoption birth certificate that includes the details of the natural parents and adoptive parents and can be used as a legally valid proof of identity. This is a really important reform, and we know that the inquiry noted that there are diverse views regarding birth certificates and that not all people who are adopted want an integrated birth certificate. It is really important that the office of births, deaths and marriages and the Secretary of the Department of Justice and Community Safety do have that ability to try and ensure there is a tailored approach for parents and adoptive parents but most importantly for that child.

Equally, though, there is the removal of mandatory counselling under section 87, which states that a person who has applied for adoption information must attend an interview with an approved counsellor. We will repeal certain parts of this legislation and ensure, in line with the Victorian Law Reform Commission recommendation, that the interview process when it comes to the Adoption Act recommendations is useful and is not mandatory. The amendments ensure that individuals do have the power, as the inquiry noted, to consider as part of the interview process the option of having counselling before being provided access to information. These amendments really will also bring the legislation into line with other jurisdictions around Australia.

Recommendation 56 from the inquiry states:

... restrict the use of adoption on child protection grounds as far as practicable.

An adoption order permanently severs the legal connection between the child and their birth family. Usually fully informed consent of each parent or guardian of the child is needed before this can happen. In some cases consent can be dispensed with by the court—for example, if a parent or guardian cannot, after a reasonable search, be found. This bill will remove some of the current grounds for dispensing with consent, which is really important to ensure that there is real respect for the parties involved. I can give this example: a permanent care order can be made that transfers all duties, powers, responsibilities and authority to the carers of the child and provides the child with a safe and supportive family environment. Subsequent intervention of child protection is no longer required. Importantly, this option maintains the child's name and identity through continuity with their original birth certificate. It is imperative that fully informed consent of the natural parents be required for an adoption to occur so that the forced adoption practices of the past are never repeated. It is vitally important that

the court also retains the discretion to dispense with consent where there are special circumstances by reason of which, in the interests of the child, consent may properly be dispensed with. It is really important reform.

I do want to acknowledge the many members in this place that have had a role in our reforms when it comes to forced adoption. I also want to acknowledge the previous Attorney-General, the member for Altona, and the current Attorney-General, a member for Northern Victoria, for their work. In addition to work and reform around adoption in this legislation, we are ensuring that the Equal Opportunity Act 2010 is also strengthened. This bill will promote community safety and increase efficiency for the justice system by expressly expanding exceptions to the secrecy provision in relation to the Victorian Equal Opportunity and Human Rights Commission and ensuring that where relevant all agencies and all circumstances are taken into account. The bill does reduce time when it comes to freedom of information, and I have already outlined how important the Freedom of Information Act 1982 is for a well-functioning, transparent and important part of government. We do know that under this government equality is not negotiable. All Victorians, no matter how they identify themselves, should feel safe, supported and equal, including in their workplace. These are really important reforms. The Andrews government has always been one of the leading jurisdictions in its support of equality and the rights of all Victorians and that they should all be recognised for who they are.

In my final notes I again want to commend and thank all members that have been part of the journey for this legislation. It is vitally important that the reviews take place, whether it be the Szoke *Review of Sexual Harassment in Victorian Courts* or whether it be the work that has gone through the parliamentary process on forced adoption and getting rid of many of the practices of the past that have done so much harm. This is really important legislation that I know will change how we feel about ourselves as a community but is most important for those Victorians that were part of the submission process to the committee inquiry into forced adoptions. So I commend this bill to the house.

Ms GREEN (Yan Yean) (15:07): It is a privilege to join the debate on the bill before the house, the Justice Legislation Amendment Bill 2022. Primarily my remarks are going to refer to the changes that relate to recommendations from the inquiry into responses to historical forced adoptions in Victoria. Firstly, I would like to acknowledge the many people who I know have been touched by the impacts of forced adoption, and I apologise if I miss any names: June Smith, Brenda Coughlan, Lyn Kinghorn, Anne Radford, the late Allan Radford, Nada Radford, Tate Radford, Mara Radford, Rhia Radford, Graeme Williams and most especially Matt Williams, born as Derek Radford, my cousin. I only met my cousin three years ago, and it is just a joy to have that connection with someone who was lost to our family through forced adoption in the early 1970s. We can never make up for the lost time for his siblings, for his birth mother, Anne and for his late father, Allan, who he never met but who was always very supportive to me when I was faced with becoming pregnant before I was married. I was on my own and being subjected to the same pressure that my aunt Anne was subjected to in the early 1970s.

It has just been part of my life story from being a little child and often from adults. I think it is something we should remember as adults—that children are always watching. We are always watching. I was a little girl in primary school, and I observed from—whatever I was—hip height exactly what happened to my aunt. I think that that whole idea of ‘Let’s keep things secret’, ‘No-one will ever know’—people do know, and there is damage. People in this place who know me well say that I have got a very good memory, and I do. I have a very clear memory of the pressure that my aunt was subjected to. She had no choice. Within the family, no matter what people say now, I never saw anyone stand up for her and say that she did not have to do what she was forced to do. It makes me very sad that she is still judged to this day and judged by moral standards that are very different to today’s—and I am so glad they are very different to today. But, you know, there are some that try to rewrite history too and try to say that she actually did have a choice, that she was given a choice and that she exercised that choice freely, and that was not to be a mother. That was never my observation,

and I hope that those in the family who have put that view might reflect on that and tell Matt's—also known as Derek—siblings that this was not the case.

I saw that as a little child, the pressure that she and Allan were subjected to and the lack of choice that they had. And certainly years later, when I lived with my grandmother in the year that I had maternity leave off as a public servant after I had my own son, Blake, I was subjected to exactly the same pressure that Anne and Allan were subjected to. But I did have my grandmother, who said, 'No, we got that wrong in the 1970s—we absolutely got it wrong. You don't have to do this; this is your choice'.

I also want to thank Father Ernie Smith, the founder of Sacred Heart Mission, because Mum took me to visit Ernie. I knew exactly why I was being taken to visit Ernie, because when I told my father that I was having Blake, he made it clear he was not going to speak to me again until I was prepared to discuss adoption. This was in 1982. This is not a long, long time ago. It is very clear in my memory. So my mum took me to see Father Ernie, and I thought, 'Oh, I'm going to have some God-awful priest who's going to judge me, who's going to say I've sinned and I should go to confession and all that sort of stuff'. It was the exact opposite. Gee, Ernie was clever, and he was wonderful. He suggested to Mum and me, 'Look, before we have lunch, why don't we go downstairs, and we'll help the volunteers that are preparing soup for the homeless'. And so we sat there in this very humble kitchen at Sacred Heart in Grey Street in St Kilda, and Mum and I were grating vegetables and chopping up vegetables with homeless men, making soup for others. Then we went upstairs, and I cannot remember if it was that soup or another soup, and Ernie said to Mum, 'Go on, Wilma, go home and tell Wally he's being an idiot. Danielle's life has not ended. She's a smart girl. She's got a job to go back to. She's got a good job now. She's got a good job to go back to. She's still the same intelligent, bright girl that you've raised, and she'll make a success of her life.' I just could have kissed him. There was finally someone in my corner.

Dad never really relented until after Blake was born, but when I gave birth to Blake, my doctor, the doctor that I chosen, disappeared, and I was subjected to the most abject pressure from one particular social worker who worked at the Royal Women's Hospital. Knowing Lex de Man and others later on who worked with the Anne Hamilton-Byrne sect, I am quite clear in my mind that that woman was an agent of the Anne Hamilton-Byrne sect, so I found myself part of not just one huge injustice and story of potential forced adoption but also that horrendous Anne Hamilton-Byrne sect. This social worker gaslit me through the 11 days that I was in hospital. People might ask: why would any mother be in hospital for 11 days? And it was really the pressure that was being put on me to have my child adopted out. I did have a postnatal infection, but it was primarily this particular social worker, who was wrongly saying—was gaslighting me and saying—that I was not bonding properly with my son, that I did not know how to bath him and that he was not feeding properly, which was nonsense. Yes, I did have mastitis, but he was very well fed. He was an 8½-pound baby, and he was doing quite well—and from a family of four, the oldest of four, and a large extended family of cousins, of course I knew how to look after babies. I had practically raised my youngest sibling, and I had been changing nappies since I was about five or six. And I suppose I just saw absolutely, personally, what happened.

Since I have been in this place, every time that we have dealt with matters of forced adoption or we have been amending acts around this I have always thought of my aunt and thought of my cousin. Over the 20 years I have been in this place I would say, 'Do you think it's time? Do you think you might go and find him? Do you think you might tell the others of his existence?', because I felt this burden, especially when my Uncle Allan, who I was very close to, died. I talked to him before he died, and he said, 'I think everyone's happy. I don't think we need to pick the scab off that sore'.

But I have got to say, I did not want to be the one after my aunt, who is no longer with us, to have to keep that secret and not tell their siblings, so I was so delighted when Matt Williams, born Derek Radford, came into our lives three years ago and I met him at Easter. I had the privilege of meeting his adoptive father three days later when I represented the Premier at an Anzac event at the Shrine of Remembrance. It was just happenstance, and he showed me a photo of my aunt that he had been carrying in his wallet. He of course had not met my aunt until Matt had made the connection, but the

photo had come with the baby. It was a photo of my aunt over her shoulder, holding this little baby, and it was such a photo of love. This beautiful man in his 80s said, ‘Danielle, we were so happy, the gift of Matt in our lives’, but he said, ‘I always carried this photo, and I thought, “It is the saddest photo I have ever seen in the world”’. And I just think, what a beautiful man to have thought that.

We need to continue to make the changes proposed by this inquiry. There are generations of families just like mine. The ripple in the pond has affected so many families. I want to thank the members of the committee who pushed so hard. I want to thank particularly the member for Altona for her beautiful speech today but also for being the one that had the courage to bring this inquiry to book and listen to the member for Macedon and me. I commend this wonderful bill to the house, and I look forward to further changes along this wonderful journey.

Ms CRUGNALE (Bass) (15:17): I feel like I should give my 10 minutes over to the member for Yan Yean to continue her story. I rise to make a contribution to the Justice Legislation Amendment Bill 2022. As noted in the chamber, this is an omnibus bill with several reform areas, all of which have at their core equality of the law. We have heard in-depth and heartfelt contributions thus far, in particular on the forced adoptions inquiry. I am speaking after the member for Yan Yean, whose story, family history and own personal experience is why we do this—to hold your grandmother’s and your mother’s words so closely and be wrapped around with Father Ernie at a time that could have gone either way, to have those solid people around you and hold that close to your heart.

I too wish to acknowledge the in-depth contributions, as I said, made so far and acknowledge the work of the former Attorney-General and the current Attorney-General in the other place and also the Legal and Social Issues Committee and its inquiry into responses to historical forced adoptions in Victoria and thank the chair, the member for St Albans, and all the committee members for their empathy and detailed work. The final report and its, as we have heard, 56 recommendations are testament to their work—their face-to-face meetings, their online meetings and their desire to do all they could to progress the inquiry through the pandemic years. The trust given over by the mothers and all who submitted was so brave and courageous—subjected to trauma, taken away, told they were unfit to be mothers, shunned from society, publicly shamed, drugged, living in silence. Recounting, reliving and even beginning to tell a story hidden for so long is and can be harrowing and traumatic, and I hope some women have been able to at least start or continue on a journey of healing.

