Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Friday 14 November 2025

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

Juliana Addison, Jordan Crugnale, Daniela De Martino, Paul Edbrooke, Wayne Farnham, Paul Hamer, Lauren Kathage, Nathan Lambert, Alison Marchant, Paul Mercurio, John Mullahy, Kim O'Keeffe, Meng Heang Tak, Jackson Taylor and Iwan Walters

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan (from 27 September 2023)

Daniel Andrews (to 27 September 2023)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll (from 28 September 2023)

Jacinta Allan (to 27 September 2023)

Leader of the Parliamentary Liberal Party and Leader of the Opposition

Brad Battin (from 27 December 2024)

John Pesutto (to 27 December 2024)

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

Sam Groth (from 27 December 2024)

David Southwick (to 27 December 2024)

Leader of the Nationals

Danny O'Brien (from 26 November 2024)

Peter Walsh (to 26 November 2024)

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

Bridget Vallence (from 7 January 2025)

James Newbury (to 7 January 2025)

Members of the Legislative Assembly

60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lister, John[7]	Werribee	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel[1]	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren[2]	South Barwon	Ind	O'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim[8]	Werribee	ALP
Cleeland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan[9]	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden[3]	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will[4]	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam[5, 6]	Prahran	Ind	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole[10]	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Westaway, Rachel[11]	Prahran	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
Lambert, Nathan	Preston	ALP	Wilson, Jess	Kew	Lib

[1] Resigned 27 September 2023
[2] ALP until 29 April 2024
[3] Sworn in 6 February 2024
[4] ALP until 5 August 2023
[5] Greens until 1 November 2024
[6] Resigned 23 November 2024
[7] Sworn in 4 March 2025
[8] Resigned 6 January 2025
[9] Resigned 7 July 2023
[10] Sworn in 3 October 2023
[11] Sworn in 4 March 2025

Party abbreviations

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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Friday 14 November 2025

The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

James Newbury: Speaker, on a point of order, I would appreciate an immediate investigation into an incident with *Hansard* overnight. If I can read the section from question time yesterday, the Premier said, 'And these tougher bail laws are seeing more people in bail.' We all heard it.

Members interjecting.

The SPEAKER: Order! Members are entitled to raise points of order without interjections. I ask the member for Brighton to make his point of order succinctly.

James Newbury: I am deeply concerned that *Hansard* has been doctored overnight. I put to you what *Hansard* says:

> … and these tougher bail laws are seeing more people in jail …

The Premier never said that, Speaker. *Hansard* has been doctored. We all saw it, and we now see it in *Hansard*.

Ben Carroll: On the point of order, Speaker, they really are having a bad week. I am happy to see the member for Sandringham –

Members interjecting.

Ben Carroll: I sit next to the Premier. The Premier did not say it, and the member for Sandringham made a point of order because he could not hear what the Premier said and said it was so inaudible because of the opposition's carry-on. So if that is the best they have got, call the member for Sandringham.

Members interjecting.

The SPEAKER: Order! This is the last contribution I will take on this point of order.

Brad Rowswell: On the point of order, Speaker, if you recall, I did raise a point of order at that time. I reject being verballed by the Deputy Premier.

Ben Carroll interjected.

Brad Rowswell: Well, no, Deputy Premier – who, Speaker, is currently being disorderly. I said:

> On a point of order, Speaker, the audible noise in the chamber made it hard to hear what the Premier just said. I invite her to repeat it, please.

I just want to convey to you, Speaker, I had heard the Premier say 'bail', not 'jail'. I could not believe what the Premier had said. I could not believe those words would come from the Premier's mouth. I did not think she intended it, and the purpose of me raising a point of order at the time was simply, as I stated at the time, to invite the Premier to repeat what I thought was an unbelievable thing that had come from the lips of the Premier.

The SPEAKER: Members will know that *Hansard* has an editorial policy. *Hansard* is a proof. I will take the point of order on notice.

Bills

Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025

Introduction and first reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (09:37): I move:

> That I introduce a bill for an act to amend the Crimes Act 1958 and the Summary Offences Act 1966 to create new offences for certain conduct engaged in against certain workers and to provide that a burglary that involves a ram raid is an aggravated burglary, to make consequential amendments to the Youth Justice Act 2024 and for other purposes.

Motion agreed to.

James NEWBURY (Brighton) (09:38): I seek a brief explanation of the bill.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (09:38): I thank the member for Brighton. The Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025 will amend the Crimes Act 1958 and the Summary Offences Act 1966 to introduce reforms to better protect customer-facing retail, fast-food and public transport workers from assault and abuse.

Read first time.

Anthony CARBINES: Under standing order 61(3)(b), I advise the chamber that representatives of all parties and independent members have received a copy of the bill and a briefing in accordance with the standing order. I will therefore move the second reading immediately.

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (09:41): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I make this Statement of Compatibility with respect to the *Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025* (Bill).
>
> In my opinion, 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 introduces new offences to specifically address incidents where offenders assault, or threaten to assault, retail, fast food, hospitality and passenger transport workers (applicable customer-facing workers) in connection with the performance of their duties. The Bill also introduces new offences for directing intimidatory, offensive and threatening words and behaviour towards applicable customer-facing workers. In establishing these offences, the Bill delivers on the government's commitment to better protect these workers from assault and abuse.
>
> The Bill will amend the *Crimes Act 1958* (Crimes Act) to introduce a new indictable offence of assaulting and threatening to assault applicable customer-facing workers in connection with the performance of their duties (maximum 5 years imprisonment).
>
> The Bill will amend the *Summary Offences Act 1966* (Summary Offences Act) to introduce the following new summary offences:
>
> a. A summary offence of assaulting an applicable customer-facing worker in connection with the worker's duties (maximum 6 months imprisonment)
>
> b. A summary offence of using without lawful excuse, language that is profane, indecent, obscene, threatening, abusive or insulting or otherwise engaging in conduct that is threatening, indecent, offensive or insulting towards an applicable customer-facing worker in connection with the worker's duties (maximum 6 months imprisonment).

The Bill also amends section 77 of the Crimes Act (aggravated burglary) to include where a person commits a burglary and uses a vehicle to cause damage to the building for the purpose of gaining entry to that building.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill are:

a. right to freedom of expression (section 15)

b. right to freedom of thought, conscience, religion and belief (section 14)

c. right to culture (section 19)

d. right to peaceful assembly and freedom of association (section 16), and right to taking part in public life (section 18)

e. right to liberty and security of the person (section 21)

f. rights in criminal proceedings and right to be presumed innocent until proved guilty according to law (section 25), and

g. the protection against retrospective criminal laws (section 27).

Under section 7(2) of the Charter, rights can be subject to limitations to the extent reasonable in a free and democratic society based on human dignity, equality and freedom and doing so may be necessary to protect and preserve the enjoyment of Charter rights by other members of the community. These factors are discussed below.

a. Right to freedom of expression (section 15)

Section 15(2) of the Charter provides that the right to freedom of expression includes the freedom 'to seek, receive and impart information and ideas of all kinds' in a medium chosen by the person. The right does not merely protect favourable or popular expressions, but also protects criticism and protest as well as offensive, disturbing or shocking information or ideas (*Sunday Times v United Kingdom (No 2)* [1992] 14 EHRR 123) (*Handyside v United Kingdom (1976)* 1 EHRR 737, [49]).

Section 15(3) of the Charter provides for an internal limitation on the right, which allows freedom of expression to be limited where it is reasonably necessary to do so to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality. It recognises that the right to freedom of expression will often be in conflict with the rights of other people, and with the public good, and so may be subject to clear limits, including lawful restrictions reasonably necessary to protect public order and health. This limitation has been held to extend to 'laws that enable citizens to engage in their personal and business affairs free from unlawful physical interference to their person or property' (*Magee v Delaney* (2012) 39 VR 50). It is a recognition that the right to freedom of expression does not protect all forms of expressive conduct including conduct involving violence, or threats of violence (*Magee v Delaney* (2012) 39 VR 50).

The Bill limits the right by restricting a person's ability to impart certain information and ideas through words or conduct that they know, or that a reasonable person would know, is threatening or abusive to workers in connection with the performance of their duties. While the concept of threatening or abusive words and behaviour is well-understood, the new offences are intended to capture both serious conduct of such a magnitude that it meets the standard of an indictable offence, and less serious conduct which meets the standard of a summary offence.

The new offences provide additional protections to applicable customer-facing workers in the retail, hospitality and passenger transport sectors in Victoria who have been impacted by a spike in assaults, threatening conduct and verbal abuse. It is important in a diverse and pluralistic society that such workers can go about their business with the expectation of a safe working environment. Being subjected to assaults, threats, and intimidation can make workplaces feel unsafe and unpredictable, particularly for more vulnerable people. For example, a 2003 national survey of 4,600 members from the Shop, Distributive and Allied Employee' Association (SDA) found that a shocking 87 percent of workers had experienced abuse from customers in the preceding year, 76 percent had experienced regular verbal abuse over the preceding 12 months while 12.5 percent had suffered physical violence – a 50 per cent jump from a similar survey two years earlier. Such conduct has the potential to harm individual workers but also harms the community by undermining standards of acceptable behaviour and public order. Given how deeply upsetting and harmful to individual human dignity such behaviour can be and how damaging it can be to the functioning of a democratic and pluralistic society, it is appropriate that there be specific offences that prohibit such conduct.

The limitation of the right to freedom of expression that arises is consistent with the Bill's purpose to protect applicable customer-facing workers from the threatening or abusive words and behaviour, while also ensuring that conduct done reasonably and for legitimate purposes is adequately protected. The applicable customer-

facing worker offences clearly target assaults and extreme examples of threatening or abusive words and behaviour. A person will continue to be able to express themselves in such a way that does not cause harm, or that causes a person to feel unsafe. This balances the right of a person to hold and express an opinion and to engage with other members of the community with the rights of applicable customer-facing workers and in doing so protects public order and public morality and the stability of our free and democratic society. I consider these measures to be reasonable and justified in the circumstances.

To be less restrictive, the offences could be cast less broadly – for example, by specifying the exact kinds of threatening or abusive words and behaviour envisaged to be captured, or by stating what community standards of acceptable conduct are. However, this would mean the offences would not be sufficiently flexible to capture unforeseen types of conduct. Additionally, if the Bill articulated specific acts or community standards, the offences would not be adaptable to changing societal attitudes and values. This would mean that the offences could continue to capture conduct that the broader community has come to find tolerable or less offensive – effectively becoming more restrictive over time.

There is no less restrictive way to achieve the purpose of the offences, which is to protect applicable customer-facing workers from threatening or abusive words and behaviour. Any limitation of these rights is balanced with the charter rights contained in section 9 (right to life), section 10 (protection from torture and cruel, inhuman or degrading treatment), section 14 (freedom of thought, conscience, religion and belief), section 18 (taking part in public life), and section 21 (right to liberty and security of person), and is reasonable and justified under section 7(2) of the charter.

b. Right to freedom of thought, conscience, religion and belief (section 14), right to culture (section 19), right to peaceful assembly and freedom of association (section 16), and right to taking part in public life (section 18);

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. It provides that 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. Historically, the right to have or adopt a religion or belief has been held to be absolute and unqualified (*Eweida v The United Kingdom* (2013) 57 EHRR 8); however, limitations on the right to demonstrate religion or belief have been found to be reasonable and justified (*Victorian Electoral Commission* [2009] VCAT 2191).

Section 19 of the Charter provides for the right to culture and 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.

Section 16(1) of the Charter protects every person's right to peaceful assembly, that is 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 Bill could limit these rights where the relevant conduct amounts to a breach of the protections for applicable customer-facing workers contained in the Bill. For example, the Bill prohibits a person from exercising such a right through words or conduct directed towards an applicable customer facing worker in connection with the performance of their duties in a manner that can be objectively considered to be threatening or abusive. The purpose of the limitation is to ensure that applicable customer-facing workers are protected from the harm and distress that result from threatening or abusive words and behaviour in connection with the performance of their duties.

There is no less restrictive way to achieve the purpose of the offences, which is to protect applicable customer-facing workers from threatening or abusive words and behaviour. Any limitation of these rights is balanced with the other rights contained in the Charter. The narrow scope of the Bill, which is targeted at threatening or abusive words and behaviour directed at applicable customer-facing workers in connection with the performance of their duties, means that people who demonstrate these rights in a controversial and even offensive manner may still be able to do so subject to existing laws and as long as they do not do so in a threatening or abusive manner directed at applicable customer-facing workers in connection with the performance of their duties.

The Bill could not be modified to entirely and expressly exempt these rights. Threatening or abusive words and behaviour, without a lawful excuse, cannot be justified because they expose applicable customer-facing workers to harm and undermine the sanctity and dignity of retail workplaces, which need to be maintained for the safety of those workers. The limitations on these rights are reasonable and justified given the potentially

significant harm caused by threatening and abusive words and behaviours to applicable customer-facing workers and the broader impacts this can have on the Victorian community and economy.

c. Right to liberty and security of person (section 21)

Section 21 of the charter provides that every person has the right to liberty, and that a person must not be deprived of their liberty, except on grounds, and in accordance with procedures, established by law. Section 21 also provides that every person has the right to security.

The right to liberty needs to be balanced with the right to security, specifically, the community's right to safety and security, which includes protection from being subject to criminal offending. Although conviction for the new offences may result in the deprivation of liberty, it will only arise because of a sentence imposed after conviction for an offence by an independent court after a fair hearing.

These offences and corresponding penalties apply for conduct directed towards a clearly defined cohort of victims, that is, applicable customer-facing workers in connection with the performance of their duties, where the prosecution proves that the offender knew or was reckless as to whether the victim was an applicable customer-facing worker. Applicable customer-facing workers play a critical role in the Victorian economy and in our community. Every single person in our community relies on these workers every single day to perform their duties for the orderly functioning of our society. In return, applicable customer-facing workers should be able to perform their duties with dignity and respect, and free from harmful threats or abuse. In these circumstances, the establishment of offences that may result in the deprivation of an offender's liberty is a reasonable and proportionate measure to preserve the right to security of applicable customer-facing workers and maintain public order.

There is no less restrictive way to achieve the purpose of the offences, which is to protect applicable customer-facing workers from threatening or abusive behaviour. Any limitation of these rights is balanced with the other rights contained in the Charter including the right to proper treatment (section 21), right to be promptly brought before a court (section 21(5)), and right to be presumed innocent until proven guilty according to law (section 25(1)).

d. Right in criminal proceedings and right to be presumed innocent until proved guilty according to law (section 25)

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

The Bill imposes an evidential burden on the accused for the defence of "lawful excuse" for summary offences in which a person directs threatening or abusive words or behaviour towards applicable customer-facing workers. This may appear to limit the right to be presumed innocent until proven guilty according to law. It will be a matter for a court to assess whether the conduct in question had a lawful excuse. The purpose of the evidential burden is to support the proper operation and prosecution of the offences by ensuring that the applicable customer-facing workers are protected from threatening or abusive words or behaviour that is done without a lawful excuse.

Victorian courts have held that the right to be presumed innocent until proven guilty according to law is not limited by the imposition of an evidential burden on the accused (*R v DA & GFK* [2016] VSCA 325). The defence outlined in the *Summary Offences Act 1966* imposes an evidential burden rather than a legal burden. The offences in the Bill do not transfer the legal burden of proof. Once the accused has pointed to evidence of the defence – which will ordinarily be peculiarly within their knowledge – the burden shifts back to the prosecution to prove the essential elements of the offence.

The Bill could leave the onus to raise and disprove this defence with the prosecution, thereby removing the evidential burden from the accused person. However, this would make the offence largely unworkable, as the circumstances listed in the defences are likely to often be within the peculiar knowledge of an accused person, and it is therefore appropriate that the accused should be required to raise or point to evidence that a defence applies.

In these circumstances, and as courts have held, it is reasonable and proportionate to shift the burden of proof to the accused, because only they may know and be able to articulate why their conduct did not breach community standards.

e. Protection from retrospective criminal laws (section 27)

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in. This reflects the principle, long recognised in criminal law, that there can be no crime and no punishment, other than as established by the law. The Bill

protects this right by ensuring that the new offences and the amendment to the existing aggravated burglary offence have prospective application only.

In particular, the expansion of aggravated burglary to capture the use of a vehicle to cause damage to a building to gain entry to that building to commit a burglary includes an express transitional provision to ensure that the new aggravating factor only applies to conduct that allegedly occurs after commencement of the amendment. Existing criminal offences may still be charged to address this conduct in the interim.

Conclusion

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

The Hon Sonya Kilkenny
Attorney-General

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (09:41): I move:

That this bill be now read a second time.

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

Members interjecting.

The SPEAKER: Member for Bulleen, I think you need to leave the chamber.

Member for Bulleen withdrew from chamber.

Incorporated speech as follows:

I am pleased to introduce the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025 (Bill). The bill creates new offences under the *Crimes Act 1958* (Vic) (Crimes Act) and the *Summary Offences Act 1966* (Summary Offences Act) that seek to prevent assaults, threats, and abuse against customer-facing workers in retail, hospitality, fast food and passenger transport. The reforms implement the Government's commitment to give vulnerable customer-facing workers greater protection against assaults, threats and abuse.

The Bill will also amend the Crimes Act to ensure that 'ram raid' conduct is captured by the serious offence of aggravated burglary.

Customer-facing workers in retail, hospitality, fast food and passenger transport sectors keep our economy running and ensure that the people of Victoria can obtain essential goods; this was made clear during the COVID-19 pandemic, when customer-facing workers continued to perform their duties during a time of great uncertainty. Deliberate acts of violence and abuse that occurs in connection with the performance of customer-facing worker's duties is unacceptable and the Bill sends a clear message that such treatment will attract an appropriate criminal justice response.

The Government has heard deeply distressing firsthand accounts from retail, hospitality, fast food and passenger transport workers across Victoria who suffered abuse and violence in their workplace. This is unacceptable. Everyone has the right to be safe and respected at work. This is confirmed by data with the Australian Retailers Association reporting in June 2025 how 51 per cent of retailers said they experience physical abuse monthly or more often and 87 per cent of retail workers report experiencing verbal abuse.

Violent and threatening behaviour toward passenger transport workers is also an ongoing issue. Between January and August 2023, there were 381 reports of assault against taxi drivers in Melbourne, compared to 319 in the same period in 2022.

This offending is harmful to those workers, their families and the wider community. The new offences contained in the Bill recognise this and respond appropriately. The Government is committed to protecting our retail workers from acts of violence. The Bill sends a strong message of support to workers in the retail, hospitality, fast food and passenger transport sectors and is a warning to those who would seek to assault or abuse workers that such behaviour will not be tolerated and that perpetrators will now have tougher consequences.

I shall now turn to the substance of the bill.

The Bill establishes new worker harm offences specifically aimed at protecting retail, hospitality, fast food and passenger transport workers from assaults and harmful threats, intimidation and abuse.

The Bill will amend the Crimes Act to introduce a new indictable offence of assaulting and threatening to assault an applicable customer-facing worker. This offence distinguishes itself from the existing offence of Assault and threat to Assault contained at section 31(1)(a) as it does not contain the requirement that the accused person had an intent to commit an indictable offence as an element of the offence. The impact of removing this element is that the new offence will apply to a greater range of conduct than the general offence, providing additional protection for applicable customer facing workers and sending a clear message that there are laws in place to respond to people who seek to do harm or to threaten customer-facing workers.

The Bill will amend the Summary Offences Act to introduce the following new summary offences:

- A summary offence of assaulting an applicable customer-facing worker in connection with the worker's duties.
- A summary offence of using without lawful excuse, language that is profane, indecent, obscene, threatening, abusive or insulting, or otherwise engaging in conduct that is threatening, indecent, offensive or insulting towards an applicable customer-facing worker in connection with the worker's duties.

Establishing a summary assault offence is consistent with the existing tiered approach to assaults based on the seriousness of the conduct. As with the indictable offence, the conduct must occur 'in connection with the performance of the workers duties' for the offence to apply. This offence will have a maximum sentence of imprisonment of 6 months, which is higher than the existing general offence of Common Assault which has a maximum sentence of three months. This is appropriate as it reflects the importance of preventing harmful conduct towards customer-facing workers.

The new summary offence of using, without lawful excuse, language that is profane, indecent or obscene or otherwise engaging in conduct that is threatening, indecent, offensive or insulting towards an applicable customer-facing worker will broadly replicate the existing offences contained at section 17(1)(c) and (d) of that Act. However, the new offence will be distinct from the existing section 17 offence as it will not be a requirement for the conduct to occur in or near a 'public place', but it will be necessary for the worker to be 'in connection with the performance of their duties' for the offence to apply.

Removing the requirement for the conduct to occur in or near a public place means that where a person carries out this conduct in private or isolated settings (for example, in a back office of a retail premises), the new offence would be available. This ensures that all retail, hospitality, fast-food and passenger transport workers are afforded the protection of the offences, including those that might work in roles that do not primarily engage directly with customers, such as a worker in a kitchen or a storeroom.

It is proposed that an offence for directing this conduct towards a worker will have a maximum sentence of six months imprisonment. This is an increase on the general offence, which has a maximum sentence of two months for a first offence and demonstrates that there will be a strong response to people that choose to direct this type of conduct towards customer-facing workers.

In order for a worker harm offence to occur, the conduct must occur in connection with the performance of the worker's duties. Whether conduct is in connection with the performance of the worker's duties will be a matter for the courts to determine, but the Bill provides that, without limiting the meaning of this term, conduct is connected with the performance of the worker's duties if it occurs:

- when the worker is performing their duties;
- when the worker is taking a break from performing duties;
- when the worker is arriving at or leaving a place at which they perform their duties;
- in response to a thing done or omitted to be done by a worker when performing their duties; or
- in response to a thing the person believes the worker has done or omitted to do when performing their duties.

In providing for these circumstances, the Bill ensures that the offences will apply to acts of violence, abuse and intimidation connected to an event or action that took place while the worker was performing their duties, even if the act occurs when the worker is no longer at the workplace. For example, if a person is refused service and then waits for a worker to complete their shift to then assault or abuse them, the new offences will apply.

The worker harm offences contain a mental element that must be proven before a person can be found guilty of these offences. It must be proven that the accused knew or was reckless as to whether the victim was a protected worker. This safeguards from the use of these offences where the conduct does not relate to the

status of the worker as a retail, fast food, hospitality or passenger transport worker as it ensures that an accused cannot be found guilty of a worker harm offence if the mental element is not proven.

The worker harm offences are also intentionally tiered to address conduct of different levels of harmfulness. This is a sensible approach is it gives Victoria Police officers scope to consider the nature of an accused person's conduct and to charge a person accordingly. Police officers will also maintain their existing discretion to issue a caution rather than charge an offender, if they consider that the circumstances warrant this.

The Bill will also amend section 77 of the *Crimes Act 1958* by providing that the offence of aggravated burglary will apply when a person commits a burglary and uses a vehicle to cause damage to a building to gain entry to that building to commit the burglary. 'Vehicle' is defined inclusively and could include a motor vehicle, vessel or other vehicle such as a forklift or other heavy machinery that is sometimes used to commit 'ram raids'. The amended offence retains the current maximum penalty of 25 years imprisonment for aggravated burglary, to better reflect the nature and severity of serious 'ram raid' offending. Such offending is of increasing community concern and can be extremely dangerous and traumatic for staff, business owners, and members of the community. The reform will give prosecuting authorities another charging option for this type of offending, but they will also continue to have discretion to charge a range of existing offences to suit the circumstances of the particular case.

The Government understands the importance of these reforms and the need to provide customer-facing workers with the strongest measure of protection from assault and abuse, particularly as we come into the Christmas season, when we know this type of conduct increases. With this in mind, the Government has consulted with Victoria Police to ensure that they are ready to operationalise these offences as soon as possible. Therefore, the Bill provides that the worker harm offences will commence two weeks after the Bill receives the Royal Assent. This rapid commencement will be an important measure to put an end to the mistreatment and harm that some members of the community choose to direct towards our frontline workers.

The Victorian Government will monitor the impacts of these reforms. To do this, the Bill includes a statutory requirement for the Attorney-General to commence a review of the new worker harm offences within two years of their commencement. This will ensure that that the new offences are working as intended to protect customer-facing workers and will enable the Government to consider the broader impacts of the reforms. In doing so the review will inform the Government about whether adjustments or further reforms to protect customer-facing workers are needed.

In conclusion, everyone deserves to feel safe at work. Customer-facing workers in retail, hospitality, fast food and passenger transport are essential to the functioning of our economy and society and should not be subject to violence or abuse simply for the doing their job. I am very pleased to introduce this Bill, which ensures that assaults and other harmful acts against these workers are responded to with stronger laws and tougher penalties. The new offences are intended not only to provide a stronger deterrent against deliberate acts of violence against retail workers but also to better meet community standards.

I commend the efforts of the Worker Protection Consultation Group for their advice and expertise during development of these reforms. The bill is the culmination of their hard work, driven by objective evidence and distressing personal anecdotes highlighting the inappropriate treatment suffered by customer facing workers in workers in retail, hospitality, fast food and passenger transport at the hands of the public.

The Victorian Government is committed to improving the way our justice system protects workers and ensuring that criminal penalties are appropriate. These reforms serve as another very important example of this work.

I commend the Bill to the house.

James NEWBURY (Brighton) (09:42): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (09:42): I move:

That the debate be adjourned until tomorrow.

James NEWBURY (Brighton) (09:42): Though the coalition will not be opposing the passage of this – the entry of this bill into the chamber –

Members interjecting.

The SPEAKER: The members for Preston, Narre Warren South and Melton can leave the chamber for half an hour.

Members for Preston, Narre Warren South and Melton withdrew from chamber.

James NEWBURY: I can absolutely guarantee you one thing, Speaker: I will not be doctoring *Hansard*. We will not be delaying the introduction or second reading of this legislation. I do note that one of the reasons why we have repeatedly this week spoken about the need for draft legislation and legislation to be considered, to be properly thought through and to be considered by the community more broadly is because when you do things quickly mistakes happen.

If you look at the statement of compatibility that was just tabled by the minister, it makes clear there is a difference between new offences, whether they be indictable or summary, and the maximum penalties carried with them. But the Premier today, being a little more loose, has tweeted that there is no difference between the offences and implied in the commentary today that every single type of assault or threat of assault to a retail worker carries with it a maximum five-year penalty. It is not true. Summary offences carry a maximum of six months, which is made clear in this draft legislation. That is, why when you are briefing things out, as the government does to the media, before the legislation is finished, it is important to understand that there is detail, and the Premier has made that mistake. There is the implication. One of the reasons it matters is because threats of assault most of the time – in fact I would imagine almost all the time – will be dealt with as a summary offence, which will carry with it only a six-month maximum.

I am not debating the merit of either maximum penalty. What I am saying is the government this week has misled Victorians over and over again. They have made three big crime announcements without any legislation yet; they have not even drafted it. They have had time to print corflutes and they have had time to print posters but not to draft legislation. So I would say in relation to this legislation –

Colin Brooks: On a point of order, Speaker, notwithstanding the merits or otherwise of any of the points that the member for Brighton is making, the motion before the house that has been put by the minister at my side, the Minister for Police, is a very narrow question: that it be considered tomorrow. The member for Brighton touched on that, but he has now expanded into the merits of comments that have been made outside this place and the legislation itself. This is a very narrow debate about the timing of when this matter will be considered.

The SPEAKER: I remind the member for Brighton that this is a narrow procedural debate.

James NEWBURY: I appreciate very much the need to speak to the matter, but it is important to provide context. When we are debating whether or not legislation be pushed through in one day, understanding the detail, making sure the detail is right and giving it time to be considered are important.

We will not be opposing it. I do note that, again, the Attorney-General, who I understand may have another matter to deal with today, has not second read the legislation, as was the case with a further piece of legislation yesterday. The Attorney, who was in the building, did not introduce her own legislation. That is two days in a row the Attorney has not been here to introduce her own legislation. So I will say we will not be opposing the turnaround, but I do feel it is important to put our concerns on record and note that clarity is in what has been provided to the chamber, not what the Premier has been saying. It is important to do things properly, especially when they relate to laws of this state.

Lauren KATHAGE (Yan Yean) (09:47): I am really happy to speak to this because, as those opposite say, it is really important to make sure we have the correct information on the record. I think it is correct what the Leader of the Opposition said yesterday, that Victoria is the retail capital of Australia. No, you will not find that in *Hansard*, because he has already had his people there changing what it says from what he said yesterday. So I think if we are going to be certain that what people are saying is correct and on the record, I second the Leader of the Opposition.

Brad Rowswell: On a point of order, Speaker, just in the same spirit as the minister made his previous point of order, the member on her feet at the moment is not remaining tightly focused on the matter at hand.

The SPEAKER: Member for Yan Yean, come back to the narrow procedural debate.

Lauren KATHAGE: Although those opposite might make mistakes when they rush, we are purposeful as we march towards improving the state as we get towards –

Members interjecting.

The SPEAKER: Order! Members are going to be removed from the chamber without warning this morning.

Brad Rowswell: Speaker, I am sure you would have observed this as well. The member on her feet practically paused what she was saying. A point of order was raised and awarded against her, and then when she got the call again, she resumed what she had been saying, not paying any attention to your ruling. I raise a further point of order, that being relevance.

Michaela Settle: On the point of order, Speaker, I believe that she was directly addressing the procedural debate, which is on the time and consideration that the government has given in presenting this bill to the house.

The SPEAKER: Members are often required to speak on procedural matters. It is usually the thing that members stray far and wide from procedural debates. It is a –

James Newbury interjected.

The SPEAKER: Member for Brighton, you will leave the chamber for half an hour. I ask members to have a look at why they are on their feet and address the debate that is before the house. It is a procedural motion.

Member for Brighton withdrew from the chamber.

Lauren KATHAGE: When I think of people like Kodit, the bus driver for the 524 in Donnybrook, the route that we recently established with growth areas infrastructure contribution funds, and I think about him serving his community, getting people to school and to the shops, he deserves respect in his role, and that is why –

Bridget Vallence: On a point of order, Speaker, this is a narrow procedural debate. On relevance, I would ask you to ask the member to come back. There is nothing about Donnybrook in relation to this debate.

The SPEAKER: The member for Yan Yean was making a descriptive assessment of why the bill is to be introduced.

Lauren KATHAGE: Kodit deserves respect and he deserves safety at work, as in fact do all transport workers and retail workers, especially as we come to the stressful and busy time of Christmas. We understand that people's tempers can fray, that they are under pressure, but there is never a reason to attack or abuse workers. That is why it is important that we speedily work to have this bill before the house for debate.

For us, it is not a matter of debate, because those on this side of the house are very clear that what stands in this bill is something that urgently must come, because we will always stand on the side of drivers and of workers. Just recently I was at the delegates dinner for the Transport Workers' Union with the drivers of Ballarat, who have worked together so hard to make sure that they are treated with respect by their employer, and we want to see them treated with respect by all passengers as well, because the service they provide to our community means that our community can function. Without our bus drivers, without our retail workers, we simply cannot function. That is why this government

will always seek to introduce bills that keep them safe, that keep them well, because we value all workers and we value all ends of town, not just the owners of the big shops but the people who are turning up day after day to work as well, seeking to make an income for their families. So I am really pleased that we will be moving to debate this bill quickly.

David SOUTHWICK (Caulfield) (09:52): This government have spent more time chasing headlines this week than they have been catching crooks. This government have had 18 months to introduce legislation to protect workers and shoppers and have done nothing, and now, when they are introducing the legislation, the Attorney-General is not even here. It is such an important piece of legislation, but the Attorney-General does not even support it and has not even turned up and shown the decency to retail workers to come up here and explain it. The Attorney-General does not believe in her own legislation. This is so important to retail workers to get it done right and get it done now.

Mary-Anne Thomas: On a point of order, Speaker, on relevance, the member on his feet is clearly so distracted by the government's action this week and all that we are doing that he has lost sight of the purpose of this debate, which is a narrow procedural debate. I ask that you call him back to the matter at hand.

The SPEAKER: Member for Caulfield, come back to the procedural debate.

David SOUTHWICK: It is so important to get this done and get it done right, and we must get this done to protect retail workers during Christmas and over the Christmas break. But I looked at this bill, and I looked in a very detailed way at this bill, trying to find the worker protection orders that the government announced and that the government promised, and I could not find them anywhere. So we are going to go over summer – and the government is desperate to get this to protect retail workers over summer – but there is nothing, zero, doughnuts, when it comes to worker protection orders, because this government does not believe in protecting workers.

Colin Brooks: I simply renew my point of order from before, Speaker. This is a narrow debate about this bill being read tomorrow, not the merits of the bill itself. The member is completely off the topic of the motion.

The SPEAKER: I ask the member for Caulfield to come back to the procedural debate before the house.

David SOUTHWICK: That is why it is really important to get this bill done to protect workers and to get it done properly. The concern here is, because the government has not done their homework, there are more holes in this than there are in Swiss cheese. You could drive a truck through the holes in this bill. I am really concerned for workers as they go into the Christmas period that we do not have worker protection orders, and we only have assault protections of six months compared to four years in other states. The Premier came out and said five years. That was pulled out of nowhere, because it is not in the bill. The concern here, like with every bit of legislation that this government does, is it is last minute, it is rushed, it is all about a headline and it is not about protecting people and keeping them safe. I think it is absolutely atrocious for those people, like IGA workers, who have been talking about closing their shops because of the violence that has been happening in these stores – individuals that have had their hands cut off because of people carrying machetes, wielding machetes – with this government doing nothing and now at the last minute rushing through a piece of legislation with no consultation, Minister for Health, lacking in detail and still light compared to what is happening in other states.

Yes, we do need to get this legislation through to protect workers over Christmas. We do need to make sure both workers and shoppers are protected during the most difficult, stressful period over the Christmas break. But this is nothing more than a headline. It is weak. It has got more holes and less detail in it than we have seen anywhere else. All this government needed to do was look at New South Wales, look at other states and take legislation from there. But this is a Temu, weak copy of what other states have done. The government needs to get it right. The Minister for Police may shake his head,

but he has been left to clean up the Attorney-General's mess, who will not even turn up today – will not even front the Parliament – because this Attorney does not even believe in her own legislation.

Colin Brooks: Speaker, I simply renew the point of order that I made earlier on that this is a narrow procedural debate, not a –

The SPEAKER: The member for Caulfield's time has expired.

Paul HAMER (Box Hill) (09:57): Indeed, this is a very strange procedural debate. We have on one side the government, who want to introduce this legislation and want to read it as soon as possible, and then we have the opposition vehemently agreeing that it needs to be introduced as soon as possible. They brought on this debate when we still have a lot of speakers on the government business program. We still have another full bill to debate, and we are going to be spending this half-hour talking about how much in furious agreement we are that this bill is really important and that we should get it on the program straightaway. Maybe we should not be debating it tomorrow. Maybe we should be debating it later this day. Maybe we should be bringing it straight on. I do not want to put the minister on the spot; he might not appreciate that. But I am glad that everyone in this house agrees with the principles of this bill of protecting workers and bringing a piece of legislation like this to the house as quickly as possible.

Obviously the reason why the proposal is to do this is that not only is it an issue that we have seen from across all different types of retail workers and service workers, but particularly in the lead-up to Christmas, as has been said, we know how important it is going to be as we get into the busiest retail time of the year and people are also moving around on our transport system et cetera. As I said, it is really much ado about nothing. I think we are going to have this procedural debate to discuss whether or not we should read this bill tomorrow – or in reality next week – which is, I think, perfectly appropriate. We should be looking at putting in this bill as soon as possible so that we can debate it.

I am greatly looking forward to the contributions of the other side when this bill comes up for debate. I think they have already flagged what their take is going to be. I am also looking forward to the many great contributions that will come on our side, many of whom have experience particularly in the retail worker space, either as retail workers or as workplace representatives or union representatives for those workers who are in that retail space or the transport worker space. There will be a lot of contributions, no doubt, and I am looking forward to being able to debate this legislation next week.

As I said originally, this is a procedural debate that really has absolutely no purpose. If there is a disagreement about when to introduce the bill and how long it is going to be debated, well, fair enough. And if we are going to have a division, we say fair enough – there is a difference of opinion. But do the Victorian public really want to see the Victorian Parliament spend half an hour of their time debating a procedural motion which we furiously agree on? I do not think so. I think they want to see us get on with the laws. They know that these laws and the issues that are raised in this bill are really important. They affect so many people in the community. They particularly affect young people in the community, because so many of our young people in the community are in the retail workforce or the hospitality industry, all customer-facing roles, so it is really important for them. It will affect every single one of our communities, and I am sure there will be, as I said, lots of speakers who will want to speak about this bill when it comes before the Parliament. I feel that using this half an hour for a procedural motion to debate what we believe we are in furious agreement about is a complete waste of time. With that, I will sit down.

The SPEAKER: I thank the member for Box Hill for getting through 5 minutes on the procedural motion.

Danny O'BRIEN (Gippsland South) (10:02): I will do my best to continue the trend, Speaker, although you are leaving now, so I can do what I like. I will reiterate that the opposition is not opposing this procedural debate. The member for Box Hill talked about looking forward to members on both sides having the opportunity to have their say. I am speaking now because very rarely do we all get to

have our say, particularly on something like this, where the government is rushing this legislation through, and that is what we are debating right now. The government is rushing this through, and we absolutely believe in the urgency of this situation. But what is hypocritical of the government is that the Premier announced it on 18 May 2024 with the media release 'New laws to keep workers safe from assault and abuse'. I have not got the calculator available right now to work out how many days that is, but it is about 18 months since the government announced it was doing this legislation. And now it is not just introducing it, it is introducing it in a rush and moving to the second reading straightaway. That is the concern that I have about the government's chaotic approach to this.

We are here again for the first time in many, many years on a Friday because the government has not been able to manage its legislative agenda. We have actually had multiple pieces of legislation brought in. We are now sitting on a Friday because the government did not manage its legislative agenda. Everyone in this chamber can remember earlier in the year we were debating motions every sitting week because the government did not have anything to do, and now we are getting to the end of the year and we have got to put in an extra week and sit on a Friday all because this apparently is so urgent – so urgent that it is 18 months since the Premier announced that this needed to be done.

We have seen already this week the government making announcements that do not match up with the legislation they have actually got planned, so we will be very, very cautious in going through this legislation. I am sure both the member for Brighton and the member for Caulfield will be going through it in very fine detail, because we know from this week and from past experience what the government says and what it actually does are not always the same thing. It is a truism, I am sure, with this legislation. The member for Caulfield highlighted the fact that, in the original draft of this legislation provided to the opposition, workplace protection orders were not in place, and that is something that the retail sector and indeed the Shop, Distributive & Allied Employees' Association have been asking for. I will be interested to see what those members of the shoppies on the other side will actually say about this legislation, given it does not have that.