The 56 significant recommendations were tabled last September, and in the government response, tabled on 10 March this year, 33 of those recommendations were supported by government, including plans to introduce a redress scheme, with the remainder to be further considered by government. Our committee work changes lives, and this bill makes of a range of priority amendments to enable some key recommendations of the inquiry to be swiftly implemented. Firstly, this bill makes a range of amendments to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 to implement recommendation 26 to introduce integrated birth certificates for adopted people. With so much heartbreak, one in particular speaks to the birth certificates of adopted Victorians. A woman adopted soon after birth presented her two birth certificates: two completely different names, two sets of parents, two dates of registration. The only commonalities were the place and date of birth. In the 10 days between the two registrations, she had assumed—or more realistically been forced to accept—a completely new identity, new name and new parents. The unresolved question of who she really was never left her. Which was the real birth certificate? The cruel answer to both haunted her until her untimely death last year.

I am relieved that this bill speaks to recommendation 26 made by the Legal and Social Issues Committee in that the integration of birth certificates will allow a person to obtain a legal birth certificate that includes the details of both their natural and their adoptive parents and the date of adoption—the true birth certificate, the whole picture. Consistent with the inquiry’s recommendation, there will be no cost to obtaining an integrated birth certificate, and it will be equal in status to other legal birth certificates. It will be available on application, as we know that not everyone wants their adoption made public. We are also removing the hurtful requirement that an adopted person applying

for information must attend an interview with an approved counsellor before they receive information about the adoption. Comments about the interview process included words like ‘disempowered’, ‘vulnerable’ and ‘traumatised’. Others noted the slow and bureaucratic nature of the process. This was their truth, their story, and they were being required to justify and explain it and ask permission for its recognition. Lastly, we are ensuring that the fully informed consent of the natural parents is required for an adoption to proceed. So never again will we see the forced adoption practices of the past, where people other than the birth parents decided what was best for the child—heart-wrenching, horrible practices consigned to history.

When the Minister for Crime Prevention rose in this chamber for the second reading of a section of the amendment bill, she spoke to the heart of who we are as a society. It is important and customary that we speak and recount the benefits that legislative changes bring to people, to our communities and to wider society to give voice to those who may not be able to be heard in other ways. The changes in this bill may seem subtle and nuanced, but they affect every one of us. This legislation will mandate that gender-inclusive language replaces terms such as ‘his’ and ‘her’ with gender-neutral terms like ‘their’ and ‘person’ in the Charter of Human Rights and Responsibilities Act 2006. Every form we complete, every questionnaire, asks for our gender. Does it really matter if I am female, male, a doctor or married? This bill reinforces our government’s practice of many years of using gender-inclusive language when drafting legislation, always involving legal and LGBTIQ+ stakeholders to make sure we get the language right, because words do matter.

This bill also makes two changes to the Equal Opportunity Act 2010, allowing the Victorian Equal Opportunity and Human Rights Commission, as they requested, to disclose confidential information when necessary to protect the welfare of others. Changes to the Equal Opportunity Act 2010 will clarify that the Victorian Equal Opportunity and Human Rights Commission can disclose information to relevant agencies—for example, child protection or Victoria Police—reducing the time and public resources currently in place and better protecting the safety and welfare of those who need it most. Privacy is protected under the Freedom of Information Act 1982, but where there is a credible threat of harm, time is imperative.

We are further ensuring that religious education institutions can only discriminate on the basis of religious beliefs, not on other attributes such as gender, identity or sexual orientation, confirming and clarifying section 83 of the Equal Opportunity Act. Equality is not negotiable here in Victoria under a Labor government. The LGBTIQ+ community has not forgotten the Liberal-Nationals coalition’s voting record on our reforms last year, voting against equality.

These changes affect our rural, regional and metro communities, and this is not the whole picture. My electorate of Bass includes the outer-metro areas, the growing suburbs of Pakenham, Clyde and Clyde North, as well as the communities in and around Western Port Bay and down towards the Bass Strait. My reason for stating this is that there can be more anonymity, as we know, in larger communities in a way. There also tend to be more resources and more connection options for the LGBTIQ+ community in areas of greater population. But in smaller towns like Grantville, Tenby Point, Corinella, San Remo and Harmers Haven they provide far fewer resources for these communities. So wherever you live, this legislation reinforces the very clear message that it does not matter—you are equal.

I will move on from the esteemed work of the Minister for Crime Prevention to the achievements of the former Attorney-General. Joining our esteemed Chief Justice of the Supreme Court, Her Honour Anne Ferguson, the member for Altona initiated the preventing and addressing sexual harassment in Victorian courts and VCAT review, giving those across the justice system the confidence to speak up without fear of reprisal and identifying ways to build a culture that calls out sexual harassment—because our government looks to the future as well as the past.

This bill deals with recommendation 7 and demonstrates our government’s commitment to equality across the judiciary. One role of the Judicial College of Victoria is to educate and support officers and VCAT members on gender equality and diversity. Increasing the number of non-judicial directors

from two to four allows for a greater voice from those with lived experience, complementing the legal contributions of the board; reflects our rich diversity, including people with disability, our First Nations people and young people; and commits to the recruitment and selection of women to ensure gender equality.

Section 8 of the Judicial College of Victoria Act 2001 requires at least one non-judicial director to have academic experience, bringing this perspective to the table. There is a lot in this bill—there is the Crimes at Sea Act 1999—but all in all, I totally commend this bill to the house.

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (15:27): Thank you, Acting Speaker Richards. It is a delight to see you in the chair this afternoon. It is wonderful to see the class of 2018 start to expand their wings in this fine institution, being the Parliament of Victoria.

Members interjecting.

Mr PEARSON: I must say I am rather partial to the class of 2014, but nonetheless the class of 2018 was an outstanding intake. And as she is leaving the chamber now, I do want to acknowledge the very kind, very thoughtful and very considered contribution that the member for Yan Yean made.

This institution is a glorious institution. This place brings the very best out of all of us at times, and I think the strength and the integrity of this institution is in the fact that so many people who have had different lives and different lived experiences come here and work constructively and collaboratively. Today's debate has been the apogee of that, if you look at what the member for Yan Yean has said in terms of her lived experience and the way in which she shared that. I listened to the member for Altona's contribution earlier this morning, and I am reminded of the distinguished record she holds in this place as a member and as a former minister of the Crown. I note my good friend the member for Geelong is here, and one of the most heartfelt, thoughtful and passionate contributions I have heard in this place was from the member for Geelong when as a member of the committee she handed down the report that led to this outcome.

This institution is such a wonderful thing—the fact that you have got the ability to have thoughtful, considered members who have had a different lived experience come together, work together in a committee environment with the support and encouragement of the former Attorney, come forward with a plan to deal with these past wrongs, collaborate together and then shepherd that work through a cabinet process to deliver an outcome, to right a wrong. I do not think we celebrate our wins enough in this place at times. Our friends from the fourth estate are not here, and this contribution, like so many others, will be quickly forgotten, and we will move on. And you can be sure that the next time we come together for question time the galleries will be packed, the cameras will roll and maybe it might get on the news, maybe it will not. Effectively this table was constructed two sword lengths away from the opposition—the notion that this was constructed in such a way that if I had my sword, it would come to here, and if the member for Polwarth drew his sword, it would go there as well. The beauty of this institution is the fact that we can come together and we can work together and get great outcomes. And it was not that long ago that the attendants would have said, 'Well, there's a stranger in the house. Remove that child from here'. We have grown and we have evolved, and we are better as an institution.

Mr Riordan: I wouldn't call the member for Mordialloc a junior.

Mr PEARSON: Well, it was not long ago, and I think the member for Yan Yean has been here long enough to know that this would not be the done thing. This would have been consternation. You could not have done this 20 years ago. You could not have done it 30 years ago. We can do it now because this grand institution, the people's Parliament, has evolved and we are using this institution to right past wrongs. We are so grateful and fortunate that we have this institution, and we are grateful and fortunate that we have got outstanding members who through their collective endeavours and

through their lived experience can work together constructively and collaboratively to right past wrongs. This is the Parliament at its best.

Again, this speech will be quickly forgotten and this contribution will be forgotten, but if people could just see now what is occurring in this place, if you had got a member of this place from the 1970s and showed them this now, they would not have believed that this was happening. We are the richer and the better for it, because we bring together in this grand institution the history, the custom, the practice and the forms of the house, and we are melding and we are modifying this and we are reforming it to reflect our modern values. But you have got to have people of goodwill, good intentions, and people who are prepared to work, people who are prepared to put themselves out there. I do not profess for a moment to understand what it would have been like to be a member of that committee and to hear the stories, to hear the experiences and to reflect on one's own lived experience. It would have been, I think, at times really challenging and hard. But those members have worked tirelessly, and we have achieved a fantastic outcome.

The member for Yan Yean made a point that words are important, and indeed she is right. I note that in the second-reading speech it talks about gender-inclusive language. I am reminded of the work of Ludwig Wittgenstein in his work *Tractatus Logico-Philosophicus*, which talks about the theory of language. Wittgenstein's thesis was that when we speak we effectively transmit pictures to the person who is in receipt of that, and that person sees that picture and then interprets what is being said to them. Now, Wittgenstein sort of walked away from that theory later in his career, but the way in which it manifested itself was in Orwell's writing, in *Nineteen Eighty-Four* with Winston Smith, and the notion of trying to reduce language—reduce it to its narrowest window—to try and prevent the ability for people to think and contemplate and share ideas. I will get the number wrong, but the Inuit have something like 12 or 15 words for 'snow'. It is a really interesting idea, and it makes perfect sense. If you are a member of the Inuit community, you are going to see all sorts of different types of snow and you are going to have different forms of words to reflect that, whereas in English it is just one word—it is 'snow'. Maybe if it is particularly wet it might be sleet, but it is kind of snow; that is about it. It limits the way in which we regard that thing, that material, that item.

So genuine inclusive language I think is really important, because we have got to make sure that people feel that they have got their place. One of the great honours I have had as a parliamentarian has been to be the Minister for Creative Industries, and at the moment PHOTO 2022 is on. We are putting up very large photos around the CBD and other areas as well. If you leave this precinct and you go over the road to Macarthur Street, in the connection between 1 Treasury Place and, I think it is, 1 Macarthur Street, you will see an amazing photo of a beautiful woman, a South Sudanese woman—a self-portrait—Atong Atem. The photo is stunning. It is absolutely stunning. Atong Atem was the first photographer who produced photographs of African Australians that have been displayed in the National Gallery of Victoria, the people's gallery. African Australians walked into that gallery and said, 'For the first time we can see ourselves in this institution'. That is really important, because this grand institution—the Parliament, the people's Parliament of Victoria—needs to reflect the community that it serves. So when you see photos like Atong Atem's, this is a face of modern Australia, this is a face of modern Victoria: a South Sudanese woman. The reality is the majority in this state are women. Something like 25 per cent of people are born overseas or have a parent born overseas. I think 50 per cent either have been born overseas or have a parent born overseas or two parents born overseas.

It is really important that we try and use these great institutions to make people feel good about themselves and who they are. If you exclude people, if you remove people, if you make people feel like this grand institution is only for the male, pale and stale, then it diminishes this grand institution, and you lock people out. Nations fail when you have got exclusive political institutions and when you have got exclusive economic institutions. I think that when we come together, when we have got people who have diverse backgrounds and who have had different lived experiences, when they come here with good intentions—and it is across the aisle—and want to work for good outcomes, if we can

find a safe way to hear those voices and to work in a constructive way, in a collaborative way, we are the better for it and the community is better for it.

A bill like this is really important and, as I said, it is the apogee of all the good work those members of that committee did and the member for Altona did, in terms of bringing forward the bill, and the current Attorney-General has done in terms of bringing it forward. This is important. This is what we came to do. This is Parliament at its finest. Again, this speech will be forgotten. No-one will pay any attention to it, but this institution counts.

Mr RICHARDSON (Mordialloc) (15:37): It is a pleasure to rise to speak on the Justice Legislation Amendment Bill 2022 and follow my good friend the member for Essendon. I am glad he was not serious in his threat to boot me out, but I reckon my daughter, Orla, might make a better contribution, so we will see how we go. I appreciate the indulgence of the house as we power through legislation in circumstances that are confronting me at the moment with the little one.

This is a really critical, important piece of legislation and builds on a number of key reforms across key policy areas. I want to place on record the appreciation of my community for the work that was done by the Legislative Assembly's Legal and Social Issues Committee on the report that they tabled on the inquiry into responses to historical forced adoption in Victoria—critical, generation-changing recognition of the harms of the past that underpin the 56 recommendations.

I think, listening to the contribution of the member for Geelong, it really brought home just how much heart and soul and how many contributions witnesses made, the vulnerability that was shown and the trauma that that brings, but then the care, support and nurture that came with that as well. We appreciate their work and efforts. It really is a great example of how committees can underpin great legislative reform and change, and it has been a really nice feature to hear just how that is being implemented and how that will deliver and support those outcomes.

These recommendations, in the context of that inquiry, go to a few key recommendations, for example, the integrated birth certificates. Currently in Victoria the only legal birth certificate in respect of a person who has been adopted is the post-adoption certificate, which shows only adoptive parents. The example that has been provided in this bill is that the adopted person may not wish to disclose that they are adopted when using their birth certificate for everyday purposes, but it provides people with choice. That was a key recommendation as well.

A member interjected.

Mr RICHARDSON: The Minister for Women is an absolute superstar in this space. Thank you very much—absolute star.

There is the removal of mandatory counselling. We heard in evidence at the time that some participants in the inquiry reported that they felt disempowered, vulnerable and traumatised. So that will go from being mandatory to optional, rather than slowing down certain bureaucratic processes.

There is also repeal of the child protection grounds, and this is an important circumstance that acknowledges the complexity in these family circumstances and arrangements, particularly the situations that exist for parents who do not agree to the child being adopted and the complexities that have been outlined by members of this place in that arrangement. It is very delicate when we are thinking of the very best interests of children but then also the rights of parents and then the complexities around adoption. That is covered off substantially in the inquiry and the review, and it is imperative that we have informed consent. The fully informed consent of the natural parents is absolutely required for that adoption to occur so that the forced adoption practices of the past are not repeated. That is a critical underpinning in the work that was done as well.

There are a couple of other things I want to cover off. The strengthening of the Equal Opportunity Act 2010 is a really important element, and this change, which is underpinned by the Victorian Equal Opportunity and Human Rights Commission, will make it clear where there can be disclosure of

confidential information held by relevant agencies, including child protection and Victoria Police, to protect the welfare of others such as where there is a serious threat of harm to a person or a mandatory reporting obligation.

The bill puts beyond doubt that section 83 of the Equal Opportunity Act—I think this is a really important provision—only permits discrimination within religious educational institutions on the basis of religious belief or activity, not on the basis of any other protected attribute such as gender identity or sexual orientation. That is something that has been covered extensively nationally. We have seen how traumatic that is for a number of people in our community, some of the discrimination that we have seen. It is a low road to take. It is a massive impact on vulnerable people who should be loved, cared for and supported rather than isolated and targeted.

There is really, really important work here on the removal of gendered language in the Charter of Human Rights and Responsibilities. I am really keen on this provision for my local community because it removes some of that gendered language around the charter of human rights. Of course the charter of human rights is the opening note to absolutely every bill that goes through this place. It was a substantial Labor reform that was delivered, and to remove some of that gendered language is something that the Public Accounts and Estimates Committee has been working on in terms of gender responsive budgeting. That is a really amazing inquiry. The Minister for Women is a champion in this space, an absolute superstar in the promotion of equality and women's rights in our community, and gender responsive budgeting is truly a Labor reform. Acknowledging the impacts, particularly the disproportionate impacts on women, of some budgeting decisions over time is a really critical element. That builds on a number of key recommendations in that space and brings a more equal and more inclusive element to our legislation to make sure that we do not have some of those elements.

I will finish with one final thing and then I will probably sit down. I will just go to court services and the really important reforms, and this is something across our jurisdiction and our legal profession as well, to help eliminate sexual harassment in Victorian courts and tribunals. There have been substantially concerning reports and findings on the treatment of people in the workplace, particularly in Victorian courts and particularly women in that environment, which should be one of the absolute institutions of equality and justice before the law. It has been deeply concerning to see some of the impacts that have happened in that space. Some of the recommendations that were underpinned in a recent review go to the diversification that we see on the Judicial College of Victoria board. It goes to some of the principles that you see in company director boards and non-profit boards—not necessarily having everyone from the same industry or profession but having that diversity of skills and that diversity of industry experience, knowledge and understanding. That is a really big change and underpins recommendation 7.

Just finally, there are massive reforms that are being delivered to deal with the backlog in courts, particularly around the \$41 million that has been funded in the 2022–23 Victorian budget to deal with some of the backlogs from the pandemic. I have talked about that before, how critical that is, and we give a big shout-out to all our court staff, our magistrates, the judiciary and everyone that underpins our judicial system. It has been a really hard slog. There have been substantial backlogs and challenges, and we are coping and working through that as well. That is about it from me. Thank you very much for the indulgence of the house, and thanks to the Minister for Women, who is an absolute superstar, for her help as well. I commend the bill to the house.

Ms CONNOLLY (Tarneit) (15:45): It is an absolute pleasure to rise to speak on the Justice Legislation Amendment Bill 2022. It always leaves me with big smiles, following the member for Mordialloc. He always gives a great contribution, and it is even better today that he has brought in his daughter—absolutely gorgeous.

This bill includes several minor but really important amendments to legislation in the Attorney-General's portfolio as well as one act that sits in the Minister for Women's portfolio. Sometimes in this place we talk about bills, make contributions to bill debates and talk about minor amendments, but some

of those amendments can actually change lives and be life changing. I know that many colleagues in this house will agree with me: lots of the main amendments in this bill will change people's lives and are very positive indeed. That is what good governments do when they come to government.

The Justice Legislation Amendment Bill 2022 absolutely showcases our Labor government's commitment to getting on with implementing the recommendations of the forced adoptions parliamentary inquiry and making our justice system fairer and more efficient. Just on the forced adoptions parliamentary inquiry, I spoke on that a couple of sitting weeks ago, I think it was—such an amazing inquiry that was undertaken here in Victoria, with some really important recommendations and findings. Again I would like to thank the many mums and their children that made contributions to that inquiry—some very harrowing stories indeed.

The last time I spoke about this inquiry in this place I talked about my uncle, my mother's eldest brother, who was adopted. My nanna was unable to have children for 10 years and did not think she would be able to have children. I remember my nanna told us that she had never actually left her town, bar once—and that was to go and pick up her son Ian when he was six weeks old in Sydney. Very sadly, my Uncle Ian was never able to be reunited with his biological mother. I think he did indeed look for her but was unable to find her. But my nanna always said and always thought that his biological mother was a very young woman in very sad circumstances and had to give up her baby. I know Nanna, who has passed away now, very much loved my Uncle Ian. As life takes you on many amazing twists and turns, after adopting him and bringing him home, a year or so later she fell pregnant with my mother and then my mother's sister and my mother's brother, after 10 years of not being able to have children—just remarkable.

Back to the bill, these amendments are going to help streamline and modernise the operation of our justice legislation. The bill is going to help support our investment in courts and justice agencies to get through the backlog left by COVID, and I do not think there is anyone in this house that would not acknowledge that there is a significant backlog in our courts and justice agencies that the COVID pandemic has left behind. Also, amendments in this bill are going to implement some more consequential and symbolic changes which are going to promote equality and clarity, most importantly, before the law. The amendments in this bill do actually complement the investments that we have made in supporting our courts to recover from COVID, and I want to take a little bit of time this afternoon to talk about that, because they are significant investments that we have made. We have injected more than \$340 million since the start of the pandemic to ensure that our courts could continue, most importantly, to hear cases and also to speed up the resolution of matters.

I know that many constituents over the past couple of years, particularly if they have been before VCAT, have wanted to speed up their cases and have been stuck in the backlog. I know that this significant investment of the \$340 million will go a long way to helping ensure that those cases and the many others that are just like them will continue to be heard and we will clear that backlog. This investment included bringing on more remote-hearing services, upgrading technology, appointing more judicial officers and staff and providing legal support to help resolve matters—most importantly before they get to court. If you can resolve a legal matter before having to get to court, yes it does save you time, but for people that are paying for legal fees it does save you a significant amount of money.

In our recent state budget that we have just handed down, we provided more than \$41 million in funding to help, again, clear case backlogs caused by the pandemic—by a number of in-person court services that were deferred to keep the community safe. But in addition to this year's budget funding, we have been going hammer and tongs, continuing to invest in our justice and court system. Almost \$81 million worth of investment that we made in 2020 and 2021 for justice system recovery went towards initiatives to resolve matters before they get to court, including expanding pre-court legal services and reforms to Victoria's fines system to reduce the number of infringement matters that actually end up in court; initiatives to provide safe and secure court access for all Victorians, including upgrades to court technology; and providing better court infrastructure to support the digital transformation of court and tribunal case list filing and management.

In the 2021–22 financial year, we allocated \$210 million to continue justice recovery, help drive down court backlogs and bolster resources in courts across the state. Funding went to reducing our wait times in courts by providing for extra resources. We funded further expansion of the online Magistrates Court, ensuring cases could be heard and finalised again very quickly. This included two new magistrates to preside over the court. Money went towards enabling VCAT to transition more of its hearings online—which again was very important for many constituents in my electorate—and provide for quicker and easier case resolution for the community. More than \$22.9 million went to continuing successful measures such as active case management at the Supreme and County courts, which reduced the load on judges and helped to resolve matters earlier. Most importantly a lot of funding also went towards Victoria Legal Aid, Victoria Police, the Office of Public Prosecutions, Corrections Victoria and victim services because they needed to have the necessary funding to roll out the resources to play their part in backlog reduction.

In the time that I have got left I wanted to give a big shout-out to the Legal and Social Issues Committee and the members that sat on that inquiry for the work that they did in relation to historical forced adoption in Victoria. I know that would have been a very difficult inquiry to sit on. Having spoken to some of the members of that committee, I felt really proud of their absolute commitment to not only sit through and listen to some of those really harrowing experiences that survivors shared with committee members—and some of those experiences were incredibly private and traumatic to relive—but also make sure that something was going to be done and change would be made. I know that this bill before the house is certainly something that is introducing that change.

Part of that change is an integrated birth certificate—a legal birth certificate that will include the details of both a person’s natural parents and adoptive parents and the date of adoption. The inquiry also made recommendations around removing mandatory counselling requirements, which is really important, and also deleting some of those grounds for dispensing with consent to adoption. These recommendations will all be progressed through this bill. As I said at the beginning, it is made up of various minor amendments, but no less extremely important amendments, that go towards creating a fairer, more equal Victoria but also to addressing some of those things that Victorians have experienced that they never, never should have experienced in the first place. I commend the bill to the house.