We have seen retail crime become a massive issue in my own electorate. The Wellington shire saw thefts from retail rise 135 per cent in the last 12 months. The member for Morwell has told us stories about the horrific amount of shop stealing going on in parts of his electorate too. But it is the threats to the workers that are of most concern. We know that this has been an issue for a lot of this year too. The Premier herself should remember the security guard at Bendigo Marketplace being attacked by a gang of youths running through. I wonder why now, given that happened in March. We have now got the Attorney-General here to maybe talk about her own legislation. The Attorney-General has walked in, so it turns out the member for Caulfield was wrong. But we had that attack in Bendigo in March, and here we are nearly halfway through November and the government is only now acting. Why are they acting? Because retail crime is out of control in this state under the Labor government's watch. We have seen the retail sector come out. In the last sitting week we had Woolies, Bunnings, IGA, Coles, JB Hi-Fi and the Australian Retailers Association come out and say that Victoria is the worst place for retail crime in the nation. We have got a laggard government that takes so long to do anything because it is more focused on chasing headlines than it is on chasing crooks, and we have seen that a number of times this week.

This legislation should have been brought in much earlier. We will not be standing in the way of it proceeding today, and we will look forward to the debate next week. I hope that all members of this chamber will get the opportunity to speak, but we know the government is in chaos and has not been able to manage its legislative agenda, and that may well not be the case. We do need to crack down on retail crime, and the Liberals and Nationals will not stand in the way of that.

Motion agreed to and debate adjourned until tomorrow.

Business of the house

Notices of motion and orders of the day

The DEPUTY SPEAKER (10:07): General business, notices of motion 17, 42 and 68 and orders of the day 9 to 10, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

Documents

Magistrates' Court of Victoria

Report 2024–25

The Clerk: I have received the Magistrates' Court of Victoria report 2024–25 for presentation by command of the Governor.

Tabled.

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Court Services Victoria – Report 2024–25

Financial Management Act 1994 – Report from the Minister for Planning that she had received the report 2024–25 of the Heritage Council of Victoria

Harness Racing Victoria – Report 2024–25, together with the Minister's reported date of receipt

Judicial College of Victoria – Report 2024–25, together with the Minister's reported date of receipt

Judicial Commission of Victoria – Report 2024–25, together with the Minister's reported date of receipt

National Health Funding Pool, Administrator of – Report 2024–25

Public Advocate, Office of – Report 2024–25

Racing Integrity Commissioner – Report 2024–25

Subordinate Legislation Act 1994 – Documents under s 15 in relation to Statutory Rule 115

Victims of Crime Assistance Tribunal – Report 2024–25

Victorian Equal Opportunity and Human Rights Commission – Report 2024–25, together with the Minister's reported date of receipt – Ordered to be published

Victorian Information Commissioner, Office of (OVIC) – Report 2024–25, together with the Minister's reported date of receipt.

Motions

Motions by leave

Brad BATTIN (Berwick – Leader of the Opposition) (10:09): I move, by leave:

That this house condemns the member for Werribee for dismissing and trivialising community concerns about Victoria's growing crime crisis, stating that, 'This issue is … too important to … post all over Facebook or call up 3AW and whinge about.'

Leave refused.

David SOUTHWICK (Caulfield) (10:09): I move, by leave:

That this house condemns the member for Werribee for dismissing and trivialising community concerns about Victoria's growing crime crisis, stating that he sees bluster on Facebook –

Leave refused.

Brad Battin: On a point of order, Deputy Speaker, I ask you to seek advice from the Clerk that we can still read the motion into the house. You cannot just stifle debate every time the Liberals raise

something about the member for Werribee when he is performing so badly and calling out his community for whingeing about crime.

The DEPUTY SPEAKER: On the point of order, leave can be not granted at any time during the motion by leave, and 'No' was heard. Leave is not granted.

David Southwick: On a further point of order, surely the house cannot be running a protection racket for the member for Werribee, who clearly does not care about crime.

The DEPUTY SPEAKER: That is not a point of order.

Members interjecting.

The DEPUTY SPEAKER: I have ruled on that point of order. It was not a point of order.

Brad Rowswell: On a further point of order, Deputy Speaker, I just make the observation very briefly that, if that is the precedent that the government wish to set when they are in government, I would counsel them and say that it is a dangerous precedent to set.

The DEPUTY SPEAKER: That is not a point of order. The ruling that I made is well versed in *Rulings from the Chair*, which I am sure the Clerk is looking at right now.

Michael O'Brien: On a further point of order, Deputy Speaker, I would ask perhaps for you and the Speaker to consider *Rulings from the Chair* and whether that is a ruling which should be maintained in the future, because I do see there is the prospect for any member of this house to shut down any other member of this house moving any motion by leave as soon as they get to their feet. It would be possible for any member to simply say no the minute that any member in this house gets to their feet to seek to ask anything by leave. That has the grave potential to shut down debate in this house in a way which I am sure not only would be detrimental to democracy but also could turn this house into a farce –

Members interjecting.

The DEPUTY SPEAKER: Order! Member for Tarneit, 10 minutes.

Member for Tarneit withdrew from chamber.

Michael O'Brien: because if that is the way in which members of the government or any party wish to act, then obviously that would lead to repercussions. Given that the previous ruling from the Chair has now been applied by the government to simply prevent members as soon as they get to their feet by saying that, I do think that it is a ruling that should be reconsidered by the Deputy Speaker and by the Speaker in light of its recent use, or abuse, by members of the government.

The DEPUTY SPEAKER: That is not necessarily a point of order. That ruling has been made over this term of Parliament before. It is not the first time. I listened to the member for Malvern. I would encourage him or the Manager of Opposition Business to speak to the Speaker outside of the chamber, should they wish to have that debate.

Danny O'BRIEN (Gippsland South) (10:13): I move, by leave:

> That this house condemns the member for Bentleigh for his hypocrisy in supporting the Premier's crime slogans despite previously saying, 'But we have got to be realistic about this. Very few people in this state are incarcerated permanently. The solution is to make those young offenders decent adults.'

Leave refused.

Jess WILSON (Kew) (10:13): I move, by leave:

> That this house condemns the Treasurer of Victoria and the former Attorney-General for stating on 5 October, 'No, mate. There is not a youth crime crisis.'

Leave refused.

Richard RIORDAN (Polwarth) (10:14): I move, by leave:

That this house condemns the member for Eureka for stating that –

Leave refused.

Chris CREWTHER (Mornington) (10:14): I move, by leave:

That this house condemns the member for Hastings for his hypocrisy in supporting members –

Leave refused.

Nicole WERNER (Warrandyte) (10:14): I move, by leave:

That this house condemns the Minister for Environment and member for Oakleigh for stating on 17 October –

Leave refused.

Members statements

Keilor Primary School

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (10:15): I rise to acknowledge a significant milestone in our local community – the 150th anniversary of Keilor Primary School. Established in 1875 on the Bonfield Street hill campus, Keilor Primary School began as a small rural school serving the children of the farming families along the Maribyrnong River. From those early beginnings it quickly became a cornerstone of community life in Keilor, a place of learning and connection. Today the school stands proudly on Kennedy Street, on land that was once part of the historic Milburn estate. Over the course of a century and a half, Keilor Primary has grown and evolved, reflecting the changing needs of the local community while maintaining an enduring commitment to education, excellence and equity for every single student.

It was an honour to visit the school recently to celebrate the 150th anniversary, joining students, staff and members of the wider community marking this very significant milestone. During my visit I saw the excellent teaching and the positive supportive learning environment that the school provides every single member of both the staff and the students. The dedication of the teachers and leadership team, supported by the families and volunteers, has ensured Keilor Primary remains a place in which students are encouraged to learn, grow and achieve their best. Here is to another 150 years of learning, achievement and community spirit at the wonderful Keilor Primary School. Congratulations to everyone past and present that has been such a wonderful contributor to the outstanding Keilor Primary School. Congratulations on 150 years in the local community.

Malvern electorate crime

Michael O'BRIEN (Malvern) (10:16): 104 per cent. That is not the tax increase since Labor was elected; that is 130 per cent. 104 per cent is not the increase in net debt since Labor was elected, because that is 900 per cent. No, 104 per cent is the increase in the number of aggravated burglaries in the Malvern electorate in just the last 12 months, a doubling of the number of families I represent who have had their security and their sanctity shattered because of this Labor government's decisions. Labor decided to weaken bail laws – this is what you get. Labor decided to weaken crime laws, to shut prisons and to cut crime prevention programs – this is what you get. And Labor decided to close the Malvern police station for 16 hours a day – this is what you get. My constituents are good people; they are honest, they are hardworking, they are community minded. They do not deserve a 104 per cent increase in aggravated burglaries. They do not deserve a doubling of people breaking into their homes armed with machetes or knives to rob them in their sleep. But this is what you get under this Labor government, and this is what will continue until Victorians change the government in November next year.

Women's health

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:18): The Allan Labor government has undertaken important and significant work to improve women's pain management. On Sunday the Premier and the Minister for Health visited the Northern Health women's health hub in Epping to release the final report of the inquiry into women's pain, *Bridging the Gender Pain Gap*. This landmark inquiry has delivered 23 recommendations, and its findings are clear: for too long women and girls have faced dismissal, delays or inadequate support when seeking help for pain. The Allan Labor government is acting now by making the green whistle available for pain relief during IUD insertion and removal and rolling it out to 20 sexual and reproductive health hubs; introducing a new women's pain standard to ensure consistent, compassionate pain management and counselling across the health system; and setting up a dedicated children's and adolescent clinic at the Royal Children's Hospital to support young people experiencing sexual and reproductive health concerns, including endometriosis, because women's pain is real and the system needs to do better.

Epping Road, Epping, upgrade

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:19): I am also pleased to speak about the significant progress being made on the Epping Road upgrade. Last week, alongside the member for Thomastown, we marked the completion of another major milestone. Major works between Harvest Home Road and O'Herns Road are now complete, as well as the Lyndarum Drive intersection upgrade. Crews continue working day and night to lay the final asphalt and complete the remaining works, with all lanes between Craigieburn Road East and Memorial Avenue on track to open by December this year.

Remembrance Day

Tim BULL (Gippsland East) (10:19): Tuesday was Remembrance Day, and I want to acknowledge all the people throughout my electorate and indeed across the state who turned out for their various services, but also the many people within our RSL sub-branches who put on these services. I attended the Bairnsdale service at the war cemetery, and the weather conditions there were something to behold. It was pouring rain the whole time. It would have been lucky to be a temperature in the positives, but the vice-president Ray Rock conducted a great little service, with president Allan Pappin in attendance. Following that I went down to the Paynesville RSL sub-branch, which used Remembrance Day to open its renovations to that sub-branch, which will be a great asset to the community. For those who have not visited the Paynesville RSL sub-branch, they have done an extraordinary job acknowledging their veterans who served. They have a memorial garden with plaques telling the story of the servicemen from that community, many who lost their lives, some who returned. The history that is recorded in that memorial garden is something I would encourage everybody who visits East Gippsland just to go and have a walk through. To everyone across the state who turned out, Remembrance Day, like Anzac Day, has had a big resurgence, and I congratulate you all.

Abraham Kuol

Gabrielle WILLIAMS (Dandenong – Minister for Transport Infrastructure, Minister for Public and Active Transport) (10:21): I rise today to acknowledge an extraordinary Victorian and a remarkable young leader from my local community, Abraham Kuol, who has been named the 2026 Victorian Young Australian of the Year. Abraham is an associate research fellow and PhD candidate in criminology at Deakin University's Alfred Deakin Institute. His research explores the experiences of African Australian communities in our justice system, generating real-world insights that are helping to drive reform and most importantly to build hope.

Beyond his academic work, Abraham is a tireless community advocate and mentor to many. He co-founded the very successful Black Rhinos, which started off as basketball – I think it is now a soccer club as well – and which is based in my electorate. It gives at-risk young people a sense of belonging

and purpose, as well as positive role models, and has been delivering extraordinary things over many years now. As a director of the Sandown Lions Football Club, he also opens doors for young Victorians from migrant and refugee backgrounds to pursue their sporting dreams. Abraham is a Westpac social change fellow and a quiet achiever whose impact speaks volumes. He has helped raise an incredible $3.5 million for programs supporting African Australian families and justice-involved youth, and he continues to advise community organisations and government on how we can build a stronger, safer and more inclusive community. I want to congratulate Abraham. He is a powerhouse, and we are all so proud of him across the south-eastern suburbs of Melbourne, which have overwhelmingly been the beneficiaries of his work.

Fairway Bayside Aged Care

Brad ROWSWELL (Sandringham) (10:22): I rise today to recount to the house a situation that recently occurred in my community. Fairway Bayside Aged Care was established in my community in 1995, and since then it has quite literally helped hundreds, verging on thousands, of local residents who need aged care assistance. Just a few weeks ago there was some dumbo that came along and stole bikes used by some of the residents and used in the course of disability care. Through some information that was provided to my office, which I then forwarded to Victoria Police, three of the four bikes have now been recovered, which is a great thing, together with the help of Bayside council, who provided transport in the circumstance. Those three bikes are damaged, but they have been recovered; one has not been recovered. I am pleased to inform the house that together – with community effort from Bayside City Council; Bendigo Bank, Sandringham, especially Cait and Matt; and Neighbourhood Watch Bayside's Phil Lovel – we are combining to upgrade these bikes and to provide Fairway hostel with a fourth bike. This is the right thing to do. I will even make a personal contribution of $1000 to the cause, because it is the right thing to do.

Bayside and Kingston mayors

Brad ROWSWELL (Sandringham) (10:24): In the time that I have left, I congratulate the new mayor of Bayside Cr Debbie Taylor-Haynes. I also congratulate the re-elected mayor of Kingston, Cr Georgina Oxley, who has recently undergone a red-on-red attack, which is completely unfair.

Joseph Attard

Melissa HORNE (Williamstown – Minister for Ports and Freight, Minister for Roads and Road Safety, Minister for Health Infrastructure) (10:24): I rise today to acknowledge and pay tribute to a remarkable community leader, the chevalier Joseph Attard, president of the Maltese Association of Hobsons Bay and a very dear friend. After many years of dedicated service Joe has announced his retirement as president, marking the end of an extraordinary chapter in the life of our local Maltese community. Born on Gozo in 1934, he migrated to Australia in 1960, where he worked as a shipping clerk on the Melbourne waterfront for 27 years. But his true calling was service to others. Recognised for his leadership and commitment, he was elected to the Western Region Council for Social Development, advocating for the needs of the community. He was a visionary founder and served as president of the North Altona migrant community centre for over 30 years, but his contributions extended beyond the community. He was the first ethnic broadcaster on HSV7, supporting the children's hospital appeal, and his efforts were instrumental in establishing ethnic radio in Melbourne. His service has been recognised through many awards. In 1965 he was made a Knight Commander of the Order of St John. In 1968 he received the cross of merit from France. He was appointed justice of the peace in 1974, and in 1980 he was awarded the community service award from the Victorian council; in 1993 the bronze cross anniversary medal; and the Premier's senior citizen of the year in 1989. But it does not stop there. Joe, there is too much to say, and I really wish you the best for the future.

Sudan conflict

Ellen SANDELL (Melbourne) (10:25): Right now we are seeing unimaginably devastating reports coming from Sudan. For over two years this conflict has become one of the world's largest humanitarian emergencies, and blood from this conflict can literally be seen from space. Since April 2023, estimates are of over 150,000 people killed and more than 12 million forcibly displaced. The UN Human Rights Office warns of widespread sexual violence, mass executions, abductions, bodies literally hanging from trees and attacks on humanitarian workers – just absolutely horrific stuff. Li Fung, the UN human rights representative in Sudan, has called out the global silence surrounding this conflict. She said, 'The cost of silence, of inaction, is too high.' I will not stay silent. Let us be clear: this is not just a civil war; it is a proxy war fuelled by foreign powers that are funnelling weapons and money to armed factions in exchange for Sudan's gold, farmland and trade routes. This is a war for profit, and some of the countries involved have strong trade links and partnerships with Australia and Victoria in particular, like the UAE. So it is time to speak out and time for Victoria to look at what we can do not just to support the local Sudanese Australian community, which we should, but to also put pressure on the international community. We cannot stay silent in the face of such a catastrophic humanitarian crisis when literally hundreds of thousands of people are being massacred.

Watsonia Heights Football Club

Colin BROOKS (Bundoora – Minister for Industry and Advanced Manufacturing, Minister for Creative Industries) (10:27): I rise today to acknowledge the Watsonia Heights Football Club, an inclusive and successful community organisation that has been a cornerstone of local soccer since its founding in 1970 in my local community. This year marks the club's 55th anniversary, an incredible milestone for a club that continues to thrive. Watsonia Heights is a true example of community spirit. In 2025 the club fielded 46 teams, including 39 junior teams, six senior men's and women's teams and an all-abilities team along with the ever-popular MiniRoos program for five- to seven-year-olds, which runs throughout the year. This success is driven by a passionate and hardworking group of volunteers. Full club president David Lattanzio has been involved for 10 years, senior teams president Michael Girdler for an outstanding 26 years, and junior teams president John Lettieri for over a decade. These leaders dedicate countless hours to ensuring everything in the club runs smoothly. Special mention must go to Ben Shearman, who created the Watsonia Cup, now in its third year. This year the tournament will see 61 junior teams from under-7s to under-13s compete across three nights a week for 10 weeks, showcasing incredible community engagement and participation. With around 20 committee members as well as dedicated coaches, assistant coaches and team managers, Watsonia Heights Football Club continues to embody the very best of grassroots sports, inclusion, commitment and community pride. Congratulations to all involved on 55 years of outstanding contribution to local sport.

Youth crime

Nicole WERNER (Warrandyte) (10:28): No-one believes that the Premier will act on crime. For years she and her government have denied that there is a crime crisis in Victoria. Members of her government have taken to social media to belittle and bully victims of crime, saying to victims that they are whingeing and their concerns and feelings are not valid. The Premier's own Minister for Tourism, Sport and Major Events said just last month, 'It is not accurate to describe this as a youth crime crisis.' Her Treasurer and former Attorney-General said last month, 'No, mate. There is not a youth crime crisis.' It is a disgusting show of disdain from the Premier and members of her government, who are telling victims that their feelings are wrong, their experiences do not count. While families like that of Ash Gordon are mourning the loss of loved ones and families across Melbourne are worried about home invasions, carjackings and machete violence, the Premier and her government cut funding to crime prevention in last year's budget and looked the other way. So now, with an election to go, there is the backflip. All of a sudden – shock, horror – apparently there is a crime crisis, despite it being one of their own making when they weakened the bail laws. Apparently now they want to get serious about it when months ago, according to them, it did not even exist. The Premier is so serious about it that she has printed the posters and the backdrops with her slogans but

never even bothered to write the legislation to go with it. Victorians deserve better than the gaslighting, belittling and disdain we have seen from the Allan Labor government. We are not buying it. They are panicked and they are desperate. They know they are running out of time.

Diwali

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (10:30): Today I would like to say thank you to all those who organised and participated in the wonderful Diwali celebrations across my community in the Kalkallo electorate. Diwali, the Festival of Lights, is a time of joy, reflection and renewal. It celebrates the triumph of light over darkness, good over evil and wisdom over ignorance. Thousands of families came together across my community to mark this special occasion with traditions that span generations. While Diwali originated in Hindu culture, it is celebrated by people of many faiths around the world. In Kalkallo our Indian, Nepalese, Pakistani and Sri Lankan communities are vibrant and deeply engaged. This year, over several days of celebration, families gathered to share meals, exchange gifts and honour Lakshmi in homes, temples and community spaces.

We had a number of standout events in my community. I was honoured to attend the Hume Diwali Mela held on Saturday 18 October at Anzac memorial park in Craigieburn. This annual event grows year after year, providing a vibrant celebration, with food stalls, music and dance, carnival rides and spectacular fireworks. I offer my sincere thanks to Raj Mann, Nikki Jain, Kiran Sood, Pooja Punjabi and all involved with the Australian Women's Association for organising such a joyful, inclusive event. Of course there were the many celebrations and events at Kali Mata Mandir temple, where thousands of locals attended over several days. Thank you to Bhawna and her team for sharing the colour and blessings with our community and for always making me welcome in their very special space.

Northeast Health Wangaratta

Tim McCURDY (Ovens Valley) (10:31): I have been approached by members of staff and community members in the Wangaratta region about Northeast Health's CT scanner. It is nearing its end of life, which we know has been coming for some time. We know when it is coming, and that is in February 2026. That sounds like a long way away, 2026, but it is less than 80 days away, and our CT scanner will be noncompliant. These are the sorts of issues we talk about in regional Victoria, whether we are talking about basic maintenance to roads, schools and hospitals, and here is another example. We just need to have our CT scanner made compliant and up to date by February next year. I urge the Minister for Health to support us, because Northeast Health deals with a whole lot of communities – Bright, Myrtleford, Benalla, Yarrawonga – and we need those basic tools to survive.

Meadow Creek solar farm

Tim McCURDY (Ovens Valley) (10:32): Again I want to put on record on another issue my absolute disgust about the Minister for Planning's decision on Meadow Creek solar factory. This community is absolutely distraught with the decision to let this solar factory go ahead. Meadow Creek will not stop the fight. They have already celebrated 100 years of their hall last weekend. They are in for the long haul, and they will continue to fight. Certainly families like the Conroys and the Godleys have put up a magnificent fight and will continue. But this consultant's report was built on a lie and on fabrication. They have really let this community down, and they are going to destroy this community.

Keilor Downs College

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (10:33): Today Keilor Downs College is presenting certificates to students as part of the Premiers' Reading Challenge. I am very proud to support this event and very sorry that I cannot be there in person. I would also like to congratulate Dean Paroglou, Nicoletta Akamatis and Mayami Shrestha on their outstanding efforts and also thank the KDC library manager Melina Gates.

St Albans Secondary College

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (10:33): On another matter, St Albans Secondary College recently made headlines at the Fashion Awards Australia. Students received a range of awards across multiple categories, and their hard work and creativity led the school to win the John Carringbold Cup, the top prize among seven schools that made it to the finals. Well done and congratulations to the students and of course the staff at St Albans Secondary College.

Effie Sultana

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (10:34): Also on another matter, I would like to take a moment to wish Effie Sultana, the principal of St Albans Heights Primary School, a very happy and well deserved retirement. I surely will miss her calls. It has been an absolute pleasure to work in partnership with her and the school community to deliver close to $14 million worth of capital works upgrade at this school, plus many other upgrades along the journey. Thank you, Effie. Congratulations and, again, thank you on behalf of the community for your service and dedication.

Mornington electorate road maintenance

Chris CREWTHER (Mornington) (10:34): I again raise the disgraceful condition of state roads in the Mornington electorate under this Labor government. Many frustrated residents like Maria, a new resident of Mornington, have described our pothole-ridden roads as like 'dodging landmines'. She mentioned Nepean Highway, the Esplanade and more as being not only hazardous but becoming deathtraps. Resident Tony also wrote to me about broken edges and potholes locally, which have already caused accidents. He noted the long-term lack of maintenance of roads. Locals are continually risking their safety and paying thousands in vehicle repairs, while the state government stays silent and reduces road maintenance funding. I call again on the Allan Labor government to take action urgently.

Padua Kindergarten

Chris CREWTHER (Mornington) (10:35): Many distressed families and staff have contacted me after the sudden closure of Padua Kindergarten in Mornington on 8 November. Parents were notified that evening that the kinder would shut immediately, leaving children without a kinder and staff without work or pay. Parents and staff are still trying to retrieve personal and child belongings. I have written to the Deputy Premier and Minister for Education, the Minister for Children and the federal member for Flinders seeking an urgent investigation into the serious concerns raised, including alleged unpaid wages and super, missing childcare subsidies, funds stolen from parents' accounts, health and safety issues, fraud and likely serious breaches of the law.

Remembrance Day

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (10:36): This year we again had special local Remembrance Day services. I thank the Montmorency Eltham RSL for their work and dedication; as well as Zara and her lovely singing voice, Montmorency South Primary; Oliver and Anika, Holy Trinity Primary; Elin and Roman, Sherbourne Primary; Alannah and Heidi, Eltham North Primary; the Eltham College choir; Lydia, Montmorency Primary; Robert, Lower Plenty Primary; Ijsbrand and his great bugling, Eltham College; and students from Eltham East Primary and St Francis Xavier Primary. I thank committee members and volunteers of Friends of Kangaroo Ground War Memorial Park and the Nillumbik CFA group for organising and supporting a lovely Remembrance Day service at Kangaroo Ground and Nillumbik Group Officer Matt Knight for his thoughtful speech. Thank you, Diamond Creek RSL and all involved in the Remembrance Day service at the Diamond Creek War Memorial, especially Kerryn Cruickshank, Diamond Creek RSL president, and Peter Guatta, Diamond Creek RSL treasurer. Thank

you also to St Thomas the Apostle Primary, Diamond Creek Primary, Diamond Creek East Primary, Sacred Heart Primary and Wattle Glen Primary for their contributions to the service.

North East Link

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (10:37): I want to thank my community for their patience during the recent disruption to the Hurstbridge line while the train tunnel under Grimshaw Street is lengthened to be Melbourne's third-longest in order to accommodate the building of the North East Link. Having express buses to the city has been important, but there is no doubt it has been challenging for those who needed to take short trips along the train line when their journeys took longer than expected and normal. This is a project which will reduce travel times by up to 35 minutes. It will take thousands of trucks off local roads and improve traffic flow on key routes like the Eastern Freeway and the M80 ring-road. Travel times will also reduce in our area.

Armenian National Committee of Australia

Kim WELLS (Rowville) (10:38): In 2023 I had the opportunity to travel to Armenia as part of a parliamentary delegation. What I witnessed left a lasting impact. In the town of Goris, I met mothers holding their children with tears in their eyes, having fled their homes in Artsakh with only the clothes on their backs. One woman clutching a plastic bag of belongings told me, 'I don't know where my family will sleep tonight.' Another said, 'We've lost everything again.' Their grief was raw and reminded me that Armenian displacement is not a distant memory, it is a lived and repeated trauma. Their suffering echoes the legacy of the Armenian genocide, a tragedy still awaiting full international recognition. But amidst that pain, I see resilience and a people holding tight to their culture, their dignity and their will to survive. That resilience is embodied in the Armenian Australian community here in Victoria, and especially through the Armenian National Committee of Australia, which this year marks its 50th anniversary. For five decades the ANC Australia has been the voice of a vibrant community promoting justice, truth and democratic values. It advocates steadfastly for human rights and supports future generations to be proud of their heritage. I extend my heartfelt congratulations to ANC Australia on their milestone and thank them for all they have done to strengthen our democracy and enrich our state.

Ormond Netball Club

Nick STAIKOS (Bentleigh – Minister for Consumer Affairs, Minister for Local Government) (10:39): I rise to congratulate Ormond Netball Club on their 25th anniversary. Founded in 2000 by local mums Wendy Frost and Jodi Weston, the club began with a single team, just 12 players. The inaugural team was called Ormond Gold, and it kicked off at Ormond Primary School. The club's growth was rapid. By the next year the club fielded two teams, Ormond Green and Ormond Gold, and then three teams the year after. Today the club has 190 players, including 13 boys, across 19 teams. I can imagine that the size and the success of the club today is a matter of immense pride for Wendy and Jodi, who joined the celebrations at McKinnon Hotel last weekend. Over the years 950 players at Ormond Netball Club have been supported by hundreds of volunteers, coaches and families. I want to acknowledge the committee: Jessica Kelleher, who served as president until this year, as well as Anita Campbell, Ally Longman, Sara Hopkins, Sarah Bacon, Felicity Burke and Rebecca Mandile. I also acknowledge the subcommittee of past and present volunteers that was formed to help celebrate the club's 25 years. As well as Wendy, Jodi, Felicity and Anita from the current committee, the subcommittee also included Dave Knott, Caroline Morrison, Debra Dalidakis, Mark Schwerdt and Kellie Hamilton. I am very much looking forward to the club's next 25 years and certainly offer the club my support as their local member for their ongoing success, because as Sharon Strzelecki once said, 'If you need.'

Casey Warriors Rugby League Club

Pauline RICHARDS (Cranbourne) (10:41): I was very fortunate to attend the end-of-year presentation night for the Casey Warriors, the biggest and the best rugby league club in Victoria. I am going to take the opportunity to congratulate the senior award winners. First of all, the Phillip Panga Memorial Award was a very emotional award presented to Kwest Rua. From the first grade men's team I would like to congratulate Cody Jerkovich, Kwest Rua, Zavier Khan, Malachi Vaeau and Alijah Waetford; from the first grade women's team Tyra Boysen, Katelyn Faifili-Boon, Kassidy Kahotea and Iron Talia; from the second grade men's team Alijah Waetford, Raina Wichman, Tino Pritchard, Anzac Tipasa and Sia Taleo; and from the third grade men's team Daniel Alefosio, Chanel Antonio, Christopher Taumata, Kyrone Aporo and Miguel Lavea. They are an extraordinary team, and they are ably led by Numa as the president, who cuts a fine figure in a terrific cowboy hat, and Arana, Vivian, Suzanne and Stephanie. Stephanie did an extraordinary job acting as the MC on the night. This club are at the centre of the universe for us in Cranbourne. I am so proud of them and of everything they do. They are the best of us.

Remembrance Day

Martha HAYLETT (Ripon) (10:42): This past Tuesday communities across Ripon paused to remember those we lost, those who fought for our country and those whose scars never healed. Thank you to all the RSL sub-branches who hosted Remembrance Day commemorations and to the volunteers who helped lay wreaths on my behalf across Ripon. I was proud to join locals in Majorca, just outside Maryborough, to unveil the new avenue of honour signage on behalf of the Minister for Veterans. It was such a moving moment for the Majorca community and one that had been years in the making, made possible with funding from the Victorian government's Restoring Community War Memorials and Avenues of Honour grant program. I want to thank all involved in making the new signage happen, including Alex Stoneman OAM; Judith Healy and the members of the Carisbrook Historical Society; David Willis, chair of the Majorca public hall; Daniel McIvor, secretary of the Maryborough RSL sub-branch; and Ian Boucher, captain of the Carisbrook fire brigade. It was an honour to join them in remembering the brave local men and women who served our country in wars, conflicts and peacekeeping operations. The new signage will make sure their contributions are never forgotten. I want to thank again the Carisbrook Historical Society, Majorca public hall and Maryborough RSL sub-branch for putting on such a wonderful event. Our communities would be lesser places without volunteers like them.

Tarneit electorate transport infrastructure

Dylan WIGHT (Tarneit) (10:43): Today I want to speak about four ways the Allan Labor government is improving transport for people in my community of Tarneit. First off, you have heard me speak time and time again about the brand new West Tarneit train station. Set to open in 2026, this new station will provide a place closer to home for Tarneit residents to hop on the train and get into the city for work or recreation. Secondly, we are enhancing Wyndham's bus network. From 7 December there will be three new and upgraded bus routes running and more than 1500 extra weekly bus services. That is one every 20 minutes in peak times. We are also going to be introducing a new bus service for Tarneit North to go with the brand new Tarneit West train station, so stay tuned for that one. Third, we are building the Wyndham ring-road in collaboration with our federal colleagues. Creating a new link from Tarneit to Wyndham Vale, we are improving access to the Princes Highway as well as the employment precincts in Truganina and Laverton North. Number 4, we are opening up the brand new West Gate Tunnel. We know this tunnel will reduce congestion by providing an alternate route into the city for westies. This week I had the opportunity to check out the construction works at West Tarneit station and also the West Gate Tunnel. It is always great to see these projects being built, and I cannot wait for them to open up. It is also fantastic to be part of a government that cares about transport infrastructure and is making it easier for residents of the west to move around our great state and their local area.

Mount Erin College

Paul EDBROOKE (Frankston) (10:45): A big congratulations to Frankston's own Mount Erin secondary college on winning the Outstanding Koorie Education Team category at the 2025 Victorian Education Excellence Awards.

Bills

Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025

Statement of compatibility

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (10:46): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025:

Opening paragraphs

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

In my opinion, 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 contains a package of reforms designed to improve justice system responses to family violence, stalking and sexual violence, and strengthen protections for victims and their families.

Part 2 of the Bill amends the **Family Violence Protection Act 2008** (FVPA) to:

- improve processes for serving family violence intervention orders (FVIOs) and other documents
- establish a two-year default length for final FVIOs
- include additional considerations for applying for and issuing Family Violence Safety Notices (FVSNs) and making FVIOs to reduce the risk of misidentification of the predominant aggressor and to allow consideration of whether child respondents or respondents with a cognitive impairment understand the order being made against them
- introduce a minimum age of 12 for a respondent to a FVIO
- expand the circumstances where legal representation must be provided to self-represented applicants to cross-examine a respondent in contested FVIO applications and to self-represented respondents for cross-examination by the legal representative of an applicant
- ensure courts can make FVIOs regardless of whether the alleged family violence occurred outside Victoria
- ensure that young people listed as a protected person on their parent's order can continue to be protected under the order after they turn 18
- expand the definition of family violence to capture stalking, systems abuse and mistreatment of animals
- clarify that the court can make conditions on a FVIO in relation to animals and locating a protected person.

The Bill also makes amendments to the:

- **Crimes Act 1958** to amend the offence of stalking to improve its clarity and practical application and to reintroduce alternative verdicts for certain penetrative sexual offences.
- **Criminal Procedure Act 2009** to introduce new statutory functions for intermediaries to better reflect their role in practice and to extend certain existing witness protections to stalking cases.
- **Evidence (Miscellaneous Provisions) Act 1958** to allow notice relating to confidential communications and protected health information for protected persons who are a child or a person with a cognitive impairment to be provided to a parent, guardian or other appropriate person.

- **Jury Directions Act 2015** to make available statutory directions on consent for the offence of non-fatal strangulation and intimate image offences and to re-enact repealed directions on consent for historical offences to improve visibility.
- **Personal Safety Intervention Orders Act 2010** to allow a court to make interim orders on its own motion in criminal proceedings and bail hearings for certain offences.

Human Rights Issues

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. Generally, the Bill promotes a number of fundamental human rights. Where there are any limitations on human rights, I am of the view that they are justified and reasonable, as discussed below.

Improvements to intervention orders and safety notices to better protect victim-survivors

The primary purpose of the reforms to FVIOs and FVSNs is to strengthen the protections available to victim-survivors of family violence, promoting the interests protected by several Charter rights. The amendments will achieve this by better enabling courts and police officers to act to reduce the risk of harm, and to allow for the swift and effective protection of adults and children who are victim-survivors of family violence. Accordingly, these amendments promote the following Charter rights:

- the right to equality (section 8)
- the right to life (section 9)
- the protection from cruel, inhuman and degrading treatment (section 10)
- the protection of families and children (section 17)
- the right to property (section 20)
- the right to liberty and security of person (section 21(1)), and
- the right to a fair hearing (section 24).

Right to equality (section 8)

Section 8 of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. 'Discrimination' under the Charter is defined by reference to the definition in the **Equal Opportunity Act 2010** on the basis of an attribute in section 6 of that Act, which relevantly includes age, race, gender identity, sexual orientation, and disability. Section 8(4) of the Charter further provides that measures taken for the purpose of assisting or advancing disadvantaged persons or groups of persons do not constitute discrimination.

The Bill promotes the right to equality by ensuring that all people have equal access to protection from family violence. A key issue in the family violence system is the misidentification of the predominant aggressor. Misidentification refers to situations where a victim-survivor of family violence is incorrectly named as the perpetrator in a family violence proceeding rather than the person most in need of protection. This may occur where the predominant aggressor is not obvious, for example, where the victim-survivor has used retaliatory force to protect themself or another person from family violence. Certain cohorts are at greater risk of being misidentified, such as women, Aboriginal and Torres Strait Islander people, women from migrant and/or culturally and linguistically diverse communities, women with disabilities, and LGBTIQA+ people. The consequences of misidentification are severe – for instance, it may result in women having children removed by child protection because they were misidentified as the primary aggressor, loss of housing or having court processes initiated against them. In addition, the real perpetrator is not held to account and is able to continue to perpetrate family violence.

To address these issues, the Bill acknowledges that certain cohorts are at increased risk of misidentification, and requires police officers and the courts to consider certain misidentification factors when applying for or issuing a FVSN or making a FVIO. This is intended to address concerns that people in the LGBTIQA+ community, those with a culturally and linguistically diverse background, and Aboriginal victim-survivors are often wrongly identified as perpetrators. This falls within the exception under section 8(4), being a special measure to assist or advance the protection of Aboriginal people and members of a group with a protected attribute.

Protection of families and children (section 17)

Section 17(1) of the Charter recognises the family as the fundamental group unit of society and entitles it to protection by society and the State. Section 17(2) recognises that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

The Bill promotes the protection of families and children by strengthening the framework of intervention orders and safety notices and streamlining the process for victim-survivors to obtain these protections. For example, the introduction of a two-year default FVIO length enables affected family members to receive consistent and predictable protection, protecting families and children from repeated exposure to the stress and trauma of re-litigating their safety, while still allowing longer or shorter orders to be made where appropriate. The reforms concerning misidentification of the predominant aggressor are particularly important for families and children. These reforms reduce the risk that a parent who is a victim-survivor is wrongly subject to an order which may in turn result in longer-term, negative consequences for the family unit. This works to safeguard the care and wellbeing of children and protect the family unit.

The Bill also promotes the best interests of the child by introducing a minimum age of 12 for FVIO respondents and, when deciding whether to make an order against a child respondent, allowing the court to consider that child's age and maturity and the child's ability to understand the order and comply with the conditions. These amendments recognise the special vulnerability of children and adopt measures to protect the child and foster their development. The minimum age requirement is also consistent with the increase in the minimum age for personal safety intervention orders and the age of criminal responsibility in Victoria. These amendments ensure that the system is more responsive to the developmental needs and vulnerabilities of children, thereby promoting their rights under sections 17(2) of the Charter.

Other promoted rights

The following family violence reforms also promote rights under the Charter:

- By ensuring swift and effective protections through own-motion PSIOs, the Bill promotes the right to life (section 9) and the right to liberty and security of person (section 21(1)), as well as protecting against serious harm consistent with the right to protection from cruel, inhuman and degrading treatment (section 10).
- Expanding access to legal representation for self-represented applicants and respondents in cross-examination promotes the right to a fair hearing (section 24) by protecting victim-survivors from direct confrontation by perpetrators in court and minimising the risk of misidentification of the predominant aggressor.
- Expressly providing that courts may make conditions on a FVIO about animals, including directing a respondent to return a specified animal to the affected family member, promotes the protection of property rights under section 20.

In addition to promoting the above rights, the proposed reforms may limit certain rights protected under the Charter. As discussed below, in my view, any limitations are justified and reasonable.

Right to freedom of movement (section 12)

Section 12 provides that a person is entitled to move freely within Victoria, to choose where to live in Victoria, and to freely enter and leave Victoria.

The Bill may limit the right to freedom of movement by establishing a two-year default length of FVIOs, and empowering courts to make own-motion interim PSIOs during bail and criminal proceedings. For FVIOs, the default length amendments will also apply to a person serving a term of imprisonment for offending related to family violence setting the default length for a FVIO as the total effective sentence and an additional 12 months. These reforms limit the respondent's freedom of movement by potentially restricting the locations they can attend and their ability to approach protected persons.

Any limitation is necessary to achieve the purpose of protecting victim-survivors of family and personal violence, which is of the highest importance. These restrictions also promote the right of freedom of movement for victim-survivors of family violence and victims of stalking. The measures are proportionate because restrictions are only imposed where a court is satisfied they are necessary to protect a person's safety, remain subject to judicial discretion, and, in the case of interim PSIOs, are only in place until a decision is made on a final order.