Mr TAK (Clarinda) (15:55): I am delighted to rise today to speak on the Justice Legislation Amendment Bill 2022, and it is so good to follow the hardworking member for Tarneit and other previous speakers. This is a very important bill and one that makes several amendments, the first of which importantly advances the recommendations from the forced adoptions inquiry of the Legislative Assembly’s Legal and Social Issues Committee, of which I am a member. The member for Geelong also is on this committee. Most importantly we remember how difficult it was just to participate and listen to the witnesses that made contributions as part of this inquiry.

Over the last 3½ years the Legal and Social Issues Committee has done some really important work, none more so than the forced adoptions inquiry. The committee was referred an inquiry into historical forced adoptions in May 2019 and tabled its report on 8 September 2021. Again, I would like to thank every person who courageously provided evidence to the committee to help us fully understand the devastating impact of historical forced adoption. I would like to also acknowledge those for whom the pain and the trauma of the past prevented them from sharing their experiences, and I hope the inquiry and the report were able to begin the process of addressing the trauma and also the injustice of the past. Hopefully the process will continue in a small but significant way here with this legislation.

The members of the committee heard that in Victoria around 40 000 adoptions were arranged between 1958 and 1984, and the evidence received indicated that many mothers who gave birth around this time were subject to the policy and practices of historical forced adoption. These included sending mothers to maternity homes with harsh conditions; pressuring or coercing mothers into signing a consent form; immediately separating newborn babies and mothers, often against their will; and forcibly restraining mothers when they gave birth.

The committee heard of policies and practices that were illegal, unethical, immoral and negligent, in effect. The committee reported on the experiences of and ongoing effect on mothers, people who were adopted and others, such as fathers and extended family members. The committee also discussed the issues of acknowledgement and redress, lifting the statute of limitations and birth certificates—which are a focus of these amendments here—as well as accessing information and family reunification, access to mental health and emotional support services and concerns about the practice of adoption today. As we talk about mental health, I also would like to once again welcome the Venerable San Sochea and his followers and also Dr Sary Seng, who is here visiting Parliament for the first time, but most importantly acknowledge Venerable San Sochea's hard work during the lockdowns to connect the disconnected and also to connect our senior citizens in Victoria.

114 submissions were received, and 11 days of public hearings were held in Melbourne, Kangaroo Flat, Geelong, Wodonga and of course online during that time. Most of the evidence was received from mothers, people who were adopted, organisations who were involved in historical forced adoption practices in the past and organisations who provide help and support services. Again, thank you to everyone who made a submission and gave evidence. Thank you for your courage. I know that the word 'thank you' is an understatement.

To work toward reconciliation and healing the committee made 56 recommendations, including the acknowledgment and increased recognition of the issue of historical forced adoption, the establishment of a redress scheme for mothers and the consideration of a similar scheme for people who are adopted, the waiving of the fee for mothers and adopted people to access their medical and adoption information, the establishment of an inquiry into the experience and effect of adoption on people who are adopted, the implementation of integrated birth certificates for current adoptions, the mandating of the use of an adoption plan, the retention of original birth certificates and the removal of adoptions from the permanency hierarchy in Victorian child protection legislation.

As such, I am proud to see the recommendation around the introduction of integrated birth certificates being advanced here today. An integrated birth certificate is a legal birth certificate that includes the details of both the person's natural parents and their adoptive parents and the date of the adoption. Throughout the inquiry a recurring theme in the evidence was the need to reform birth certificates. The committee acknowledged that this is an area of ongoing frustration for many people who are adopted, particularly given the past inquiries on adoption legislation in Australia, including the Senate inquiry and the Victorian Law Reform Commission's review, which recommended their development. The need for reform was outlined in recommendation 26 of the inquiry report, which recommends:

That the Victorian government implement integrated birth certificates without delay, issued to people who are adopted upon request and that they be legal proof of identity of equal status to other birth certificates.

So it is very positive to see this being actioned here. The inquiry also made recommendations around the removal of mandatory counselling requirements and the deletion of some grounds for dispensing with consent to adoption. These recommendations are progressed through this bill, which I am very happy to support.

There are also a host of other amendments which I would like to touch on in the remaining time. These are minor but important amendments. The bill updates the Charter of Human Rights and Responsibilities Act 2006 with gender-inclusive language. There are also amendments to the secrecy provisions in the Equal Opportunity Act 2010 and the Gender Equality Act 2020 to better reflect their operational needs. The bill will also fix an error from the reform last year to prohibit discrimination against LGBTIQ+ students and school staff. These are all very important changes that will promote equality and clarity in the law. There are also amendments regarding making the Judicial College of Victoria board more diverse, in line with the review recommendations. Again, this is a positive change that promotes equality and clarity. Also there are further amendments to help the Magistrates Court improve its efficiency and to remove an unclear jurisdictional provision. With that, I am happy to support this bill, an important bill that delivers on some of the important recommendations of the

forced adoptions inquiry as well as making a range of other amendments that help to promote equality and clarity in Victoria's justice legislation. I commend the bill to the house.

Ms HALL (Footscray) (16:04): I am very pleased to make a contribution to the Justice Legislation Amendment Bill 2022. I would like to begin by acknowledging the very considered and thoughtful contributions of many people in this place, in particular the member for Altona. When I reflect upon her contribution and her reforms in this place, she is really someone who is just an enormous inspiration for many of us. It is hard to think of anyone else who has helped shape Victoria in such a remarkable way as the member for Altona. The member for Frankston as well—I heard part of his contribution, and that was another really remarkable reflection on the impact of forced adoptions. Of course the member for Yan Yean has been generous in sharing her story with many of us and the impact across generations that forced adoption has had. The member for Yan Yean is always someone who is willing to share those personal stories in this place. I know it takes a toll, so I would just like to acknowledge her beautiful contribution today.

This bill contains a vital and wideranging series of amendments to acts, including the Crimes at Sea Act 1999; the Equal Opportunity Act 2010; the Charter of Human Rights and Responsibilities Act 2006; the Judicial College of Victoria Act 2001; the Magistrates' Court Act 1989; the Victorian Civil and Administrative Tribunal Act 1998; as we have spoken about extensively today, the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996; and of course the Gender Equality Act 2020.

I will not discuss in detail every single change that this bill will make as an omnibus bill, but there are a few amendments that I would particularly like to acknowledge and focus on. The first is the Equal Opportunity Act and the changes to the secrecy provision. The existing secrecy provision has a vital function in protecting the confidentiality of people who engage with the Victorian Equal Opportunity and Human Rights Commission through its functions. This bill will expressly expand the current exceptions to the secrecy provision to allow for the provision of information to relevant agencies in appropriate circumstances. These agencies could include child protection or Victoria Police and circumstances that include protecting the welfare of others, such as where there is a threat of harm or under a mandatory reporting obligation.

The bill will also reduce the time and public resources it takes for processing FOI applications by clarifying that the commission can use or disclose information to the Victorian Civil and Administrative Tribunal for the purposes of FOI review applications. In order to protect everyone's reasonable right to privacy, there will be threshold requirements that must be met before the commission can disclose confidential information. For instance, the threat of harm must be credible and imminent before confidential information can be disclosed to relevant agencies, such as Victoria Police. Disclosing information in breach of the secrecy provision will remain an offence and carry criminal penalties. This alteration balances the need for transparent and open decision-making, especially in the instance of FOI requests and an individual's right to privacy. I am pleased to share that the commission was consulted on these reforms and supports these amendments.

I would also like to reflect on the amendments to the Charter of Human Rights and Responsibilities Act. Language contained within the charter will now be gender inclusive, which is an important step in modernising our laws. I would like to acknowledge the Minister for Women at the table and her important work, and the member for Mordialloc spoke about her work in relation to the budget. I would like to also acknowledge that. The charter holds deep symbolic and legal importance to Victorians. It is the foundational human rights law in Victoria. By using inclusive language throughout it does not exclude anyone, nor does it diminish anyone's rights. For many years it has been a standard practice of this government to use gender-inclusive language when drafting legislation and amendments. We will continue to examine ways to modernise our legislation and justice system to ensure that it is inclusive of all Victorians regardless of their gender. Laws that apply to everyone should be written in a way that includes everyone, and it is as simple as that.

The bill will also increase the number of members appointed to the Judicial College of Victoria board under the Judicial College of Victoria Act 2001. This was recommendation 7 of the Szoke review of sexual harassment in Victorian courts and VCAT, which outlined that the number of appointed directors of the judicial college board should be increased to allow for three and up to four appointed directors who are not judicial officers. Appointing additional community members who have a broad range of life experiences beyond the judiciary will improve the board and how it directs judicial education. These appointments will follow the diversity of government board guidelines and reflect the rich diversity that Victoria already has. This includes gender diversity, people with a disability, Aboriginal people and young people.

The bill also includes a range of changes to governance processes that will help streamline the operations of the judicial college. These include removing a requirement for the Attorney-General's approval to acquire and dispose of personal property, allowing the board chairperson to approve absences of appointed directors from meetings, allowing the board to make resolutions out of session and allowing the chairperson to appoint an acting chairperson—so some very commonsense reforms there.

Since its enactment in 2001 the judicial college act has not been substantially amended. This is despite the patently obvious fact that in the intervening 20 years a number of relevant factors have changed. Perhaps the most obvious among them is that when this bill was introduced, Court Services Victoria had not yet been established. It provides a level of oversight that was not originally envisaged when the legislation was introduced. This is why so many of the accountability requirements in this act require the Attorney-General's approval.

I also want to acknowledge the changes that this bill will make to the Victorian Civil and Administrative Tribunal Act 1998. For some time now there has been uncertainty around whether VCAT can hear certain matters such as disputes between parties who live in different states. While the extant legislation can be interpreted broadly to include referrals about matters involving federal jurisdiction, this bill will clarify the matter once and for all. It will also clarify that VCAT's rules committee may make rules about the procedure for or in relation to referral matters involving federal jurisdiction.

Finally, I want to acknowledge the changes the bill makes to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996. This bill will make a range of priority amendments arising from the inquiry into responses to historical forced adoptions in Victoria. That report contained 56 recommendations. The government has indicated its support in principle for 33, and the remaining 23 will be considered further. The bill will implement recommendation 26, which relates to the introduction of integrated birth certificates for adopted people, recognising biological and adoptive parents. No fee will be charged for the first issue of an integrated birth certificate. These integrated certificates will not be automatically issued to people, as there are diverse views regarding birth certificates. The reality of this diversity is that not everyone who is adopted will want an integrated birth certificate; they will not be forced to have one. But it is the right thing and a good thing that the recommendations of the committee have been acted on so quickly. For the people who shared their experiences with the committee and for whom this is a very important aspect, it is great that they can now get one. I commend the bill to the house.

Mr HALSE (Ringwood) (16:14): It is always wonderful to follow on from the member for Footscray. I firstly want to get to some of the components of the bill and then focus on two particular aspects of this wideranging bill. To quickly go through some of the particulars, the bill will introduce integrated birth certificates for adopted people as recommended by the forced adoptions inquiry; update the Charter of Human Rights and Responsibilities Act 2006 with gender-inclusive language; amend the secrecy provisions in the Equal Opportunity Act 2010 and the Gender Equality Act 2020 to better reflect their operational needs; support last year's reforms to prohibit discrimination against LGBTIQ+ students and school staff; make amendments to ameliorate efficiency in the Magistrates Court; and update the Crimes at Sea Act 1999 to reflect a treaty between Australia and Timor-Leste.

Though varied in its achievements, this is a good bill. Across a number of minor yet significant amendments this bill responds to recommendations made by inquiries which include, as has been mentioned, the Legislative Assembly Legal and Social Issues Committee's inquiry into responses to historical forced adoption in Victoria and the review of sexual harassment in Victorian courts and VCAT. As a collective these amendments promote equality and clarity in the law of our state.

To the theme of gender inclusivity, there is a longstanding problem within almost every law that has been written in this state and beyond, in the country, that laws historically have been written to provide for a 'him' or 'he'. Though recent times have seen a general correction to 'he or she', a very valuable group of people remains unrepresented in the law. This bill will finally take a very important initial step to correcting this exclusion by replacing the language of 'his or her' in the Charter of Human Rights and Responsibilities with language that does not denote gender, such as 'person', because a person's gender should be the last thing relevant to how the law applies to them, and the language of law itself should reflect this. Although we have long had conversations within the legal system to ensure that laws written to apply to a 'him' are extended to those who go by 'her', the language itself remains as a reminder that society was built largely to serve half of the population. When we consider the even greater shortcomings of legislative language to cater to people in the trans community, that number decreases again. By beginning to adapt important acts, such as the charter, to adopt inclusive language we place a requirement on ourselves as lawmakers to consider how every law applies to every kind of person. In a society where more than two kinds of persons exist, in law only two have been provided for, and thus a lacuna in the law has evolved. This bill will save courts time; more importantly it will save so many people heartache. Finally, it will send the message that no person should ever have been worth less under the laws which govern them.

To the theme of forced adoption, I turn to the bill's vital amendments of the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 in the implementation of recommendations made by the inquiry into responses to historical forced adoption in Victoria. Under the bill, as we have heard, adopted persons over 18 years of age will be able to request that an integrated birth certificate be issued. This certificate will include the names of both adoptive and birth parents and will serve every purpose that a birth certificate does, and it will be free for first-time applicants, a very good thing. This change responds to, as we have heard, Victoria's dark and shameful history of forced adoption, which has caused generations great degrees of both grief and trauma, and I send thanks to the committee for the work that they did in the process of the inquiry and to those who provided testimony bravely to that committee. While we cannot reverse the mistakes of the past, we can commit to meaningful practices which support those impacted and to preserving this part of our past, remembering it so that it may never be repeated again.

On a slightly different point, it seems somewhat absurd to consider that today, in this day and age, our society may ever be at risk of repeating such an egregious social policy that inflicts intergenerational pain, but here—in May 2022—we are. To look abroad with the landmark *Roe v. Wade* decision under threat in the States, we find our world in a position where one of its most powerful and important nations may overturn half a century of federally protected abortion rights, leading each US state to decide whether to restrict or ban the termination of pregnancies. The current situation in Texas tells us how dangerous this is, where a trigger law would disallow abortions 30 days after the potential overturning of *Roe v. Wade*. Doctors could face life in prison for providing women-centred health care. Legislators are declaring that a focus on adoption is the solution to every issue arising from this profound regression in social policy. Though this may be taking place on the other side of the world, what this threat indicates is the perpetuation of shame and hatred around the decision of pregnant people who have or have not had a baby. What is consistent across the threat to overturn *Roe v. Wade* and our history of forced adoption is a blatantly incorrect concept that a pregnant person is not qualified to make what is ultimately a medical decision with the potential to impact the rest of their life. Both are transgressions of the human rights of a person who falls pregnant. Both should be considered unequivocally unacceptable in 2022.

So this bill, in holding responsibility for the wrongs of the past, reinforces that every person's heritage, no matter who they are born to, deserves recognition. It awards choice to the people impacted rather than arbitrarily placing decisions upon them without regard for personal circumstance. It reminds us of the importance of safe and accessible family planning, which as we know and we continue to debate, can save so many people from so much pain in our society.

Mr DIMOPOULOS (Oakleigh) (16:24): It is a pleasure to speak on such an important bill and add my remarks to those of my colleagues on the Justice Legislation Amendment Bill 2022. It is a bill that, as colleagues have said, does a number of things, but I am particularly interested in the clause in relation to the Judicial College of Victoria. I remember fondly my time at the then Department of Justice, in the courts in fact, and the judicial college—I cannot remember which government established it, but it is a very important institution in terms of ongoing training for the judiciary. I reckon there was a time and a place when—and I say this very respectfully—society and governments thought judges did not need continuing training and education. That is not the case, and the judiciary, in my experience of all the courts, were absolutely behind the work, purpose and mission of the judicial college. It is important for a range of reasons—because society changes; social values, social mores, technology and a whole range of things change; and everything comes before the judiciary in every part of public policy and life. I think it is an important institution, as in fact is the judicial complaints commission. What those two bodies have in common is that they are made up of members of the judiciary—retired members and existing members of the judiciary—which makes eminent sense, because it is a very specific work profile. But one of the things we are seeking to do with this bill is expand the work of the judicial college in a way that actually makes it better and makes it more relevant, with a holistic educational approach, for the judiciary, inviting and making room through the bill for non-judicial members to join that college.

I think if you look at our government over the last 7½ years, we have done that in many, many government agencies. I hesitate to call the judicial college a government agency, but you know the concept of state agencies—boards, committees, courts. We have expanded the remit of those organisations. It is fortuitous for me, not for her necessarily, that the Minister for Women is in the chamber, because one of the hallmarks of this government in that approach of making boards, committees and agencies of the state relevant to the entire community is gender equality across all of them. We are the first government to have lived our values in that regard—in many regards, frankly—but just on boards and committees, almost all of them, I think, on last briefing were 50 per cent women. The judiciary takes a longer period because judges are appointed on different terms and many are appointed for life, but it is a similar concept—that it should reflect the community—and the fact is that an enormous number of new appointees are women, as they should be. This judicial college approach has been replicated across the board.

I had the good fortune to work with the Minister for Mental Health, better known as the Minister for Education or for both portfolios and better known as the Deputy Premier. We established, or the government established, the ministerial advisory committee on the implementation of the findings of the Royal Commission into Victoria's Mental Health System—74 recommendations, all extraordinarily impactful for root-and-branch change of the mental health system in Victoria that will be felt through the ages. In 10, 20, 30, 40 and 50 years people will still be feeling the positive impact of these changes. We understood the value of having that. While the royal commission went through an enormous consultation process—thousands and thousands of Victorians having a say, multiple submissions, experts—we still felt it appropriate, and the minister and the Deputy Premier felt it appropriate, that a community committee help steer the implementation or help guide the government's implementation of those recommendations.

On that committee we have an enormous diversity of people. We have people with lived experience, we have clinicians, we have a gender balance, we have got people of different sexual identity and gender identity—and that is just on the ministerial advisory committee. Side by side with that there is the lived-experience group itself, which is a separate group which has, I would say, even more

diversity on it—people with lived experience, both those who have cared for people with a mental health condition and also people who have actually lived with a mental health condition. That is the importance of having an entire array of structures across state agencies, across decision-making that is diverse and that is representative of the community. One of the biggest things we all need to guard against is groupthink. I am not saying it necessarily follows that if you have people who have lived the same experience sitting around a table, they are going to have groupthink, but it is probably more likely that if you do not have diversity you are probably likely to miss pretty big issues. That is why I am very proud of this government.

While this is one part of this bill, the judicial college, it is an important one because the judiciary impacts every aspect of our lives. At any point in our lives we will probably end up—normally without notice, or involuntarily—in front of a judicial process, whether it be—

Mr Edbrooke: Speak for yourself.

Mr DIMOPOULOS: The member for Frankston said ‘Speak for yourself’—I do not mean it has to be criminal. It could be VCAT, it could be a tenancy issue, it could be a number of different issues. We expect those decision-makers who hold extraordinarily important office to be people who are trained and have continual training and education, and they are open to that; they are an amazing group of professionals. But then you have to look further afield and go, ‘Well, the organisation that is charged with that training, what do they look like? What is the demographic profile of that organisation? What is the professional profile of that organisation?’. That is why I think, consistent with everything else we have done in government in terms of the appointment and the composition of boards and committees, this is an important step.

Other colleagues talked about the changes in relation to gendered language, which I think are really critical and important changes. I cannot resist the temptation: if you look at bills like this when we talk about issues of gendered language, we talk about it in the sense of ‘Let’s get rid of things that impact negatively on the quality of life of Victorians’. When the federal government looks at language like that, it literally looks at it and says ‘How can we weaponise this for a political gain?’. Call me what you will, but I am going to call it as I see it with this, despite the fact that I am the Premier’s Parliamentary Secretary. One of the most eloquent contributions that I have heard the Premier make, and there have been many, was in response to a question by a journalist three weeks ago when she asked him something to the effect of whether he thinks it is appropriate for a trans boy to run in a girls race at school, or something to that effect. The Premier said, ‘Before I answer that question, let me ask you one. What problem are you trying to fix? What’s the problem here?’. She responded, ‘Oh, we’re just trying to clarify’, and he said, ‘No, no, you’re not trying to clarify anything. This is divisive’.

With bills like this our entire ethos is not to divide; it is to collaborate, to be collegiate, to allow every Victorian to live the best life they can live. Removing obstacles like this and making state structures, agencies, committees and boards more reflective of our community is all part of the same value set, which is: we want governments to be supportive and help people live their best life, not to detract and not to cause community division. So for all these reasons the justice portfolio is important, this bill is important and I commend the Attorney-General on shepherding it through.

Ms RICHARDS (Cranbourne) (16:34): I am very pleased to have the opportunity to add my voice and make a contribution on the Justice Legislation Amendment Bill 2022. Like many of us, I will be reflecting a little bit on the contributions I have heard. There are so many people for whom this bill has been part of the journey of their career in some ways—making sure that we do have such important legislation to consider and to contribute to and actually making sure that people do have a voice in the formation of legislation and policies like the really profoundly life-changing legislation we have today. So I am delighted to have the opportunity to add that, to have some chance to thank those people, and I will do that in a little bit more detail.

Like many of the thoughtful contributions from this side of the chamber and across the chamber as well, I want to focus on the amendments made in response to the inquiry undertaken by the Legislative Assembly Legal and Social Issues Committee into historical forced adoptions in Victoria. This bill does demonstrate that the Andrews Labor government is getting on with implementing the recommendations of the forced adoptions inquiry. I also do want to just take one moment, I suppose, to acknowledge the work undertaken by Dr Helen Szoke AO on the review of sexual harassment in Victorian courts. I know that that is also a really important part of the omnibus elements of this bill and again part of the important reform of recognising change that needs to be made and taking action.

This is, as has been recognised, an omnibus bill, and whilst there are some amendments that may seem subtle, they do make differences in people's lives. I think the member for Oakleigh summed that up well when he talked about different people being touched in so many ways. I have been listening to the contributions today, and to channel the member for Essendon, this bill probably does show the best of us—the best of the Parliament—in the way that the Parliament and committees actually can work together to really respectfully consider the changes that need to be made. I am going to start by acknowledging the Attorney-General for her work and the Attorney-General's office for their work in bringing this here, as well as the many people who have been involved in the department as well. Also, like others have, I acknowledge the previous Attorney-General and current member for Altona not just for starting this and not just for her contribution today but for always being a person who does not just observe a problem but does use the levers of government with often great effectiveness and urgency to start processes that are important to people, recognising that many of the people who are affected by this are older and we need to make changes quickly. I would like to thank the Minister for Women, who is at the table, for the work that the minister has done in bringing forward so many of elements of this bill and also for the focus on women.