In the case of a person serving a term of imprisonment for family violence offending, it is proportionate that a person remains on a FVIO after their total effective sentence as it is understood that when a respondent leaves prison there is an increased risk period for an affected family member. However, courts will retain discretion to impose a shorter FVIO than the presumed default period. Accordingly, any limitation on freedom of movement is justified under section 7(2) of the Charter.

Right to privacy (section 13)

Section 13 provides that every person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Intervention orders can restrict a respondent's relationships with family members and their access to their home. The Bill creates a two-year default duration of FVIOs which will likely prolong the period of time that respondents are subject to conditions on how they interact with affected family members and any protected persons, and whether they can reside in the family home. The Bill also strengthens service provisions, which limits a respondent's right to privacy by requiring they provide their address to police before an order or notice is served on the respondent.

These measures serve the legitimate purpose of ensuring the safety of affected family members and victims, through greater protection from intervention orders and facilitating effective service of orders and notices. These interferences with privacy are neither unlawful nor arbitrary; they are authorised by legislation, subject to judicial oversight, and imposed only where necessary to protect the safety of affected family members. Courts retain discretion to shorten, vary or revoke orders. On this basis, any limitations are reasonable and justified under section 7(2) of the Charter.

Right to freedom of expression (section 15) and right to freedom of association (section 16)

Section 15 provides that every person has the right to hold an opinion without interference and the freedom to seek, receive and impart information and ideas of all kinds. Section 16 provides that every person has the right to freedom of association with others.

Longer default FVIO durations, and own-motion interim PSIOs in bail and criminal proceedings may limit a respondent's right to the freedom of expression. This is because these amendments limit who a respondent can speak to by restricting contact with protected persons. However, section 15(2) must be read in conjunction with section 15(3) of the Charter, which provides that special duties and responsibilities attach to the freedom of expression, and thus the right can be subject to lawful restrictions reasonably necessary to respect the rights and reputation of others. The limitation on the freedom of expression imposed by these amendments would fall into this category: an interim PSIO will only be able to be made in limited high-risk matters and if it is necessary, on the balance of probabilities, to protect the safety of the alleged victim.

Similarly, courts hold discretion to impose a shorter FVIO than the default period. These amendments protect a protected person's safety and right to liberty and security of person (section 21), which is a fundamental human right protected by the Charter. The restriction on the freedom of expression is very narrowly targeted, and respondents will still be able to communicate freely with other people. As such, any limitations are in my view reasonable and justified under section 7(2) of the Charter.

These amendments also restrict the people with whom the respondent can associate, preventing them from contacting the family members or victim protected by the order. The respondent's right to freedom of association (section 16) may be limited on the basis that it is necessary to protect the safety of those protected by the order and there are no less restrictive measures available to achieve this purpose. As such, these amendments are reasonable and justified under section 7(2) of the Charter.

Right to a fair hearing (section 24)

Section 24 of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The Bill empowers a court to make an own-motion interim PSIO during bail or criminal proceedings for certain serious offences, including potential circumstances where the respondent has not had a full opportunity to present their case. This engages the right to a fair hearing, because a respondent may be temporarily subject to restrictions without first being heard. However, any limitation on the right is reasonable and justified as the purpose is to ensure courts can act swiftly to protect victims of alleged serious violent, sexual or stalking conduct during the critical stages of the criminal process, where risks may escalate. In addition, the limitation is temporary and only operates until the matter is brought back before the court, at which point the respondent has an opportunity to be heard. The limitation is safeguarded by judicial discretion as orders are only made where the court is satisfied, on the balance of probabilities, that the order is necessary for safety and only on an interim basis, with opportunity for the respondent to contest the making of a final order. There are no less restrictive means available that would adequately protect the safety of victims at short notice. Accordingly, any limitation on the right to a fair hearing caused by own-motion interim PSIOs is reasonable and justified under section 7(2) of the Charter.

Clarifying the stalking offence and extending certain witness protections to stalking cases

The Bill amends the offence of stalking under section 21A of the **Crimes Act 1958** to improve its clarity and practical application, and to expressly provide in section 21A(2) that causing harm (or threatening to do so) to any animal in the presence of the victim, another person or where the harm or threat to an animal will be discovered by the victim or another person could be a form of stalking behaviour if it meets the relevant

criteria to establish an offence of stalking (i.e. there must also be a course of conduct involving certain behaviour directed at the victim).

The Bill also extends certain witness protections in the **Criminal Procedure Act** (CPA) to cases involving a charge of stalking. These include enabling courts to prohibit an accused person from personally cross-examining protected witnesses, providing for alternative arrangements for witnesses giving evidence, using Visual and Audio Recorded Evidence (VARE) and ground rules hearings for a witness who is a child or person with a cognitive impairment, and allowing for special hearings to accommodate complainants who are children or have a cognitive impairment. These measures aim to enhance the protection and support available to complainants and witnesses in stalking cases and to improve their experience in the criminal justice system.

The overall purpose of these amendments is to strengthen the safety and dignity of victims and witnesses in stalking cases, thereby promoting the interests protected by several Charter rights. In particular, the amendments promote the following Charter rights:

- the right to equality (section 8)
- the right to freedom of movement (section 12)
- the right to privacy (section 13), and
- the protection of families and children (section 17).

The clarification of the offence of stalking promotes the right to freedom of movement and the right to privacy. While the amendments do not alter the existing broad scope of the offence, they will continue to ensure that the criminal law effectively and clearly deters behaviours that otherwise can coerce or intimidate victims into limiting their actions or movements. In addition, clarifying the scope of behaviours that constitute stalking promotes the right to privacy by protecting the physical and psychological integrity, including the personal security and mental stability, of victims of stalking.

The extension of witness protections to stalking matters, particularly in relation to supports for a complainant who is a child or person with a cognitive impairment, promotes the right to equality (section 8) and the right to protection of families and children (section 17). The protections extended to children and people with a cognitive impairment create substantive equality by supporting their participation in the criminal justice process. The best interests of the child are protected by ensuring that the system is more responsive to the vulnerabilities of children through extending VARE and ground rules hearings to child witnesses and special hearings to child complainants in stalking cases. Similarly, the prohibition on personal cross-examination of protected witnesses safeguards the family unit, by protecting families from exposure to the stress and trauma of being questioned by the accused.

Like sexual offence and family violence cases, the nature of stalking cases warrants additional protections for witnesses and complainants. I am satisfied that these special protections are necessary to protect children and other witnesses from harm, and to minimise unnecessary trauma when giving evidence. I am also satisfied that the greater protections will ensure that this cohort of witnesses are more supported to participate in the criminal justice system.

Rights in a criminal proceeding (section 25)

The amendments to the CPA to extend certain witness protections to stalking cases also engage and in some cases may limit certain rights in a criminal proceeding. However, in my opinion, any limitation is reasonable and demonstrably justified under section 7(2) of the Charter.

Section 25(2) of the Charter sets out rights in criminal proceedings including specific minimum guarantees in these proceedings. Relevant to the CPA amendments outlined above are the rights to:

- (2)(d) – be tried in person, and to defend personally or through legal assistance, and
- (2)(g) – examine, or have examined, witnesses against the accused, unless otherwise provided for by law.

I note that the extension of alternative arrangements for giving evidence in stalking cases may engage but does not, in any way, limit an accused person's ability to challenge the evidence against them either by presenting their own evidence or through cross-examination of witnesses for the prosecution. Similarly, the expansion of VAREs and special hearings to certain witnesses or complainants in stalking cases does not limit any ability of the accused to properly examine witnesses.

Extending ground rules hearings to stalking complainants may engage the accused's right under section 25(2)(g) of the Charter to examine witnesses against the accused. During ground rules hearings, the court considers the communication, support or other needs of witnesses and decides how the proceeding is to be conducted to fairly and effectively meet those needs. As a result, the subject matter and style of cross-examination may be limited to protect witnesses from unnecessarily stressful or intimidating questioning, and

irrelevant questioning. Any limitation on cross-examination of witnesses occasioned by the Bill would be provided for by law and therefore would not interfere with the express right to examine witnesses at section 25(2)(g). Any limits on cross-examination imposed through ground rules hearings are rationally connected to the purpose of minimising trauma, and may assist in eliciting clear evidence from witnesses, promoting fair and efficient hearings. There is no blanket ban on cross-examination and no set rules in respect of how a witness' evidence is taken following a ground rules hearing – these being agreed between the parties and the judge at the ground rules hearing. The accused can seek leave to cross-examine and to make submissions with respect to the topics they would like to cross-examine a witness on in a ground rules hearing. I am of the view there are no less restrictive means available to achieve the purpose of the reforms, which strengthen protections for victims and witnesses of stalking and improve their experience of the criminal justice system.

The prohibition on personal cross-examination of protected witnesses in stalking proceedings engages and may limit the right in section 25(2)(d) as an accused is unable to defend themself personally. However, the Bill retains the ability for a self-represented accused to be defended through legal assistance in the limited circumstance where a protected witness (e.g. family member of the accused) is to be cross-examined. The court may also order that an accused be legally represented for that cross-examination. The amendment does not prevent the accused from conducting their defence personally for any other aspect of the trial. I am of the view that the nature of the limitation is both reasonable and justified as it is closely connected to its purpose of protecting certain witnesses from personal cross-examination by the accused that may perpetuate stalking behaviour, ensuring protected witnesses can participate fully in the justice process.

While the right in section 25(2)(g) is engaged by the prohibition on personal cross-examination, it is not limited as this prohibition is provided for by law. Further, the accused retains the ability to have the witness' evidence tested through legal representatives, with Victoria Legal Aid ordered to provide representation, where required, for a self-represented accused. This ensures that the evidence can still be adequately challenged and that a fair trial is preserved. Judicial directions or case management alone do not sufficiently protect certain witnesses from the harms associated with direct questioning by the accused.

I am therefore satisfied that the Bill in respect of ground rules hearings and the prohibition on personal cross-examination is compatible with section 25 of the Charter.

Other reforms

The Bill will reintroduce section 425 into the **Crimes Act 1958** by providing alternative verdicts for certain offences involving sexual penetration. Recent Court of Appeal decisions limit the application of the general provision in the CPA that allows for alternative verdicts. This provision will improve sexual offence prosecutions by clearly providing that certain offences involving sexual touching are alternatives to certain offences involving sexual penetration. This promotes the right to a fair hearing (section 24) and the rights in criminal proceedings (section 25) by ensuring that a jury can return appropriate verdicts.

The Bill introduces new statutory functions for intermediaries to better reflect their role in practice. Intermediaries are impartial officers of the court who help communication with vulnerable witnesses, including children and those with a cognitive impairment. The amendments provide that an intermediary can make recommendations to the court about witness communication and otherwise assist the court or a legal practitioner with witness communication. The Bill also allows the court to consider intermediary recommendations in ground rules hearings. These amendments promote the following rights by removing barriers that prevent vulnerable witnesses from effectively participating in criminal proceedings and reducing trauma faced by these witnesses while giving evidence, ensuring that the most reliable evidence is adduced:

- the right to equality (section 8)
- the right to freedom of expression (section 15)
- protection of families and children (section 17), and
- the right to a fair hearing (section 24).

Given the use of intermediaries impacts the examination of witnesses, the amendments may engage the accused's right under section 25(2)(g) to examine witnesses against the accused, unless otherwise provided for by law. While intermediaries assist certain witnesses to communicate, they do not do so in a way that limits the rights of the accused. The accused and the prosecution continue to have the same rights of examination and cross-examination with respect to each witness. Further, as noted above, any changes that the Bill makes to the examination of witnesses would be provided for by law and would therefore not limit with the accused's right under section 25(2)(g).

The Bill may engage a person's right to privacy (section 13) by amending the **Evidence (Miscellaneous Provisions) Act 1958** to allow notice relating to a protected person's confidential communications to be given to a parent, guardian or other suitable person, where the protected person is a child or is a person with a

cognitive impairment. The purpose of this reform is to ensure that someone who can understand the content of the notice will receive a copy, to enable them to assist the protected person to consider if and how they wish to participate in a confidential communications application. Any impact on the right to privacy is balanced by requiring the prosecuting party to consider the protected person's views as to whom the notice should be provided to, thereby promoting the protected person's agency. The prosecuting party must also consider whether the alternative person to receive the notice is appropriate. In this way, I consider that any limit the amendments may impose on the right to privacy is reasonable and necessary to ensure the protected person is aware of their rights to participate in confidential communications applications. I further consider that this reform will promote the right to equality before the law (section 8) by putting processes in place to support children and adults with a cognitive impairment to better understand how they can participate in confidential communications applications.

Finally, the Bill amends the **Jury Directions Act 2015** to ensure statutory directions on consent and reasonable belief in consent are available when relevant in trials for intimate image sexual offences and non-fatal strangulation. The amendments also improve visibility of jury directions by re-enacting repealed jury directions on consent for historical offences. These amendments promote the right to a fair hearing (section 24) by consolidating and increasing visibility of jury directions for complex matters such as historic sexual offences prosecuted under repealed provisions and by addressing misconceptions that may arise in trials for non-fatal strangulation and intimate image sexual offences where the accused raises a defence of consent.

Sonya Kilkenny
Attorney-General

Second reading

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (10:47): 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:

Family violence happens across all communities, in all kinds of relationships and all too often. In 2023, Victoria Police responded to 94,170 family violence incidents – one every 6 minutes – with nearly three quarters of victims being women and girls. Addressing family and gendered violence is critical to improving community safety by helping to ensure the whole community, including women and children, can live free from harm and fear.

The Victorian Government has implemented all 227 recommendations of the Royal Commission into Family Violence, delivering state-wide improvements to police, justice and support service response. This government remains committed to ending family and sexual violence in Victoria but there is still further work to do to hold offenders to account and ensure victim-survivors have the support they need to stay safe. We can further improve experiences and outcomes for victim-survivors, and strengthen justice system responses to ensure accountability, effective interventions and sustained behaviour change.

This is why the Victorian Government has committed to a package of 16 initiatives to address gender-based violence and strengthen women's safety, including further investment in service support and initiatives to respond to family and sexual violence, and the legislative reforms in this Bill.

The suite of reforms in the Bill builds on previous reform to ensure the justice system continues improving its response to the needs of victim-survivors of family violence, stalking and sexual offences. The Bill prioritises the safety of victim-survivors as the paramount consideration for all the reforms, while appropriately balancing the rights of respondents. Where possible, the reforms reflect the views of the people most affected by gender-based violence, including Aboriginal women. This Bill has been developed in consultation with a broad range of stakeholders, including victim-survivors and their advocates, legal and government stakeholders, whose input has been invaluable in helping ensure the Bill is workable, fair and effective.

I would particularly like to thank the following individuals, organisations and working groups for their advocacy, dedication and contributions to this Bill: Federation of Community Legal Centres, Victorian Aboriginal Legal Service, Djirra, Women's Legal Service Victoria, Aboriginal Justice Caucus, Law Institute of Victoria, Victims of Crime Commissioner, Victims of Crime Consultative Committee, Victim Survivors Advisory Council (in particular the previous Chair and Deputy Chair Rivka Martin and Conor Pall), Dhelk Dja, Family Violence Reform Advisory Group and the LGBTIQA+ Justice Working Group.

The reforms also address other forms of gendered violence that can occur both in and outside the context of family violence. The Bill clarifies the stalking offence and delivers improvements to Personal Safety Intervention Orders (PSIOs), used to protect people against violence between non-family members. The Bill provides better protection and support to improve the experience of complainants and witnesses in stalking and sexual offence proceedings, reducing re-traumatisation in the criminal trial process. The Bill also contains procedural reforms to provide more clarity and reduce complexity in sexual offence proceedings.

FAMILY VIOLENCE REFORMS

Family Violence Intervention Orders (FVIOs) and Family Violence Safety Notices (FVSNs) play a central role in the justice system framework for addressing family violence, imposing conditions on perpetrators and providing a protective response for victim-survivors. While an FVIO or FVSN is a civil mechanism, breaches of the conditions of FVIOs or FVSNs carry significant criminal consequences of up to two years imprisonment, or up to five years imprisonment for more serious or repeated breaches.

The reforms in this Bill will streamline processes and promote perpetrator accountability and quicker and longer protection for victim-survivors.

Ensuring longer Family Violence Intervention Orders

The Bill amends the *Family Violence Protection Act 2008* to introduce a new default length for a final FVIO of two years to ensure longer protection for victim-survivors and reduce the need for re-traumatising court appearances. This aligns with equivalent provisions in New South Wales, Western Australia and the Australian Capital Territory.

Currently, while courts can issue a final FVIO for any duration against adults, in practice, the majority of final orders are made for a period of 12 months or less. Victim-survivors have raised that this is not long enough to appropriately manage risk, including for the respondent (the person subject to the order) to address underlying issues such as mental health concerns or for other risk factors to resolve, like family law matters. To avoid orders lapsing when protection is still required, affected family members (the people protected by FVIOs) need to go back to court to apply for an extension and explain why an order is still needed.

The new default length will provide greater certainty for victim-survivors and a baseline for determining length of FVIOs. The default period will only apply to adult respondents. The Bill preserves the existing maximum length of 12 months for an FVIO made against a child, in recognition of the different considerations that apply in those cases.

Importantly, courts will still have discretion to make orders that operate for a longer or shorter duration than the default period if appropriate, taking into account the existing factors in the *Family Violence Protection Act*.

The Bill will also introduce a default length for final FVIOs for respondents who are serving a custodial sentence for family violence offending at the time the FVIO is made. Where the total effective sentence (including parole and non-parole periods) is for 12 months or more, the default period will be the total effective sentence and an additional 12 months. This will help ensure that victim-survivors continue to be protected after a respondent is released from imprisonment, which is a recognised period of heightened risk.

Responding to risks of misidentification

The Bill will help minimise the risk of victim-survivors being incorrectly identified as the perpetrator rather than the person most in need of protection. Misidentification of the predominant aggressor can occur in a range of circumstances, including where the victim-survivor's presentation and characteristics are misinterpreted, or they use retaliatory force to protect themselves or another person from family violence. Certain cohorts are more at risk of being misidentified, including Aboriginal people, particularly Aboriginal women, migrant and refugee women, women with disabilities, and LGBTIQA+ people.

Currently, neither the occurrence nor risk of misidentification are explicitly recognised in the *Family Violence Protection Act* despite its potential for severe, long-lasting consequences. Stakeholders have reported that often issues of misidentification are not considered unless the matter is taken to a contested hearing, which can take some time. Victim-survivors may also feel pressure to consent to orders without admissions to avoid further hearings which bring them in contact with the perpetrator. Misidentification can create or exacerbate barriers to access services for victim-survivors, or subject them to other civil and criminal responses such as the loss of housing, the involvement of Child Protection and for alleged breaches of orders. Stakeholders have emphasised the importance of addressing misidentification alongside other reforms in the Bill, such as the default length for FVIOs, to reduce the risk of victim-survivors being incorrectly entrenched in the system as respondents.

These reforms are informed by, and are intended to complement, the considerations in the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), which ensures services are

effectively identifying, assessing and managing family violence risk, including the risk of misidentification. As MARAM informs and improves existing tools at the discretion of the relevant organisation without overriding operational decision-making tools, there is scope for the legislation to support better incorporation of MARAM principles and considerations into operational decision making.

The Bill requires police and courts to consider if the respondent has been misidentified taking into account factors intended to help decision-makers prevent or consider whether misidentification has occurred when applying for and issuing a FVSN or making a FVIO. The purpose of the amendments is not to add a new threshold or replace the existing tests that apply to FVSNs and FVIOs, but to encourage active consideration of misidentification and to minimise the risk of misidentification occurring.

The relevant factors include consideration of the nature of the incident (which is to be viewed in the context of the relationship history and dynamic) and whether any party's actions may have been for the purpose of protection of self or others. The Bill also directs decision-makers to consider whether any of the parties may be at an increased risk of being misidentified as the respondent, if any of the parties belong to a specified cohort. This acknowledges that misidentification disproportionately affects people such as Aboriginal women, will ensure decision-makers turn their minds to the risk of misidentification when making a determination, and encourage a consistent approach to applications for, and issuing of, FVSNs and FVIOs.

Strengthening and modernising the definition of family violence to recognise stalking, systems abuse and mistreatment of animals

Stalking in family violence matters

The Bill amends the *Family Violence Protection Act* to expressly include stalking in the definition of family violence and make clear courts may include conditions in FVIOs prohibiting a respondent from locating or attempting to locate an affected family member (such as using electronic tracking devices on mobile phones or cars).

The amendments reflect the prevalence of stalking conduct in family violence dynamics and ensure conditions of FVIOs may be explicit about prohibiting such behaviour, which is designed to intimidate and create fear for victim-survivors.

While stalking is defined in reference to the stalking offence under section 21A of the *Crimes Act 1958*, it is not intended that the elements of this offence would need to be proven for the conduct to constitute family violence.

Systems abuse

Systems abuse refers to the manipulation of actions or decisions of professionals in the system to further coerce and control victim-survivors. This can include vexatious court applications or false reports to police, Child Protection, child family services such as child support agencies, health services and immigration entities.

The Bill expressly captures systems abuse in the definition of family violence. This will embed contemporary understandings of family violence dynamics in the legislation. It will also acknowledge the prevalence of systems abuse, raise awareness of the circumstances where perpetrators misuse and weaponise protections for victim-survivors as a mechanism for further harm, and help guide the interpretation of legislation by the judiciary.

Animals used to perpetrate family violence

The Bill broadens the definition of family violence to capture common ways that animals may be used to perpetuate family violence. These circumstances include where a perpetrator uses an animal to punish or control a victim-survivor by withholding the animal's food, water or medication, or threatening to sell or abandon the animal.

The Bill also makes clear that the court can make FVIO conditions in relation to animals. Perpetrators often target the animal with which the victim-survivor has the greatest emotional connection (such as pets) or on which the victim-survivor relies for their livelihood (such as livestock or an assistance animal). These reforms will clarify that courts can, for example, prohibit respondents from using any animal to commit family violence or directing the respondent to return a specific animal that belongs to the protected person.

Improving protections for children and vulnerable cohorts

Continuing protection for young people after they turn 18

The Bill clarifies that a child listed as a protected person on their parent's FVIO who turns 18 can remain protected for the duration of that order. As the *Family Violence Protection Act* is currently silent on the issue, this reform addresses inconsistent practice which has created uncertainty for young people. The reform will

implement the intent of Recommendation 1 from Stage 1 of the Victorian Law Reform Commission's community law reform project on *Family Violence Intervention Orders for Children and Young Adults*.

Making it clear that protection does not lapse when children listed on their parent's order turn 18 ensures that young people will not have to return to court to apply for their own order when the need for protection has already been established.

Introducing a minimum age for respondents

The Bill will introduce a minimum age of 12 years for respondents to FVIOs. Currently, children of any age can be subject to FVIOs. Children who are very young are unlikely to be able to properly understand their obligations under an FVIO. This can undermine the effectiveness of orders, with the behaviour better managed through alternative therapeutic pathways. While FVIOs are civil orders, there are criminal consequences for contraventions. The absence of a prescribed minimum age for FVIOs can result in situations where a child cannot be held criminally responsible for breaching an FVIO because they are under the minimum age of criminal responsibility. There is also an inconsistency with the PSIO scheme which does have a prescribed minimum age.

The minimum prescribed age of 12 years for respondents to FVIOs is consistent with the minimum age of criminal responsibility and minimum age of respondents for PSIOs, both of which were raised from 10 to 12 years of age following the commencement of provisions in the *Youth Justice Act 2024* on 30 September 2025.

Consideration of age or impairment to recognise children and other vulnerable cohorts

The Bill provides that in considering making an FVIO where a child or person with a cognitive impairment is the respondent, the court may consider their ability to understand the nature and effect of the order and ability to comply with the conditions of the order. This will help prevent FVIOs being made in circumstances where they will be ineffective and unfair, and broadly align with the considerations that apply to the making of PSIOs.

Improvements to service of Family Violence Intervention Orders

The Bill will streamline processes for the timely service of FVIOs to ensure that protection for affected family members starts as soon as possible and strengthen perpetrator accountability, including by making it harder for respondents to avoid service.

An order is only enforceable once it has been served or an explanation provided to the respondent. Unless otherwise ordered by the court, all documents under the *Family Violence Protection Act*, including FVIOs, must be personally served on a respondent. In practice, personal service is generally effected by Victoria Police members.

Personal service is an important opportunity to ensure respondents receive and understand an order, increasing the likelihood of compliance and therefore better supporting the protected person's safety. However, personal service can be time consuming and resource intensive, particularly when a respondent is deliberately avoiding service. The *Family Violence Protection Act* provides ways to overcome this by allowing the court to make orders for alternative or substituted service. The Bill strengthens these options where it is appropriate to do so, while still prioritising personal service.

Providing legislative guidance for substituted service

Substituted service allows for non-personal service in certain circumstances, such as where a respondent is intentionally evading personal service. This may include leaving the documents with a person other than the respondent or at a specific location.

The Bill provides a list of factors that may be considered when the court is deciding whether to make an order for substituted service. This list is intended to support police in preparing applications and improve consistency in decision-making, while ultimately retaining court discretion to determine the appropriate method of service.

The Bill also changes the threshold for making an order for substituted service from 'not possible' to 'not practicable' and enables courts to make such orders on their own motion, without requiring police or an affected family member to make an application, to ensure FVIOs may be served as quickly as possible in appropriate cases.

Streamlining service on respondents in prison

The Bill streamlines service of family violence documents for respondents in prison who frustrate service by deliberately avoiding service. Like other personal service practices in the community, Victoria Police members are given responsibility to serve respondents in prison. If a respondent in prison refuses to accept a visit from police or service of a family violence document during a visit, police are required to attempt service at further visits or apply to the court for substituted service, delaying protection for affected family members.

The Bill establishes a new process for service by deeming family violence documents to be served on adult respondents in prison by leaving the documents with the prison's Governor in certain circumstances. Police must attempt personal service in the first instance and arrange to visit the prisoner, including confirming the prisoner is being held at the prison, and the prisoner must be aware of the purpose of the visit. Once the documents have been left with the Governor, service is taken to have been effected.

The Governor must then arrange for the document to be provided to the respondent as soon as reasonably practicable. This is not a service responsibility but a critical safeguard to ensure the respondent has a copy of their documents.

The Bill also provides that if a respondent has been released from prison before the document could be delivered, the Governor must notify the Chief Commissioner of Police to arrange for the documents to be delivered to the respondent in the community. This situation is expected to be rare but will ensure documents are delivered to the respondent as expeditiously as possible, noting that exit from custody can heighten the risk of family violence occurring.

Streamlining service by other prescribed persons in the future

While the *Family Violence Protection Act* does not prohibit other agencies from serving FVIOs, the responsibility generally falls to police. The Bill lays the groundwork for allowing other prescribed classes of persons to serve documents in the future. The Bill will also allow the prescribed persons to provide proof of service in the same streamlined manner as courts and police, rather than the more onerous affidavits that are currently required.

Extending the time for serving counselling orders

The Bill extends the timeframe for respondents to be served with counselling orders from 10 to 15 days. This addresses concerns from stakeholders that the current timeframe is difficult to meet, which may result in respondents not engaging in court-ordered counselling to take responsibility for their behaviour and make positive changes.

Extending the reach of Family Violence Intervention Orders outside Victoria

The Bill amends the *Family Violence Protection Act* to provide that courts may make interim and final FVIOs regardless of whether some or all of the alleged family violence occurred outside Victoria and the affected family member was outside Victoria. Currently, the Act provides that orders can be made where either family violence occurred outside Victoria or the affected family member was outside Victoria, but not both.

This amendment will enable a broader range of victim-survivors to quickly and effectively seek protection in Victoria, in particular, people living in border towns where the closest court may be in Victoria, or victim-survivors who have come to Victoria fleeing violence that has occurred in other jurisdictions.

Extending legal representation for parties in contested FVIO proceedings

The Bill expands the circumstances where legal representation must be offered or provided to self-represented parties during cross-examination in contested FVIO proceedings.

To avoid the respondent personally questioning the affected family member, the *Family Violence Protection Act* provides for Victoria Legal Aid to conduct cross-examination of the affected family member on behalf of self-represented respondents in contested hearings. The Act does not currently provide for representation for a self-represented affected family member to cross-examine the respondent. While the majority of FVIOs are taken out by Victoria Police on behalf of victim-survivors, if an affected family member has made the application themselves without legal representation, they face the prospect of personally cross-examining the respondent despite other protections designed to reduce contact between affected family member respondents, and to protect victims and vulnerable individuals. To address this gap, the Bill requires the court to order legal representation for self-represented affected family members in these circumstances.

The Bill also provides for representation of a self-represented respondent for the purpose of cross-examination by an affected family member's legal representative. This promotes procedural fairness, enhances the efficiency of contested hearings and provides a protective measure against perpetuating misidentification of the predominant aggressor.

PERSONAL SAFETY, STALKING AND SEXUAL OFFENCE REFORMS

Allowing own motion interim Personal Safety Intervention Orders

The Bill implements a recommendation from the VLRC's 2022 *Stalking: Final Report* to allow interim PSIOs to be made on the court's own motion (recommendation 26). This reform is modelled on similar provisions in the *Family Violence Protection Act* and will allow courts on their own motion to make interim PSIOs against adult respondents in high-risk criminal or bail proceedings relating to alleged stalking, sexual offences and violent offences where appropriate.

This will ensure interim PSIOs can be made in appropriate cases without requiring a person to make a separate application, increasing the courts' ability to protect victims of stalking and interpersonal violence.

Improving the stalking offence

Stalking is a long-standing criminal offence in Victoria and applies in both family violence and non–family violence contexts. The VLRC's *Stalking* report was informed by broad consultation with community groups and victims. The report found that the core elements of the stalking offence were appropriate and did not need to fundamentally change, and that the offence was sufficiently broad to cover a range of conduct. However, it recommended amending the offence to improve its clarity. In response to the report and following further consultation with justice system stakeholders, the Bill improves the stalking offence so it is clearer and easier to understand and apply in practice.

The current offence in section 21A of the *Crimes Act 1958* can be established where an accused engages in a 'course of conduct', which can encompass a range of behaviours such as following or contacting a person, where the accused intends to cause physical or mental harm or arouse apprehension or fear in the victim for the safety of themselves or another person. It contains three possible fault elements – intention, recklessness or objective fault (when the offender ought to have understood that their conduct would be likely to cause such harm, etc and it actually did have that result). The Bill re-structures the stalking offence to more clearly set out the elements of the offence, including these three different fault elements.

The Bill also improves the clarity of the offence. It updates the language used in the recklessness element, so it is consistent with how recklessness is interpreted and applied in other Victorian offences, as recommended by the VLRC in its 2024 *Recklessness* report. It acquits recommendation 33(a) of the *Stalking* report by reflecting established case law principles in the meaning of 'course of conduct'. A 'course of conduct' will be defined to mean conduct that shows a continuity of purpose in relation to the victim which the accused engages in on more than one occasion (such as making persistent phone calls or attending the victim's workplace on multiple occasions) or that is protracted, such as tracking the victim's movements for a prolonged period. The Bill also provides that harming or threatening to harm animals may constitute stalking. For example, harming an animal in front of the victim or bringing it to the victim's attention in a way that could cause mental harm to the victim or arouse apprehension or fear for their safety.

Together, these changes will improve the stalking offence so that it is clearer and better understood by those who apply it in practice. This will complement other non-legislative recommendations made by the VLRC which focus on improved training for agencies, public education and pathways for support to better respond to stalking.

Improvements to criminal proceedings and processes

Expanding witness protections to stalking cases

The Bill extends certain protections in the *Criminal Procedure Act 2009* that currently apply in sexual offence and family violence cases to stalking cases. For example, complainants and witnesses in stalking cases who are children or persons with a cognitive impairment will be able to use certain pre-recorded evidence procedures, minimising the need for them to give evidence in front of the jury. This category of witnesses and complainants will also benefit from ground rules hearings being made available in stalking cases, to allow courts to consider how to meet their communication, support or other needs in the proceeding.

Courts will also be provided with the flexibility to order alternative arrangements for any witness in a stalking case, such as giving evidence remotely or permitting witnesses to have a support person beside them while giving evidence.

These reforms will reduce the number of times that complainants need to repeat their story and minimise stress and trauma to complainants and other witnesses in stalking cases.

Clarifying alternative verdicts in certain sexual offence trials

The Bill clarifies the law on alternative verdicts in certain sexual offence trials. Recent Court of Appeal decisions mean that the general provision in the *Criminal Procedure Act* allowing for alternative verdicts does not allow certain alternatives to penetrative sexual offending.

The Bill makes clear that in trials for certain offences involving sexual penetration (e.g. rape) it will be open to a jury to find an accused guilty of an alternative offence involving sexual touching (e.g. sexual assault) without requiring the alternative offence to be listed on the indictment.

Requiring multiple alternative charges to be included on indictments creates unnecessary complexity in prosecuting cases involving vulnerable complainants and causes confusion for jurors. By clearly providing that offences involving sexual touching are alternatives to penetrative sexual offences, the Bill will streamline and simplify this aspect of sexual offence trials.

New statutory functions for intermediaries

The Bill provides new statutory functions for intermediaries to better reflect their current role in criminal proceedings. Intermediaries are impartial officers of the court who have specific legislative functions to help witnesses who are children or persons with a cognitive impairment to give their most reliable evidence. The Bill clarifies that, in addition to their existing functions, intermediaries can make recommendations to the court about effective communication with a witness and can otherwise assist the court or a legal practitioner to communicate with the witness. The Bill also provides that the court can have regard to intermediary recommendations when deciding whether to give a ground rules hearing direction. These amendments will not change or broaden the scope of existing intermediary practices, rather they reflect common intermediary practices that are discussed in the *Multi-Jurisdictional Court Guide for the Intermediary Program: Intermediaries and Ground Rules Hearing*.

Making jury directions on consent available in intimate-image and non-fatal strangulation offence proceedings

The Bill amends the *Jury Directions Act 2015*, including in relation to non-fatal strangulation, intimate image sexual offences and historic sexual offences.

Intimate image sexual offences were introduced into the *Crimes Act* in 2022 to better reflect their serious nature. As a particularly dangerous form of family violence, non-fatal strangulation was introduced as a stand-alone offence in 2023. A defence of consent based on Victoria's affirmative consent model can be raised in relation to these offences.

Judges give directions on consent to the jury in certain sexual offence proceedings. The Bill will ensure that, where relevant, these directions can be given in intimate image sexual offence and non-fatal strangulation proceedings to address misconceptions that can arise in these trials and make it easier for juries to apply the law regarding consent.

The Bill also re-enacts repealed jury directions for historic sexual offences. We know that a delay in reporting experiences of sexual offending is common, particularly for child sexual abuse and these directions are still used in complex prosecutions for historic sexual offences. The Bill consolidates these directions in the *Jury Directions Act* for ease of reference and to give them greater visibility.

Expanding the classes of people who can receive notice of an application for confidential communications and protected health information

The Bill expands the classes of persons who may receive written notice of an application for leave to produce protected evidence in criminal proceedings relating to sexual offences, to ensure the rights of protected persons are properly understood.

Under the *Evidence (Miscellaneous Provisions) Act 1958*, protected evidence includes confidential communications made to medical practitioners or counsellors by, and protected health information about, a person against whom a sexual offence has or is alleged to have been committed (the protected person).

If an application is made for leave to compel production or adduce protected evidence in criminal proceedings, certain notice requirements must be complied with. This includes providing written notice to the protected person that they may appear in the proceeding, make submissions and obtain legal advice on the application. However, providing notice to a protected person who does not have the capacity to understand has little value and can cause undue distress.

Where the protected person is a child or person with a cognitive impairment, the reforms will allow the notice to be provided to a parent, guardian or other suitable person. This ensures the notice is received by someone able to understand it and its implications for the protected person.

I commend the Bill to the house.

Tim McCURDY (Ovens Valley) (10:47): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until Monday 17 November.

Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025

Second reading

Debate resumed on motion of Danny Pearson:

That this bill be now read a second time.

Bridget VALLENCE (Evelyn) (10:47): I rise to make my contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. The principal purpose of the bill is to restrict the circumstances in which non-disclosure agreements, or NDAs, can be used to resolve disputes that involve allegations of workplace sexual harassment. NDAs are commonly relied on to prevent either party from disclosing the details of the allegations that gave rise to the dispute after the parties have reached some kind of agreed settlement or resolution. NDAs have become commonly used in workplace disputes, including allegations of sexual harassment.

May I begin by saying that sexual harassment in all forms has absolutely no place in our workplaces or in society. Sexual harassment is simply disgusting. It is vile, and no-one should be subjected to it. We in the Victorian Liberals and Nationals will support any measure that will assist in eradicating sexual harassment to ensure we all work in respectful and harmonious workplaces. Sexual harassment should be deplored in all its forms, whether it is a suggestive remark, a lewd comment, a crude innuendo, inappropriate teasing or, worse, physical touching. Sexual harassment is a scourge that we as community leaders should call out and work together to eradicate. In terms of the legal definition, sexual harassment is considered to be any unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated where a reasonable person would have anticipated the possibility of that reaction in all the circumstances.

I, like many women, have been subjected to sexual harassment in my life and in my working career. It is awful and deeply upsetting. To be treated as an object rather than a fellow human is sick and demeaning. It hurts, and it keeps hurting long after it has stopped. Women should not feel that they need to put up with it, laugh it off or be told these things just happen; they should never be put in that position in the first place. Thankfully, we have come a long way from the awful behaviours that so many women have been forced to endure over decades. Not only have so many women called out this behaviour, many men have also stood up in support, and we are grateful for their leadership. However, like with many issues, unless we remain vigilant and strong, these behaviours will continue. So we support measures that give women a voice and do not oppose the passage of this bill, but we do note there are many improvements that can be made to ensure this bill is made even stronger. We are concerned that many of the measures contained in this bill, regrettably, will not do a great deal to actually prevent sexual harassment in the workplace; rather, many of the measures will only apply after someone has suffered sexual harassment, and in our view, like most things, prevention is much better than cure.

In some respects it is a missed opportunity by the government, who should be focusing more on measures to prevent sexual harassment at work in the first place rather than imposing measures that only apply after it has occurred, and we are concerned about some of the unintended consequences this bill may have, which I will come to shortly. In total, like so many other pieces of legislation introduced by this government, it does seem this bill has been rushed at the last minute so that the government can perhaps try and distract the public from so many other of its failings, such as Victoria's soaring crime rates or failures in child protection.

In March 2021, more than four years ago, the Acting Premier and Minister for Workplace Safety announced the establishment of a ministerial taskforce on workplace sexual harassment. It appears the taskforce was set up in response to the Australian Human Rights Commission *Respect@Work* report, which was delivered a year earlier. That report found, quite sadly, that one in three workers had been sexually harassed at work in the previous five years. The taskforce was requested to develop potential reforms that would help prevent and better respond to sexual harassment in the workplace. The

taskforce then went about undertaking a period of consultation between May and October 2021, receiving many submissions from interested stakeholders. We do not exactly know when the taskforce submitted its report, because that has never been revealed, but we do know the recommendations of the taskforce and the government's response were both released to the public on 11 July 2022. In total, the taskforce made 26 recommendations of which 12 were accepted by the government, two were accepted in part, seven were accepted in principle, one was noted and four were recommended for further consideration. In the three years since these recommendations were made we have heard absolutely nothing from this Labor government about how it was going to action these recommendations until literally two weeks ago when the government sprung a media release that said it was introducing this bill. By the way, it should be noted that this bill only seeks to action one of the 26 recommendations made by the taskforce, specifically recommendation 10. The government has done nothing in the last three years to action any of the other recommendations. This government has a consistent pattern. It loves the big announcements, but it goes missing in action when it comes to implementing these important reforms.