I do want to take a moment though. The member for Geelong has been fighting for and promoting the issues that we have become much more aware of, forced adoptions and other social issues, that have caused so much stress and duress in the lives of people. And the member for Carrum and the member for Macedon I know have been tireless in their advocacy. I do want to very much say how grateful I am to the Legislative Assembly Legal and Social Issues Committee and for the work of the member for St Albans as well. I think maybe even the member for Caulfield as well is on that committee. On that day when the committee tabled the report you could see how profoundly moving it was to be able to receive this incredibly precious information and go forwards with recommendations to government.

Back to the more technical elements of this bill, it does update the secrecy provisions in the Equal Opportunity Act 2010 to clarify that disclosures may be made in additional circumstances, such as serious safety threats, mandatory reporting or cooperating with freedom of information reviews. It clarifies the protection from religious discrimination of LGBTIQ+ students and school staff; I thought the member for Bass did articulate really beautifully how important those elements are. It updates the Charter of Human Rights and Responsibilities Act 2006 with some gender-inclusive terms, and this has been one of the great reforms of this government, really recognising and acting on those recommendations that we do know make a difference to people's lives. The introduction of integrated birth certificates for adopted people as well as other miscellaneous amendments to the Adoption Act 1984 and the Births, Deaths and Marriages Registration Act 1996 has been very much at the forefront of our thoughts as we have considered debate after this bill was introduced, and I do want to take a moment to reflect on that. It amends the Judicial College of Victoria Act 2001 to increase the diversity of the college board and improve governance arrangements. The member for Oakleigh acquitted those discussions and the arguments for why that was important and really did reflect on the change that happens over time.

The bill clarifies the Magistrates Court's jurisdiction to determine referred VCAT matters involving federal jurisdiction and streamlines the approval processes for making Magistrate's Court rules. It updates the Crimes at Sea Act 1999 and amends the Gender Equality Act 2020 to allow the public

sector gender equality commissioner and other permitted persons assisting the commissioner to disclose information gained through the dispute resolution function in appropriate circumstances.

As has been acknowledged—I certainly heard the member for Clarinda talk about this—in September 2021 the Legal and Social Issues Committee tabled its report. Again, I look across to the member for Caulfield—I am conscious of that inquiry into historical forced adoptions in Victoria. It was a really important and profoundly state-changing inquiry. The report made 56 recommendations, and the Andrews Labor government has expressed its support for many of these recommendations. The bill responds to several previous reviews and calls for reform such as the recommendation to introduce these integrated birth certificates.

I am aware that there are many people who have made important contributions and of that trust that they have given to the institutions of Parliament in providing their experiences and those recommendations. It must have been incredibly difficult but it is so important if we are going to have a piece of legislation that we know is the beginning of the process for the acknowledgement of the pain caused by these forced adoptions. But I do want to acknowledge the work of VANISH, the Victorian Adoption Network for Information and Self-Help. VANISH have made the time to speak to me, and I hope that I gave them justice in really beginning to understand and do some more reading and really trying to comprehend the contributions that VANISH make.

Beyond the primary role of supporting people to search for adoption information and families, I do want to place on the record that VANISH does provide other support, and that does include mental health and emotional support services and counselling. It also very importantly provides referrals, the importance of those referrals being to clinicians or those with expertise in properly supporting people who are sometimes living with trauma or in other ways having to respond to historical forced adoptions. So I am going to, with great emphasis and gratitude, thank the staff at VANISH as well as those extraordinary committee members who again trusted me with that insight into their experiences but also their highly professional view of what it means for them to have this government, our government, consider those recommendations.

This is a piece of work that will continue. It started with this inquiry, but there have been many inquiries. The inquiry report was tabled. We are taking action and this is one of the steps forward. I do commend this legislation but particularly acknowledge that this legislation is a watershed moment and does provide for the best of us.

Mr SOUTHWICK (Caulfield) (16:44): I rise to make some comments on the Justice Legislation Amendment Bill 2022. I also want to acknowledge the contributions from all sides of the Parliament today—this is particularly around the forced adoption piece within this bill. This is very, very important to many of those that have been traumatised in their lives by what happened in the past and have had to relive those moments and have had to live with those moments every day of their lives. As we have heard, I was on the Legal and Social Issues Committee with a number of members from the Parliament, including the committee chair, the member for St Albans; the member for Clarinda; the member for Geelong; the member for Buninyong; and also the member for Brighton for a period of time and the member for Gembrook for a period of time.

This particular inquiry was looking at the response to historical institutional forced adoptions. It was just traumatic to hear many of those witnesses recount what they went through in their lives. Mums, dads, grandparents, children, relatives, friends—it was horrific, and we hear many times in Parliament people recounting experiences. When you do committee work, quite often it is the committee work where you are working in a bipartisan way to come up with recommendations that ultimately change things for the better and in the long term, and you are working—your politics you are leaving at the door—and looking at what you can do to actually ensure you invoke that change.

We saw lots of work that has been done on this, including apologies that have been given in the past. Former Premier Ted Baillieu made an apology I think back in 2012; Prime Minister Gillard also made

that apology. So there have been prime ministers and premiers that have acknowledged the wrongs of the past, and that has been really, really important. I acknowledge both of their work in terms of what they did. What this inquiry also did was it kind of shined a light for many of the victims that said, 'Yes, the apology's important, but what is going to be the rubber that hits the road to actually invoke the change?'. There were 56 recommendations that the report came up with, some of which are in this legislation here in terms of acknowledging parents, adoptive parents and all those that are connected to that family member on the birth certificate, which is an important change. Things might appear little, but they are actually quite significant. Even when you go searching for information from agencies, particularly through government, there have been in the past fees that you would pay to get historical records. We acknowledge certainly that that is just something that needs to be dealt with. Somebody that is trying to track back information about their lives and what had happened during that time should not be then having, for access, to pay those additional charges. So we wanted to ensure that that was something that was changed, and that is covered certainly in this bill.

The situation in terms of what those witnesses presented to us, and something that really stuck with me during some of those accounts, was the fact that many that went through this process were completely unaware. Many that went through the process once the child was taken away were unaware of their legal obligations, and some were even drugged as a management tool back in the day. We heard many that were from a whole range of different groups give accounts—that went through that process, particularly from religious backgrounds—give that apology in terms of what had happened in the past and acknowledge that what happened in the past was absolutely unacceptable at all levels, and what many of those agencies that work with families and work with children are doing today.

One of the things that is important is that there is a lot of information that still sits today and how that information is protected and how that information is accessed for those children and those families. That was part of ensuring that those records are kept and managed and they are made available. That was certainly something that I think is really, really important in terms of managing that information and making that information accessible to many of those family members.

As I say, there are many things that happened in the past that we must learn from, we must make good and we must certainly apologise for, and we must ensure that these things do not happen again. Of those families that are being traumatised, some of them will never recover. Some of them are living their life every day in these traumas. Some of them were talking to us about reunification and meeting up and how they had a good day but then they had a bad day and then they did not speak again; about how they deal with their siblings; how they deal with other family members; what happened in their journeys; what it has done to their lives; other issues in terms of drug and alcohol and family violence; and all the things that have followed on from what happened in the past. So it has been a horrible journey for many of those families. I know, as other members of this chamber have said, when we delivered the report just how many emails and calls and conversations we had with so many people, that this is their life, this is their story, this was their opportunity to tell their story.

One of the things when we first started this inquiry was the fact that we thought that a lot of people would not come forward and tell their story because they had told their story on other occasions in other inquiries at a federal level and a state level. We thought maybe people would not want to recount it again and have to go through the difficulty of telling their story again. But in fact one of the things that we found was that in many of those cases it was important for them to tell their story and to share their story and to have that publicly recounted. I want to put on record my thanks to many of those victims—actually not victims, many of those survivors, because they have survived. They should be supported, and they should be acknowledged, and we do need to apologise to them for what happened in their lives leading up to all of this.

This legislation that we are talking about—particularly around that—is very important, and I am glad that we are seeing some of the recommendations now taken on from the inquiry. I look forward to other recommendations being implemented to ensure that we right the wrongs of the past and we

acknowledge the horrific, traumatic experiences that many of those children, mums, parents, dads, family members, Victorians have gone through—their horrific ordeal.

In the 1 minute or so that I have left, there is another separate part that I just want to acknowledge: the area around religious discrimination within schools. Again, this is really, really important. No-one should be discriminated against on whatever basis—their race, religion or sexual preference. No-one should be discriminated against. I think that is really, really important, and we need to do whatever we can to support those that are being targeted. I do acknowledge that certainly within my community we had a targeted attack on AUJS students—the Australasian Union of Jewish Students—at Melbourne University. This student group was demonised on campus, victimised on campus, targeted by the student union on campus. Since then, the vice-chancellor has apologised publicly and come out in support of the AUJS. I acknowledge the great work that many of the AUJS students did in tackling this issue. It is an issue that we should be standing up for no matter what.

Freedom is really important. Freedom of speech, I acknowledge. Freedom of religion, I acknowledge. Freedom to live your life the way you want to live your life is really, really important, and no-one should be coming after you because of who you are and what you believe. And with that I will conclude my comments.

Mr FOWLES (Burwood) (16:54): It is my pleasure to see the week out in 6 minutes or so by way of a contribution on the Justice Legislation Amendment Bill 2022. There have been a bunch of terrific contributions over the course of this debate, but to my great disappointment, perhaps none of them focused on the update of the criminal jurisdictions in the Crimes at Sea Act 1999. Now, I was dared to use a bit of pirate talk for my submission in this very late part of the week, and arrgh it is tempting to be sure, but perhaps not on this occasion.

I did want to just bring the chamber back to a bit of the controversy that surrounded the settling of the permanent maritime boundary between Australia and Timor-Leste. I was one of 150 000 people who attended a Timor rally in 1999 on the corner of Bourke Street and Elizabeth Street, and it was an incredible event. The ‘Viva Timor-Leste’ chants were ricocheting off the buildings around us. It was then with great disappointment that we learned a few years later that the Howard government had negotiated a set of petroleum rights-sharing deals that were grossly unfair to the then fledgling nation of Timor-Leste. This bill updates the Crimes at Sea Act as a result of the 2018 treaty between Australia and the Democratic Republic of Timor-Leste, which established their maritime boundaries in the Timor Sea.

It is interesting to cast our minds back a bit to what was going on at the time that Timor-Leste finally won its independence from Indonesia. That actually resulted just recently in the release of some cabinet documents. The independent Senator Rex Patrick, and I commend him for this work, has done terrific work in trying to obtain a bunch of the material that relates to the issues that were litigated at the time between the then Howard government and the government of Timor-Leste—or really more properly the government-designate of Timor-Leste, because it was immediately prior to their independence formally taking place. It was extraordinary. The documents that have been released just recently, still heavily redacted, show that cabinet was concerned that Timor-Leste’s independence process—this was the Howard cabinet—may disrupt access to the oil and gas reserves in the Timor Sea because Australia’s prior agreement with Indonesia for a 50-50 revenue split would be void. They said that they should urgently seek an agreement with the UN transitional administration in East Timor to avoid discontinuity and to assure and guarantee access to those petroleum assets. There is a Timor-Leste expert professor at the University of New South Wales, and he is reported as saying that:

... Australian officials had misrepresented the attitudes of Timor-Leste’s leaders, who had made it clear repeatedly that their principal interest was in a maritime boundary, not agreeing on revenue shares of oil and gas.