Recommendation 10 of the taskforce review recommends the government should introduce legislative amendments to restrict the use of NDAs in relation to workplace sexual harassment cases in Victoria. In the media release announcing the introduction of the bill we were told by the government:

> The proposed Bill is the first of its kind in Australia, and among the first in the world.

Seriously, I do not think this Labor government can tell the difference between truth and spin anymore, because the government neglected to say in its media release that a number of jurisdictions across the world have already introduced similar legislation to the bill before us today. Countries that have imposed restrictions on NDAs include Ireland, Canada, the United States and the United Kingdom, and in fact back in 2021 the taskforce recommended the government use the Irish employment equality bill to give effect to its recommendations to restrict NDAs. This government goes nowhere near being amongst the first in the world to introduce legislation like this. In fact the bill before us today is heavily influenced by the legislation that was introduced in Ireland.

It also seems very strange that today we are only debating one recommendation of 26 that were made more than three years ago, and it does seem that the other 25 appear to be on the backburner. It should be noted from the start that the bill does not impose a blanket ban on the use of NDAs as a way of resolving workplace disputes. NDAs will still be able to be used without restriction to resolve a whole range of other workplace-related disputes, including unfair dismissal, bullying allegations, pay disputes and soliciting clients. Nothing in this bill will affect how NDAs are used in those circumstances. Rather, the bill only seeks to limit and restrict the way in which NDAs can be used in disputes that involve sexual harassment allegations. The bill will also allow NDAs to be used in disputes involving sexual harassment, provided that specific preconditions set out in part 3 of the bill are satisfied before an NDA is entered into. If the preconditions are not satisfied, then the NDA entered into will be unenforceable and a complainant may disclose whatever information they choose. Importantly, the bill has no retrospective effect. As a consequence, any NDA previously entered into by parties in good faith will not be captured by the provisions of this bill and will remain enforceable.

The bill is also not expected to commence operation until six months after it has passed, and this will provide some time for employers and their professional advisers to become cognisant of these changes and adapt their practices accordingly. Notably, there are also some important protections built into the bill to ensure preconditions are not abused or undermined. The first protection is that the complainant's employer or the person against whom the allegations of sexual harassment are made cannot exert undue influence or undue pressure on the complainant to agree to enter into an NDA. However, somewhat surprisingly, this bill does not include any penalty for a breach of this protection, nor does it appear the NDA is automatically invalidated if it is found an employer or respondent has engaged in conduct to pressure the complainant to sign the NDA. I would think that this protection becomes very weak if there is no penalty attached to a breach of the protection. Surely the exertion of undue pressure or influence on a complainant should invalidate the NDA immediately. As a matter of

contract law, if one party is found to have been forced or put under pressure or been deceived into agreeing to contract by the other party, the contract is automatically void. I think this is an area that the government should give further consideration to, which perhaps may have been missed when this bill was being hastily drafted.

The second protection is that the NDA must be written in terms that are easy to read and understand by the complainant. I think this is a positive measure, and whilst it may raise the eyebrows of some lawyers, I think it is a positive step towards ensuring complainants have a strong understanding of the terms they are agreeing to. This measure will assist both parties to ensure each party understands the obligations they are required to comply with, which will hopefully help avoid potential breaches, even inadvertent ones, from occurring. However, even if the parties have validly entered into an NDA, the bill includes specific exceptions that will allow the parties to make permitted disclosures in certain circumstances.

Under the bill, a complainant will still be able to disclose information about alleged sexual harassment to an extensive list of people and government bodies, which can be found in schedule 1 to this bill. Whilst we understand why it would be necessary to disclose the information to a number of these bodies and persons, the list is very extensive and could result in the information being further disclosed outside of this prescribed group. For instance, if the disclosure is made to a friend or a family member, the disclosure can only be made if the friend or family member has agreed to keep the information confidential for the purposes of obtaining personal support. We fear this may be difficult to enforce as a matter of conventional practice. A friend may feel compelled to confide in another friend or family member, which then has the resultant risk of further people becoming aware of the information before it is disclosed in other forums, such as social media. Whilst we fully appreciate that a complainant, a sufferer of alleged sexual harassment, may need to seek the support of a family member or friend in such circumstances, providing such an extensive list of people who may be able to receive this information tends to increase the risk of the information being further disclosed and then entering into that public space.

We have seen too many examples in recent times where people's reputations have been significantly tarnished and damaged as a result of false and unfounded allegations being made against them. People are still entitled to the presumption of innocence when serious accusations are made against them, and reputations are difficult to create but very easy to destroy. I note in the statement of compatibility with the charter of human rights tabled by the minister in respect to this bill that significant reference was made to the fact that section 13(b) of the charter prohibits unlawful attacks on a person's reputation. As the charter itself notes, by requiring a respondent's identity to be disclosable together with the details of sexual harassment, the respondent's privacy and reputation will be interfered with.

We consider there is a difficult balance of competing interests here. On the one hand, the complainant is being given the ability to share their experience, while on the other hand, sharing that could have detrimental consequences, with a person's reputation being irrevocably damaged. It is because of this fine balance that we consider the government should give serious consideration to whether some of the permitted exceptions may expose too much risk of the information being disclosed more broadly into the public sphere and potentially causing serious reputational damage. For instance, the list allows a union delegate to be told the information, but nurses or teachers are not included in the list. We think the government should give further consideration to the extensive list of persons to whom permitted disclosures can be made and consider whether certain occupations should be removed or added or further protections included to safeguard the information from being disclosed outside this permitted group of persons.

If a complainant considers that another party to the NDA has not complied with the preconditions, as I have just discussed, the bill provides the complainant with a remedy to terminate the NDA, and there are provisions in the bill for a complainant to issue a breach notice to another party in certain circumstances. Once a respondent receives a breach notice, they will have 30 days to make an application to the industrial division of the Magistrates' Court of Victoria to seek an order that the

preconditions were satisfied and the NDA remains valid. If no application is made, the breach notice will self-execute, meaning it will be taken that preconditions were not satisfied, and the NDA will no longer be binding on the complainant. As such, the breach notice in effect reverses the onus onto the respondent to prove the preconditions were complied with, but one would imagine it would be difficult for a breach notice to succeed if the responding party had the required paperwork demonstrating the complainant agreed the preconditions had been complied with previously. The procedure outlined for breach notices will undoubtedly result in significant financial costs to both the complainant and the respondent. Lawyers will likely be engaged to prepare the necessary documentation, which may potentially result in contested hearings before a magistrate. The costs of litigating these issues will not assist anyone, especially the complainant – the sufferer of alleged sexual harassment – who is unlikely to have significant resources to spend on such action. I sincerely hope these breach notices are rarely used; otherwise they are likely to become a significant financial burden for both parties.

One of the more contentious aspects of this bill is the ability of a complainant to terminate the NDA. Clause 19 of the bill provides a complainant with the ability to terminate an NDA at any time after 12 months of signing the NDA. All the complainant is required to do is provide seven days written notice to each party to the NDA of their intention to terminate the NDA. It should also be noted at this point that while a complainant can terminate the restrictions contained in an NDA that would prevent him or her from disclosing the details of the alleged sexual harassment, the termination would not affect the enforceability of any settlement agreement or any financial compensation that has been paid. The termination would only apply to the restrictions on disclosures concerning the sexual harassment. Clause 23 of the bill specifically states that any unenforceability or termination of an NDA does not affect the validity or enforceability of any settlement arrangement.

The termination provision is quite a radical departure from common-law principles that have underpinned the enforceability of agreements entered into willingly by parties. At common law, once parties execute an agreement, they become bound by the terms of that agreement. Such an agreement will only release a party from their obligations if they have satisfied their end of the bargain or if they can demonstrate the agreement is void for some other reason, and very few contracts are ever entered into that allow one party to unilaterally terminate it at will and be released from its obligations. There are two reasons for this; the first reason is certainty. One of the attractions of entering into such an agreement is that it provides both parties with certainty. Both parties understand the terms they are required to abide by and the obligations they are expected to perform. Both parties can then conduct their affairs and manage their future life decisions accordingly, knowing that the other party is required to do the same. Clause 19 removes that certainty. That means that NDAs are likely to become an unattractive option for employers and respondents to enter into.

We are particularly concerned that this may also have a detrimental impact on complainants who have suffered unacceptable sexual harassment. If an NDA becomes a far less attractive option for an employer or respondent, they may be more inclined to contest the sexual harassment allegations and engage in a contested and costly legal battle. Like any commercial decision, an employer or respondent might consider that the risk of the NDA being terminated in 12 months time is too high and might therefore elect to take their chances and contest and fight the allegations in court. As I mentioned earlier, litigation costs regularly run into the hundreds of thousands of dollars. Complainants are less likely to have the financial resources necessary to fight a contested legal case. History has shown that not many sexual harassment cases are decided by the courts, and in those cases which have been the subject of court decision, the awards of compensation have been disappointingly low. This has served as a huge disincentive for many complainants to go through a fully contested trial. Not only does it have the potential to cause new trauma, but they also have to relive the trauma of the sexual harassment they have been subjected to. This is not an outcome we want for the complainants – those who have suffered sexual harassment. Removing this certainty may mean that employers and respondents become more reticent to try to resolve the dispute and reach an amicable resolution, therefore potentially depriving a complainant from receiving an offer of compensation for their pain and suffering. As I said earlier, this is potentially one of the unintended consequences of this bill: that

potential resolutions will be more difficult to reach because there is no longer the certainty that parties can rely on.

The other reason why this provision is quite a radical step is because it undermines the legal principle of finality. The principle is based on the notion that a person should not have to deal with the same matter twice. Once a matter has been dealt with, the law recognises it would be unfair for the person to have to defend the same allegation again. This principle is based on significant public policy considerations. Disputes are usually costly in both time and money. It is in the public interest for these disputes to be resolved from both a healing and a cost perspective. If disputes are potentially allowed to be reagitated in the future, it will potentially result in increased trauma and cost at both a human and financial level. As I have said, the 12-month rule does mark a significant departure from the accepted understandings and principles that have underpinned agreements of this kind for decades. Again, I fear that this will have unintended consequences for complainants – being forced into expensive contested legal proceedings rather than their claims being resolved fairly through negotiation between the parties and being provided with appropriate compensation. We suggest the government should reconsider whether 12 months is an appropriate period after which an NDA can be unilaterally terminated by a complainant, and whether it would be more appropriate for a longer period perhaps to be imposed instead. Given this is such a dramatic departure from conventional legal principles, we consider the government should move cautiously to ensure that complainants do not suffer unintended detriment because of this change.

Clause 21 of the bill seeks to impose restrictions on employment contracts relating to instances of sexual harassment. Under the bill, a term of employment contract will be unenforceable if the term has the effect of preventing the worker from disclosing material about workplace sexual harassment. This is quite a broad change but a positive change at the same time. We agree that sexual harassment is not something that should be hidden. On the contrary, it should be exposed and called out. It is not clear if this provision will apply retrospectively to all contracts of employment that are currently in operation; however, I doubt many modern contracts would have terms that restrict such disclosure. As a matter of public policy they are most likely to be void in any event. Clause 24 also makes it clear that a term in any contract or agreement that requires a complainant to pay an amount of compensation to another party because either the NDA is invalid or the NDA was terminated is unenforceable. This ensures a complainant is not subject to any financial penalties for exercising their rights under the bill. We consider this to be an appropriate and proportionate protection for complainants who are doing no more than exercising their legal rights.

We note that clause 28 provides that a review of the act must be undertaken, which we support. However, the review is not required to commence until three years after the act has commenced, and we think there is merit in the review being undertaken at an earlier time to assess how the act is operating and whether parties are being treated fairly, and we will seek to make this amendment through the Shadow Minister for Jobs, Industry and Industrial Relations in the Council.

One of the key rationales that both the government and the minister relied on for the introduction of this bill was that NDAs create a disincentive for employers to prevent harassment in their workplaces. In my view, I consider this to be a false premise for a number of reasons. Sexual harassment is completely destructive to productive and efficient working cultures. Any employer or business that allows sexual harassment to become an accepted norm in their workplace is likely to see itself out of business pretty quickly. Not only do you alienate a proportion of your workforce, you are likely to alienate a proportion of your customer base as well. It makes no rational sense from a commercial perspective to allow practices or attitudes associated with vile sexual harassment to permeate your business or workplace. If an employer were to allow this, they would be unlikely to be able to recruit and retain hardworking, dedicated employees, both men and women, and they would see their profits dry up as a consequence. It is for this essential fact and commercial reality that employers have every reason to both eradicate sexual harassment and prevent it from taking root in their workplace.

The second reason why I think the premise relied on by the government is false is because the employers are already under a positive legal duty to prevent sexual harassment in their workplaces. Under section 15 of the Victorian Equal Opportunity Act 2010, employers are under a statutory duty to take reasonable and proportionate measures to eliminate sexual harassment. The same positive duty also applies under the federal Sex Discrimination Act 1984. If an employer is found not to have complied with this statutory duty, then they open themselves up to considerable liability to sexual harassment compensation claims. If an employer complies with this duty and can demonstrate that they have taken active measures, such as workplace training, and have robust complaint and investigative processes in place to reduce the risk of sexual harassment occurring, they will have a defence against being held vicariously liable for the unlawful actions of their staff. However, if the employer has failed to implement appropriate measures to eliminate the risk of sexual harassment, they will be held liable for the actions of their employees and be subject to considerable compensation claims.

Employers will also be unable to rely on insurance policies to bail them out, because many insurance policies now provide that they will not indemnify their clients against claims unless they can show they have been compliant with their legal obligations. Again, in order to avoid the potential for significant compensation claims being made by their employees, which could also turn into WorkCover claims, employers have every reason to work hard to prevent sexual harassment from occurring in their workplaces.

There is also a more recent development as to why employers would be vigilant. As a consequence of the *Respect@Work* report delivered by the Australian Human Rights Commission, amendments were made to the Fair Work Act 2009, which now prohibits sexual harassment from occurring in the workplace. If sexual harassment is found to have occurred, the Fair Work ombudsman or a union can commence legal proceedings against an employer for failing to prevent the sexual harassment, which could then face penalties of up to $99,000 per contravention. This is now a massive commercial risk to employers. Not only do they face potential compensation claims from complainants who have been subjected to sexual harassment, they can also be imposed with significant financial penalties that insurers will refuse to indemnify. These reasons demonstrate unequivocally that employers would be negligent in the extreme if they were not putting measures in place to eliminate or eradicate sexual harassment from their workplaces.

In more recent years compensation payouts have begun to meet community expectations in relation to the disdain in which sexual harassment is regarded in our society. In one of the biggest compensation payouts for sexual harassment in Australia, an employer was ordered to pay the complainant $466,000 for the harassment and pain the complainant suffered. The complainant was subjected to sexual advances and sexual propositions, sent lewd photos by male colleagues and even asked if she would enter into an intimate relationship with a client to help secure a contract. This is nothing short of disgusting. This decision was made back in 2009. It served as a massive wake-up call to employers that unless they took active steps to prevent sexual harassment, they faced harsh consequences. That is why we think this government should be focusing more on measures that prevent sexual harassment from occurring in the first place than on measures that only take effect after the event of the sexual harassment.

As I said at the beginning of my contribution, it is a missed opportunity by this government. I repeat: it is why we think this government should be focusing more on measures that will prevent sexual harassment from occurring in the first place than on measures that will only take effect after the event. Given the concerns that I have outlined, the shadow minister for industrial relations in the other place will seek to move amendments to ensure that this bill gets the balance right and is strengthened – and strengthened for the complainant, the person who has unacceptably suffered sexual harassment. At the end of the day we all want workplaces that are free of sexual harassment and show care and respect to one another. The Victorian Liberals and Nationals will always do whatever we can to ensure that

workers are free from discrimination and sexual harassment and that they receive the dignity and respect that they deserve at work and in society.

I will conclude where I started. Sexual harassment is vile. It is hurtful. It is traumatic. It has no place in workplaces or in society, and we should work together as a Parliament and as a society to do everything that we possibly can to make sure that this vile, disgusting behaviour of sexual harassment – this scourge – is eradicated from workplaces and right across our society.

Tim RICHARDSON (Mordialloc) (11:17): It is indeed a really important occasion to rise and speak on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Can I firstly acknowledge the member for Evelyn, as shadow minister and lead speaker, for sharing her lived experience early on. We acknowledge people who were impacted over the course of their lives and have come to this chamber to share their lived experience and around communities. I appreciate the member for Evelyn's leadership in that space and her platforming of these issues. It is truly a Parliament-wide thing that we all need to work on. Thank you, Bridget, for your contribution and your leadership in this space. This is at its core about humanity and at its core about how we support people in their workplaces so that they have the entitlement and right in every single moment to be safe and free from any form of harassment.

We know harassment and sexual harassment are inherently gendered, and the impact that they have on women in our community is horrific; 50 per cent of women report sexual harassment and that impact. Let us be really clear here: it is overwhelmingly men that perpetrate harassment and sexual harassment in workplaces. As the Parliamentary Secretary for Men's Behaviour Change, working closely with the Minister for Women and Minister for Prevention of Family Violence, it is men that need to drive that accountability and be upstanders in that behaviour in all forms and in all its fashions. It is on workplaces and employment settings, but fundamentally it is that upstander behaviour, calling it out and making sure that we do not have an environment of compliance but that we have a cultural change that makes sure that this is never, ever condoned, that it is never silenced and that we support people – women and gender-diverse people – into the future. This is what this bill does.

On 12 August 2024 we joined some legends from the Victorian Trades Hall Council. You know what, the union movement put this on the agenda. They did not let us off the hook, and they wanted it done yesterday. They are an incredible bunch who make sure that policy and reform in this space are always forward thinking and at the front of everything we do. I stood there at that press conference and just observed their incredible contribution to get this on the agenda and our Premier's leadership in making sure that we are the first Australian jurisdiction to make sure we are restricting the use of NDAs, because those non-disclosure agreements have been weaponised and they have restricted accountability for people in workplaces for too long.

This bill makes sure that there is the person-centred approach that we need, that we put the power in the hands of those that have been impacted in their workplaces and that we support them to make those decisions into the future. By passing these reforms, Victoria will become the first jurisdiction to restrict the use of NDAs in sexual harassment matters. It would, however, also be joining a small number of jurisdictions internationally.

I am proud that it is on the back of all the reforms that this government has led in supporting women in workplaces. Just think of the gender targets that we have had. For women on boards, 50 per cent now is a government commitment that is leading the way and has been taken up in other jurisdictions as well. A huge amount of leadership work has been done by the Minister for Women in really honouring some of the champions in women's leadership and roles across our communities. How many statues do we have that are blokes from yesteryear, half of them colonial identities, when we have got hundreds of thousands of incredible, courageous women who have led the way for so long? So it is the symbols, it is the policy and it is the outcomes that are driving this agenda.

It comes on the back of those recommendations that were talked about before from the Victorian ministerial taskforce on workplace sexual harassment. It is worth noting the work that was done to get to that point by Liberty Sanger, who would be well known to a number of people in this place, but also the magnificent member for Thomastown as co-chair. The member for Thomastown is an absolute superstar, and leading that work would have been really tough in connecting with people with a lived experience – and living experience – on how we support them as well. On the back of that critical work, the government published a discussion paper and a survey for victim-survivors, and it had 81 responses. I acknowledge that a lot of this is anonymous and that people have given their accounts sometimes with the fear of exposure and the impact that might have on their mental health and wellbeing or their circumstances. It always has to be complainant and victim-survivor centred. These reforms are not about doing away with NDAs completely, but we need to acknowledge that should always be complainant centred. Even with the discussion around the 12-month process as well – and I note some of the commentary from the from the shadow minister – in that setting we want that to be complainant focused, victim-survivor focused, to make sure it is always in their hands, that it supports their wellbeing into the future and that a decision made in a moment, from the incident to reflection some 12 months later, does not then bind and restrict that person's choices and their approach as well.

The conditions are really critical as well, and I am really proud of the work that we have done in this space. These reforms, as I said, do not prohibit, but there are safeguards set out in this bill that are really powerful, and any NDA clause must come from the complainant and must be their express wish. So there cannot be that grey implication that we see, that implied victimisation again. Twenty-six per cent is the survey number of women that experience impact on their career progression by speaking out or have been impacted by NDAs. We need to make sure that we have a community- and ecosystem-centred approach that says the complainant has it in their hands and that if they decide that is in their best interest, then we take that on. The complainant must be free of any undue influence and pressure, and this means zero tolerance on respondents seeking to include an NDA by way of intimidation, threats – either direct or implied – or by tactics used as proposed for a lower settlement amount, and we know how that has been weaponised. Women who have been impacted by sexual harassment have seen their earning capacity hit and their super hit in the future. We want to make sure that is absolutely not the case in any of these engagements.

I think the most important thing comes from the voices of those that contributed. I want to share some of those. They are anonymised, and I will use the names that have been provided. Jennifer said:

> There was no negotiation. If I wanted to leave with the money I had to sign. Signing was a condition for the money. It added enormously to my mental health issues. It makes serial offenders untouchable. The guy in my case was well known for his behaviour.

So how many people? How great a trail of trauma and destruction has that one guy created who has never had accountability for their behaviour, who has never had anyone be an upstander or has never been taken out of an employment setting, who goes on to continually perpetuate that misery over and over and over? That is what we are dealing with here. It is not just about the compliance, it is about men being accountable for their actions and all men having an accountability to be upstanders and create safe environments for the women and gender-diverse peoples that they share workplace settings with.

I think that encapsulates the challenge that we have. We need to have that conversation about male role models and leaders in our community, and as the Parliamentary Secretary for Men's Behaviour Change, I cannot think of a more important setting. If we are going to end gendered violence in our community – and the federal government has this as a target over the next generation. We are already into four years of their term. It is a significant reform agenda led by the Minister for Women at the table and led by Tanya Plibersek in the federal Parliament. If we have that aspiration, workplaces are a critical setting where we spend a third of our lives connecting with people each and every day – sometimes more than we see our families on those occasions. That needs to be the scene setter for

leading reforms in the prevention of violence against women and girls. Our workplaces need to be the safest settings in everything that we do. If we are to have a multilayered approach to lowering sexual violence in our community and ending gendered violence and family violence, workplaces are critical. Any sort of scale to this behaviour, any condoning of that behaviour – even in the complicity of an NDA that silences victim-survivors and people who have been impacted – that does not have accountability is a sliding scale, and Respect Victoria and Trades Hall could narrate time and time again what that impact might be.

This is a key pillar in ending gendered violence in our community, in having accountability for men that are perpetrators of sexual violence or harassment and in making sure that we create a safer and more inclusive future. A last shout-out to the member for Evelyn. Thank you for your contribution. It was great to follow you. I commend the bill to the house.

Kim O'KEEFFE (Shepparton) (11:27): I rise to make a contribution to the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. This is a bill for an act to promote the health, safety and wellbeing of persons at work by regulating non-disclosure agreements relating to sexual harassment at work and for other purposes. In doing so, the bill seeks to restrict the circumstances in which non-disclosure agreements can be entered into, limits the terms that may be included and sets out the conditions under which non-disclosure agreements can be enforced. The bill seeks to address significant power imbalances in the NDA process, which often leave victim-survivors of workplace sexual harassment feeling intimidated and forcibly silenced.

Before we talk about laws and policies we must remember the human reality that lies behind this bill. Sexual harassment is not a moment of misunderstanding or discomfort; it is a profound violation of a person's dignity and safety, one that leaves lasting scars long after the incident itself – or incidents – which are ongoing. Victims describe the experience as isolating, humiliating and disempowering. Many develop anxiety, depression or post-traumatic stress. Some cannot sleep, and others withdraw from their colleagues or lose confidence in their own abilities. It affects their health, their careers and their sense of belonging in the workplace. The Australian Human Rights Commission's *Respect@Work* report finds that around 70 per cent of those who have experienced workplace sexual harassment suffered significant emotional distress, and nearly one in three have left their job as a result. In Victoria alone over a thousand formal complaints were made last year, and we know many more incidents go unreported. Yet for too long non-disclosure agreements have deepened this harm. They have silenced victims, forcing them to carry trauma in private while protecting the reputations of perpetrators and organisations. That silence compounds the pain. It tells survivors that their experience must be hidden and that justice must be quiet.

As you may be aware, I ran a business in the service and training industry for almost 30 years. I had a salon that had 12 staff. My clients were 99 per cent women, and my staff were all women. When you are with clients one on one and over a period of time, you build friendship and you build trust. As you can imagine, I heard lots of things – I heard lots of private things – and in particular I heard too much of women that were facing or going through sexual harassment at work. I had women raise exactly what we are talking about today: sexual harassment that they were experiencing in the workplace.

I recall one incident quite significantly where the woman was quite young. She was climbing the career ladder, and she felt that if she spoke up, she would put her job at risk. She was also concerned about others not believing her. This went on for months, and as you can imagine, I tried to mentor her. I was not a lawyer and I was not a counsellor. I was very careful and I was always very mindful when I spoke with women in such a personal and profound way. But what I did recommend to her was that she perhaps get a counsellor to give her some guidance, because I felt at the time that she was suffering mentally. I also had a friend in the police force who I suggested she could mention this to, who maybe could assist her in addressing it. She did that. She actually took up both of those options because she cared very deeply about her future. She also cared very deeply about the other workers around her and what their perception of her perhaps would be if she did come forward. Eventually she did go to her boss, and do you know what she was told? To stop being so friendly and that perhaps she was sending

out the wrong vibes. She did end up leaving, which was wrong, because she had done nothing wrong. I think this story is one of the reasons why we are here today, and it is one of the many stories where people are so profoundly impacted. As I said, this woman actually left her job. It should have been taken seriously. She had the right to have a safe workplace, and the business had a duty of care. That perpetrator, who was at a senior level in the organisation, got away with it.

I do want to point out schedule 1 sets out a very prescribed list of permitted disclosure entities, which may lead to exclusion simply because the list is not exhaustive. Sexual Assault Services Victoria, which we know are an organisation that many people will go to for help and assistance, are concerned that organisations such as themselves are not listed and therefore are excluded. Also I want to raise the point that this bill does not address prevention of sexual assault. This raises a significant missed opportunity. We need to make sure that if there are issues in workplaces there should be almost a mandatory type of inclusion, I think, in workplace safety. Maybe there needs to be something included in there that can actually address this – not accusations – and also have an environment where people feel comfortable to actually come forward, speak their piece and raise issues. At the moment I think we are not focusing on prevention. We are not doing enough to make change through this bill that will make a significant difference and have a significant impact. The bill does not place a blanket ban on non-disclosure agreements. Rather, the bill seeks to ensure that non-disclosure agreements are used appropriately only in the circumstances in which they genuinely serve the interests of the complainant.

The bill before the house seeks to implement and act on recommendation 10 of the Victorian ministerial taskforce on workplace harassment. The taskforce itself was established in 2021 by the then Andrews government to develop reforms that will better prevent and respond to sexual harassment in workplaces. In doing so the taskforce made a total of 26 recommendations to the government across four main areas, those being preventing sexual harassment from occurring, supporting workers to report sexual harassment, enforcing compliance when there is a breach of health and safety duties, and raising awareness and promoting accountability in workplaces across Victoria. To date, following the taskforce's final report to the government, the government has accepted 12 recommendations, accepted in part two recommendations, accepted in principle seven recommendations, noted one recommendation and considered that four recommendations require further consideration, yet we are only addressing one of the 26 recommendations in this bill.

Recommendation 10 of the taskforce inquiry recommended that the Victorian government introduce legislative amendments to restrict the use of non-disclosure agreements in relation to workplace sexual harassment cases in Victoria using the Irish Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021 and lessons from other jurisdictions such as the United Kingdom and the United States as the model for reform. The question stands as to why it has taken more than three years for this piece of legislation to come before the Parliament, given that the ministerial taskforce delivered its final report to the government back in 2022. The report itself had identified that non-disclosure agreements are often misunderstood and misused to silence victims, protect employer reputations and shield serial offenders from accountability. The Australian Human Rights Commission has also called for similar legislative reforms, noting that unrestricted non-disclosure agreements can perpetuate harm.

The reality today is that non-disclosure agreements have become common in the settlement of workplace sexual harassment complaints, yet they remain largely unregulated, not only across the country but particularly in this context. We have also seen other jurisdictions across the world act in this space, such as Ireland and Canada, both states which have introduced models centred on complainant choice, recognising profound power imbalances exist when a victim-survivor faces an employer in such negotiations. Power imbalances often leave victim-survivors feeling pressured, intimidated and ultimately silenced. This is an incredibly distressing and emotional time for any individual to go through, let alone experience – something no-one should have to go through. But what we have before us is a bill that seeks to change this, a bill that seeks to establish key preconditions that must be met before a workplace non-disclosure agreement can be entered into.

Importantly, though, a non-disclosure agreement may only be proposed if it is requested by the complainant and only if it is their express wish to do so. In practice this means an employer or respondent cannot require a complainant to keep confidential any material information about a sexual harassment incident unless it is at the complainant's request. This is all about choice, and this is incredibly important. These are deeply distressing circumstances, and we must have legislation in place that does protect the rights and dignity of those affected by these matters. Also, it should be noted that this bill does not prevent employers from settling a workplace sexual harassment claim through a legal release or confidentiality over settlement amounts, where appropriate and lawful. If a complainant does not choose to request a non-disclosure agreement, the bill does require that they be provided with a workplace non-disclosure agreement information statement and a review period of at least 21 days to consider the agreement and seek legal advice. A complainant can choose a shorter period or waive it altogether if they wish.

We must restore choice and ensure that survivors of workplace and sexual harassment are not silenced and that they are heard. We must make sure that there are better processes in place. I think we also need to really stop and think about preventative measures so that we do not have people going through these incidents and we do not have organisations having to deal with these circumstances. I do not think it will ever, ever disappear. I think unfortunately there is always going to be more work to be done, and we have a duty of care to make sure that happens in the right way.

Natalie HUTCHINS (Sydenham – Minister for Government Services, Minister for Treaty and First Peoples, Minister for Prevention of Family Violence, Minister for Women) (11:37): I rise to speak in support of this bill, the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. While I know that this reform will improve industrial relations for all complainants of sexual harassment, there is a really important element of cultural change that is still a challenge for us across all of society when it comes to our workplaces and certainly the role of employers.

I want to focus specifically on the benefits to women that this bill will deliver. We know that now, even in 2025, women are still subject to sexual harassment at work. In fact four in five victims of sexual harassment at work are women. This happens through the continued gender inequality and power imbalances of colleagues, managers and bosses – mainly men – continuing to sexualise women in the workplace and refusing to understand that anything other than an enthusiastic yes should be interpreted as a no, whether that is through comments from a colleague that started with being a little off which then escalated to a sustained campaign of harassment, or reminding women that no matter their professional contributions they are still denied the ability to work on equal terms with men in their workplaces when sexual harassment exists, or subjecting women to questions and interrogations about their sex lives or romantic partners, making their lives at work miserable.

As the Minister for Women and Minister for the Prevention of Family Violence, I have seen the damage and the pain that sexual harassment at work causes. I have seen it as an MP. I very, very sadly had a woman come to see me earlier this year in my electorate office, who was a cleaner of homes, who had been raped many years before by someone whose home she was cleaning. She had never disclosed and had never been to the police because they threatened her with saying that she was a bad cleaner if she reported it. But she felt that she needed to come and tell somebody so that it was recognised and asked me to work on stopping it from happening to anybody else.

I know firsthand from my own experience in the workforce and my very first job at the age of about 15½ or 16, as a waitress in an Italian restaurant, where I was made to wear a very short skirt as part of my uniform – compulsory. When I carried big trays of food or drinks, I would constantly have some of the customers, particularly on a Thursday night – I dreaded Thursday nights because there were actually AFL players at my restaurant that had been to training and would come in every Thursday night and they would run their hands up my legs while I was carrying the trays. It was actually about two weeks into my job that I dropped a tray of food when this happened, to which my boss at the time suggested that I might need to pay for what I had dropped, despite the fact that I had complained about the situation before. I took matters into my own hands, and not every woman has the power to do that;

I understand that. I had a table arranged the following Thursday night of my brothers and cousins, who decided to take some matters into their own hands when this action happened again. It did stop it from happening to me ever again in that job. The point of me raising this is the fact that the employer did nothing about it at the time. But I could not afford to quit; I could not afford to lose that income at the time.

I know there would be so many women out there that would have experienced or would be in that situation where quitting is not an option and they need to stay, and unfortunately we have seen the widespread use of non-disclosure agreements mean that sort of behaviour is never tackled and there are no consequences for those who perpetrate it. There are cases where men who were at fault still get a sizeable bonus after an incident has happened. Despite their behaviour, they continue to be promoted in their workplace because the harassment itself has been kept a secret. Given that perpetrators are mainly men, this feeds into the inexcusable inequity that we see in our workplaces. Men's careers continue unimpeded and uninterrupted thanks to the long-term use of NDAs in many workplaces. And women – they quit, or they take time out, or they move sideways, or they actually face demotion after experiencing and reporting sexual harassment. What we say is: no more. That should not be happening in our Victorian workplaces.

Women are often forced to burn bridges with their employers, lose their connections and their networks and then exhaust themselves rebuilding their careers. Harassment keeps women out of senior leadership roles and allows Australian women to continue to face stubborn pay gaps. That is why I am really proud to support this reform. The bill means that NDAs have to be expressly requested by the complainant without pressure from an employer. I want to take the opportunity to thank the Minister for Industrial Relations for driving this work both when she was Attorney-General and now in her role as Treasurer and Minister for Industrial Relations.

The bill means that we can put pressure on the employer to do the right thing and give relief to women in the workplace. Employers cannot intimidate, threaten or financially incentivise with an NDA, and the bill establishes that employers cannot offer a settlement figure that is lower when an NDA is not included. We know that many victims of harassment, when everything is very successful and they are in the middle of the trauma, can sometimes choose to take up an NDA, seeing it as a way of moving on, and that is totally legitimate. I want to say to every woman who chooses that: that is your choice and it should be respected. If, as the years pass, she cannot speak about her experience – she cannot go to a partner or a family member or a doctor or someone that she needs to reach out to, like a religious leader – then she may begin to feel the weight of the NDA and the harassment on her shoulders. So I am pleased that this bill makes it clear, firstly, that complainants can disclose the information to a friend or family member who has agreed to keep the information confidential, to a mental health professional or to an employer or prospective employer for the purposes of obtaining or maintaining work. Secondly, the bill will also mean that any complainant who enters into an NDA can opt to end it after 12 months. These are fantastic steps forward, and I want to thank the unions and the women's organisations who have lobbied for this change for many years, and particularly Trades Hall, where I spent a few years of my career working before I was a politician. I know their tireless advocacy on systemic injustice that women face in the workplace has never fallen off the agenda. It has been at the forefront of their agenda.

The legislation also shows that Victoria is leading the nation and the world in what we are doing. We are the only Australian state or territory to be doing this, ending the injustice for women workers, and I think that is something to celebrate. We know that reforming NDAs is only part of the puzzle and that dismantling women's inequality and sexual harassment will take real change and some time. It will also take all levels of government, employers, civil society and activists to make sure that we do not go backward and we keep moving forward. We are doing that as a government by investing in our Safe Workplaces for Women initiative, which is a $5.5 million commitment to work with our partners like the Victorian Chamber of Commerce and Industry, Victorian Trades Hall Council and the Working Women's Centre to train workers and employers to know the law and how it should be

engaged respectfully in the workplace to stop gendered violence at work. This is all through our leading Gender Equality Act 2020, which is being governed by the leadership of our commissioner Dr Niki Vincent, who is working so hard to close that gender pay gap but also to drill down into workplaces on sexual harassment. I commend the bill to the house.

Cindy McLEISH (Eildon) (11:47): I too rise to make a contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Everyone should be safe at work, and that is not the case. That is why we are here with this particular bill at the moment. I do want to acknowledge those who have spoken before me and outlined some of their lived experience. The minister's contribution made me shudder, actually, and it gave me goosebumps to think about what happened to her as a waitress. That should not happen to anyone – to think that some of these things still do. We do very much need to tackle gendered violence at work. I do not have lived experience to share with the house, and I count myself exceptionally lucky in the blessed work life that I have had.

At the heart of this bill are NDAs, non-disclosure agreements, and we have probably heard of them for years as confidentiality agreements. They have been means to settle cases either between individuals or between workplaces and individuals. It means pretty well that: a confidential agreement. Parties agree on the outcome and then they agree to keep quiet about it. That is what it is. That sounds fine on one level, but there is misuse of these agreements and they have silenced people. Too many times stories need to be told, and often it is only the brave people – and it is typically the women – that have to relive their story to let people know what has happened. It is easy to say to people, 'Move on', but people do not move on very easily, and we have got to make sure that we get this right.

We have seen too many instances where matters are pushed under the carpet – I think we have all probably seen those sorts of examples – and to the point where multiple claims against one person are not addressed. Sometimes you will see that the manager might be different, or the person might get moved and repeat the same behaviour. That repeated behaviour is allowed to continue, and the trail of victims is left in their wake to deal with their own trauma. This has been going on for too long. Other times victims will be the ones who move on and the perpetrators stay put. I think the second-reading speech mentions that this bill will address the significant power imbalances in the non-disclosure agreement process, which often leave victim-survivors of workplace sexual harassment feeling intimidated and forcibly silenced.

When people sign a confidentiality agreement, they expect some degree of silence, but at the same time it is so important that stories are told so the broader culture is changed, because if things are swept under the carpet continually, the culture does not change. Unless people hear these sorts of stories and know what is right and what is wrong, what is acceptable and what is not acceptable, things may not change. Sexual harassment at work: what can that look like? Touching inappropriately, groping, suggestion – lots of suggestions – unwelcome sexual advances, particularly jokes, emails, things left on people's desks, photos being sent. At its inception I was at the WorkCover conciliation service, and we saw claims coming in, which had been disputed, about stress because people had been subject to behaviour in the workplace that some people thought was funny but for the particular people that they targeted, for whatever reasons, it was not funny and it caused a huge level of stress and anxiety.

The government know this has been a problem, and despite what has been said they have actually dragged their heels. In 2021 – which was not last week, was not last year; it was 2021 – they had the ministerial taskforce on workplace sexual harassment to develop reforms that will better prevent and respond to sexual harassment in the workplace. That was four years ago, and now we are only looking at one of 26 recommendations. As we have heard, other countries, such as Ireland and Canada, have moved forward in this space.

The bill before us is about restricting non-disclosure agreements. It will do this by restricting the circumstances in which non-disclosure agreements relating to workplace sexual harassment can be entered into, restricting the terms that may be included in non-disclosure agreements relating to

workplace sexual harassment and restricting the enforceability of non-disclosure agreements relating to workplace factors as well.