Their ‘principal interest was in a maritime boundary, not agreeing on revenue shares of oil and gas’, and here we find ourselves some 22 years later finally giving effect to an agreement—that admittedly is four

years old—that settles that maritime boundary. That is an extraordinary effluxion of time to settle a maritime boundary between Australia and its, I guess, second-nearest neighbour. That is an extraordinary amount of time. There can be just no doubt about that. Fernandes went on to say that it was:

... a striking departure from Australia's normal policy of settling permanent maritime borders. As such, it is a public policy failure of scandalous proportions, putting the interests of oil and gas corporations above the national interest.

'Putting the interests of oil and gas corporations above the national interest'—it sounds a bit familiar. It is almost like this is the Liberal go-to strategy, that in fact the interests of oil and gas corporations would be put above the national interest. So there it was way back in 2000, the Howard cabinet busily bullying Timor-Leste out of their assets in the Timor Sea, putting the interests of oil and gas corporations ahead of the national interest. Boy oh boy, didn't COP 22 in Scotland demonstrate that that was on once again. Once again, there was the coalition with Australia's official representation at that conference, at that critical climate change conference, sponsored by an oil and gas company. Santos sponsored the official Australian stall at that conference. It is absolutely a tenet of faith inside the coalition that the interests of oil and gas corporations will always and forever be put before the interests of their constituents and the national interest.

The SPEAKER: Order! The time set down for consideration of items on the government business program has now arrived, and I am required to interrupt business. The house is considering the Justice Legislation Amendment Bill 2022.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

AGRICULTURE LEGISLATION AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms ALLAN:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022

Second reading

Debate resumed on motion of Ms HUTCHINS:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Business interrupted under sessional orders.

Adjournment

The SPEAKER: The question is:

That the house now adjourns.

LAKE BOGA SILO ART

Mr WALSH (Murray Plains) (17:01): (6356) My adjournment matter tonight is for the minister for transport, and it concerns the Lake Boga silo art project. Previously I raised this on the adjournment. That particular issue was resolved by the Department of Transport, and I thank them very much for it, but the next issue has now arisen. There was an issue, when I raised it previously, about approval from VicTrack and V/Line to allow the work to go ahead on the east side of the silo, because the train line runs along that side and there is a passenger train twice a day, and there were safety issues with the person actually doing the silo art. Those issues have been resolved. Since they have been resolved, the discussion has been about how there needs to be a viewing area on the eastern side between the railway line and the Murray Valley Highway, which are lots 32 and 33. GrainCorp want to have a proper viewing place for that silo art before they will give their final tick-off, because they do not want cars parked on the side of the highway while they are doing that, which all makes sense.

The silo art people in Lake Boga have been to VicTrack. VicTrack have received preliminary panel approval for those two lots to be leased to Lake Boga Inc. on behalf of the Lake Boga silo art project. That preliminary panel approval now sits with the Department of Transport—and it has disappeared into a black hole in the Department of Transport, and they just cannot get an answer back out of the Department of Transport around a lease for that land. As I said, they need the lease for that land to go back to GrainCorp to get the final approval for the project to go ahead on the Lake Boga silo.

The issues around safety and the painting and the train running were all resolved the last time I raised this. Can the minister please now go back to the department and get that issue of the lease of lots 32 and 33 sorted out so that final approvals from everyone can be done and that project can actually get implemented? They got funding from the Foundation for Rural and Regional Renewal for about \$70 000 for that project. They are really keen to get it done because, as we know, the silo art trail is a great tourism attraction right across northern Victoria, and this would enable Lake Boga to be a part of that. On behalf of the Lake Boga silo art group, who desperately want to get this going, can the minister please, as I said, go to the department and get this moving through the department so it can all be approved and that project can happen?

GLEN WAVERLEY RAILWAY STATION

Mr FREGON (Mount Waverley) (17:04): (6357) My adjournment matter this evening is for the Minister for Public Transport, and the action I seek is for the minister to update the house on the expected start time and scope of works to be performed at Glen Waverley station. I recall about four years ago campaigning at Glen Waverley station for the 2018 election. A gentleman came up to me, a future constituent, and raised with me his concerns about the congestion at the station in the afternoon peak. He was spot on. There has been an issue with congestion and people's alighting time at the station. I did commit to him then that should I be successful—and here we are—I would advocate for improvements to the station to address that issue. So you can understand why I was delighted with last

week's Victorian budget announcements. There were very, very many reasons, but amongst them was \$1.1 million in funding to upgrade the station to address these very issues. I thank the minister for listening to our residents and for his work in improving our train stations across the state, and thanks also to the Treasurer for allocating these much-needed funds to improve the amenity of our Glen Waverley station. My constituents and I look forward to the minister's response.

KATANDRA SCHOOL

Mr SOUTHWICK (Caulfield) (17:05): (6358) My adjournment is to the Minister for Education, and the action that I seek is for the minister to immediately brief parents of the Katandra special school in Ormond about the closure of that school, which was announced in the budget, to ensure that those parents—I understand that there are 37 families that are affected by this closure—are not disadvantaged in terms of the option of the Berendale expansion that is happening in the member for Bentleigh's electorate. The parents at Katandra School were not notified about this closure. The first that they heard of this closure was actually on the member for Bentleigh's Facebook page, on which he announced funding for the Berendale School and the fact that there was extensive community consultation about this announcement. As you can imagine—this is a school that deals with children with special needs—those parents already have enough to deal with, and to find out that their school will be closing from a Facebook page is simply unacceptable. I have certainly had conversations and met with Monique Sheehy, who has sent me correspondence that I have now forwarded to the minister, and I have had subsequent conversations with other parents as well that are equally very disappointed in the way this has been managed.

Now, I understand during budget times members of Parliament can get quite excited about what is happening in their own electorate, and this is certainly not an attack on the member for Bentleigh, but I would have expected that the government would have at least informed me about what was happening in my electorate, about a school closure, and if not me, at least have talked to those parents that have been directly affected. I have had extensive involvement in that school, and I also note that a few years back Rotary Glen Eira did an upgrade and a working bee for some of the playgrounds. It is a great school. It has got a really good community environment. It really does direct the emphasis and attention on those kids and make the kids the centre of attention and focus and the parents part of that community. We do not want to see that lost. For those parents we need to ensure that, whatever happens to those kids, they get the best going forward, and we are asking that the minister meet with those parents and give the guarantee that those parents and those kids will not be disadvantaged going forward.

CRANBOURNE SECONDARY COLLEGE

Ms RICHARDS (Cranbourne) (17:08): (6359) My adjournment is to the Premier, and the action I seek is that the Premier join me at the Cranbourne Secondary College to visit the world-class gymnasium and refurbished performing arts centre. Cranbourne Secondary College is a terrific local school and one that I am very proud of on so many levels. Under the leadership of David Caughey and the terrific assistant principal, George Massouris, who has just reached a really important milestone, the students represent the best of our community—aspirational, altruistic, with an emphasis on a dynamic learning environment—and there is definitely a recognition of the importance of community and relationships. The school, the parents and carers, the whole Cranbourne community and certainly I as their state local member have high expectations of the students at Cranbourne Secondary College.

The Premier has visited Cranbourne Secondary College twice in recent years, and I remember very clearly the excitement from the school community when the Andrews Labor government committed to this massive upgrade to this school. When we announced our plans to provide this refurbishment I said that this school is at the heart of our community and this investment will make sure that it continues to serve families in years to come. Well, we committed to that refurbishment, and we have delivered it. We said we would do it, and we have done it. I look forward to the Premier visiting Cranbourne Secondary College and seeing the impact this extraordinary investment has had on this terrific school.

BEACONSFIELD RECREATION RESERVE

Mr BATTIN (Gembrook) (17:09): (6360) My adjournment tonight is to the Minister for Energy, Environment and Climate Change, and I ask that she comes out and meets with Beaconsfield Superules, Beaconsfield Auskick and Beaconsfield Junior Football Club. Now, whilst it sounds like sport, when we are speaking to the minister for the environment it is to do with the ground and the facilities at that ground. The Department of Environment, Land, Water and Planning came through recently and did an inspection of the lights—it was about four weeks ago—and found two of the main lights for that ground to be classified as unsafe. They passed that back to the council through an audit, and at first they closed down the entire facility, but now they have removed just those two lights. By removing the lights you can no longer have training for the Superules. It is difficult for Auskick and it is difficult for the juniors after hours, because the lights now are on only half of the ground. We have been working with Darren Hansen, who is the president of the Superules, and he has been communicating with the grounds committee as well as all the other teams down there. We need to have an answer on when we can get access back to that ground.

The Superules have run a fantastic program for the last few years to encourage and build up the number of teams they have got, ranging from over 35s up to the 50s and 60s for some of our players out there. They are an amazing group who have continued to make sure that they can keep fit and stay active. Obviously social isolation is a big issue. Mental health with men around that age is a huge concern, and by taking away the lights we are taking away the access to training that they have got during the evenings—and most of them work during the day. Auskick have come to us, because they closed the entire facility for a short period of time. They should have access again this Saturday, after working with the council so that they could get back out on the ground, but they are very keen to see a change to make sure there are new lights and better access to the ground. Also for the junior football club access in the evening, again, is important, with parents coming down after hours to train with the kids there.

If the minister can come out, we need to ask for a time frame, the cost and when we are going to see this completed so we can see people back and active in sport out in the Beaconsfield area. They are three amazing clubs. They are attached to other clubs locally as well. They cannot just change and move facilities, because we have already got our grounds full in the area with the growth corridor. Gembrook has already had enough issues with the building of their facility, so they are already using Heatherbrae down in Officer. We have not got the access for clubs to go and move to different spots to train. I would like the minister to come out as soon as possible so we can see this fixed, no matter how long it takes or where we can get that funding from, to ensure that our players can be on the ground as soon as possible. To Darren Hansen and his team: thank you for raising this with us. We are sure, we are confident, that the minister will come out and see you soon to ensure this very important issue is fixed in the Gembrook electorate.

WOMEN'S REPRODUCTIVE RIGHTS

Ms HALL (Footscray) (17:12): (6361) Before I commence I would just like to acknowledge the Sunbury Youth Advisory Council up in the gallery, here for the most exciting part of the day, the adjournment debate. My adjournment is directed to the Minister for Women. The action I seek is for her to consider the implications of the public debate on *Roe v. Wade* on Victorian women. In the past week we have witnessed scenes in the United States that have sent shockwaves around the world, with the very real scenario that girls in the United States may inherit fewer fundamental reproductive rights than those of their grandmothers. The stacking of the Supreme Court with conservative judges means that an ideological war over reproductive health rights and the access to safe, affordable abortion may be at risk with the overturning of *Roe v. Wade*. The late Ruth Bader Ginsburg, former judge of the United States Supreme Court, once commented:

The decision whether or not to bear a child is central to a woman's life, to her well-being and dignity. It is a decision she must make for herself. When Government controls that decision for her, she is being treated as less than a fully adult human responsible for her own choices.

According to the World Health Organization the proportion of unsafe abortions is significantly higher in countries with highly restrictive abortion laws than in countries with less restrictive laws, and the United States demonstrates a good example of that, as the rate of abortion-related deaths decreased by 85 per cent in the five years following *Roe v. Wade*. It might feel like we are a long way from the United States, but in my electorate of Footscray there is a Liberal Party MP who does not support the rights of women in the western suburbs to access their human right of reproductive choice. He does not support the right of women who are rape victims to reproductive choice. He once invited a prominent Neo-Nazi to his March for the Babies rally. He is an extremist, and for years the Liberal Party has turned a blind eye. He is bad for the western suburbs, he is bad for this Parliament, he is bad for women, he is bad for Victoria, and the Liberals must act to remove his toxic influence from the public debate in our state—a state that is all about equality and fairness, not extremist, misogynistic agendas.

Our local women's health service GenWest note in their reproductive health strategy *Action for Equity* that women in the west must have:

The right to control decision making, to support active and informed decisions about their sexual and reproductive health free from violence (including reproductive coercion), stigma and discrimination.

They must be free from violence, free from stigma, free from discrimination and free from the outrageous hectoring of Mr Finn.

COVID-19 VACCINATION

Mr ANGUS (Forest Hill) (17:15): (6362) I raise a matter of importance for the attention of the Minister for Health. The action I seek is for the minister to remove the worker vaccination mandates for Victorian workers. I raise this matter as I was contacted recently by a local health practitioner who subsequently met with me last week. This person informed me that they had been in practice for many decades and had provided an important medical service to the community over that time. After recommencing practice this year after being closed for over three months, they were visited on two occasions recently by officers from the Victorian Department of Health, who requested to view the person's vaccination certificate. When this was not provided the officers instructed the health practitioner to cease work and stop seeing patients. The practitioner has sought legal advice but in the meantime has been forced to shut down their practice and cease assisting patients and servicing the community as well as earning an income to support their family. In the midst of the current health crisis in Victoria this is a terrible situation. The practitioner advised me that they had a sign on the front door stating that they would not discriminate against any patient on the basis of their vaccination status. This sign also stated that given this non-discrimination, a patient may come into contact with an unvaccinated person within the practice. They noted that patients appreciated this notice and that overwhelmingly patients chose to continue with the care offered.

I have also been regularly contacted by countless other Victorians who have lost their jobs or been unable to work due to the vaccine mandate. These include teachers, nurses and other medical professionals, occupations that are currently in desperate demand in the community. Many of these people are now despairing and at risk of losing their homes, having been unable to work for more than six months. Given the very high vaccination levels in Victoria, together with the fact that it is now well documented that the vaccination clearly does not prevent people getting or transmitting COVID-19, surely it is time for the government to remove the worker vaccination mandate. This is particularly so given that an unvaccinated person can—quite rightly—now freely move about in the community and attend, for example, a cafe or pub; however, that same person is still prohibited from actually working in that cafe or pub. This makes absolutely no sense from a medical or a practical viewpoint.

Minister, the ongoing worker vaccination mandates need to be removed, as they have been in countless other jurisdictions both in Australia and around the world. Doing this would enable the Victorian community to finally be united again and move forward together to start rebuilding our state.

WENDOUREE ELECTORATE FISHING AND BOATING

Ms ADDISON (Wendouree) (17:18): (6363) I direct my adjournment matter to the Minister for Fishing and Boating. The action I seek from the minister is to provide me with an update on the Victorian government's investment in fishing and boating and how this is benefiting recreational fishing in Victoria. I was honoured to welcome the minister to my electorate of Wendouree to visit the Ballarat Fly Fishers Club and the Ballarat Fish Hatchery recently. It was fantastic to tour the Ballarat Fish Hatchery, located adjacent to Lake Wendouree, with the minister and hear from the volunteers about the work they do. Significantly, Ballarat's fish hatchery is the oldest fish hatchery in mainland Australia, established in 1870. I welcomed the opportunity to assist the minister with stocking Lake Wendouree with brown and rainbow trout and to mark the 10 millionth fish being stocked in Victorian waterways over the past year. Thank you to the Ballarat fly-fishing club for hosting the event.

I am always pleased to learn new things, and I appreciate Chris Doody from the Ballarat District Anglers Association for teaching me about the differences between male and female trout and Denis Faulkner for the quick lesson in fly-fishing. It was after speaking with Chris that I was made aware of the outstanding achievements of Marian Miller. Marian was selected to compete for Australia's women's fly-fishing team at the 2020 Commonwealth Fly Fishing Championships in New Zealand. It was a successful competition for Marian and the squad, with the Australians placing first in the team competition. Marian continued to be recognised as one of Australia's premier fly-fishers, gaining selection into the Australian commonwealth and world teams in 2021. Unfortunately due to the global pandemic these competitions were cancelled. Marian's latest achievement is being selected to represent the Australian women's team at the inaugural FIPS-Mouche World Ladies Fly Fishing Championship in Norway this July. She is the only Victorian in the squad, and I wish Marian every success. Not only is Marian a champion in her own right but she is also a champion for the participation of women in the sport of fishing. She is part of the leadership group for the Women in Recreational Fishing Network established in Victoria to encourage women to participate in all types of fishing. Marian has also been involved in the Casting for Recovery program, which introduces women who have had or currently have breast cancer to the healing power of fly-fishing.

I look forward to receiving an update from the minister on how the Victorian government can continue to support great people like Marian and recreational fishing in Victoria.

ELECTRICITY SUPPLY

Mr D O'BRIEN (Gippsland South) (17:20): (6364) My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to undertake a genuine community engagement process for the electricity distribution network resilience review, which was announced in August last year or was begun in August last year—it actually has not been announced terribly well. This is largely in relation to the huge events we had in June and October of last year when massive storms came through Victoria and wiped out power in some cases in my electorate for more than two weeks for certain communities. I was calling for some time for a review of the electricity transmission distribution system given those particular failings.

Those storms were extreme and they did cause unprecedented outages and damage to the network, but there are many people throughout my electorate, particularly in the Strzelecki Ranges in the South Gippsland hills, that experienced outages that were more than what we should have to accept. Generally people were okay. The power was going to be off for one, two, three days, and that was fine; people understood that. But when it became four, five, six days and, as I said, over two weeks in some cases, that was not good enough. As I said, this review was instigated in August of last year but basically not announced and certainly not publicised. For a long time the website energy.vic.gov.au has had frequently asked questions, one of which is:

How can people have their say on the review?

And there is a line there that says:

More information will soon be available at www.energy.vic.gov.au.

They are consulting with various communities and consumer representatives, but there has been no process provided for members of the public to have their say. I continue to get contacted. As recently as two weeks ago I met with some constituents at Mount Best who had power out for a couple of weeks and have had ongoing issues since. They were saying, 'How can we get the message to AusNet and to the government that this is a serious issue that needs addressing?'.

While I welcomed the review at the time—I think the review is important, particularly if it actually leads to some better resilience in our system—the government does need to let the community have their say. So far it seems to be a very closed review. There has been no announcement from the minister, and there has been very little publicity. At the very least the government should provide the opportunity through a website or through an email address for people to have their say, share their experiences and share where things went wrong; learn from the experiences of those two severe events; and make sure that the people of Gippsland and indeed the people of Victoria have some more resilience in their electricity distribution network going forward.

SOUTH AFRICA AND CHINA MEMORIAL

Mr HAMER (Box Hill) (17:23): (6365) My adjournment is for the Minister for Transport Infrastructure, who I am very pleased to see at the table this evening. The action that I seek is the permanent relocation of the South Africa and China memorial from its current site in Whitehorse Road to the Box Hill Gardens as part of the Suburban Rail Loop project.

The South Africa and China memorial commemorates the service of the men from the Box Hill district who fought in the Boer War in South Africa and as part of an international force in China during what was known as the Boxer Rebellion. The memorial is the sole remaining war memorial in the Whitehorse Road median strip. In 2008 all other war memorials were relocated from the median strip to the west side of the Box Hill Gardens in close proximity to the Box Hill RSL, where they have become a key focus for well-attended local Anzac Day and Remembrance Day services. Unfortunately this has meant that the South Africa and China memorial is not incorporated into these services.

The Suburban Rail Loop east environment effects statement that was released in late 2021 noted that damage to existing monuments and structures located in the Whitehorse Road median strip would be avoided or minimised with their temporary relocation during construction works and appropriate reinstatement following completion of project works. The construction of this once-in-a-lifetime infrastructure project presents a unique opportunity to relocate this important memorial to sit alongside other war memorials in Box Hill Gardens and be included in annual commemorative services. Relocating the South Africa and China memorial to the Box Hill Gardens will greatly heighten awareness of these two conflicts and contribute to the enhancement of the memorial park that is being developed in the gardens. It will also allow the descendants of those who fought in those conflicts to pay their respects in a peaceful and reflective environment. The relocation of this memorial as part of this project would mean a great deal to the veteran community of Box Hill as well as the Box Hill sub-branch of the RSL. I look forward to the minister's response.

RESPONSES

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (17:25): The member for Murray Plains raised a matter regarding the requirement for the Department of Transport to provide transport clearance for lots 32 and 33 adjacent to the Lake Boga silos. I appreciate his acknowledgement that he raised an issue previously and we fixed it. I can say to the member for Murray Plains that we will certainly be fixing this one for the member for Murray Plains as well, going through all the appropriate processes, because I can appreciate how for local communities the processes that have to be gone through for this sort of thing can be a little bit frustrating and made more frustrating if they are not getting any feedback. So I have already through my office made contact with the department and will press upon them the need to

resolve this matter as quickly as we can, because it is all about bringing more people to come and see and visit the area and look at the great silo art that is there in Lake Boga and is no doubt part of the broader silo art trail that is bringing so many visitors into our rural communities and that provides a great boost for those communities. I can assure the member for Murray Plains that, whilst I am advised that this matter is under active consideration, I will impress upon my department the need to ensure that active consideration is accelerated and expedited as quickly as possible.

The member for Box Hill raised a matter regarding the Suburban Rail Loop and the need to relocate the South Africa and China memorial from its current site in Whitehorse Road. It has been a big week for the Suburban Rail Loop. Well, every week is a big week for the Suburban Rail Loop, but this week particularly so, and it was great to see the announcement this week that an incoming federal Labor government would support this project with an initial payment of \$2.2 billion towards the project. That is exactly the sort of partnership we need and exactly the sort of approach we need from a federal government. We have battled for a long time on our own—on Metro Tunnel, on level crossings; on so much we have had to do the heavy lifting on our own—and we want to see a great partnership going forward with a federal government. We would have taken funding from either side of Parliament, but at this stage we have only got a commitment from the Labor side. We will see how it goes in a week or so's time.

In the meantime so much work is going on on the Suburban Rail Loop. It is certainly one of the most planned public transport projects of all time. There has been a comprehensive and extensive consultation process. There is the environment effects statement process, where the public hearings have just come to a conclusion. I want to assure the member for Box Hill that across our project delivery team we have some experience in these matters. With the Metro Tunnel project, a number of years ago we worked closely with the relevant agencies because the Metro Tunnel site was impacting a Boer War memorial down near the Anzac station site. That memorial went into storage as construction continued and will be re-established. I think 120 years ago when these memorials were erected, or sometime around then, they probably did not consider that they were going to be impacted by underground rail tunnels. We will work very closely with the local RSL on what the options are for the permanent re-establishment of this war memorial, recognising it is an important tribute to members in the local community who served in those conflicts and is important for the local community. I really want to thank the member for Box Hill for his really important advocacy and also suggesting—not only raising an issue and a problem but raising a potential solution in that—there are options to relocate the memorial into the Box Hill Gardens. So thank you to the member for Box Hill for his hard work and advocacy for his local community. I will ensure that the Suburban Rail Loop Authority undertakes those very careful consultations with the relevant agencies concerned with this memorial.

The remaining eight speakers raised matters for various ministers, and they will be referred to those ministers for their action and response.

The SPEAKER: The house now stands adjourned.

House adjourned 5.30 pm until Tuesday, 24 May.