The complainant may choose to terminate the agreement after 12 months if they change their mind. This is an interesting one, because you would think perhaps that once it is signed, it is signed, but when you are in those early stages of trauma, you are not thinking clearly. Your stress and anxiety levels are high, and you are not always in the best place to make a decision. It does not matter what sort of trauma that you have. I recall Black Saturday – quite a different example. But people made decisions at the time, and then 12 months later they looked back and thought, 'Who made that decision? How did that happen? That's not what we want at all.' It is just another example that when you have got huge trauma and you enter into an agreement, you might not have made the right decision. I worry, though, because that gives people time to actually think, but the longer things draw out, the harder it is for people to make progress on their journey of recovery, and I do worry that there may be unintended consequences here, that agreements are not entered into.

What are the other options? Well, there are no winners when things go to court, because that drags it out for donkey's and people relive and relive and they tell their stories again and again to the courts, to their barristers and to family and friends. It goes on, and we need to make sure that people are supported through these situations. It is not just 'Okay, you'll get a sum of money' and that is it. We need to make sure that people are supported so that they can unpack that trauma and they can work through it, because we have heard examples here of when these sorts of situations live on with people for a very long time. As I have said, there is concern that this may make it less likely that employers and alleged perpetrators want to settle disputes given that it can come back in 12 months and they might say, 'Well, what's the point of doing this?' This is something that I do worry about, because it is so important that those who have been subject to sexual harassment in the workplace are heard and justice is done, because we do not want perpetrators who think things are funny and who continue to act unacceptably in the workplace – and sometimes not in the workplace. They might take these things to functions where they bump into people in community. Sometimes that happens in workplaces. People may see one of their work colleagues in the community and they can still be harassed there.

One of the changes is that employers cannot initiate conversations around an NDA, and that comes back to the complainant. They are already in a really pressured spot, and it can increase the pressure on this person in an already difficult situation. It is so important that people who have experienced this find those that they can confide in and find people to talk to. We actually heard the member for Shepparton saying that in her role people do speak to them about that. My hairdresser tells me all the time: 'You can't believe some of the stories that people tell.' But you need to have people that you can talk to about what has happened, to help share that load and to work out what you need to do, because the worst thing that can happen is these things drag on for years and years and years without being resolved. We need to help people resolve things expeditiously, but we also need to make sure that the balance is right and that the victims of harassment are not the ones who are disadvantaged time after time, which is what we have seen happen, which is exactly the reason we are here today debating this. We should all be safe. Women particularly should not be subjected to sexual harassment at work, and this needs to change.

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (11:57): I want to acknowledge the lived experience of those who have been harassed and abused at work, those who have spoken of their experience already and those who no doubt will speak of their experience throughout this debate. I think it would be hard to find a woman in this place who has not experienced sexual harassment at some point in their working life, whether that is at a part-time job, like the member for Sydenham, or even out on the hustings, as we always are, where we are at an event and some bloke who we barely know will grab us and bring us in for that really big squeezy hug and kiss. It can make you feel pretty uncomfortable, and that is just at the very light end of the sexual harassment scale. And of course this is something that these people would never do to another man. They do not grab an MP and bring him in for the big hug.

Non-disclosure agreements were set up to protect the intellectual and corporate knowledge, skills and plans of an organisation. They were not set up to protect predators, but that is exactly what their misuse does. The CEO of the Working Women's Centre Australia Abbey Kendall said at a conference last year:

> There is growing evidence internationally that NDAs compound a person's distress and pain, makes them feel that their own needs are being trampled on or betrayed, and creates feelings of debilitating shame and burden including around not warning others.

Through non-disclosure agreements that are used in this context, predators have been enabled to continue their dangerous, ugly, aggressive and violent behaviour because a workplace non-disclosure agreement has been signed which hides their crime.

I am going to talk about quite a well-known example. Its infamy is what makes it a very good example of why NDAs that protect predators are indeed dangerous. In 1998 Rowena Chiu was successful in getting what she thought was her big break when she went to work as Harvey Weinstein's private assistant. She said:

> When you're 24 years old, you're going into an entire industry of people desperate to come and work in Harvey's office.

She was forced to sign an NDA, meaning she was compelled to be silent about her experience for 20 years – her experience of almost being raped, of having to work with somebody who had his hotel room set up like an office. It was essentially a workplace, but it was a workplace in which her boss chose to walk around in his bathrobe or even at times, as she says, utterly naked. Miramax lawyers coerced her into signing a non-disclosure agreement. Her experience meant that she struggled to find work in an industry that she loved, an industry that she was so glad to be a part of. Her whole career path changed. She attempted suicide twice. What she experienced had a lasting effect on her.

Miramax's refusal to address this horrendous problem of Weinstein's predatory behaviour, to cover it up with an NDA, meant not only did Ms Chiu not receive the support she needed but also so many more women were abused, attacked and raped by this man. His predatory behaviour was enabled and allowed to continue. Over 80 women have come forward to tell their truth of Weinstein's abuse of them, and I would imagine that there are many more who are not able to come forward. There are a whole bunch of reasons why that would be the case, so it will always be unknown how many women he abused. The extent of this abuse would never have happened had Miramax confronted the harm of Weinstein's behaviour instead of insisting on NDAs which cloaked his crimes. The misuse of NDAs, where the organisation and the perpetrator have the power, has the consequence of hiding criminal behaviour – a consequence I doubt was intended when NDAs first came into place to protect organisations.

In the study *Let's Talk about Confidentiality* Regina Featherstone from the Human Rights Law Centre and Sharmilla Bargon from the Redfern Legal Centre found that:

> NDAs can be a mutually agreed and legitimate solution, including in incidents of harassment. But the systematic overuse of NDAs, together with unchecked power imbalances in workplaces, has also enabled employers to cover up patterns of misconduct and protect repeat abusers. This abuse of NDAs is just one of the ways in which the law disadvantages and discriminates against women, particularly women of colour and indigenous women.

In the report they also found that 75 per cent of legal professionals have never reached a sexual harassment settlement without strict NDA terms, which is insane. It shows what a thoughtless default position it is. Fifty per cent of solicitors who responded to the survey had never advised their clients that sexual harassment matters can be resolved without strict NDA confidentiality terms. This shows the extent to which these NDAs are misused. NDAs that silence victim-survivors also mean that the majority, if not all, of the victim-survivor tax is paid by the victim-survivor, not the predator. What I mean by this is that the financial costs of changing jobs, of going to therapy and of supporting recovery

are overwhelmingly borne by the one who can least afford it, the victim-survivor. Instead the predator is able to move on to the next person – the next person they can hurt, the next person they can damage.

The Speak Out survey, conducted by UK organisation Speak Out Revolution, found that 95 per cent of victim-survivors who signed an NDA experienced harm to their mental health, as they were prevented from speaking about their experience. The survey quotes a victim-survivor who spoke about experiencing mental health challenges, including PTSD, for a considerable length of time. When we know that one in three people have been sexually harassed in our country over the last few years, we know we need to ensure that this is not covered up, that perpetrators are held to account and that workplaces are safer. If there is no cloak of secrecy available, such as a non-disclosure agreement, it can lead these opportunistic predators to make different choices – that is, choose to not do harm, as they may well be held to account, rather than hide behind a side agreement which time and time again lets them get away with their abhorrent behaviour. But of course this figure is not the whole story. NDAs, as they currently stand, mean we cannot know about the full extent of this hideous behaviour. It is not always easy to disclose that you have been a victim to this harmful behaviour, and many never complain, they just leave the workplace. Through these reforms we are putting the voice of the victim-survivor first, not protecting the reputation of the predatory perpetrator. They also address the recommendation from the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment. There has also been considerable committee work done, and I thank the chair, the member for Thomastown, and all ministers, their staff and departments, who have worked so hard on this legislation. I also thank the union movement, who have campaigned and worked on bringing these changes into reality. This is a really good example of the importance of unions and the transformations that they can bring to the rights of workers at work.

This legislation means our state joins a small number of jurisdictions internationally who have also recognised the harm that is created by allowing the misuse of NDAs to cover up workplace harassment, abuse and bad behaviour, and we are the only jurisdiction in our country that has also got this legislation at the table. Again, our state is showing how we are at the forefront when it comes to workers rights, when it comes to protecting workers, when it comes to ensuring the rights of women and when it comes to protecting women. This state is always at the front. This state is always the one leading the way when it comes to social justice, and it is through the leadership of our party and of our government that we see this coming about.

It is important to note these reforms do not prohibit the use of NDAs in their entirety in workplace sexual harassment matters, but what they do is transfer power to the victim-survivor, not to the perpetrator and not to the organisation. It means that the victim-survivor has control and power over their narrative and how they want their narrative to be disclosed if they do wish that to happen. It creates strong safeguards around how they are used and better balances the rights of victims as to how they engage with these agreements. We are putting the victim-survivor front and centre, where they should be, and giving control and power back to them when the perpetrator has tried to take it away from them. This is important work by our government, and I absolutely commend this bill.

Martin CAMERON (Morwell) (12:07): I too rise to talk about the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. The bill is for an act to promote the health, safety and welfare of persons at work by regulating non-disclosure agreements relating to sexual harassment at work and for other purposes. From the outset, as other members have done, I would like to thank all the members that have been on their feet for sharing their stories and the members to follow. The member for Evelyn led off for us on this side of the house. We heard her story and how it still affects her today. These things have been kept silent for so long. We need to talk about them. We need to put mechanisms in place so that this is called out and we look after the victims that it does happen to, even though it should not happen to them.

As the member for Mordialloc articulated very well, it is predominantly a male issue – male bosses that are overstepping, I think, in their own thoughts of their importance and think that they can actually dominate and harass people into doing things and coerce them into situations. That needs to be called

out first and foremost. To anybody that gets up after me and the ones that have been before me: I am extremely sorry that you have had to go through this stuff. I am hoping that with what we are doing today in this chamber – and it is work that we are in agreeance about on both sides of the house – we can get this through, because we know this needs to happen to keep people, and predominantly women, safe in our workforce.

As I said, the main purposes of the bill are restricting the circumstances in which non-disclosure agreements relating to workplace sexual harassment can be entered into, restricting the terms that may be included in non-disclosure agreements relating to workplace sexual harassment and restricting the enforceability of non-disclosure agreements relating to workplace sexual harassment. First and foremost, there is no place at all for sexual harassment in any workplace. We do not accept it in this place. I am sure every member that is in here does not accept it. It should not be accepted on union worksites, and we have heard stories about how that has happened. It should not be accepted on any job sites in Victoria.

I know in our previous professions we were on these worksites working, and when we first started going out, learning our trade at trade school, it was predominantly a male-based environment. I am sure over the journey we have probably had conversations amongst the boys as we have sat around the brew house or having a chat and have spoken in the wrong context about women. There were no advances or anything like that, but I think it just shows that your voice can be a tool to actually make other people, and particularly women in a work environment, feel unsafe and vulnerable. It has moved on from that now with the invention of mobile phones, how people can actually coerce others. We see it all the time. We even hear about it in schools and about how it can be done. It is just not good enough. It is a standard that we have walked past for too long and it must stop. I suppose as you go through your journey and you have children yourself you want to set the right parameters and the right environment and make sure that your daughter is not harassed and, on the flip side, that your son knows what the rules are.

We have spoken about consequences a lot this week in other bills. Well, what we are doing here is putting consequences in place – 'Here are the ground rules; this can no longer go ahead' – because I think individuals in organisations have got away with it for too long. We have all heard stories, and we have all heard people talk about things that should not have happened but that they got away with because it was covered up. That is the bottom line – these non-disclosure agreements in their current form get to cover it up. The boss gets to move on and continue to be a boss and eventually a new lot of workers come through, but maybe that boss is thinking, 'Here comes a new lot of victims that I can coerce.' That needs to stop. I think what we are putting up here in the chamber is a first step to stamping that out.

As I moved on through my journey as a tradie, Acting Speaker Farnham – and I am sure you were the same – we started to get more and more women come into our trades, whether it be plumbing, building or electrical. We needed to make sure that there is a pathway for these young girls – and they were starting off as apprentices; they were vulnerable 16- or 17-year-old women coming through – and that there is something tangible that they can engage in if this does happen to them and that it is not 'If you don't be quiet and say nothing, you're going to lose your job.' That is furthest from the point of where we need to be as a society, and it is a society issue. We need to have firm standards so that people know that it is just not accepted anymore. As we have moved on in the trades, we have now got entire companies that are actually made up of female tradies. It just shows you how far that we have come in that aspect. If we are moving along the timeline and allowing women – not allowing women but wanting women – to come into that environment, whether it be at a tradie level, on a worksite or on a Big Build in Melbourne, and welcoming them coming in, well, there need to be those protections from people that are doing the wrong thing and, as I said before, waiting for that next lot of victims, unfortunately, to come through because they have never, ever been pulled up on it. There are times when they have done the wrong thing and there is no-one to say, 'Hey, enough's enough.' There is always a clause or an avenue for them to be able to wriggle their way out of it, so it is all covered up.

People talk about it behind closed doors. I am sure they talk about it behind closed doors. And it is a problem of society that we need to make sure that we do stamp out. We are coming up to the season of Christmas, and it is probably unfortunately heightened sometimes around this time of year. As the Minister for Emergency Services said before, it is even at the very outer limit, that unwanted advance of someone getting right up close and personal with you. There needs to be that mechanism of 'That's not good enough either.' If it is an unwanted advance, 'Well, take a step back, champ. It's not warranted.' And that is on both sides now, both male and female. But I think that we really need to make sure these are in place for our victims, because that is who we are talking about today, victims that have carried this for 20, 30, 40 years. It is not a new thing that has happened. But it is excellent today that we can be passing some legislation and amendments up here in this bill to make sure that it is stamped out, because at the end of the day – and I congratulate this bill going through – we need to make sure that all workers are safe here in Victoria.

Daniela DE MARTINO (Monbulk) (12:17): I too would like to commence my contribution to this bill by just reflecting on the contributions already made in the chamber today and, as the member for Morwell stated, those that will follow as well. Many personal stories have already been shared and I am sure many more are to come, because the sobering fact is that sexual harassment, including in the workplace, is all too prevalent.

I would like to just call out and in particular make mention of the Minister for Women for her very personal contribution and the member for Evelyn and her courage in talking about her experience as well, which has clearly deeply affected her. I think there are many of us in here who have had their own experiences. I will be sharing mine shortly too, but I did just want to make some opening remarks about non-disclosure agreements.

It is believed that they originated roughly in the 1940s in maritime law, and they were designed to protect trade secrets and shipping routes. Then in the 1980s they really sort of flourished again with the tech industry to, again, protect trade secrets. They were there to make sure that the company's interests were protected, so that employees who worked for them could not just pick up that information and run off somewhere else and steal it, in effect. So they have a place. That is where they have a place. Where they do not have a place is when victim-survivors of sexual harassment in the workplace are compelled to sign a non-disclosure agreement to effectively gag them. As I said before, it really is a sobering fact that sexual harassment is all too prevalent in our workplaces.

For the purposes of those listening and for *Hansard*, I wanted to just talk about the actual definition of 'sexual harassment'. It is:

> … unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances.

It includes:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- any other unwelcome conduct of a sexual nature.

Ask pretty much any woman – and in some cases men too – if they have experienced sexual harassment in the workplace, and, disturbingly, they will likely respond yes, they have. One in three workers have experienced sexual harassment in the workplace in the last five years alone – that is a staggering number in 2025. This is not the *Mad Men* era of the 1960s, this is a quarter of the way through the 21st century, and it is still happening at this frequent and even growing rate.

Compounding the trauma of experiencing sexual harassment is the staggering use of NDAs. The Speak Out survey by the UK organisation Speak Out Revolution says that of people who had signed an NDA in sexual harassment cases, 95 per cent of them had experienced negative impacts on their mental health, and that was stemming from their inability to speak about those experiences, including

sometimes with mental health professionals, who are the ones who should be able to assist you to go through that and to actually heal from the experience that you have had.

I have experienced sexual harassment so many times in my lifetime in the workplace, and prior to and outside of it, it is staggering. My first experience of sexual harassment that I recall was as a 16-year-old girl being locked on the school bus by the bus driver, who decided to talk to me about his sex life. I was 16 years old. I was the last kid on the bus. I managed to lie my way off that bus and I got out of there safely, but I felt sick. It then happened when there was another person in a position of authority over me who propositioned me when I was 16. He was in his mid-20s. He was in a position of authority. I was terrified; I felt like a trapped animal. It was horrifying. I have been sexually molested on a tram; I did get the guy arrested a fortnight later. I have been sexually molested on a train. So that is three forms of transport there. I have experienced it in the workplace. I was working at a pub in Manchester, carrying pint glasses, collecting them, stacked up in both arms, when I was frontally groped by a guy attending. It might not be the way that you should deal with it, but the way it was dealt with then was by security basically helping him on his way down the stairs – but he did not walk down those stairs. It was horrendous. You are vulnerable. You are trying to earn a living. I was listening to the Minister for Women talking about the fact that you have to show up for work again the next day or you cannot pay your rent or you do not eat if you do not get that meal, and you are seen as a commodity by some when you work in hospitality or retail.

Later on, as a union official for the Shop, Distributive & Allied Employees' Association, I had the privilege of actually conducting sexual harassment training for all union officials around the country. We took it out as an annual roadshow, and the stories that came back, the things that we heard from members and the sexual harassment that they had experienced – women who were raped and still had to go to work, who had experienced the worst, most egregious forms of sexual harassment and those who had experienced it on the other end of the scale who were also affected terribly. The thought that an NDA can stop you from seeking the help you need and being able to talk about it is horrendous, because the way I have managed to work through the multiple experiences I have had is through the capacity to talk about it with trusted people and talk through it. For those who cannot, because of this, I am so pleased. I am so proud that we are leading the nation on ensuring that NDAs will only exist when it is the victim-survivor who wants them genuinely for themselves and not because a company or an organisation is out there trying to protect itself. There is no reason that they would compel a victim-survivor to undertake a non-disclosure agreement other than the fact that they want to protect their reputation and the perpetrator, who is often – not always, but often – in a position of power over the person who has been subject to that sexual harassment.

It has also happened in times gone past – and many of us will know this too – that sometimes those perpetrators manage to fail upwards and get promoted, or it is the victim-survivor who gets told, 'We're moving you out of that area.' And they may be thriving in their job. They may be doing a great job at what they are doing – skilled, knowledgeable, feeling wonderful – but because they then are sexually harassed by someone else, they get moved out like they have been the problem. It is egregious and it has happened all too often. I saw it in my union days, and I still hear those stories coming to me now. I am beyond thrilled that we have introduced this, which puts the victim-survivor at the centre of the decision-making when it comes to a non-disclosure agreement, which is precisely the way it should be and precisely the way it should be around the rest of the country and across every jurisdiction. I do hope that those around our states and territories are watching this carefully. I hope that they follow suit as well, because no woman in this country and no woman in the world – no person in the world; it is not just women, but by and large the majority are women, unfortunately – should have to be subject to sexual harassment in the first instance. But the second compounding effect on them and the further damage that is done by being told 'You can't ever discuss this with anyone ever again, because we have compelled you to do this. If you want to see any kind of justice, that's what you need to sign up to' is abhorrent. I could not be prouder of our government for bringing this legislation in. I am really pleased that going forward, once this becomes legislation and is in effect, this will be consigned to the annals of history where it absolutely belongs. I commend the bill to the house.

Roma BRITNELL (South-West Coast) (12:26): I rise to speak today on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, a matter that touches the lives of many in our community, particularly women and children who have experienced the trauma of sexual harassment and family violence. This legislation before us seeks to reform the use of non-disclosure agreements, NDAs, in the resolution of sexual harassment complaints. Whilst I welcome any genuine effort to improve outcomes for those affected, I do have some concerns about the unintended consequences of the bill – such is the role of scrutinising any piece of legislation. It is essential that we get this right – that is undeniable – not just for the complainants but for the integrity of our legal system and the confidence of all the parties involved.

Let me begin by acknowledging the importance of addressing the misuse of NDAs. There have been cases where NDAs were used inappropriately, where they have served to conceal misconduct or silence individuals, and that is unacceptable. Reform is needed, but reform must be balanced, practical and grounded in procedural fairness. Bills like this need to be reviewed to ensure any unintended consequences are picked up, reviewed and addressed. Under the proposed legislation, NDAs can be unilaterally repudiated by the complainant after 12 months without cause. This fundamentally alters the nature of a legal agreement. It removes certainty and finality from the settlement process, and alleged perpetrators may be far less willing to enter these settlements if the terms can be broken at any time. This risks increasing the number of contested complaints and prolonging legal disputes, ultimately disadvantaging the very individuals the bill aims to protect.

We must also consider the pressure this places on complainants. By placing the entire decision about initiating an NDA onto the complainant, we risk adding complexity and emotional strain in an already very difficult situation. Settlement negotiations are challenging enough. Introducing uncertainty about whether confidentiality can be maintained even when the complainant wants it may deter resolution and increase distress. It is important to recognise that NDAs can protect complainants too. For some, confidentiality is a source of safety, closure and empowerment. If a complainant wishes to resolve a matter privately and permanently, they should be able to do so. This legislation removes that option. It takes away the ability of a complainant to offer permanent confidentiality, even if they choose to. In doing so, it restricts their autonomy and agency.

The bill's provisions around permitted disclosures are vague and inconsistent. Allowing complainants to share information with a friend or family member who has agreed to keep the information confidential is unenforceable and opens the door to unintended breaches. At the same time, the list of permitted disclosure entities is overly prescriptive and yet simultaneously loose. For example, Sexual Assault Services Victoria have raised concerns that organisations like theirs are not explicitly listed, potentially excluding them from the process. Meanwhile, other sections of the bill allow disclosures to undefined classes of people prescribed by future regulations, regulations that may not even exist at the time the NDA is signed. This creates legal uncertainty and undermines the integrity of the agreement. Perhaps most troubling is the principle embedded in the legislation that no matter is ever closed. This is a dangerous precedent because NDAs have long provided a way for both parties to resolve matters privately and move on. This legislation removes that option. It assumes good faith from all complainants but provides no safeguards against misuse. One party can cancel the agreement while the other party remains bound to their obligations. That does not feel like justice.

Let us also ask: why has it taken four years for the government to act on this issue? The Victorian ministerial council on sexual harassment was established in 2021. Since then we have seen a wave of federal reforms. The Australian Human Rights Commission published guidelines in 2022 on the use of confidentiality clauses in workplace sexual harassment settlements. The federal discrimination act was amended to introduce a new positive duty on employers. The Australian Human Rights Commission, again, assumed new enforcement powers from December 2023. The Victorian Legal Services Board and commissioner issued its own advice to lawyers on NDAs in 2023. And a new federal work health and safety sexual harassment code of practice came into effect in March 2025. Employers are still digesting some of these changes, and they are updating policies, training staff and

working to comply with new obligations. So this bill adds another layer, one that conflicts with existing frameworks and could create further uncertainty. Employers, especially small businesses, will be caught up in the middle, unsure of which rules to follow and how to comply.

In my own electorate we have seen the closure of Emma House, a legal assistance service – a vital lifeline for women and children escaping family violence. I have called on the Minister for Women and Minister for Prevention of Family Violence to intervene and help reopen this service. While we wait for action on that front, we are now being asked to support legislation that will make it even harder for vulnerable women to access justice. I think that is unacceptable.

We must protect victims of sexual harassment, but we must also ensure that our legal frameworks are fair, clear and workable. That means listening to the concerns of employers, employees, legal experts and community organisations. It means aligning with national reforms, not diverging from them. It means ensuring that our laws support, not hinder, and actually deliver justice.

This bill concerns me, and I think a review will be crucial so that any unintended consequences are captured. While the principle is we want to protect women from being sexually harassed in the workplace, we also do not want to create a situation that does not actually address that or enhance that. I see an opportunity here for us to address this in the upper house, to perhaps ask the government to consider the timeframe around this bill's review. I look forward to seeing that debated further in the upper house.

Michaela SETTLE (Eureka) (12:34): I rise today to speak in strong support of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, a bill that restores dignity, agency and choice to victim-survivors and begins to dismantle a culture of silence that has enabled workplace sexual harassment for far too long. This bill is about power and who has historically been denied it. Today, with these reforms, we affirm that the voices of women matter, their experiences matter and their right to speak and to heal matters.

Before I go into the bill itself, there are some people I would like to acknowledge: of course all of those that worked on the Victorian Ministerial Taskforce on Workplace Sexual Harassment and all of the people that engaged with both that taskforce and also through the Engage Victoria website. I do want to give a special nod to the We Are Union Women group. I had the absolute pleasure of meeting with Wil Stracke, the assistant secretary of the Victorian Trades Hall, and also Carolyn Dunbar, the women's lead at Trades Hall, a month or so ago. They came to talk about this important piece of legislation and what it means to workers across the trade union movement. They had advocated for quite some time on this policy, and I am really glad that they can see that the government has listened and that we are moving forward with this incredibly important bill. But as I said, hats off to them for their strong advocacy on this matter.

As we heard before, non-disclosure agreements were originally designed to protect trade secrets, but in workplace sexual harassment matters they have become something entirely different. They have become, in the words of one contributor to the consultations, a secret weapon to commit, cover and suppress workplace sexual violence. Of course the numbers speak for themselves: one in three workers have experienced sexual harassment in the last five years – the overwhelming majority of course are women – more than 50 per cent reported harm to their work and 26 per cent said that it damaged their career progression. Far too often these women were then pressured to sign NDAs, preventing them from speaking to their friends, their families, their union, their doctors or their psychologists. This is not justice. This is not safety. This is silence, and silence protects perpetrators, not victims.

I do want to make the point as a regional MP that, sadly, this is not restricted to the major cities. Indeed workers in the regions face the same issues – to some degree possibly even heightened. When you live in a small community and you are very well known, that pressure for silence can often be even greater on women.

This bill of course does not ban NDAs outright; it is more sophisticated, but most importantly, it is victim centred. The approach has been to shift that power back to the worker who has been aggrieved. An NDA can only be used if requested by the complainant, not offered, not hinted at and not tied to financial incentives. The idea must come from the worker themselves. The bill prohibits employers from threatening reputational harm or loss of future work, offering higher payouts only if an NDA is signed or using any form of intimidation or undue influence.

I am keeping my speech short today, because I know that so many people on this side of the house want to speak to this bill. It is something that is deeply embedded in all of our values, which is the protection of people in their workplace. So I will keep my contribution short. Suffice it to say, for working women in health, education, hospitality, care work, retail and agriculture across my electorate, this reform matters. This bill is thoughtful, balanced and profoundly important. It restores power to victim-survivors, it prioritises safety and transparency over secrecy and shame and it honours the courage of those who have fought for that change. Again I thank the mighty union movement but in particular the mighty We Are Union Women for all that they have done to see this bill come to the house.

Gabrielle DE VIETRI (Richmond) (12:39): I rise to speak to the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. It is a stark reality that one in three workers report having been sexually harassed in the workplace in the last five years, and there is an increasing culture of workplaces requiring workers to sign non-disclosure agreements during the settlement of sexual harassment cases, impacting victim-survivors, protecting perpetrators and putting more people at risk. That is why the Greens will support this bill, which restricts NDAs being used by employers to silence victim-survivors of sexual harassment at work. The bill delivers protections for workers subject or allegedly subject to sexual harassment, including by prohibiting non-disclosure agreements unless they have been requested by the complainant; introducing mandatory requirements for information statements and a review period before a worker signs a non-disclosure agreement; prohibiting an employer from pressuring or influencing a worker to enter a non-disclosure agreement; allowing a worker who has entered into a non-disclosure agreement to talk to certain people and bodies like Victoria Police and medical and legal professionals; and allowing a worker to end a non-disclosure agreement after 12 months of notice to the other party.

In a report last year called *Let's Talk about Confidentiality*, 75 per cent of lawyers surveyed said that they had never resolved a sexual harassment complaint without a strict non-disclosure agreement attached. Requiring victim-survivors to sign an NDA not only impacts their ability to share their experiences, it can cause deep harm, and many victim-survivors often regret signing these agreements as they process their experience and as time progresses. These NDAs can allow perpetrators to continue to work without consequences and allow bosses to evade their responsibility for providing a safe workplace. NDAs have almost always been requested by the employer and not the employee, and that is why these changes are so important.

Union women have been advocating strongly for years to have these laws introduced, and it is a testament to their efforts that these NDAs will now be restricted in these cases. So I want to thank Trades Hall and all the incredible advocates who have been pushing for this legislation for many years. With this bill NDAs in such cases will now only be permitted if they are explicitly requested by victim-survivors and this request is initiated by the victim-survivor without any coercion. The Greens support this bill. We hope it helps to put an end to the insidious practice of non-disclosure agreements being used to cover up abuse, because everyone should have a workplace that is free of sexual harassment, gendered violence and cultures of silence, and all workers should be protected and empowered.

Eden FOSTER (Mulgrave) (12:42): I rise today in passionate support of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. As the member for Mulgrave, a community built on the strength of its diverse families and hardworking people, and as a psychologist, I have heard countless stories of resilience. Although not personally impacted by workplace sexual harassment, I have supported many people experiencing the trauma of it. I understand the profound

and lingering damage that workplace sexual harassment inflicts on women in particular, and today we have heard so many countless personal stories of those impacted here in this place. The conversation we are having today is not merely about contract law or settling a legal dispute, it is about trauma, it is about healing and, above all, it is about the right to tell your own truth.

Sexual harassment is not a misunderstanding. It is not because a woman acted a certain way. It is a profound violation of safety and dignity. It leaves survivors wrestling with complex psychological injuries, chronic anxiety, depression, hypervigilance and in many cases post-traumatic stress disorder. A person's workplace is supposed to be a place of economic stability and professional purpose. When that environment is corrupted by harassment, it shatters fundamental assumptions about safety. The victim is left with a gaping, often invisible wound. This primary trauma is devastating enough. It not only impacts the survivor but their entire network – their family, their friends, their way of life. But for too long a secondary systemic injury has been inflicted upon survivors through the insidious misuse of non-disclosure agreements. NDAs in this context are not tools of business confidentiality, they are instruments of psychological confinement. They weaponise silence against the victim's healing process. Psychological recovery from trauma requires integration. It requires making sense of what happened, validating their experience and sharing their story with trusted support networks. When an NDA forbids a survivor from speaking, it forces them back into a state of cognitive dissonance and isolation, subjecting them to risk of PTSD and other harms. That silence ensures the trauma remains unintegrated, a live wire constantly ready to retraumatise them over and over again. The NDA protects the reputation of the perpetrator and the employer, but it guarantees the long-term psychological suffering of the victim-survivor. It is not justice, it is the institutionalisation of denial and cover-ups. It sets a workplace culture that does not support victim-survivors; instead, it gags them.

This bill is also a crucial step in addressing intersectionality – the reality that harassment does not happen in a vacuum. The impact of the NDA is magnified tenfold for our most vulnerable workers. I think of women in my electorate, particularly those who are migrant women, often working in casual, unstable and low-wage sectors like cleaning, farm work, hospitality or aged care. For these women the intersection of gender, race, language barriers and economic insecurity makes the NDA a non-negotiable tool of oppression. In a seat where many women have come to our nation as refugees, this oppression conjures up and exacerbates past traumas. Imagine a woman, perhaps a single mum, who has experienced harassment, who is trying to support her family and whose visa status is perhaps tied to this employment. When a settlement offer is presented with a non-negotiable gag clause, she is not negotiating from a position of power, she is negotiating from a position of desperation. That NDA is not a choice; it is extortion. The employer knows that her need for money to survive and for a reference to stay employed outweighs her capacity to fight for her voice. The NDA becomes a mechanism to conceal serial offending not just from the public but from regulators and, critically, from other workers who might be at risk. It creates a revolving door of abuse, with the silence of the last victim enabling the harm of the next.

This bill directly addresses this power imbalance by mandating that an NDA must be the choice of the survivor. By requiring mandatory legal review and information and by ensuring they can speak to their doctor, their union or Victoria Police, we give agency back to those who have had it systematically stripped away. We turn the act of signing a legal document from an instrument of coercion into an exercise of empowerment.

This government is delivering on our commitment to putting victim-survivors first. This nation-leading reform is not radical, it is fundamentally decent. It is about transparency, accountability and the moral imperative to foster safe workplaces. We cannot hope to solve the problem of workplace sexual harassment if we continue to bury the evidence under layers of mandated silence. By passing this bill we do more than just change a few lines of legislation. We send a clear message from this Parliament, and we tell our communities: your voice matters, your story is valid and your healing will not be sacrificed to protect the reputations of the powerful. I want to thank the Minister for Industrial

Relations for putting this bill to Parliament and Trades Hall and the voices of the unions for their strong advocacy on this. I commend this vital bill to the house.

Michael O'BRIEN (Malvern) (12:49): The coalition does not oppose this bill. I think there is a good case to be made that non-disclosure agreements have been overused on many occasions and have been used to cover up unacceptable and in some cases illegal workplace conduct, so this is a problem which does need to be tackled. The government seeks to tackle it by effectively restricting the ability for NDAs to be entered into, and the government seeks to place a number of conditions on the use of NDAs through this bill.

First of all – and I think this is an important one – it must be the complainant's initiative to want to have a non-disclosure agreement. This means that it is not going to be possible for an employer, for example, to suggest an NDA to somebody who is complaining about sexual harassment in the workplace. The initiative, the power and the agency must lie entirely with the person who has made the complaint, and I think that is appropriate, because obviously there can be power imbalances in employment relationships and it is important that we seek to address those. So the first precondition for an NDA to be able to used under this bill is that it must be at the complainant's request to enter into it. This is in the legislation – not just that the complainant must request it but that it must be the complainant's express wish and preference to enter into the agreement. Obviously, the complainant must be given a copy of the workplace non-disclosure agreement information statement. This is information that will be provided by the government to ensure that people are aware of their rights and responsibilities should they wish to go down this path of entering into an NDA. The complainant must be given a period of at least 21 days to review the agreement before entering into it, and before the complainant enters into the agreement the complainant must acknowledge, in a form approved by the secretary, that the preconditions referred to above have been met.

There are a couple of interesting things in this bill. Clause 9 provides that a workplace non-disclosure agreement must be written in plain language. I understand that in an ideal world we probably would not have lawyers at all, which might have put me out of a job a few years ago. In an ideal world we would have everything written in plain language. I think this is a very commendable provision. I just ask: when is the government going to apply this to legislation that, for example, small business has to deal with every day? When is the government going to apply this to regulations that ordinary workers, ordinary Victorians, have to deal with every day? This government is the master of complex, hard-to-understand, hard-to-read legislation and regulation, and it imposes a huge burden on a lot of ordinary Victorians and a lot of Victorian small businesses. I remember once in here as Shadow Treasurer debating some changes to the Payroll Tax Act 2007, and it used a formula that would not have been out of place in a Nobel Prize–winning mathematical essay. Small business people are expected to wind their way through this technical gobbledegook that the government imposes on them. I commend the government for saying that a workplace non-disclosure agreement must be written in plain language. I just hope the government starts applying that obligation to itself when it comes to legislation and regulation it brings into this place. But I do think it is a commendable principle, because we want these matters to be understandable as much as possible.

The government, through this legislation, also provides that 12 months after an NDA is entered into the complainant effectively has the ability to repudiate it, and they can do so by providing simple notice to the company concerned. This is an interesting provision because generally we accept that when people are adults and when people have agency they can enter into agreements that they regard as being in their best interests. The government is saying here that 12 months after an agreement has been not just voluntarily entered into but sought by the complainant, the complainant can also choose to repudiate it. There might be times when, if somebody does not have the right advice at the time they enter into it, that would be justified. But there might also be times when this actually reduces the value of the NDA to a complainant. I will be very interested to see how this provision works out. I understand what the government is trying to do. I think their concern is that there might be complainants who think it is in their interest to enter into an NDA and then 12 months later they might think, 'Well, no,

that wasn't the right thing to do, and I want to be able to talk about this publicly or in some other way.' Therefore there is, effectively, an out clause. I understand that is the government's intent, and so far as that goes, it is an understandable one and it is a commendable one.

I do wonder, though, whether a number of businesses may not be willing to enter into an NDA, even one that the complainant wants, because they will say, 'What's the point if it can be just simply repudiated 12 months later?' For a complainant who wants an NDA, is this going to mean that the party on the other side will be less willing to enter into one? That could be an unintended consequence. I hope that is not the case, because this is important legislation; it is tackling a serious problem. But I do hope that we do not have any unintended consequences which could actually lead to less power in the hands of complainants when it comes to these sorts of matters.

Obviously, we do not want to see sexual harassment, particularly when sexual harassment can also rise to the level of crime, being covered up, we do not want to see this being hidden and we do not want see it being swept under the carpet, and I think it is very important that we do respect the rights of people who have been subject to workplace sexual harassment to be able to report that to authorities. It is extremely important. Effectively, businesses should not be able to buy the silence of people who they have let down by having an environment in which workplace sexual harassment can occur.

I should briefly mention the reason behind this legislation. It came from some recommendations from the Ministerial Taskforce on Workplace Sexual Harassment, which was chaired by the member for Broadmeadows and the then Equal Workplaces Advisory Council chair Liberty Sanger. Liberty Sanger, I think a former Maurice Blackburn partner, has now been appointed to the County Court of Victoria – Judge Sanger – and the State Coroner. I knew Her Honour back in university days, from student politics, but out of great respect for the judiciary I will not go into any stories from those days. I will leave my remarks at that, other than to say that I think this is a bill seeking to tackle a very important workplace issue, and on that basis we do wish it success.

Paul EDBROOKE (Frankston) (12:57): In the couple of minutes before lunch I hope to make a brief contribution on this bill. The legislation before us is about one simple principle, and that is that Victorians should never have to choose between their own safety and their livelihood. For too long non-disclosure agreements, which were originally designed to legitimately protect commercial information, have been used – or misused, I should say – to silence victims. I notice up in the gallery we have got some of our great colleagues from Trades Hall, and I want to acknowledge Wil Stracke, Danae and some of the people that came into this Parliament and educated people like me on our responsibility to make sure that workers are safe by legislating against the misuse of these NDAs. We have had people in this Parliament who are reliving trauma and pulling bandaids off very old incidents to reflect on their lived experience about why we need to do this. For someone like me, a middle-aged, white male who does not want to stand here and mansplain things, I found it shocking.

This bill is about making sure that we do not continue to conceal patterns of behaviour within workplaces. We have all heard this afternoon some pretty traumatic and harrowing stories that should never have happened. We have also heard I think some misnomers, like that the commercial reality is that a workplace will go out of business if they allow sexual harassment to go unchecked. If only that was the case, but it is not, and that is an error. That is wrong, and that is why we are here today. We have also heard a claim that one party can waive and the other is still bound by an NDA, which is not correct. Both parties are released if the complainant waives unless parties agree otherwise as well. There is I think a sense of pride that we are here in this chamber in a bipartisan manner making sure we are supporting workers, but I think there is a level of intellect and education that needs to go into the process of reading this bill and understanding what it actually achieves as well.

Sitting suspended 1:00 pm until 2:02 pm.

Business interrupted under standing orders.

Rulings from the Chair

Ministers statements

The SPEAKER (14:02): On 30 October at the end of question time the Leader of the Opposition took a point of order seeking the Chair's guidance on the honesty of a ministers statement. I advise the house that, while members are required to be factual, the veracity of a member's comments is a matter for the house, not the Chair. Further, while members may use a personal explanation to correct the record, the Chair cannot require this step. Accordingly, there is no point of order.

Hansard report

The SPEAKER (14:03): Further, members will be aware that Hansard's editorial policy involves the editing team correcting obvious slips of the tongue. The policy, which is on the members' intranet, says:

> *Hansard* is a substantially verbatim report of parliamentary proceedings. It is an accurate report of speeches devoid of redundancies, obvious grammatical errors, slips of the tongue and factual errors.

Members, including the Chair, often find edits of this kind very helpful in creating a more readable transcript, and this has happened historically on many occasions. I am advised by the Clerk that this is what has occurred in the case referred to in the Manager of Opposition Business's point of order this morning. I remind all members that the daily proof *Hansard* is exactly that, a proof, generated overnight in tight timeframes. It is not the final, authorised version of the transcript published after the end of the sitting week, which is also subject to further review by the editing team.

I would like to acknowledge in the gallery the health minister of the Northern Territory the Honourable Steve Edgington MLA.

James Newbury: Speaker, on a point of order on the matter that you just spoke to in relation to the doctoring of *Hansard*, I would seek your guidance. You did mention that in this instance there had been confirmation from the Premier that it had been a slip of the tongue. However, I would seek your guidance. In an instance where the misspeak was actually the truth, is doctoring *Hansard* appropriate?

The SPEAKER: I have ruled on the point of order.

Questions without notice and ministers statements

Crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:05): My question is to the Premier. This week the government has announced an imitation of 'adult crime, adult time' with no legislation, lifetime penalties for an existing offence of recruiting child gang members under which there has not been a single conviction and retail worker laws missing the key worker protection orders that both retailers and unions want. Doesn't this week highlight the Allan Labor government chasing headlines rather than fixing the crime crisis of their own making?

Jacinta ALLAN (Bendigo East – Premier) (14:06): I would like to thank the Leader of the Opposition for the opportunity to outline once again to the house the actions that we are taking to keep the community safe. I appreciate that the member for Berwick, the Leader of the Opposition, has referred to adult time for violent crime, and we will be legislating before the end of this year. We will be bringing legislation to the Parliament before the end of this year to introduce adult time for violent crime so the courts treat children as adults for these violent and brazen crimes that are causing such grave concern to the community. We know because the data tells us that the likelihood of jail is stronger and the sentences are longer.

I thank the Leader of the Opposition for this opportunity to talk to the house this afternoon about how we are sending a very clear message to the evil organised crime gang lords that, if they recruit a child to engage in violent acts, they will be facing a life sentence for their evil behaviour that is equivalent

to child abuse. We also need to go further, which is why we have announced that further work will be done, consistent with what the Australian Criminal Intelligence Commission has called on governments around the country to do, to look at how technology is used to recruit young children and how further strengthening of the laws needs to be undertaken. We are taking advice from Victoria Police of course on this matter, where the chief commissioner has identified organised crime as being a key focus of his in terms of dealing with bringing down the crime rate here in Victoria.

I would also like to thank the Leader of the Opposition for the opportunity today to talk about how we have introduced into the house today stronger laws to protect retail, hospitality and transport workers, and I would like to thank those workers who stood with me and the Attorney-General this morning. These workers should not experience abuse or threats in their workplace and they need our protection, which is why we have brought legislation to the Parliament today and made it clear that this is the first step. There will be further legislation before the house in April of next year to introduce worker protection orders as well.

As a former retail worker who worked for seven years on the checkouts, I did not work in a time like we are in now, where too many young retail workers, hospitality workers and transport workers are experiencing threats and abuse. We are cracking down on it, and I thank the Leader of the Opposition for the opportunity to go into detail on the action we are taking.

Brad BATTIN (Berwick – Leader of the Opposition) (14:09): Will the Premier demonstrate her faith in fixing the crime crisis by committing to resigning if crime rates have not fallen by the statistics released in September 2026?

Members interjecting.

The SPEAKER: The member for Tarneit can leave the chamber for an hour.

Member for Tarneit withdrew from chamber.

Jacinta ALLAN (Bendigo East – Premier) (14:10): I note the Leader of the Opposition has staked his claims on the year 2030. He will be lucky to see December 30.

Members interjecting.

The SPEAKER: The minister for advanced manufacturing is warned.

Brad Battin: On a point of order, Speaker, this is directly in relation to relevance, considering the crime stats here in Victoria under this Premier are at the highest level that they have been in any state across this entire country. Will she make the commitment to standing by her position or resigning?

The SPEAKER: Order! I remind the Leader of the Opposition of the correct way to raise a point of order. It is not an opportunity to make a statement to the house, nor is it an opportunity to repeat the question. The Premier has only been on her feet for 10 seconds.

Jacinta ALLAN: I say to the Leader of the Opposition that in understanding, as the chief commissioner, the police minister and I have all said, that the crime rate is unacceptable, you do not deal with that, as the Leader of the Opposition seems to be more focused on, by quitting. We are not quitting on this side of the house, we are fighting. We are fighting to support Victorians, fighting for safer communities, investing in the health and education services that they need and supporting struggling families. We know that adult time for violent crime, cracking down on organised crime and protecting retail workers is the hard work that needs to be done supporting Victoria Police to protect the community. And I say this: I suspect the resignation of the Leader of the Opposition will not be a matter for him.

Ministers statements: workplace safety

Jacinta ALLAN (Bendigo East – Premier) (14:12): Workers in our state deserve to be safe at work, whether it is a shop assistant stacking shelves at a supermarket, a young person serving coffees or a

rideshare driver getting people home safely. But too often we know that they are dealing with behaviour that no-one should have to face, and we have seen in the last year there have been more than 800,000 retail crime incidents across the nation. Almost nine in 10 retail workers reported facing verbal abuse. These people – young people, women, shiftworkers – are all saying the same thing: that the rise in abuse and threats and violence is taking a toll. It is taking a toll on their wellbeing, on their confidence and on their sense of safety when they are just trying to do their job.

That is why we have introduced today into the Parliament a new worker harm bill. There will be new offences, tougher penalties and real consequences for people who harm workers in this way. We are going further too in understanding that ram raids need to be cracked down on and will be treated as aggravated burglary, with sentences of up to 25 years. Also we will be introducing retail worker protection orders. We will be bringing legislation to the Parliament next year which will ban violent offenders from returning to workplaces.

This is about keeping our community safe, but it also has that particular focus on those retail, hospitality and transport workers who work in industries that are serving the community in those important sectors. We say it very clearly: we stand with you and send a clear message. If you abuse a shop assistant, if you assault a fast-food worker, if you threaten a rideshare or taxi driver or if you throw a coffee over a waiter, you will face serious consequences here in Victoria.

Crime

James NEWBURY (Brighton) (14:14): My question is to the Attorney. The Attorney has admitted there have been just 32 charges laid under Labor's child gang recruitment laws and not one conviction. Doesn't increasing the maximum penalty for a law that has not worked just prove that Labor is about posters and pollsters, not prosecutions?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:15): I thank the member for Brighton for his question. We have been listening to the commissioner for police. The commissioner for police has been really clear on something that I think we all need to take note of, and that is this disturbing rise in criminal gang activity. We are hearing from intelligence organisations that organised crime gangs are recruiting children to conduct their dirty work. This is exploitation. This is exploitation of the worst kind. This is abuse of these children. As we have made clear, we will be addressing this kind of crime by increasing the maximum penalty currently available for this offence under the Crimes Act from 10 years to 15 years. But we are not stopping there.

James Newbury: On a point of order, Speaker, on relevance, this question was about the fact there has not been a single conviction – not one conviction.

The SPEAKER: The Attorney was being relevant to the question that was asked.

Sonya KILKENNY: As I was saying, we are taking steps to increase the maximum penalty for this offence from 10 years to 15 years. But we are not stopping there. I was completely up-front yesterday and said there have been 32 charges and not one conviction. And I am being up-front –

Members interjecting.

Sonya KILKENNY: May I finish, please?

James Newbury: On a point of order, I just want to confirm, Speaker, I think the –

Members interjecting.

James Newbury: Just so that we can check *Hansard* tomorrow, the Attorney has confirmed not a single conviction.

The SPEAKER: Member for Brighton, there is no point of order.

Sonya KILKENNY: It is interesting. This morning at a media conference I was asked by media whether the Leader of the Opposition should be worried and concerned about the member for Brighton. I answered yes, but not just the Leader of the Opposition; all Victorians should be concerned.

James Newbury: On a point of order, Speaker, sledging is unparliamentary.

Sonya KILKENNY: What the Australian criminal intelligence organisation has told us is that there is a very concerning and evolving use of organised crime gangs that are recruiting children using quite sophisticated technology. What we are seeing is that under the current offence we have had 32 charges for those people who recruit children to conduct and undertake criminal activity – 32 charges and so far no convictions. I have been very up-front about that.

This is an area that we need to focus on, and everyone in this state should be taking note of the words that the Australian criminal intelligence organisation has put before us. We will be working with Victoria Police, with the commissioner for police, and other experts and stakeholders to ensure that we introduce a new offence to tackle this evolving criminal activity, which I must say also the police commissioner has said is driving so much of this horrendous, very violent offending that we are seeing being committed more and more by children. So we are tackling these issues, not commentating on them by the side.

James NEWBURY (Brighton) (14:19): Doesn't the fact there has been not one conviction or draft law just show that the government's promise of life sentences shows this chaotic government is chasing headlines, not crooks?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:19): As I said yesterday, and as I have said this morning as well, placing a maximum life sentence for an offence is a pretty significant thing for a parliament to do. It is a very significant thing for a parliament to do and sends –

James Newbury: On a point of order, Speaker, the Attorney is required to be factual. You cannot apply a sentence through a media release.

The SPEAKER: I am sure the Attorney is being factual, as are all members when they are on their feet.

Sonya KILKENNY: The imposition of a maximum life sentence sends the very strongest message that this Parliament views those kinds of offences as the most abhorrent that warrant a life sentence. We indicated yesterday that in the case of these organised crime gangs who are recruiting, exploiting, manipulating and abusing children to conduct their dirty work they will face a life maximum. We will be bringing in those laws before the end of the year. We will be bringing in laws to increase from 10 years to 15 years the maximum penalty and new laws to put in place a maximum of life for these types of offences.

Ministers statements: Melbourne Cup Carnival

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (14:21): We are racing, and I want to provide an update on the biggest major event, the original major event here in Victoria, the Melbourne Cup Carnival. We had the largest Melbourne Cup Carnival crowd in nearly a decade, since 2018, with 286,000 Victorians and plenty of internationals – and a number of people in this place – who got out there to headquarters to celebrate the Melbourne Cup Carnival. Can I say, not only did we see some great racing, but we saw Jamie Melham make history, winning the Caulfield–Melbourne Cup double 10 years after Ballarat's own Michelle Payne won the Melbourne Cup, breaking through that glass ceiling. We have got a Premier who has broken through a few glass ceilings of her own. The glass ceiling for some is a bit of a protection racket, I think; I am not sure for whom.

Can I just say that it was not just about the racing on the track, but it was also about the entertainment. We had a massive crowd turn out to see DJ Fisher, with $1.7 million in major events funding from our Major Racing Events Fund supporting the carnival across the week. I just wanted to say that on this side of the house we do support racing. I know that there are many on the other side of the house that also support racing, which generates 35,000 full-time jobs right across Victoria.

Maybe we did not all back a winner at the races, but it is very important that of those who did not back a winner just maybe some are thinking about whether they have backed the wrong horse. In a very big week – a big week for the government – and a very big Melbourne Cup Carnival with a record budget for the Melbourne Cup, can I just say that some might still be stuck at the barriers. Some wonder whether they backed the wrong horse. Some are jockeying for position. I do not know who they might be.

Members interjecting.

The SPEAKER: The member for Werribee can leave the chamber for half an hour – two days in a row.

Member for Werribee withdrew from chamber.

Bail laws

James NEWBURY (Brighton) (14:23): My question is to the Attorney. Can the Attorney confirm that she and other attorneys around Australia have finalised a Commonwealth report which recommends that the Victorian government loosen bail laws 'to ensure bail laws explicitly provide that imprisonment be the last resort'? Why is the Attorney-General working behind closed doors against her own government to weaken bail laws?

The SPEAKER: Member for Brighton, I believe there were two questions in that question.

Members interjecting.

The SPEAKER: Order! Member for Eureka, you can leave the chamber for half an hour.

Member for Eureka withdrew from chamber.

James NEWBURY: Happy to say: showing the Attorney-General is working behind closed doors against her own government to weaken bail laws?

The SPEAKER: Is that your question, member for Brighton? I call the Attorney.

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:25): I thank the member for Brighton for the opportunity to talk again about the really significant bail reforms that we have brought in this year – two rounds of bail reforms, the most significant bail reforms where we have put community safety above all else in bail decisions, as it should be. This is about protecting the community from violent repeat offenders. This is about listening to victims of crime. If the member for Brighton had been anywhere this week paying attention, he would have noticed that we have made a number of really significant announcements about reforms that we are delivering here in Victoria.

James Newbury: On a point of order, Speaker, on relevance, the question went specifically to a report the Attorney has signed off on recommending a weakening of our bail laws. It went directly to that question. The Attorney is clearly not being relevant in her response to that question.

The SPEAKER: The question also referred to bail laws. The Attorney will come back to the question.

Sonya KILKENNY: On the question on bail laws, I was referring to our bail laws and the reforms that we have brought in this year – two tranches of reforms – that we see are making a big impact, with a 46 per cent increase in the number –

James Newbury: On a point of order, may I take you, Speaker, to page 155 of *Rulings from the Chair* and Speaker Maddigan's ruling of 26 August 2003. I appreciate very much that a Speaker is not able to direct a minister how to respond to a question, but that ruling specifically requires a respondent to address the question, not pick up a word from the question and respond indirectly about the topic generally. The question was very specific, and the Attorney is yet to deal with the substance of the actual question.

The SPEAKER: The Attorney was being relevant to the question.

Sonya KILKENNY: I was drawing the house's attention to, again, the significant bail reforms that we have brought in this year, which are having a big impact on our system, as we have seen a 46 per cent increase in the number of young people on remand and a 26 per cent increase in the number of adults on remand. We are doing this because we are responding to what we are seeing out in the community. We are doing it because we are responding to the voices of victims, who are telling us that we need –

James Newbury: On a point of order, Speaker, I seek your guidance. This question was regarding a Commonwealth report that the Attorney signed off on. Are we now in a situation where a minister can pick up the word 'the' in the question and talk about 'the' all day rather than dealing with the substance of the question?

The SPEAKER: What is your point of order?

James Newbury: I am seeking your guidance on relevance, Speaker.

The SPEAKER: The question was: why is the Attorney-General working behind closed doors against her own government to weaken bail laws? The Attorney is being relevant to the question that was asked.

Sonya KILKENNY: I am not sure how much clearer I can be for the member for Brighton. I have now taken the member for Brighton through two tranches of bail reforms that we have brought in this year – bail reforms that are having an impact, and we are seeing that –

James Newbury: On a point of order, Speaker, on relevance, the Attorney has not yet dealt with whether or not she has been working behind closed doors against her own government.

Mary-Anne Thomas: On the point of order, Speaker, there is no point of order, and indeed the Manager of Opposition Business continues to defy your rulings in relation to the Attorney's answers, so I ask that you rule his point of order out of order.

The SPEAKER: The Attorney is being relevant to the question that was asked.

Sonya KILKENNY: I feel like I am getting a bit of an insight into what might be happening on the other side of the chamber in terms of people working –

James Newbury: On a point of order, Speaker, I presume that was not relevant.

The SPEAKER: Indeed. I do ask the Attorney to come back to the question.

Sonya KILKENNY: Perhaps I strayed a little bit there, but I think it is fair to say the member for Brighton walked right into that one. As I said, they are significant reforms this government has introduced in relation to bail, significant reforms that are having a big impact on the system, with more dangerous repeat offenders being denied bail and remanded – a 46 per cent increase in the number of children on remand and a 26 per cent increase in the number of adults on remand. I will also draw the member's attention to some other facts and statistics. Bail refusals are up 108 per cent. Bail revocation rates are up 100 per cent. In the Children's Court bail refusals are up 91 per cent and bail revocations are up 102 per cent. These bail reforms are making a difference.

James Newbury: On a point of order, Speaker, I would seek your guidance. In 3 minutes the Attorney did not at any point deal with the substance of the question, and there are –

Members interjecting.

The SPEAKER: What is your point of order, member for Brighton?

James Newbury: There are many rulings, Speaker, that require a minister to deal with the substance of the question. Are we now at a point where a minister does not have to respond at all?

The SPEAKER: Member for Brighton, there is no point of order. If you wish to discuss procedural issues, you can come and see me in my office after question time.

James Newbury: On a separate point of order, Speaker, I presume I am still entitled to raise procedural issues in the chamber.

The SPEAKER: Absolutely. However, I have asked you to come and see me in relation to questions you have about this procedure.

James NEWBURY (Brighton) (14:31): The report specifically points to Victoria's 'less restrictive bail laws implemented in 2023' as 'effective in reducing remand rates'. That means more offenders back on the streets. Doesn't the fact the Attorney is secretly advocating weak bail laws show that this government is simply gaslighting Victorians when it comes to fixing the crime crisis?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:32): I was going to give the member for Brighton the benefit of the doubt, but I would say to the member for Brighton, through the Chair: before the member for Brighton comes in here and makes accusations and allegations, I remind the member for Brighton to check his facts. He may wish to check the communiqué that was sent out after the meeting of attorneys-general today, which acknowledged that a report had been prepared by an organisation that had been set up by all of the attorneys-general through SCAG. It has been agreed that that report will be published and made public. However, the communiqué goes on to state that whilst that report is to be published it has not been endorsed by any of the attorneys-general who attended the meeting of SCAG this morning.

Members interjecting.

The SPEAKER: The member for Narre Warren North can leave the chamber for half an hour.

Member for Narre Warren North withdrew from chamber.

Ministers statements: housing

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:33): The Allan Labor government is saying yes to more homes and yes to more affordable homes for Victorians. We are opening doors for thousands of families, young people and essential workers who want to live in some of Melbourne's best connected suburbs, helping them find a home that suits their needs and their budgets. We are making it simpler and faster to build all kinds of homes in all kinds of places – homes with backyards, homes with granny flats, townhouses, duplexes, mid-rise flats and apartments near shops, services and world-class transport, including the Metro Tunnel, which is opening in less than a month. I could not help but notice a post on social media recently:

> If we want more housing, we've got to make it easier to build … cutting red tape, going for growth, and boosting productivity can create more jobs and homes.

And who said that? The member for Berwick, the Leader of the Opposition. I was so delighted to see the Leader of the Opposition agreeing, at least on social media, with the Premier and everyone on this side of the house, because under our *Plan for Victoria* more homes are coming to 60 well-located centres across Melbourne in our train and tram zone activity centres. These are the places where it makes sense to build more homes close to jobs, services and transport and exactly where Victorians

want to live. We have made it easier to subdivide and easier to build townhouses and duplexes. This is the biggest planning shake-up in decades because the status quo does not cut it. It will not deliver the future Victorians deserve. While the Leader of the Opposition talks about going for growth and cutting red tape, it seems that it is one thing in China but a very different thing back here, back in Brighton, still pulling the strings on his puppet here.

James Newbury: On a point of order, Speaker, the minister knows not to use ministers statements to sledge.

Ben Carroll: On the point of order, Speaker, you have clearly articulated that we can compare and contrast. The planning minister is rightly pointing out that you cannot say one thing on the Bund and then another thing in Parliament.

The SPEAKER: The Attorney to come back to her ministers statement.

Sonya KILKENNY: Those Liberals are mean, miserable blockers.

Housing

Will FOWLES (Ringwood) (14:36): My question is to the Premier. One month ago, on Tuesday 14 October, I asked the Premier how many of the 11,100 homes described as being completed or in construction or planning under the Big Housing Build had in fact been completed, noting that Victorians cannot live in a permit. In her response the Premier said, 'I will seek that information from the minister for housing.' I subsequently followed up this undertaking in writing, but of course no updated figures have yet been provided. Victorians still do not know how many homes are actually completed and ready for tenants after having spent $8 billion on this project. With more than 66,000 Victorians on the public housing waitlist, transparency about what has been built, not merely planned, is essential. What information has the Minister for Housing and Building provided to the Premier in response to her undertaking to seek the current number of completed homes under the Big Housing Build?

Jacinta ALLAN (Bendigo East – Premier) (14:37): In acknowledging the member for Ringwood's question, of course we can only have a discussion about building more homes here in Victoria because our government is investing in the Big Housing Build to build more homes right across the state. In terms of the information that the member for Ringwood is seeking, the member for Ringwood I think has previously been advised that we are delivering through our $6.3 billion of investment in the Big Housing Build more than 13,300 social and affordable homes across Victoria, with more than 10,100 homes completed or underway. Of course we are working hard to build more homes here in Victoria. I note that the government builds homes through its investment in directly funding housing through the Big Housing Build. We also understand that we need to work with the private sector to build more homes, and we are indeed leading the nation in terms of the number of homes that are built here in Victoria.

I do not want to anticipate debate, but in pulling every lever available to the government to get on and build more homes, we are in the process of overhauling the old legislation that supports NIMBYs not getting more homes being built. I note that that legislation is being opposed by those opposite. Whilst the leader of the opposition is in China saying one thing, his shadow minister for planning is in the house saying another.

Will Fowles: On a point of order, Speaker, on relevance, the Premier has again used this concatenation of homes that are completed or underway. The question quite specifically referenced the specific information she said she was going to get from the minister for housing for the number of homes completed – not completed or underway, just completed.

The SPEAKER: The Premier was being relevant to the question that was asked. The Premier has concluded her answer.

Will FOWLES (Ringwood) (14:40): My supplementary question is: does the government know how many homes have been completed?

Jacinta ALLAN (Bendigo East – Premier) (14:40): I can advise the member for Ringwood that we have built more than 2900 homes over the past year.

Ministers statements: health system

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:40): I rise to update the house on Labor's record investment in our healthcare system here in Victoria. Victorians know that when it comes to their health they can only trust Labor governments to deliver. That is because year on year we have grown our investment in our health system – year on year we have grown the workforce in our health system. This year alone we have invested an additional $11.1 billion into our healthcare system. That funding is delivering a massive expansion of the Victorian Virtual Emergency Department, which is now funded to treat up to a thousand patients every single day. We have continued funding for urgent care clinics, which of course were started here in Victoria, and for our hugely popular community pharmacy program. We are making it easier for families everywhere to get the care they need at the chemist. We are opening and operationalising new and expanded hospitals right around the state – hospitals in Cranbourne, Phillip Island, Sunbury, Mernda, Footscray, Frankston, Maryborough and more. And we are providing support for more nurses, more midwives, more paramedics and more healthcare professionals at all stages of their careers, because that is what Labor governments do. There are those who have other ideas about what they might do with $11.1 billion. Let me tell you there are those on the other side who have a plan to rip $11.1 billion out of our public services. Those on the other side need to come clean with the Victorian community. How many thousands of nurses, midwives, paramedics and doctors will they cut? Is it 30,000? Is it 40,000? Is it 50,000? The people of Victoria can see through those on the other side.

Fire services

Danny O'BRIEN (Gippsland South) (14:42): My question is to the Minister for Environment: will the 350 faulty forest fire management vehicles be back online before fire restrictions are expanded on Sunday night?

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:43): I thank the member for his question. What the Victorian community want to know and what this house needs to know is that Forest Fire Management Victoria are fully prepared to fight fires. They have all the resources they need to fight fires. They have worked hard all year to prepare for bushfire season because it will be a difficult season. I could not be prouder of the work of those men and women – in preparation all year round – and they have all the resources they need to keep us safe.

Danny O'Brien: On a point of order, Speaker, on the question of relevance, the question was very straightforward.

The SPEAKER: The minister has concluded his answer.

Danny O'BRIEN (Gippsland South) (14:44): How many of the faulty forest fire management appliances have already been written off?

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:44): I thank the member for the additional opportunity to confirm to the Victorian community and to the house that Forest Fire Management Victoria have all the resources they need to fight bushfires, resources including the fleet –

Tim Bull: Speaker, my point of order relates to relevance. The minister's own departmental staff want to know the answer to these questions.

The SPEAKER: The minister was being relevant to the question.

Steve DIMOPOULOS: Of course I was relevant, because preparation includes the fleet. Forest Fire Management Victoria are fully prepared to fight fires, and I take my advice from the chief fire officer, who has attested that we are fully prepared for bushfire season. God forbid the $11 billion black hole over here takes over.

Danny O'Brien: On a point of order, Speaker, again on the question of relevance, this was not about the preparation. This was very clearly about how many of these appliances have already been written off.

The SPEAKER: The minister has concluded his answer.

Ministers statements: energy policy

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:46): The Allan Labor government is focused on what matters to Victorians, and I want to update the house on what this means. This means creating more good jobs, providing real help with the cost of living and protecting our environment. This is why Victoria leads the country on tackling climate change and growing renewable energy. Our climate agenda has created thus far 15,000 new jobs. We have slashed the cost of electric appliances for more than 2.4 million families, we have unlocked $8.6 billion in large-scale renewables since 2014 and, with free public transport for under-18s, we will be lowering emissions and the cost of living, all powered by renewables through the publicly owned SEC.

Sadly, this week some people have shown their true colours on climate. They like to operate under veneers of pretence, but when you strip back the veneers, gee, it is pretty ugly, I must say. I would want to hide them too, to be frank. In fact you could run a power plant on the glare from those veneers, and that is exactly what you would get.

Members interjecting.

The SPEAKER: The member for Bulleen can leave the chamber for half an hour.

Member for Bulleen withdrew from chamber.

Lily D'AMBROSIO: In contrast to our government's policies, yesterday the Leader of the Opposition said that climate action is not important, which is no different to what he said when he voted against the very Climate Change Act in 2017. When people think this way, they are saying they are happy for energy bills to go up. They are happy for jobs to dry up and to deprive young people of future careers. The same voices this week were the ones that opposed the Victorian energy upgrades program, opposed the Solar Homes program, opposed the SEC and opposed our renewable action plans. And the two powerbrokers in the other place voted to get rid of net zero at their recent state conference in September – the two powerbrokers that sit behind the throne.

Constituency questions

Gippsland South electorate

Danny O'BRIEN (Gippsland South) (14:49): (1389) My question is to the Minister for Roads and Road Safety, and I ask: what works will be undertaken on the South Gippsland Highway this summer to repair its shocking surface? I have raised with the minister this particular highway multiple times – it is the main thoroughfare of course through my electorate and through South Gippsland – most recently raising the stretch from Leongatha to Korumburra. But now I am getting angst from constituents on the stretch all the way from Foster to Yarram, which is in an appalling state with multiple potholes and is one of just many, many, many roads across the state in similar condition. But people from Yarram to Foster to Woodside and then further along, from Leongatha to Nyora, are all upset at the state of the road and in particular the speed reductions that keep being put in place simply

because the surface of the road is so bad. I ask the minister: what will be done this summer to fix the South Gippy highway?

Glen Waverley electorate

John MULLAHY (Glen Waverley) (14:50): (1390) My question is to the Minister for Local Government. How much does the state government provide in funding for local councils in my electorate, namely Whitehorse and Monash city councils, to help deliver services? The state government provides a plethora of resources to local government for services such as bins, libraries and road maintenance. Whilst these are the direct responsibility of local governments such as Monash and Whitehorse, state government continues to step in and provide significant assistance in the delivery and funding of such services alongside countless grants which support local sport, art, music and other activities. The state government provides significant funding support for community infrastructure. It is thanks to these investments that initiatives and services that Victorians rely on can be delivered, and it is only through our support that these opportunities, which bring people together and provide education and training, can be capitalised on. I am proud of our record in delivering for our diverse and growing Victorian community by providing extensive support to local councils, and I thank the minister in advance for his response.

Polwarth electorate

Richard RIORDAN (Polwarth) (14:50): (1391) My question is to the Minister for Roads and Road Safety. My question is: Minister, will safety guardrails be installed at 'crash corner' in Barwon Downs before Christmas? This corner is notorious for over 40-odd accidents in the last few years, but worst of all, the accidents occur in the front yards of the locals living on that corner. Andrew Pearson, a local resident and father of a family that lives on the corner there, every day, every night, every long weekend and every holiday season lives in fear for the fact of a car coming through the front of their home. They have had cars upturned in their front driveway, cars upturned in their backyard and cars through the fence. They are currently working through yet another expensive fence replacement. It is simply not good enough. Minister, you have committed to the people of Polwarth and to me on numerous occasions now that this corner would be fixed. It is still not fixed. It must be fixed before this holiday season.

Narre Warren North electorate

Belinda WILSON (Narre Warren North) (14:51): (1392) My question is to the Minister for Environment, and my question is: how many containers have been deposited in my area of Casey through the Victorian container deposit scheme? We know that everyone wants to do the right thing when it comes to recycling, but with our busy lives we know we do not always get it right. But what this container deposit scheme does is set us up with really good behaviours, and we should be rewarded for our extra effort for the environment. For many families in my electorate who are facing cost pressures, this scheme provides a practical way to save money while helping the environment. So my question to the Minister for Environment is: with Victoria's container deposit scheme, how many containers have been deposited in the City of Casey?

Brighton electorate

James NEWBURY (Brighton) (14:52): (1393) My constituency question is to the Premier, and I ask: when will the Premier stop ignoring the distortion that her kindergarten policy is causing the sector and admit that recent kinder closures are the victims of her Labor government? Last Wednesday the families of 44 children received notification from the Baptist church that Crossway Preschool in Brighton will close this year. Families have been given just 50 days to find a place for their children next year. The teaching staff were only notified a day earlier. The closure notification cited the cause as being in light of recent changes to state government regulatory environments and the resulting financial implications. The affected families have been thrown into chaos. With 33 Bayside children already on the waiting list for a place in a kinder next year, the 44 additional children from Crossway

will mean a total of 77 children and their families have an uncertain future. Premier, our local community needs action, not to be ignored, and this government needs to accept that its kinder policy is causing closures, especially in the inner city.

Ringwood electorate

Will FOWLES (Ringwood) (14:53): (1394) My constituency question is to the Minister for Housing and Building. When will tenants be able to move into the new public housing at the McDowall Street development in Mitcham? This 62-dwelling Big Housing Build project was announced in 2021, and only recently has construction actually commenced. The site is in the heart of the Ringwood electorate, and my local constituents have consistently raised concerns about the exceptionally slow delivery of the project. More than 66,000 Victorians are sitting on the waiting list for public housing, a number which has not been updated since June. These Victorians deserve certainty about when projects will be completed. I note that the minister has previously advised that construction is expected to be completed in 2027. A six-year gap between announcement and completion is a huge delay, and I remain concerned about the pace at which these housing commitments are materialising. While it is welcome to see work finally underway, families in my community need a clear timeline for when these long-promised homes will be ready for tenants to move in.

Melton electorate

Steve McGHIE (Melton) (14:54): (1395) My question is to the Minister for Transport Infrastructure. Could the minister please provide an update on the progress of the Coburns Road level crossing removal in my electorate of Melton? I want to begin by thanking the minister for coming out to Melton recently. It meant a great deal to the local residents to have the opportunity to share their experiences directly and to see firsthand the progress of the work the government is delivering. Melton is genuinely excited that all three level crossings in my electorate – at Exford Road, Ferris Road and Coburns Road – are being removed. Along with the delivery of the brand new Melton station, these projects will transform the way our community moves every day. Coburns Road plays a critical role in connecting residents to transport, education and local services. As our community continues to grow, families need better links to important local schools like Al Iman College, Melton Christian College and Staughton College to support safe and accessible travel for students and families. Minister, the community is excited and grateful for this investment. Could the minister provide an update on the progress of the Coburns Road level crossing removal?

The SPEAKER: Member for Melton, an update is an action. I ask you to rephrase your constituency question to be a question.

Steve McGHIE: When could the minister provide a progress report on the Coburns Road level crossing removal?

Shepparton electorate

Kim O'KEEFFE (Shepparton) (14:56): (1396) My question is to the Treasurer in the other place, and the information that I seek is how the Treasurer is assisting people during this cost-of-living crisis who are facing homelessness in my electorate. Simone called into my office in a distressed state as she cannot afford to pay her rent, which has increased over a period of time. She also said that it is impossible to make ends meet and she is in fear of being evicted and homeless with her two children. Simone said that she is reaching out for food relief, which she has never thought she would have to do. Simone is just one of many, and my office is inundated with people struggling day to day to make ends meet. We are in a cost-of-living crisis. I look forward to the Treasurer's response to this critical question.

Yan Yean electorate

Lauren KATHAGE (Yan Yean) (14:56): (1397) My question is for the Minister for Roads and Road Safety. We have seen some repairs already on Epping-Kilmore Road and Wallan-Whittlesea

Road as part of the billion-dollar road blitz. I know that Donnybrook Road is also on the list, so I ask the minister: when will residents of Donnybrook see those repairs on Donnybrook Road?

Annabelle Cleeland: On a point of order, Speaker, I have got two quite overdue questions: question 2781, which is relating to agricultural exemptions to the machete ban, and machete bin costings, which just about every Victorian is keen to hear the response on –

The SPEAKER: Member for Euroa, I ask you to make your point of order. You state the number and the minister.

Annabelle Cleeland: Sure. The second one is 2782, relating to family violence. Could I please get an update on when these will be responded to?

Bills

Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025

Second reading

Debate resumed.

Paul EDBROOKE (Frankston) (14:58): As I was saying before the break, Victorians have been very clear that the culture of secrecy has no place in a modern, safe workplace, and our government is responding. We are acquitting our obligation to fix the system that did allow this to happen. This bill ensures that NDAs cannot be used to silence victims, conceal predatory behaviour or bury systemic failures. This bill does not ban NDAs entirely; it is not intended to. What it is intended to ensure is that NDAs cannot be used to cover up sexual harassment, and any confidentiality agreement must be initiated by the victim themselves, not imposed on them. It is a nonsense to suggest that one side can waive an NDA whilst the other is bonded to it.

Employers cannot pressure, incentivise or coerce a worker into silence. Workers retain the right to speak to family, medical professionals, police and support services, which just makes common sense, and we provide transparency and accountability as the norm, not the exception. These reforms shift the power back to where it should be: with the person that has been harmed, not with the person or organisation that caused the harm. I think this legislation says to every Victorian in our community that our Parliament believes well and truly that their safety is not negotiable, their dignity is not negotiable and their right to speak is not negotiable. This bill aligns with the strongest international reforms, and we have heard mentions of the UK, several Canadian provinces and parts of the United States as well all recognising that secrecy has in the past protected predators, not workers.

In summing up, this bill is about fairness, transparency and restoring trust in our workplaces. It is about ensuring that nobody's voice is stolen. In their most desperate moment, they need that voice to be heard. Frankly, this is saying we will not hide systemic sexual harassment by men in workplaces and we will listen to women. By passing this bill, we honour the bravery of those who came forward and said this must change. We honour the workers who were silenced and the workers we will protect in the future. And we send a clear message: Victorian workplaces must be safe, and silence can no longer be bought. I commend this bill to the house.

Annabelle CLEELAND (Euroa) (15:00): I also rise today to speak on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. As so many people have said today, this is a really important and sensitive area of law. It goes to the safety of our workplaces – of all Victorians' workplaces – the dignity of those who have been harmed and the responsibility every employer carries to create environments where people are safe to do their job. As someone who has worked in agriculture, in a newsroom and now in politics, quite male-dominated industries, I have seen the very best of workplaces: tight-knit teams – we are not called the Nationals for no reason; we are a family – mentors who back you in and people who look after one another. But I have also met far too many women across regional Victoria who have experienced the other side of that story –

people who had to stay silent because they feared retaliation, young women who were told that their career was dependent on keeping a secret, workers who simply did not feel safe enough to speak up – and no Victorian should ever feel that way.

This is why this bill demands careful and respectful consideration. The bill sets out to address the real and lasting impact caused when non-disclosure agreements are used to silence people who have experienced sexual harassment. We all know these stories. We have heard many personal anecdotes as well today, which have been heartbreaking, but I think that this is a step in the right direction. We know those stories where agreements are signed under pressure and individuals carry the trauma alone while the behaviour continues unchecked and communities never know the scale of the problem because it is hidden behind layers of confidentiality. None of that keeps people safe. At the heart of this bill is the simple idea that if someone has experienced sexual harassment, they should have the choice about whether confidentiality is part of that resolution – not the employer and certainly not the perpetrator but the person who has been harmed. That intent is something that I certainly support.

But it has taken the government four years to get to this point. It has been four years since its own taskforce recommended action and four years since victims, unions, employers and legal experts all called for change. During that time workplaces have struggled with a patchwork of federal and state reforms – new duties, new codes – and some of these have made a genuine difference, but others have added confusion. Regional employers tell me that they are drowning in overlapping obligations, and most of them simply want to get it right. They genuinely want to get this right. But despite this long lead-up, the government's response still has gaps. There are consequences that we really need to draw your attention to. We do not oppose the bill, but we certainly cannot pretend it is perfect.

One of the key concerns raised repeatedly through consultation is that under this model, the NDAs may become effectively useless for employers. A complainant can void the confidentiality after 12 months, and that is an enormous shift. For some victims this might be empowering, but for others it may remove the option they genuinely want. A private resolution is sometimes the closure that they need, and this bill restricts that ability. For businesses, especially small employers who operate without large HR teams or legal departments, the change makes it harder to settle matters in a way that is fair for everyone involved. If employers believe confidentiality cannot be assured, they will be more hesitant to settle. I think we also need to recognise that allegations are sometimes contested. When the government refers to all the complainants as victim-survivors it risks blurring the central principles of procedural fairness. A system must work for everyone, and it must protect people from harassment. It also must ensure that claims are handled with fairness and balance.

Another concern is the wide range of permitted disclosures. A person will be able to share details with a friend or family member for the purpose of seeking some support. I totally understand the intention – none of us can get through trauma alone – but this provision is incredibly broad. It leaves employers exposed and creates real uncertainty about the boundaries of confidentiality. A casual conversation in a social setting could meet the test of seeking support, and if that friend shares it there is no recourse. As a former journalist, I know the power of information, and I also know the damage that can be done when information is shared widely without context or process. Laws must reflect the importance of protecting people's stories without creating unnecessary risk.

Regional businesses have also asked about the lack of consistency between state and federal laws, and I think that they deserve some answers. Employers are navigating positive duties under the Sex Discrimination Act 1984, new federal guidelines and a national code of practice, Victoria's equal opportunity obligations and now this layer of requirements. It is a lot, and for large organisations it is manageable. But for family-run agricultural businesses, for instance, or local service providers – small operators who really only employ a handful of people – it can be overwhelming. What is needed is some clarity and a bit of simplicity. We also need some consistency.

This is why the opposition will not oppose the bill. But we do have concerns about the length of the review, and we want to see it far sooner than the proposed three years. I think that is a legitimate

concern. Victorians should not wait too long to see whether this law is working or whether it is creating harm through unintended consequences, so a review after 12 months or 18 months at most I think is quite essential. We know that the government does have some good intentions here – I think many have spoken about it and the potential benefits – but we are also allowed to debate some of the concerns and the grey area. We cannot support a system that potentially risks leaving victims with fewer options, employers with less ability to settle disputes and communities with a law that may not deliver what has been promised.

Every worker deserves to feel valued and safe, no matter their workplace; every employer deserves laws that are clear and workable; and every person who has been harmed deserves a process that respects their voice and their choice. I think about the young women that I met during my years as an agricultural journalist and editor – the ones who pulled me aside quietly to share stories they have never felt brave enough to share publicly, because they were fearful of the repercussions as individuals and to their careers. But their courage has left a mark on me. They deserve a system that backs them fully and confidently. So many women who have reached out to us regarding this bill deserve the safeguards and a system that allows them to speak if they wish to and stay private if they want to and a system designed around their needs and not the convenience of institutions. The bill moves us in that direction, but there is more work to do. We owe it to every Victorian worker to get this right, we owe it to employers to provide clarity and we owe it to those who have already suffered to ensure their voices are never again pushed into silence. On that basis the opposition will not oppose this bill, but we will continue to push for improvements, for greater clarity, for greater balance and for a quicker review so that unintended consequences can be addressed swiftly and responsibly.

Alison MARCHANT (Bellarine) (15:09): It is a pleasure to rise on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Her name was Emily. Emily was 26. It was her first job after university – a marketing coordinator at a large firm. She was bright, ambitious and eager to learn. But when her manager began making unwanted advances, comments about her appearance, invitations to outside-work events, she felt trapped. How could she say something without risking her job? Her workplace had become a place of fear instead of opportunity. When she finally spoke up, the company acted but not to protect her. They offered a settlement. The terms seemed fair on paper: a modest payout, a reference and confidentiality. She signed an agreement she barely understood, a non-disclosure agreement. It was not until months later that Emily realised what she had really lost – her voice. She could not tell future employees why she had left. She could not warn other young women. Her mental health suffered. She could not even talk freely to a counsellor about what had happened for fear of breaching the agreement, fear of being sued. The man who harassed her kept his job, and he was unscathed.

Emily is not her real name, but we know lots of Emilys and have heard from lots of Emilys across our state. That is the quiet, though, that we hear, the ongoing harm of NDAs. They do not just silence victims, they protect perpetrators and conceal a toxic workplace culture. That is why this bill is so important. It is about giving people like Emily their voice back and giving choice. It is about putting the rights of victim-survivors ahead of the reputations of those who caused the harm. And it is about ensuring that confidentiality is never a weapon used to bury the truth.

These reforms that we have seen have stemmed directly from the Victorian Ministerial Taskforce on Workplace Sexual Harassment, which found that NDAs have been misused as a fortified gag order, silencing victims. We have listened and we have worked to make these reforms, and the message was clear: NDAs can lead to that lasting trauma and isolation and fear.

I would like to just take this opportunity to thank those women who have spoken out about this, and I would like to also thank Victorian Trades Hall Council and particularly Wil Stracke, who spent their time coming to this place and particularly shared their time and educated me more about NDAs. I appreciate them championing this cause.

Some of the reforms that this bill will make – I will not go into all of them today. But it does not ban NDAs entirely, because we want to have that choice. Some victim-survivors may choose that confidentiality as part of their healing process. But this reform that we have made today does create strong safeguards, restricts preconditions and ensures that NDAs are used only when they genuinely serve the wishes of the victim, not the interests of the perpetrator.

Harassment and sexual harassment are among the most pervasive and devastating forms of harm in our society. They are not misunderstandings, they are not minor incidents; they are violations of a person's dignity, safety and humanity, and they leave wounds that can last a lifetime. In workplaces these behaviours create cultures of fear and silence. They drive talented people out of jobs, out of industry and, in some cases, out of economic security. They rob people, overwhelmingly women but also men, of their right to feel safe where they are trying to earn a living.

The horror of harassment and sexual harassment is not just in the act itself but in the way it multiplies through a system of dismissed complaints and leaders who look the other way, through cultures that prioritise reputation over the wellbeing of real people. Every time someone is told to move on, not make a fuss or think about the consequences, we entrench a cycle of silence that protects perpetrators and punishes victims. Our responsibility as leaders in the community but also here in this place is to confront these realities with honesty, to dismantle the excuses that have been allowed to thrive and to build a system where people are safe, respected and believed.

This reform is about choice. It ensures that survivors are the ones who decide on whether their story remains private or not and not employers, not lawyers and not perpetrators. This bill does draw a line in the sand. It says: no more weaponising of confidentiality, no more silencing of the voices that deserve to be heard. Turning around an entrenched culture of secrecy is not easy, but it is a critical step towards workplaces built on safety, respect and accountability. To every worker in Victoria this reform sends a clear message: your voice matters, your safety matters and never again will you be asked to trade your silence for justice. We need to make sure that no-one else has to live Emily's story. I commend this bill to the house.

John PESUTTO (Hawthorn) (15:14): I am pleased to rise to speak on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. This is a very important bill, and it goes to a subject matter that I think in one way or another we have all known about in terms of people in our own families and networks who have had experience with sexual harassment at work. It can be very traumatising for complainants indeed. I say this as somebody who worked as a lawyer in the field of industrial relations, workplace relations, sexual harassment and occupational health and safety. I have seen the lasting harm and damage that sexual harassment can do to complainants, so this bill is one that we are not opposing and one I actually do support, because it is important to continue to work at promoting a culture of openness and candour when it comes to addressing these types of issues. In my experience I have seen many employers, for whom I used to act – I was a defence lawyer – misunderstand the purpose of confidentiality and fail to see the benefits of openness and candour, particularly when complaints are being resolved and settled in many cases, as few matters, as you know, reach final determination at court or a tribunal. In my experience it has always been far better for employers to resolve matters where they can in an amicable way that produces a settlement and brings the matter to a prompt end but to do it in ways where they are not obsessing about confidentiality.

It is a fair question to ask: what is the purpose of a confidentiality clause? It might sound like an obvious question, but human nature being what it is, we often have to delve into what it is we are really seeking in a confidentiality clause or a non-disclosure agreement, particularly where it relates to something as serious as sexual harassment. Often it is said: 'We do not want to create a precedent,' and employers will often say that. I know that because I used to act for employers in my practising career, and I often thought and still do think that that is so often misplaced. I think it is far better for an employer to have a culture where, when matters are resolved, there is no hesitation and no reluctance to stand by the outcome and what an employer is going to do in response to the resolution of a matter,

even if the competing claims or merits of a particular matter are not resolved. I think an employer, in my experience, is better off when it is prepared to stand by the outcome and actually say to its own workforce, 'We've resolved the matter. We won't disclose all of the terms, but it's been resolved,' maybe with or without a denial of liability, and to say that there will be support and there will be changes to workplace culture to address any concerns. That is a far better step in the journey of workplace culture than obsessing over a confidentiality clause, which I think offers very little benefit for either party – certainly not complainants. For me a bill like this is actually saying that employers should do better and can do better when they are resolving matters and should use the occasion of these complaints to actually review their own culture and workplace policies and procedures. That has certainly been my experience as somebody who has worked with many employers and tried to support them to improve their practices and their culture.

On this bill and the steps it sets out, first of all, the requirement that the inclusion of a confidentiality clause or an NDA must come at the expense of a complainant is one that I do not think employers should be concerned about. For the reasons I have stated, if the terms of a settlement agreement which contains an NDA or a confidentiality clause are revealed at some point, the employer should be able to stand by that clause. If it is not able to do that, then you have to ask questions about what it is doing to address the culture in its workplace if it has produced such a claim. The next thing in the bill that is important to point out is that there cannot be any undue influence or overbearing of the will of a complainant. I think that stands to reason. I do not think it would be reasonable or justifiable to require that such a clause be initiated at the move of a complainant but then say you are not going to do anything to address circuitous other means of producing such a request from an employee. I think it follows. The information statement that is to be provided under the bill I do not imagine will impose too much of a burden on anyone, let alone the employer in a particular matter or a respondent. If a complainant does wish to include a non-disclosure clause, I do not think it is that much of an imposition for an employer to include that information statement. They are usually template documents, in which case I do not think the cause for concern is that great.

I think you then go to the ability of an employee or complainant to make permitted disclosures. Again, this is part of the reason why I was saying earlier that employers should not be concerned about what these changes require, because in most cases – in fact in all the cases that I have ever been concerned about – it has been accepted as part of a settlement agreement that a complainant be able to consult with key advisers, support people and others. So the idea that a complainant in a given matter will be able to make permitted disclosures, save for a few that the bill protects, I think is a matter that people can be comfortable with. And again, it goes back to my overarching concern around best practice for employers. When these complaints are happening it is usually because there has been some breakdown somewhere – the employer has not overseen its policies and processes as well as it should have, and there is always a question about whether it could have done more to ensure that the culture was such that you reduce, if not eliminate entirely, the incidence of sexual harassment in workplace settings. That question often arises. So the idea of permitted disclosures is or ought to be a fairly non-contentious part of this bill.

Going to the point, which I think has been raised frequently earlier in the debate, about a complainant being able to terminate an NDA or a confidentiality clause from operation, again, for the reasons I said earlier, in my experience employers and organisations have been better off when they have not insisted on a confidentiality clause and have approached a matter as serious as sexual harassment on the basis that, even if the complaint has occurred, there is a problem with what is happening in our workplaces. Putting aside the question of whichever way that might have been resolved had it gone to court or had it gone to a tribunal, in my experience there has almost always been some kind of shortcoming in the culture or the application of policy. More often than not, when you sit down with the workers and employees of an employer in a case of this kind, you will find that apart from being given policies and procedures at the start of their employment, no-one has actually ever spoken to the staff about what these policies mean and how you actually comply with them to build learning and understanding in

the workplace. In every case I ever acted in there was some shortcoming that you could point to where you could have said, 'Look, maybe more steps could have been taken here.'

The idea that an employee can terminate a confidentiality clause, given what I have said – that I think employers are better off when they do not have it in – I do not think should be a cause for concern. I think if an employer is settling a matter, it can protect itself and should protect itself in other ways if it is concerned about what message it sends. It can always include in the settlement terms a clear and explicit statement if it wishes to deny liability, whether it is accessorial deniability or vicarious liability being denied. Either way, it can do that in the terms. But if it is going to obsess about and invest a whole lot of resources into confidentiality, I think what it will actually do is make the problem worse overall and in the long run, because we have got to remember that staff will talk to each other and employers and staff will talk to each other. I have always wondered about the effectiveness of confidentiality clauses in any event, because people are talking; they are well aware in most cases of a dispute or a claim, particularly where it is a serious matter of sexual harassment. I cannot think of a case that I acted in where all of the staff and people associated with the entity did not know what was going on. That is part of the reason why I have had little faith in what these confidentiality clauses provide overall. I think best corporate practice, good corporate practice – bearing in mind that today many people see their workplaces as part of their family life, and it has been for me in many ways – is openness with your employees in any event to stamp out this scourge of workplace sexual harassment.

Kat THEOPHANOUS (Northcote) (15:25): I rise in strong support of restricting non-disclosure agreements, and I thank all of the speakers that have spoken today, particularly for the personal contributions that have been made on this bill. It is in many cases a difficult topic to talk about, but I appreciate the candour with which the debate has taken place today. This bill is about addressing a power imbalance and putting the voices of victim-survivors first. It is about giving people back agency and choice after experiences that took both away. It is about breaking down a culture that has for too long silenced those who have been harmed in order to protect those that caused harm. Non-disclosure agreements, or NDAs, were never designed for this purpose. They were created to protect trade secrets and intellectual property, but over time they have been distorted into something much darker: a mechanism to protect reputations, conceal misconduct and uphold power.

For too many people, overwhelmingly women, NDAs have become part of the trauma of workplace sexual harassment. They are told that signing an NDA is the only way to move on, the only way to close the chapter, the only way to keep their job or their reputation. But what is really happening is they are being locked into silence, and that silence can be all-consuming. Victim-survivors have spoken about being unable to talk, even to their family, their friends or their doctor. They cannot seek counselling without fear of breaching a clause, they cannot warn others and they cannot tell the truth about what happened to them. That silence is significant. It isolates people, it breeds shame where there should be accountability, it hides serial offending and it protects perpetrators and institutions rather than people. As one brave woman shared with the government's consultation:

> It's affected me long term because now I can't talk about it. I can't warn people. I can't share my experience with those who would understand most … The most severe negative long-term impact of it all was how I just signed it because I couldn't fight anymore.

These are not isolated experiences, they are the lived reality for too many Victorians. We know that sexual harassment in the workplace is far too common. A major survey by the Australian Human Rights Commission found one in three workers have experienced sexual harassment in the last five years. We also know it is an inherently gendered issue. The overwhelming majority of victim-survivors are women. More than half of those women say the harassment damaged their work life, and one in four say it harmed their career progression.

While NDAs may serve a legitimate business function in some contexts, they have been distorted into gag orders, preventing transparency, perpetuating abuse and making workplaces less safe. Not just that, they have become the default rather than the exception, and the consequences are devastating.

International research has found that 95 per cent of people who signed NDAs in sexual harassment cases reported negative mental health impacts tied to their inability to speak about their experience. This harm is immense and it extends beyond individuals. When NDAs are used to bury misconduct, they deprive workplaces of the chance to learn, to improve and to hold offenders accountable. They create a culture of secrecy and consequence avoidance, a toxic environment where harassment can perpetuate. That culture has no place in Victoria. This bill seeks to end it. It will make Victoria a leader, joining a small number of international jurisdictions that have already taken this step, including Ireland, Prince Edward Island in Canada, several American states and the United Kingdom.

These reforms put the complainant in control of any NDA. They empower them with choice, with freedom and with dignity. They offer them the opportunity to enter into an NDA if it serves them without undue pressure and influence. Even when an NDA exists, the complainant retains the right to make permitted disclosures, such as to police officers, health or legal professionals or a trusted friend or family member. Critically, it also allows the complainant to end an NDA after 12 months, acknowledging that many survivors sign these agreements while they are in distress.

This is a balanced and fair model. It ensures that employers can still resolve claims out of court, avoiding lengthy or public litigation while protecting workers from coercion or permanent silence. It acknowledges that genuine confidentiality, when it is chosen freely, can still serve a purpose. This is a critical step forward, and one that builds on the Allan Labor government's strong record of leadership and gender equality, workplace rights and mental health and wellbeing. We have legislated the Gender Equality Act 2020, we have reformed our mental health system and we have supported flexible work and transformed the way women receive health care, because when Victorians are safe, supported and heard, they can thrive. Indeed, on Sunday I joined the Premier and the Minister for Health to release the *Bridging the Gender Pain Gap* report, the result of Victoria's landmark inquiry into women's pain. The inquiry shone a light on the impact of suffering in silence, the isolation it creates, the disbelief women face and the urgent need for a culture shift so women's pain is recognised, understood and treated. That same culture of silence – of minimising women's experiences and protecting reputations instead of people – is exactly what this bill seeks to end. Whether it is in our health system or in our workplaces, women being told to stay quiet, to put up with it and to move on is not okay. This bill is about breaking that silence, ensuring women's voices and stories are heard, their experiences believed and their rights protected. As another woman told us:

> The NDA was the organisations way of not accepting liability … another form of power and control they have over employees. It should never be contingent on settling a claim.

She is right. This bill restores fairness, balance and humanity to a system that has long failed too many. It gives survivors the right to decide what is best for them, and it protects their ability to seek support, to be heard and to heal. Above all, it sends a clear message: the days of silence are over. Workplaces must be places of respect, dignity and safety. Employers must be accountable and survivors must have the right to speak their truth without fear. I commend the bill to the house.

Wayne FARNHAM (Narracan) (15:32): I am pleased to rise today on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Sitting in the chair today and listening to everyone in this debate, I would say this debate has been one of agreeance more than a debate itself. I think the government has got this right – I will say that from the start. It is obviously long overdue, and we know that –

A member interjected.

Wayne FARNHAM: I am not going to repeat it. We know, and it has been well quoted before I stood up, that NDAs originated for the commercial protection of a business or of a product or anything. That was their intent and purpose at the start. But then, as always when things progress through time, people took advantage of NDAs. They definitely have in this case when it comes to sexual harassment in the workplace. There is a power imbalance when it comes to this type of thing, and everyone in this chamber will be in agreement that sexual harassment in the workplace just should not happen, full

stop. No-one here is going to disagree with that; you would be a moron to try and argue against it. I am not going to speak for too long on this, because I know there are a lot of government members that want to get up today and I would like to give them the opportunity as well. But when we see the behaviour of that fat turd Harvey Weinstein from Miramax, who put I think 80 people on NDAs, or he sexually assaulted over 80 people, this is where these NDAs get exploited and this is where it is really unfair. I am really pleased that this bill is giving the power back to the victim. I think it is a really good head start – well, not a head start, I think it is a great step forward. That is the best way to say it.

If I have a concern – I am not being critical of the bill, but it is just a concern I have personally, and maybe sometimes I think a little bit too pragmatically – it is where the complainant can choose to terminate the agreement after 12 months if they change their mind. Termination after 12 months will not affect the validity or enforceability of the settlement agreement or financial compensation. I really hope – I truly hope – that employers do not see this as a reason to drag things out. I hope this is not an unintended consequence. I just think those two things we should review sooner rather than later, just to make sure it is working the way it is intended. I am not critical of the bill. It is just that unintended consequence where an employer might sit back and think, 'Well, jeez, in 12 months time, they can disclose it. Will I drag this out and punish them further?' It is that type of scenario that I just have a concern about.

As I said, I am not critical of the bill. I actually think it is a good bill; I think the government has done a good job. I think it is actually very, very important. We all know I have got five sisters, and I am damn sure probably all five of them have been sexually harassed at some point in time, being from an earlier generation and growing up in a relatively misogynistic society back when they were getting work. I have no doubt that all of my sisters have probably been sexually harassed at some point in time. I just really hope that employers do not use this to punish the person – to drag it out legally – because sometimes employers have bigger wallets than employees, and there is that imbalance there. But I am so glad this has given the power back to the victims. It is their choice whether they want an NDA or not; it is totally up to them. I think it should rip employers into line that have been a little bit nefarious in the way they do business – I hope it does.

As I said, I am not going to speak for too long because I know there are a lot of members that want to speak on this bill today. They are my only concerns, as I said – there could be an unintended consequence, and we could possibly look at a review just on those two things – but other than that, good job.

Dylan WIGHT (Tarneit) (15:36): It gives me pleasure to rise this afternoon to make a contribution in favour of this legislation, the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I would actually at the outset like to acknowledge the opposition for the bipartisan nature in which they have approached this and just acknowledge several of the contributions made throughout this debate, particularly that of the member for Evelyn.

Following the contribution from the member for Narracan, I think he actually put it really succinctly. It is a piece of legislation which puts the power back into the hands of victims, and it is a piece of legislation that builds on the legacy of this government in supporting Victorian workers. We have had several pieces of legislation in this term alone that have been aimed at supporting Victorian workers, and this is absolutely no different. As a young union official, I came across situations like this on several occasions, where members or workers had been sexually harassed in the workplace. On every account, in my experience at least, it was female workers, often in vulnerable positions, that had been sexually harassed by somebody that held a significant power imbalance against them. The use of non-disclosure agreements in those situations significantly restricted the capacity for those victims and the capacity for their unions and for different authorities to seek justice, both in a financial and in a litigation sense. I think the use of these agreements has been an absolute scourge, and I am absolutely thrilled that this government is doing something about it so that that situation can no longer happen in Victoria into the future. The bill provides victims with greater agency and choice, as I said, by restricting non-disclosure agreements in workplace sexual harassment matters, and passing these

reforms would see Victoria become the first jurisdiction in Australia to restrict the use of non-disclosure agreements.

This has been an issue and a campaign led by the Victorian union movement for some time. It has been led out of several unions in Victoria but also the Victorian Trades Hall, and they have done a power of work on this. I would like to acknowledge the secretary Luke Hilakari but also Danae Bosler, who is a fantastic comrade of all of us on this side of the house and who has done an absolute power of work on this. I saw her just as I was leaving the building for lunch at about 1 o'clock and just said congratulations, because to be able to do that power of work and now see legislation introduced on the floor of the Parliament to restrict these horrible NDAs is a credit to her, a credit to Trades Hall and a credit to the ACTU as well, who have also done a fair bit of work on this.

I have said in this place many times before: protecting Victorian workers is the number one priority – dare I say it, the 1-wood – of this Labor government, and it has been since we were elected 12 years ago, and this piece of legislation is just building on that significant legacy that this government has in supporting and protecting Victorian workers and in supporting the organisations and the unions that protect and represent Victorian workers and all workers in this state. We published a discussion paper and a survey for victim-survivors on the Engage Victoria website on 12 August last year. In total, 81 responses were received, which highlighted the harm and trauma that NDAs can cause and the need for this reform. One de-identified contributor to the government's consultation on these reforms described the use of NDAs as a secret weapon for many companies to commit, cover, suppress and manipulate workplace-related sexual violence. That is never okay, has never been okay and should never be okay, and it was many things, but part of it was the responses to these surveys that made it so urgent that we made this reform here in Victoria. Like I said, the number one priority for this Allan Labor government is protecting and supporting Victorian workers. This is a fantastic piece of legislation. Once again, I acknowledge the bipartisan nature in which the opposition have approached this, and I commend the bill to the house.

Nina TAYLOR (Albert Park) (15:42): I have to say the sheer prevalence of sexual harassment in the workplace, just even in the last five years – one in three workers experiencing sexual harassment, as reported – is truly stark; it is horrific. So you can see the absolute impetus behind having this very significant reform that is restricting non-disclosure agreements brought before the chamber – and, I am glad to say, in a largely bipartisan way. It is really empowering for all Victorian workers to know that we are truly backing them in. I will thank all the victim-survivors who have come forward and been part of the significant advocacy that has assisted in these reforms coming about, as well as the unions who have led the cause. Trades Hall has been referred to with their extraordinary work, and the ACTU as well. We commend them for their courage and conviction, because these are not easy reforms to bring about. I say this because of the inherently secretive and destructive and underhanded way that NDAs have largely fostered a really unhealthy and toxic workplace culture where such matters have been allowed, for want of a better word, to thrive as a result of the law not delivering in the way that we would all hope it would and then ultimately creating some pretty debilitating situations for victims who had to literally sit and feel suppressed with some extraordinarily difficult situations that they absolutely did not deserve. Everyone deserves to be able to turn up to their workplace every day and to have normal and healthy boundaries respected so that they can shine and they can achieve the outcomes that they richly deserve. It does have, I have to say, with this particular area of the law, a gendered bias in the sense that sexual harassment inherently does impact women in the main, with more than 50 per cent of women who have experienced sexual harassment reporting that they have suffered damage to their work and 26 per cent saying it negatively impacted their career progression.

I think the other element here that is important is the proposition of the NDAs themselves, because they were initially intended to protect trade secrets. A trade secret of course is completely different to protecting a person's physical and emotional body, so therefore it largely has been inappropriately used – for want of a better word. I know it would have been legal, in the strict sense of the word, but not actually delivering the requisite outcome that certainly the community expects now, as we are here

today, in terms of making healthy and productive workplaces but also ensuring appropriate rectification where somebody has been the victim of sexual harassment and left with, in many cases, some pretty horrific long-term impacts.

I think that certainly we can also say that with this reform coming through it will see Victoria become the first jurisdiction in Australia to restrict the use of NDAs in sexual harassment matters, but we also would be joining a small number of jurisdictions around the globe who have taken this important step forward. The premise of that is not necessarily only the innovation of it, but it suggests that it is leading an important way forward. We hope others will follow as well so that more Australians more broadly can benefit from the greater protection and perhaps just fairer and more just outcomes in the long run in terms of the way that they are being treated at work, because fundamentally it is about respect.

I think what is also really important with this legislation, the nuance of it, is that these reforms do not prohibit the use of NDAs in their entirety in the workplace regarding sexual harassment matters but they do create strong safeguards around how they are used and better balance the rights of victims in how they engage with these agreements. Having said that, the purpose here is to restrict NDAs because the goal is not to foster this kind of arrangement, noting that there are more contemporary and appropriate mechanisms that encourage actually a more up-front and transparent arrangement in a workplace which not only permits the victim – and certainly this legislation does also through permitted disclosures – the mechanisms they need and deserve to be able to heal from whatever situation has occurred but also allows companies and organisations and any workplace where it can happen, and I am not meaning to define the kind of workplace where it may occur, to actually set up the proper workplace culture that embeds that true equality between males and females and ensure that people understand what is appropriate and what actually makes a healthy and happy working life and one where we can hopefully aggressively stamp out this scourge of sexual harassment and create a much healthier and safer working life for all Victorians into the future.

Steve McGHIE (Melton) (15:49): I rise today to speak to the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, and I am pleased to follow many, many great contributions today. In particular I want to acknowledge the member for Narracan's contribution, where he said that the government has got this bill right. The member for Narracan is absolutely right on that one. This bill is so important, especially with the occasion this week of National Survivors' Day, which occurred on Wednesday 12 November. I wish to firstly acknowledge the lived experience of victim-survivors. It takes a lot of bravery and strength to decide to speak out about these experiences, and victim-survivors should be able to make that decision on their own terms, and they should not be restricted by non-disclosure agreements. We need to shift the burden away from the shame and stigma of abuse from victim-survivors to perpetrators.

I want to give – and it has been done in many of the contributions – a shout-out to the mighty Victorian Trades Hall Council for driving this issue but also the many, many unions that have been involved. Without those unions' involvement and them protecting their members, we would not even be at this position today, so congratulations to the Trades Hall Council and the trade unions that have driven this issue. Certainly during my time as the secretary of the ambulance union I knew of many, many instances of non-disclosure agreements being used in settlement cases with the ambulance service and also some of the private operators of the non-emergency patient transport system. A lot of those non-disclosure agreements meant that neither party could discuss with anyone the details of the settlement or speak disparagingly about each other. It was so restrictive to the victims and so damaging to the victims that they could not talk about the circumstances, and it was always a way for the employers to hide the facts and the details of what was going on within their workplace and the perpetrators technically still getting away with it. It was a regular occurrence in the ambulance service, unfortunately, and we know it is a regular occurrence in many, many workplaces. Of course in some cases there are no settlements to these issues and the complaints made by the complainants and the victims unless there is an NDA that is agreed to. We saw some of these issues end up in the Fair Work Commission. Again there are confidential settlements, effectively NDAs, out of the Fair Work

Commission when you take a dispute to the commission over these matters. I am pleased to say that hopefully that will change.

Of course in 2022 the Australian Human Rights Commission found that around one in three workers had experienced workplace sexual harassment in the preceding five years. We know that workplace sexual harassment disproportionately affects young people, LGBTIQA+ people, First Nations people and people with disabilities. We also know that sexual harassment in all contexts is a heavily gendered issue. In the workplace more than 50 per cent of women who have experienced sexual harassment have reported that they have suffered damage to their work, and 26 per cent said it has had a negative impact on their career progression. People have referred to it as definitely a power imbalance, let alone the effect on their mental health and the mental injuries that this causes.

Up until now the use of NDAs was relatively unregulated. But that is changing because of this bill and changing for the better. These changes protect the agency of claimants. It gives them power to take action in the way that they decide. It ensures that no-one is rushing into a decision that they will be stuck with for the rest of their life. These reforms will work towards – we hope they will – reducing sexual harassment in the workplace, but more so it will force employers to do something about it and to prevent sexual harassment in the workplace. The reputation of perpetrators should never be more important than the health, safety and welfare of victim-survivors. The repeated use of NDAs does not allow for the prevention of further incidents at the same workplace. It is a betrayal of all workers, who have the right to work in an environment free from sexual harassment.

All workers have the right to be safe at work. That is why we are restricting the circumstances in which NDAs relating to workplace sexual harassment can be entered into and, if there must be an NDA, restricting the terms and enforceability of those NDAs relating to workplace sexual harassment. There are many international examples of the regulation or banning of NDAs, such as in Ireland, where NDAs are regulated based on a model centred on the choice of victim-survivors; in the UK; and in various states in the US, where there are a range of approaches from limitations to complete bans of NDAs in work-related situations. It is the victim-survivor, the complainant, who expresses their wish and experience to have an NDA, rather having one imposed upon them and being intimidated and forced into it. It is a critical step in working to break the old culture of NDAs being proposed as a default clause in a settlement – it is driven by the victim, the claimant, rather than the other way. There is a shift in the power balance back to the affected person, which is a great thing.

This is a really important bill that the Allan Labor government brings forward as another example of supporting workers and supporting their representatives, the trade union movement. There is a waiver provision after 12 months, and I know some employers may have concerns about the waiver and how this could impact them after 12 months if a claimant wants to change their mind about the NDA. But I say to employers they should not have a concern about a waiver if they are proactive on making sure that sexual harassment does not occur in the workplace. I would love to see employers be far more stringent and stronger and make their workplace sexual harassment free, rather than worrying about the potential of a 12-month waiver. This is an important bill, and I commend this bill to the house.

Pauline RICHARDS (Cranbourne) (15:56): I am really very pleased to have the opportunity to speak on this incredibly important piece of legislation that we are considering today, the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I am pleased to have the opportunity to contribute on this bill because it does give us another lever to prevent workplace sexual harassment and to prevent NDAs, or non-disclosure agreements, from being misused to silence workers and to conceal circumstances related to workplace sexual harassment. We know that through the regulation of NDAs and empowering workers who are subject to workplace sexual harassment this bill is going to add to the toolkit we have to advance the health and safety of workers at a workplace.

A key objective of this bill is to acquit recommendation 10 of the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment. We have the member for Thomastown here, and I am

very grateful to the member for Thomastown for the heavy lifting that she did in chairing that taskforce, ably supported and co-chaired by Liberty Sanger. As others have done, I thank our sisters and brothers in the union movement for their contribution, as part of this taskforce but also over a long time, to ensure that we have the right legislation here to consider. We are very grateful always to take advice and to consider their aspirations for workers. In this context, particularly as it relates to the taskforce, I am grateful to Trades Hall, the CPSU, the AEU, the Australian Nursing and Midwifery Federation, the Ethnic Communities Council of Victoria, the Municipal Association of Victoria, Women with Disabilities Victoria and Transgender Victoria. I am always grateful to the Young Workers Centre for making sure that we are focused in a laser-like way on ensuring that the youngest Victorian workers are considered as relates to their need to be safe at work.

I am pleased those opposite are speaking so fulsomely in support of or are not opposing this legislation. Some of the contributions I have heard have indeed supported the legislation, and they have been heartfelt from both sides of the chamber. I acknowledge particularly the member for Evelyn for her heartfelt and courageous contribution.

It is always a privilege to represent Cranbourne. As I think everybody knows now, because I suppose I have been labouring the point, it is a hardworking and fast-growing community, and of course it is a diverse community. This was also articulated beautifully by the member for Mulgrave in a similar way as it relates to the community that the member for Mulgrave serves. People come from every corner of the globe: Sri Lanka, India of course, Afghanistan, the Philippines, Africa, the Pasifika, including New Zealanders and Samoans, and beyond. People bring skills, hope and determination. They seek to build a better life here in Victoria, and they do. But for too many workers, especially young women, especially migrant workers and especially those on temporary visas, there is an additional element to this – the danger that is faced due to harassment, underpayment and exploitation – and many feel unable to speak out. This bill is a breakthrough for fairness, and it connects deeply with the experience of workers in Cranbourne, where language barriers, cultural expectations and visa fears have been used to keep people silent.

For years NDAs have been used in Australia not only to protect trade secrets but, as has been well ventilated today, to buy silence. Countless workers, especially, as I said, young workers and migrant workers, have been pressured into signing NDAs after experiencing sexual harassment, bullying and discrimination. Imagine being 19, working a casual shift at a cafe, cleaning offices at night while studying on a student visa. Your boss makes unwanted comments or maybe even worse. You complain and you are told to sign a settlement agreement or an NDA, and there is a clause that you can never speak about it. You do it because you are scared. You need the money, you need the job and maybe you even need your visa. That is not consent, it is coercion, and it is disguised as confidentiality. Unions and worker advocates have told us that NDAs are being used not to protect privacy but to protect power. That is why the Allan Labor government's new restricting non-disclosure agreements bill, fought for by the Victorian Trades Hall Council, the Young Workers Centre and many others, is such a landmark reform of which I am incredibly proud.

NDAs ought not to be forced. A worker should only sign one if they choose to. Employers cannot pressure, threaten or manipulate someone into silence if this legislation is passed and is able to be enforced. Workers must receive plain language information. This is a really important piece of the work that we are doing. This law is designed to stop NDAs being used to hide misconduct and to make sure survivors of workplace harassment keep the right to their own story. But it does something more powerful: it creates space for workers to be heard in every language and from every culture.

Let us be clear: NDAs do not exist in isolation. They sit within a broader system that can silence workers, and especially with international students, with refugees, with migrants and with temporary protection visa holders, the barriers go further. Visa dependency is a massive issue. If your ability to stay in the country depends on your employer, then you are less likely to complain about mistreatment, and we have heard stories about workers in this exact situation: 'If you report me, I'll contact immigration. If you talk to the union, I'll cancel your shifts.' Language barriers deepen that fear.

Workers cannot read complex legal English, especially when contracts or NDAs are full of jargon, and we know that is the case. And then there are cultural norms where speaking up against authority or a manager is considered disrespectful or shameful, and in some communities, discussing harassment or challenging a male supervisor carries stigma that silences women. When you combine these three – visa insecurity, language barriers and cultural pressure – you create the perfect storm for exploitation. That is why unions have fought so hard for this lever to become embedded in our toolkit.

The Victorian Trades Hall Council's NDAs campaign was built around stories from young migrant women who have been silenced. It is their courage that I credit today with having forced this change. It is the collaboration between unions and migrant support organisations and those who do not see themselves as workers with rights. As unions say, if you work, you have rights, no matter your visa, no matter your language.

This matters to Cranbourne. This matters to our community. It turns silence into solidarity, because the people in Cranbourne and the people across Victoria – every worker, every union member, every employer – are entitled to be heard. We are going to create a place where workers' voices are not lost in translation and a woman's dignity is not going to be silenced by a clause. I commend the bill to the house.

Luba GRIGOROVITCH (Kororoit) (16:04): Sexual harassment is unacceptable. These reforms respond directly to a key recommendation of the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment. The bill will provide victim-survivors of workplace sexual harassment with greater agency and choice by restricting the use of non-disclosure agreements in workplace sexual harassment matters. These reforms are about putting the voices of victim-survivors first and taking critical steps to break down a culture that entrenches silencing victims for the sake of protecting the reputation of the perpetrator. We know that sexual harassment in the workplace can be deeply damaging and is far too common, with one in three workers experiencing sexual harassment in the workplace in the last five years. Unfortunately NDAs have been referred to as a secret weapon for many companies to commit, to cover, to suppress or to manipulate workplace-related sexual violence. This is, as I said at the start, incredibly, incredibly wrong and totally unacceptable.

I do not want to speak about other people's incidents, but as a former secretary of the Rail, Tram and Bus Union, I know that too often there were incidents around sexual harassment. The railways have traditionally been male dominated, and when I became the secretary in 2014, the industry was 88 per cent male dominated. Women were rare and, wrongly, the culture was not great. Over time, through the work of the union and the employers working together, the culture has changed. But it did still occur, and that is the sad reality of it. Even I, as the branch secretary, was once referred to as 'girly' in a management meeting. On another occasion I was asked to make a cup of tea at the start of an EBA negotiation by one of the CEOs. I was 28 years old at the time and in a room filled with men. It was an enterprise agreement meeting, and it was all pretty intense. I am sure that they used this as an intimidation tactic, but it was still completely wrong and unacceptable. Thankfully, I can hold my own, but many others cannot. I use these very light examples because they are low levels of harassment and they are unacceptable. It can happen to anybody, and it simply should not. We know that too often it happens to women, not men, but on occasion it does happen to men as well, and again, that is wrong.

There have been several research projects conducted to examine what the long-term impacts on victim-survivors who sign NDAs might be. The Speak Out survey conducted by the UK organisation Speak Out Revolution found that 95 per cent of people who had signed an NDA in cases of sexual harassment experienced negative impacts on their mental health related to the NDA and the inability to speak out about their experiences. Research also found that an NDA can result in long-term issues for the complainant who has signed it, including difficulty with moving on and progressing their career, fear of repercussions or breaching of the agreement and barriers to accessing professional or emotional support for harassment that they have suffered.

While the impact can be horrific, the perpetual use of NDAs is also a disservice to the broader workforce, who have a right to work safely in an environment free of sexual harassment. These confidentiality clauses create a sense of protection, and often it gives people a sense of false hope in the workplace. It is clear that the misuse of NDAs has become part of the fostering of toxic workplace culture, secrecy and consequence avoidance, and it can no longer be tolerated.

By passing these reforms today we would see Victoria become the first jurisdiction in Australia to restrict the use of NDAs in sexual harassment matters. We would, however, also be joining a small number of other jurisdictions internationally who have taken this important step forward. Such jurisdictions include Ireland and Canada's Prince Edward Island, who have regulated the use of NDAs by creating a model centred on choice. A number of American states also regulate NDAs, with approaches ranging from complete bans to a range of limitations regulating aspects of NDA use. The United Kingdom has also recently introduced legislative amendments to NDAs related to certain forms of work-related harassment and discrimination.

These reforms are important. They need to occur, and I am really proud that the Allan Labor government have brought these reforms forward. I too want to take a moment to thank the unions who fight on a daily basis to ensure that employees all over the country are safe. I want to thank the Victorian Trades Hall, who ran the campaign to make sure that this was front and centre and present in everyone's mind so that we do not continue to just turn a blind eye to sexual harassment in the workplace; it is completely unacceptable. I commend the bill to the house.

Chris COUZENS (Geelong) (16:09): I am pleased to rise to contribute to the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I do want to start by thanking the minister for their work on this really important bill. This is just another way the Allan Labor government is addressing violence against women, and in this case in the workplace, which is really important. I also do want to acknowledge and thank the unions who have advocated for these changes for a very, very long time.

The member for Cranbourne not so long ago mentioned a list of unions that were involved, and I do want to pass on my thanks to them as well and to all the speakers today, because everybody has shared their views on the bill but also many have talked about their own personal experiences. I do want to acknowledge that, because it is important for members to have a good understanding of this bill and to represent their communities on these views. We know that many women and girls have been subjected to sexual harassment in the workplace, and it is not unusual to hear of these experiences, although there appears to be a greater awareness of sexual harassment and what needs to happen to stamp it out, which is a great thing. But of course we do know that it continues, and it needs to be stamped out as much as possible.

While initially intended to protect trade secrets, the use of NDAs has since become a fortified gag order in resolving sexual harassment matters within the workplace. Over the many years that I have been an MP now, I have heard from women and of their experiences. In fact when the submissions were called for from women across Victoria, there were some women that were just simply too afraid to even put a submission together because of the NDA that they had been forced to sign. I think this bill goes to the very heart of trying to address those issues. As for the consequences for those women that I have spoken to – and I am sure many others in this place have heard the horrific stories attached to being forced to sign an NDA due to sexual harassment in the workplace and the trauma that causes – a lot of those women have said to me the decision is: do you sign the NDA and then feel guilty because you are walking away and allowing that person to continue to do what they are doing, or do you walk back in the next day and have to live with what is going on, particularly in an office environment or wherever it might be, in a retail space or a cafe, or do you simply walk away and lose your pay? For a lot of those women the decisions they have made have not been decisions they wanted to make. They have been forced into making those decisions, often losing their careers and losing a reasonably good income, for some of them.

There is one I want to particularly focus on – a woman who told me her story, who had been sexually harassed for quite a period of time in her workplace, a very strong woman who knew how to stand her ground. But it eventually got too much for her to deal with on a daily basis. She made the complaint, and then it was all turned back on her. It was a horrific experience. I will not go into all the detail, because I do not want to identify who she is, but the end result was being forced to sign an NDA. She actually then challenged that through the courts, and she won. But she sacrificed her job. The impact on her family was extreme, and they ended up moving to a different state. They made really significant changes in their life because of what happened. She had a really great career and was loving what she was doing, but she was forced to give all that up and then stood up for herself and decided that she would challenge that NDA. As I said, she won that case, but many of the other women I have spoken to would not see that as being an option for them. The woman I am referring to had to deal with media around her as well, because once it hit the court it became public. For a lot of women, that is not something they want to subject themselves to, and they should not have to.

This bill starts to address a lot of those issues, and as I said, they do not want to be walking into an environment where they have got to make a decision that they do not agree with. We know that these things happen in the workplace. We know that it is not just about keeping trade secrets; it is actually about stopping these women from telling their story, laying charges or whatever they might want to do. But I will say that this bill also allows them to make that decision, which they cannot do right now. For some women, signing an NDA may be something they want to do. It may be more an agreement about being paid off. I know that the women that I have spoken to did not want to stay in that workplace unless that person was removed, and often, obviously, that did not happen.

I think this is a really important bill. Again, as I said earlier, it is about addressing violence against women, and in this case in the workplace. The Allan government has been working on improving our laws to ensure that we do protect women. I commend the bill to the house.

Katie HALL (Footscray) (16:16): I am really pleased to make a contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, and in doing so I would like to commence by commending the hard work of the Victorian Trades Hall Council, in particular the women's team there, all of the victim-survivors they have represented and advocated for, the predominantly women who have been so brave and committed to reform that they were willing to come into Parliament and speak with us as members of Parliament and indeed the women in my community who have spoken to me in my electorate office.

I am very proud to be part of a government that is introducing this bill to provide victim-survivors of workplace sexual harassment with greater agency and choice in how sexual harassment in the workplace is dealt with by restricting the use of non-disclosure agreements in workplace sexual harassment matters. These reforms are about putting the needs of victim-survivors above the interests of perpetrators and the organisations that protect them. These are critical steps to breaking down a culture that all too often silences victims for the sake of protecting the reputation of a perpetrator. Alarmingly, one in three workers have experienced sexual harassment in the workplace in the last five years. We also know that this is an inherently gendered issue where the vast majority of victim-survivors of sexual harassment are women. More than 50 per cent of women who have experienced sexual harassment report that they have suffered damage to their work, and 26 per cent have said it has negatively impacted their career progression.

Of course the intended purpose of non-disclosure agreements was to protect trade secrets, not perpetrators of sexual assault and harassment. NDAs have become a fortified gag order in dealing with sexual harassment matters within workplaces. One contributor to the government's consultation on these reforms described the use of NDAs as a secret weapon for many companies to commit, cover, suppress and manipulate workplace-related sexual violence.

The overwhelming majority of sexual harassment legal practitioners around the country have admitted to never resolving a workplace sexual harassment matter without implementing strict NDAs, and the

use of NDAs in this matter has become standard across corporate Australia. Research conducted here and overseas has consistently found that NDAs cause further harm to victim-survivors, including causing difficulty in moving on from the event, progressing their careers and even in accessing appropriate supports. The use of NDAs to cover up crimes is a perversion of what these clauses were intended for. Their use in this way fosters a toxic workplace culture of secrecy. This is consequence avoidance, and it can no longer and should not be tolerated.

Changing this culture does not happen with a single act, but putting the rights of victim-survivors over the reputations of perpetrators is as good a start as any. These reforms do not prohibit the use of NDAs in their entirety in workplace sexual harassment matters, but what they do do is create strong safeguards around how they are used and better balance the rights of victims in how they engage with these agreements. These safeguards work by setting out certain preconditions, which must be met if a worker requests an NDA, to ensure that they are fully informed of their rights and obligations in agreeing to an NDA, and I can absolutely understand why a victim might want that. Maybe they might want that initially, but maybe with the progression of time they change their mind, and they should be able to do so. For example, one of the requirements in the legislation is that the idea of using an NDA clause must come from the complainant and it must be their express wish and preference and not that of the perpetrator. This means zero tolerance of respondents seeking to include an NDA by way of intimidation, threats – either directly or implied – or by tactics such as proposing a lower settlement amount without an NDA or a higher settlement amount with one. Again, this is about ensuring that NDAs are not misused and that the choice rests with the complainant as to whether confidentiality is something they are freely willing to agree to, not something they must agree to.

The legislation also makes it clear that when an NDA is agreed to it will not be able to prevent disclosure of information to certain specified persons and organisations for specific purposes. For example, even where a complainant has signed an NDA, they will still be able to disclose the information to a mental health and wellbeing professional, a friend or family member who has agreed to keep the information confidential for the purposes of obtaining support, or an employer or prospective employer for the purposes of obtaining or maintaining work. This is important for ensuring that victim-survivors are not isolated or deprived of avenues of support or treatment for dealing with the impact of the harassment that they have been exposed to. At the same time, these disclosures are still limited to specific sets of people for specific purposes who are themselves bound by confidentiality requirements.

I want to just reflect briefly and acknowledge one woman who came to my office a couple of years ago with an issue of sexual harassment in the workplace that she never recovered from, and certainly her career never recovered from, because she could not stay in that workplace. It was the most profound thing to sit down and speak with this woman, who had quite anxiously come to my office to talk about this issue. She was scared. She was still scared 20 years after the fact that people in power would come after her. It is such a prevalent thing in our community. I feel like this reform is really something that is for all women and for all women who are yet to enter the workforce. In this day and age, in this age of Me Too, we cannot and should not ever tolerate these sorts of cover-ups ever again. For these reasons and for the reasons that all of the contributions here today have raised, I commend the bill to the house.

Ella GEORGE (Lara) (16:25): I too rise today to speak on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Can I begin my contribution by reflecting on the many contributions that have been made across the course of today on this bill. What is apparent is that so many people have their own personal experiences of sexual harassment in the workplace, and can I acknowledge my colleagues who have shared those experiences with us all today and the member for Footscray's contribution before me, sharing the experiences of a constituent of hers who came to her office to talk about this incredibly important issue, and acknowledge the bravery and the courage that it takes to put yourself out there and say, 'This is something that happened to me. This is something that had a huge and lasting impact on my life.' This is something that does not go away easily but still

impacts people, in some cases many, many years after the incident occurred. I do want to acknowledge everyone who shared their own experiences in their contributions today and acknowledge every Victorian woman who has experienced sexual harassment in the workplace. You are not alone, and it is something that I think all women in Victoria have an experience of or certainly at least a deep understanding of.

For far too long, victim-survivors have been silenced, and powerful perpetrators have stayed protected because of the use of non-disclosure agreements. Victim-survivors have felt pressured to sign NDAs, often feeling like they have no real choice – either sign it and shut up or walk away without a settlement – while the perpetrator walks away unscathed, leaving victim-survivors feeling like the NDA is just another power abuse that they are subjected to. One woman, Katie, has summed up the impact beautifully. She said:

> It's affected me long term because now I can't talk about it. I can't warn people. I can't share my experience with those who would understand most. I can't explain why I've been the way I have. The most severe negative long-term impact of it all was how I just signed it because I couldn't fight anymore. I thought it was done. I thought I could move on. Instead, I have to live with it and it's constant chokehold on my recovery from that.

This quote really stayed with me, as I think Katie has highlighted the way these NDAs affect victim-survivors from moving forward and why it is so important that this legislation is introduced to the house.

We know that one in three workers has experienced sexual harassment in the past five years, and predominantly these workers are women. As I mentioned earlier, there have been many women in this place who have shared their own experiences, and I am sure there are many women as well who have not shared their experiences today. It is alarming that over half the women who have reported such experiences of sexual harassment noted that they faced harm at work, and 26 per cent indicated it negatively impacted their career advancement. That is unacceptable; no woman should ever face more harm for reporting sexual harassment. This state Labor government is committed to changing that, and this bill will make sure that victims are no longer silenced or held back from their recovery because of an NDA.

This bill is an incredibly significant piece of legislation, and I note that it is the first of its kind in Australia. Once again in Victoria we are leading the way when it comes to workers rights and when it comes to women's rights. With this bill we will legislate to restrict the use of non-disclosure agreements in the workplace, where we have seen them used as a tool to silence victims. This was a key recommendation of the Victorian ministerial taskforce on workplace sexual harassment, and the bill delivers protections for workers subjected or allegedly subjected to sexual harassment, including prohibiting NDAs unless requested by the complainant; mandatory requirements for information statements and a review period before a worker signs an NDA; prohibiting an employer from pressuring or influencing a worker to enter an NDA; allowing a worker who has entered an NDA to talk with certain people and bodies, such as Victoria Police and medical and legal professionals; and allowing a worker to end an NDA after 12 months notice to the other party. These are incredibly important reforms, and this legislation is at the core of what Labor governments are about. Labor governments prioritise the rights and preferences of victims, aligning with Labor's commitment to promoting social justice and equality. Labor governments prioritise the rights of workers, and we will always stand up for workers and we will always stand up for workplace safety, because everyone deserves a safe workplace.

This bill will ensure that the use of NDAs is initiated by the complainant and that they are not pressured into agreeing, so that individuals who have experienced harassment can feel empowered and have real choice. It will safeguard vulnerable individuals and ensure that they have access to appropriate support and legal advice – support that is desperately needed in times like this when they experience sexual harassment at work. It will create strict accountability and transparency, requiring the use of NDAs and making them unenforceable if these conditions are not met. It will allow complainants to disclose

information for the purpose of seeking mental health support. It acknowledges the significance of mental wellbeing and, importantly, aims to shift the prevailing culture around NDAs being used as default clauses in settlements. This bill reflects our government's desire to foster a culture that genuinely addresses and confronts workplace harassment so that every Victorian can feel safe at work and return home from work safely.

In closing, I would like to thank and acknowledge the minister, who has worked so hard on bringing this legislation before the house; the ministerial and department staff, who I know worked incredibly hard in drafting and supporting these important reforms; and every single person who provided feedback, particularly those people who have a lived experience of sexual harassment in the workplace and provided important submissions to the Ministerial Taskforce on Workplace Sexual Harassment. And I thank and acknowledge the trade union movement and our strong female unionists, who have been fighting so hard for reforms like this for so long. I know that they will continue in that fight every single day. I commend this bill to the house, and I wish it a speedy passage.

Paul HAMER (Box Hill) (16:32): I rise to make a contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I want to start in the same way that the member for Lara started and just acknowledge some of the wonderful contributions that we have heard today. I want to particularly reflect on the lead speaker for the opposition, the member for Evelyn, but also of course the Minister for Women and the member for Kororoit just in terms of their own personal experiences and how many of their future experiences have been shaped by some of their early experiences in the workforce – experiences that really no-one should be forced to have to deal with.

We talk a lot, particularly on this side of the house, about the importance of workplace safety and workplace conditions. It has been a core part of the Labor Party and Labor Party values for so many years, as it should be. But to me, this is a fundamental part of workplace safety as well. There is no place for sexual harassment of any sort in the workplace. As we know, this disproportionately impacts women in the workplace and is disproportionately conducted by men towards women, and I dare say also it is disproportionately conducted by men in more powerful positions towards women who are in less powerful positions. By that very nature it creates an imbalance of power, which I think in the past has lent itself to non-disclosure agreements in the interest of protecting the corporation and the name of the business and the individual, who may be a fairly well known member of the community, the business community or that business and not want to damage either their personal reputation or that of the business. It is seen as saying 'Okay, we'll cover up the harassment that went on by providing some money' – often not even conditioned with an acceptance of guilt but with some money – and then no further discussion can be had about any of that matter. I think given the enormity of the conduct, the impact – as has been pointed out by other speakers – that this has on a victim's life is not just in the immediacy but can continue for many years after that, where the impacts of this behaviour live on. Just to reflect on the Minister for Women's statement, her recollection of what happened to her when she was 15, in her first job, all these years later is still something that obviously is very raw and emotional. I think it just goes to show that these incidents cannot be covered over by saying 'Well, let's just not talk about it, and here's some money' and letting the problem go away. From a psychological point of view and from a mental health point of view, we have to be thinking of the victims and how they are going to respond in certain situations.

In this context I am really proud that we are one of the very first jurisdictions – certainly the first jurisdiction in Australia but one of the few jurisdictions now in the world – to put these restrictions on non-disclosure agreements for sexual harassment cases. It is a really important step. We should be thinking about the victims in these circumstances and what is going to be the best outcome and the best scenario for them. As other speakers have said, this is not about banning and restricting non-disclosure agreements in their entirety. There is still the option to have those non-disclosure agreements for those matters. But the decision should be led by the victim rather than the perpetrator in the interest of trying to protect their name or protect the company's name. We would not think that is appropriate in any other circumstance if there had been an offence like that perpetrated. We would

always want to see what is actually the best outcome for the victim. I think this is a law which tries to frame non-disclosure agreements in that form.

Some of the preconditions are around the complainant specifically requesting to enter the non-disclosure agreement, and that has to be made out of their own free will, obviously, and not coerced and where there is no pressure into making that agreement from any other side or from any influence, particularly from, say, within the company. After requesting the agreement and before entering into the agreement the complainant is given a copy of the workplace non-disclosure agreement information statement. Then there is also an opportunity to review the non-disclosure agreement after 12 months. If that is something where the victim elects to change their mind and they have had some further time to actually think about it and realise that it is impacting them more than they would like and they feel a need to speak more broadly about it, particularly more broadly than the schedule of parties they are allowed to talk to, I think that is a really important step.

In summary, I think that this is a really important change. I think it does change the focus from the protection of the perpetrator to the protection of the victim, and I commend the bill to the house.

Gary MAAS (Narre Warren South) (16:39): I too rise to make a contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I note that it is one of the bills in this place that we are debating where there seems to be furious agreement on all sides of the chamber. In reflecting upon the contributions that have been made by this side of the chamber, amongst the chatter I have also just come to note that there has been somewhat of an acknowledgement of the honour and power that go with being in this place and also the honour and power that actually go with being a part of the labour movement. So many of us here, and rightly so, have acknowledged the incredible contributions that various officials have made in moving this bill, but ultimately on this side of the chamber we are a part of a movement which is grassroots driven. Think about it: you have got members out there, people of our society, all living in our electorates, who see something that is just terribly, terribly wrong, and they drive that experience through their unions, through their workplaces and through the various officials that represent them. Through that movement, which created the Australian Labor Party for that very purpose, to come to this place and to advocate strongly for those rights gives me a real sense of pride to be here. I note what the member for Box Hill just said before, that everyone's reason for doing what they are doing is based on experience, and lived experience is the best and only form of experience, just as hindsight is the best form of sight. In coming here and advocating as strongly as we all have, I really want to acknowledge that.

But you need people to drive what comes through this place. As has been noted, Victorian Trades Hall have done an extraordinary job through their women's team, and I especially call out Carolyn Dunbar – I know that many of us had delegates from various unions at various worksites that she brought through this place, explaining to us all why we needed this legislation; Danae Bosler, assistant secretary of Trades Hall; and Wil Stracke, assistant secretary of Trades Hall as well. They played a really important role in coalescing all the unions, private and public sector unions, in Victoria to advocate strongly so that the government would bring this as a bill to this place. These things do take time. I know there are many in here who have represented employees, whether in private practice or as industrial officers or industrial lawyers through the movement, who have actually seen the horrible non-disclosure agreements that had to be signed that facilitated some terrible things, including exit from the workplace and ultimately continuing trauma for that person. But ultimately, that person – that woman in all cases, at least in my experience – would always take that option no matter what they would have to face later on with their mental wellbeing. It just was not right. As was noted by the Minister for Women this morning, it has been happening for decades.

I was quite buoyed in fact by hearing that the member for Hawthorn, in his capacity as a lawyer representing employers, was one of those types of lawyers that you would negotiate with who would actually put it to their clients that, 'You know what, it's not such a big deal.' They were few and far between, but there was decency in there. But having these clauses in these types of agreements is extraordinarily damaging for the complainant, and having this bill to give the voice back to victim-

survivors is so important. They should not be silenced, and I am really proud of the impact that I know that this bill will have in reforming the practice of using NDAs to silence those workers, to conceal the harassment that had occurred and to protect the power of those continuing, quite often, to work in that workplace. That sexual harassment in the workplace is deeply damaging and way too common. We know through the government consultation and were able to see that one in three workers have experienced sexual harassment in the workplace, and that has happened at least in the last five years. These types of clauses should never have been used for this. They continued to morph, these types of clauses, initially from restraint of trade through to actually protecting trade secrets and eventually becoming this kind of gag order in resolving sexual harassment matters in the workplace. It just is not on, and I am very happy that this government is taking this step to remove it.

Legislating to restrict the use of NDAs was a key recommendation of the Victorian Ministerial Taskforce on Workplace Sexual Harassment. It was last year that our government announced the start of formal consultation for this legislation to end the misuse of NDAs in cases of workplace sexual harassment, which informs this legislation which is before us today. In total there were some 81 responses which were received as part of that consultation, and it highlighted the harm misused NDAs have caused for those who have experienced sexual assault at work.

It cannot always be easy to share your experience, particularly given the subject matter and the nature of what we are discussing, and I acknowledge and thank all the women who shared their stories as a part of this consultation and indeed thank all members in this place who have shared their lived experience. There is powerlessness and pain in being a victim-survivor and those who have experience of those misused non-disclosure agreements, but it encapsulates why this government continues to advocate for the people that we represent, and we are committed to ensuring that this becomes law.

I again acknowledge the vital role of the union sector, who are so often at the forefront of advocating for those worker-based issues in their workplace, whether it is underpayment, surveillance, unfair dismissal or indeed sexual harassment. This legislation will make workplaces safer for people across my community of Narre Warren South but for all Victorians as well. It is an important issue in the workplace, and we must give victim-survivors their voice back to warn others and to share their experiences for the good of their own mental wellbeing and for the wellbeing of our society as well. To that end I commend this bill to the house.

Jordan CRUGNALE (Bass) (16:49): I rise also to speak in strong support of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025 and join with colleagues on our side to commend at the outset the work of Trades Hall and the union officials; the unions themselves for their advocacy; the Minister for Industrial Relations, the department and team; community members of course with lived experience, importantly, whose voices are being heard; and the contributions of members who have outlined their lived experience and also the experiences of others in their electorates, which have been quite harrowing to listen to over the course of the day.

For too long workplace non-disclosure agreements have been used to silence victim-survivors of sexual harassment, and these agreements, often signed under enormous pressure, stop people from speaking about what happened to them. They can even prevent naming the perpetrator. Meanwhile, the person who caused harm moves on to other workplaces, free to repeat their behaviour. That is not justice, that is not safety, and it is not the workplace culture we should accept here in Victoria. This bill is grounded in a simple principle: that workers deserve a safe workplace. They deserve the right to speak and to heal and to be protected, not silenced.

There have been a number of contributions outlining the definition, which is an agreement that prevents a complainant who has been subject to or allegedly subject to workplace sexual harassment from disclosing information about the conduct constituting the sexual harassment, including the identity of the respondent, the perpetrator. As part of the settlement of a sexual harassment matter an employer may ask the complainant to agree to a confidentiality clause or clauses as part of a broader deed of release.

NDAs are too often being misused to silence victims-survivors of workplace sexual harassment. We have also heard about the history of non-disclosure agreements being used for trade and trade secrets and all that and how it has morphed into something very other, such that NDAs have become almost routine in sexual harassment settlements. What were once tools to protect sensitive information, as I have just said, are now too often used to conceal misconduct itself. They hide complaints from colleagues, prospective employers, even authorities, and some employers have even used NDAs with perpetrators, preventing disclosure of substantiated misconduct to future workplaces. That means a known offender can walk straight into a new job, with no warning to those who will work alongside them. This culture of silence makes workplaces less safe and obscures the true scale of sexual harassment, preventing government and community from confronting the problem openly. Because NDAs are almost entirely unregulated in Australia, the power imbalance falls squarely on the shoulders of the worker.

Listening to victim-survivors – the bill is shaped by the voices of those who have lived through this system. Through public consultation we heard from workers, unions, legal experts, employers and critically from victim-survivors who had signed non-disclosure agreements. We received 81 responses, and the message was very clear: they cause real harm. And 93 per cent of victim-survivors said they later wished they could end the non-disclosure agreement they had signed. We heard stories of people unable to speak to their families, therapists or closest friends, people trying to rebuild their lives while carrying trauma they could not talk about. One woman told us the non-disclosure agreement made a serial harasser untouchable. Another said signing it worsened her mental health and drove her out of her job altogether. Another said she was too traumatised to continue at her workplace. Maurice Blackburn senior associate Jessica Dawson-Field publicly stated that a victim-survivor is left with the choice: 'Do I proceed to a court hearing, which has its own stresses – for example, giving evidence in a public hearing – or do I settle on the basis of a financial settlement, which helps me move on but ultimately means I am being paid for my silence?' Often the victim is keen to resolve the matter and move on, and maybe it is six or 12 months down the track when they realise they want to talk to their family about it and get support, but the ways the non-disclosure agreements are drafted prevent that.

People need to have options and make informed choices. Expert legal voices echoed this. Victim-survivors are too often forced to choose between a public hearing – traumatic in itself – or a settlement that comes with a price: their silence. People deserve real choice, real information and real control over their own story. This bill restores the balance and puts the rights and wellbeing of workers at the centre. It prohibits employers or respondents from pressuring a complainant into a non-disclosure agreement. It prevents non-disclosure agreements with alleged or confirmed harassers from being used to block investigations or to stop employers from disclosing substantiated misconduct to a prospective employer. It establishes strict preconditions before any non-disclosure agreement can be entered into. The complainant must request the non-disclosure agreement – it cannot be employer driven – they must receive an information statement and they must have time to seek legal advice.

A non-disclosure agreement under this bill cannot prevent a worker from speaking to police, doctors, lawyers or trusted family and friends. Support must never be off-limits. Importantly, a complainant may choose to terminate the non-disclosure agreement after 12 months. This recognises that people often sign them in distress and only later understand the impact on their recovery and autonomy. If the preconditions are not met, the non-disclosure agreement is non-binding, and complainants may issue a brief notice if the legislation is not followed. These matters ensure non-disclosure agreements do not silence victims or shield perpetrators. They restore agency to workers and strengthen workplace safety. An option for a worker, as I just referenced, to end a non-disclosure agreement after 12 months recognises that workers often sign a non-disclosure agreement in a state of distress, and it is only after a period of time they have had time to process their experience. They realise the importance of being able to speak out.

This bill shifts power back to where it belongs: with workers, with victim-survivors, with those silenced for too long. It asks a simple but profound question: does the non-disclosure agreement support a person's healing, or is it protecting an institution's reputation? We are choosing healing, we are choosing safety and we are choosing justice. This bill is about dignity and transparency. It says 'no more' to secrecy that protects offenders. It says 'yes' to empowering victim-survivors and creating safer workplaces for all.

I wish to go back and just acknowledge again the trade union movement, our labour movement, the victim-survivors, those with lived experience, the Minister for Industrial Relations, the department and team who have done an immense body of work. There has been so much advocacy around this, and as has been stated, it is something that has been happening for decades. We have got this bill here before us, and it is one of those ones that will make a difference; it is very important. Again, it is choosing healing. We are choosing safety. We are choosing justice. And I have to speak –

A member interjected.

Jordan CRUGNALE: Choose life. I think I have to speak for another 12 seconds.

A member interjected.

Jordan CRUGNALE: I don't? I commend the bill to the house.

Jackson TAYLOR (Bayswater) (16:59): It is a great pleasure to speak in support of the Restricting Non-disclosure Agreement (Sexual Harassment at Work) Bill 2025, and with the very brief time that I have left to talk in support of this bill I want to thank everyone who has been involved in drafting this legislation, everyone who worked on the ministerial taskforce, everyone at Trades Hall and all of the victim-survivors for having your voices heard. It has been wonderful to hear the very brave contributions in this place in support of this bill, and I commend it to the house.

The DEPUTY SPEAKER: The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

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

Victorian Early Childhood Regulatory Authority Bill 2025

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025

Second reading

Debate resumed on motions of Ben Carroll:

That this bill be now read a second time.

Motions agreed to.

Read second time.

Third reading

Motions agreed to.

Read third time.

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

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed on motion of Sonya Kilkenny:

That this bill be now read a second time.

The DEPUTY SPEAKER: The question is:

That this bill be now read a second time and a third time.

Assembly divided on question:

Ayes (52): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Pauline Richards, Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (27): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Matthew Guy, David Hodgett, Emma Kealy, Tim McCurdy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Rachel Westaway, Jess Wilson

Question 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.

Labour Hire Legislation Amendment (Licensing) Bill 2025

Second reading

Debate resumed on motion of Danny Pearson:

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.

Community food relief program

Emma KEALY (Lowan) (17:08): (1409) My adjournment matter is for the Minister for Carers and Volunteers, and the action I seek is for my electorate of Lowan to receive its fair share of funding under the community food relief program. My electorate of Lowan is like many areas of the state, which is really suffering under Labor's cost-of-living crisis. This was further exacerbated by cruel cuts by the Albanese Labor government to our emergency food centres in the region. It was devastating for Uniting Vic to have such a cruel cut of eight services across Victoria, including Bendigo, Blackburn, Broadmeadows, Epping, Footscray, Geelong, Ringwood and St Albans, and for the Christian Emergency Food Centre in Horsham it certainly was devastating, as it was with the cut in Stawell. Some of that funding has been reinstated but not the full amount, so it is an opportunity for the state Labor government to top up the funding that was cut by the federal Labor government.

We also have a magnificent project which is looking to be established in Nhill. I spoke to Lesley Gordon, an absolute champion and a long-term member of the Lions Club in Nhill, who is seeking to establish a food pantry, a community pantry. This has been supported by local businesses, including the local IGA, and they require $23,000 to establish that and to sustain it in the long term. This is a small amount of money considering how much support it will provide people in a very remote part of the state where there is limited access to support services and there is limited access to public transport to access those other services and people really have very few places to turn. This of course highlights the issues that so many Victorians are facing at the moment when it comes to cost-of-living pressures. We know that Victoria has the second-lowest real household disposable income per capita, which is $1100 less than those who live in New South Wales.

Median rents across Victoria are up around 60 per cent under Labor. The cost of gas has doubled under Labor. Medical and hospital services: the expenses for those have gone up around 69 per cent under Labor. There has been an increase of around 49 per cent in the cost to get an education in Victoria. That is of course supplemented by the fact that in Victoria there are 60 new or increased taxes under Labor, and that includes for regional Victoria the devastating hit of the emergency services and volunteers tax, which is putting enormous pressure not just on farmers but also on households right across the region. So I ask the Minister for Carers and Volunteers to support our local people who are struggling with the cost-of-living crisis and to make sure that we have got food relief for those who are in need so that they do not have to make cruel cuts to feed their family at night.

Louisa Briggs

Nina TAYLOR (Albert Park) (17:11): (1410) My adjournment matter is directed to the Minister for Women, the Honourable Natalie Hutchins. The action I seek is for the minister to visit my electorate of Albert Park to join me in celebrating the legacy of a remarkable woman, Louisa Briggs. As the minister is aware, the 2025 Victorian women's public art program has been instrumental in funding and supporting the creation of public art projects that honour the achievements and contributions of women across the state. Six public artworks were selected through the program this

year, including *Looking Through and Looking Beyond: Celebrating the Legacy of Louisa Briggs*, which will be located at the St Kilda foreshore.

Louisa Briggs worked as a nurse and midwife throughout the late 1800s and is recognised for being not only an active advocate for women's rights but also an inspiring Aboriginal rights leader who worked tirelessly for the betterment of her community. Louisa protected displaced and mistreated Indigenous people who were taken to government reserves and stations and remained outspoken on these issues despite being expelled from Coranderrk Aboriginal Station, where she lived several times. Her contributions to public health and welfare continue to serve as a beacon of hope and empowerment for many in Victoria, particularly women and First Nations people.

This statue will be a symbol of her enduring legacy and the values of equality and justice that she has championed. I would like to invite the Minister for Women to visit Albert Park and personally view Louisa's statue once it is ready to be unveiled. I believe that such a visit would not only be a great opportunity to acknowledge Louisa Briggs's remarkable legacy but also demonstrate the government's continued commitment to the recognition of women's contributions to our state. I look forward to the minister's response and hope that she will accept this invitation to visit our beautiful electorate and celebrate the achievements of a woman who has left a lasting impact on Victoria.

Reynolds–Smiths roads, Templestowe, traffic lights

Matthew GUY (Bulleen) (17:13): (1411) This is concerning the intersection of Reynolds Road and Smiths Road in Templestowe. I am seeking for the minister to examine the installation of traffic lights at this location. Templestowe is hilly, and it is a 70-kilometre-an-hour road along Reynolds Road. I am not objecting to the speed limit on the road, but as I said, Templestowe is fairly hilly. Due to the undulating nature of the approach to that crossroad – Reynolds Road is a through road that Smiths Road meets – it is very bad when it comes to visibility. There is now a childcare centre on one corner. The other side of the road directly opposite the childcare centre is a very large reserve with soccer grounds, which is Pettys Reserve. I might add the state government gave 10 per cent of funding to upgrade Pettys Reserve some years ago, so the state would themselves be aware of the extent of that facility that is now on that corner. The cars coming out of that facility onto Smiths Road are having to turn onto Reynolds Road, exacerbating the problem on the weekends. I use this intersection a lot, virtually every day, and I accept, as residents tell me, particularly those along Smiths Road, that the intersection itself is quite dangerous and there have been a number of near misses at that location and a number of unfortunate accidents – no fatalities, thank God, and I hope there are none. I do not want to see any. Therefore tonight I seek the Minister for Roads and Road Safety to intervene and examine the installation of traffic lights at the Reynolds Road–Smiths Road intersection in Templestowe.

Coburg development

Anthony CIANFLONE (Pascoe Vale) (17:15): (1412) My adjournment matter is for the Minister for Planning, and the action I seek is for the minister to visit my electorate to further consider local views and community feedback in relation to our vision to revitalise central Coburg as a future job, skills, cultural and housing hub for Melbourne's north. Further to my contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025 yesterday, the Victorian Labor government very much continues to consult and listen to my community in relation to the proposed central Coburg, Brunswick and Sydney Road activity centres. We facilitated a two-phase activity centre consultation process, which Sheena Watt in the other place and I officially launched on 25 June, through numerous local community pop-up and consultation sessions and many others I have continued to directly speak with through regular emails, street stalls, doorknocks, phone calls, meetings and much more. Through this significant, extensive feedback, locals have spoken loud and clear on the fact that (1) we need to build and provide more local housing to support young people, families, workers, retirees, downsizers and those in need – in essence, they support more local homes; (2) we need to continue to invest, however, to deliver better infrastructure, facilities, kinders, schools, services, open space and general amenities to accompany new homes across our suburbs; (3) we need to support the creation of more

local jobs to complement the evolving skill sets of locals; (4) we need to make provision to ensure we continue to preserve the rich history, heritage, culture, ambience, vibrancy and character of our community, both in built form and in substance; and (5) we need to continue to engage, listen and consult with the community as the activity centre plans are finalised and subsequently progress over the coming decades until 2050. We need to bring the community along as we strive to deliver more local homes.

This has been reflected through a range of submissions and feedback. Merri-bek City Council's submission states they welcome the state government's ambition to meet the current and future needs of housing. However, they encourage the state to also consider accompanying investment to help solidify the future livability of our local activity centres, namely via the Upfield line; revitalising local bus and tram connectivity, including through accessible tram stops; investment into Coburg High; and ensuring that build-to-rent developments contribute fairly towards new local infrastructure and open space. Merri-bek has also launched its own vision and community consultation on the future of its own major landholdings in central Coburg, proposing a $60 million Coburg library and piazza, a thriving local economy with new office and retail precincts and a mix of new market, affordable and social housing developments.

I also acknowledge the feedback from Coburg and Brunswick community reference groups and thank the many locals who participated in that process. They outlined a number of key priorities, including that we ensure a variety of housing options for families and downsizers; that we revitalise Victoria Street Mall in central Coburg to improve ambience, amenity, shade, seating and safety; that we work to foster local creativity, cultural life, music and nightlife opportunities; and that we invest in Coburg Primary School, Merri-bek Primary School, St Paul's Primary, Coburg High School, the Coburg Olympic pool, Coburg Leisure Centre and the Upfield rail line of course. They want an improved active transport corridor along the Upfield line, which we are going to help deliver through the eight level crossing removals through Brunswick; better east–west connections; more road safety, including for Murray Road and pedestrians, cyclists and vulnerable road users; more green space, more tree canopy, better community wellbeing services and much more.

Kew electorate road safety

Jess WILSON (Kew) (17:18): (1413) My adjournment is to the Minister for Roads and Road Safety, and the action I am seeking is the urgent prioritisation of road safety upgrades in the electorate of Kew. I have raised these issues time and time again in this place, and I have been repeatedly told by the minister that these upgrades will be considered as part of future road upgrades in the area. But the people of Kew need these upgrades now; they cannot wait until after someone gets hurt and the department is then forced to prioritise us.

First, there is the Willsmere Road and Earl Street roundabout, where traffic volume continues to grow through this intersection, particularly as we see the North East Link construction continue and more and more traffic coming off the Eastern Freeway. It is becoming harder and harder for pedestrians to cross here, as well as for motorists to safely navigate turning onto these roads at peak hour due to traffic banking up. This intersection is near the very popular Willsmere Village and the Willsmere community gardens near Kew East Primary School and many other local primary schools, meaning that families need to cross this road every single day to get to school. But the minister continues to advise me they do not propose to make any immediate modifications to this site. This is despite the fact that I know the Labor member for the Southern Metropolitan Region Mr Batchelor in the other place recently visited the site to hear from residents about the safety issues and undertook to speak to the minister, and still there is no action from the Labor government. Once again I urge the minister to direct the department to install a much-needed pedestrian crossing along Earl Street, making sure the roundabout is safe for pedestrians, for young people, for children and for the elderly, because it simply is not safe now.

The stretch of Barkers Road between Glenferrie Road and Auburn Road near Methodist Ladies' College has no pedestrian crossing. I know the member for Hawthorn and I have sponsored a petition that has seen thousands of locals ask time and time again for the government to prioritise a simple pedestrian crossing for the many, many, many hundreds of school students that use this road every single day. There are a local cafe that people cross the road to try to get to, MLC and kindergartens. It is simply not safe. School students deserve a safe place to cross the road, and local residents are calling on this government time and time again to give some fair funding and install this upgrade.

Finally, the 16 tram terminus on the corner of Glenferrie and Cotham roads is not safe. We know this from local school students repeatedly saying there are near misses every single day. The minister needs to upgrade this pedestrian crossing intersection as soon as possible, listen to local residents and actually ensure that the electorate of Kew gets its fair funding when it comes to road safety upgrades and the importance of pedestrian crossings.

Northcote electorate housing

Kat THEOPHANOUS (Northcote) (17:21): (1414) My adjournment matter is for the Minister for Housing and Building, and the action I seek is that the minister join me in Northcote to officially open the new social homes our Labor government has built at Walker Street. This project is a powerful example of what good government looks like in the midst of a housing crisis.

For too long the old public housing estate at Walker Street stood in poor condition – buildings more than 50 years old, cold in winter and sweltering in summer, with no proper heating, cooling or disability access. I saw it for myself when I visited the old estate and spoke with residents. People were proud of their homes, but many lived with ongoing issues that made daily life harder than it should be. They made do with what they had, but they deserved so much better. Now there are 250 brand new energy-efficient and accessible homes, including 99 social homes, built to modern standards of safety, comfort and sustainability. These homes are close to transport, schools, shops and services in the beautiful Westgarth area. They are designed with open green spaces and have links to the Merri Creek, with shared courtyards and community areas that will help new and returning residents connect and thrive. As Parliamentary Secretary for Renters, I know that making renting fairer and more affordable means building supply – real homes for real people. That is exactly what has happened at Walker Street. We have replaced outdated, decaying buildings with warm, dignified, modern homes that give more Victorians a secure place to live. Coupled with the 99 new social homes we have also built at Oakover Road in Preston, this amounts to a 75 per cent increase in the social housing available across these two sites in the inner north of Melbourne.

Unfortunately, not everyone welcomes this progress. The Greens opposed these redevelopments from the outset, opposing in effect the renewal of social housing and the creation of new homes for Victorians who need them most. Hypocritically, they choose to block housing for people, even while trying to convince us all that they are the champions of housing reform. Safe and secure housing is at the heart of our Labor values, and that is why as the member for Northcote I will always stare down those who cynically oppose and block the housing our community needs and deserves. I would be honoured to welcome the minister to officially open the new Walker Street homes and meet the residents moving in – families, older Victorians and people rebuilding their lives with dignity and hope – because for Labor it is action, not words.

Building surveyors

Will FOWLES (Ringwood) (17:23): (1415) My adjournment this evening is for the Minister for Planning, who I accept has had a busy week. The action I seek is that the minister investigate options to remove the inherent conflict of interest in the current private building surveyor system. Building surveyors should be accountable to the public, not to the developers who are paying their bills. Since municipal surveyors were taken off the table by the Kennett government back in the 1990s there has been a clear pattern of privately engaged building surveyors signing off on work that is simply not built to code. This conflict of interest has contributed to major systemic problems, including the

cladding crisis, which cost this government a huge amount of time, energy and money and can almost certainly be drilled back to private building surveyors signing off on projects that simply were not built to code.

We are also seeing an absolute rash, an outbreak, of apartment buildings with leaking basements, particularly, other water ingress issues and a whole string of defects. It is a problem so substantial and so broad-based it is actually shaking confidence in the apartment and strata industry more generally. That is a very, very big problem when we have a serious housing crisis to contend with. I know that every single metropolitan MP, particularly probably in this place, has constituents that have been affected by buildings that are failing. They are typically new buildings or near-new buildings, and they are failing because a surveyor, who is meant to act in the public interest, is financially tied to the very person that they are regulating. It is time to look seriously at reform. We need a model that restores independence, breaks the link between developers or owners and building surveyors and ensures compliance decisions are made properly.

Back in the 1990s I am sure there were enormous delays attached to municipal surveyors getting around to signing off on building projects. That was almost certainly the case, and I do not dispute that. What you have now is a whole range of private businesses, private surveyors, in the market undertaking this work, as they should, and that is fine. The nexus we need to break, though, is between the person being surveyed and the surveyor, because the surveyor is ultimately doing public work; it is an extension of the public good. They are there to enforce and ensure compliance against a series of regulations that are publicly derived, which in turn are delegated from legislation that is publicly derived. It is a public function, and for it to be paid for privately simply breaks down the process. So why not go, 'Well, we've got privately funded building surveyors. Let's let the councils use those privately funded building surveyors to do that work.' The developer still picks up the tab. That is absolutely fine. But why don't we get councils to do the appointment so that appointment decision is taken out of the hands of the builder or the developer and, most importantly, the decision to fund that surveyor is also removed from them.

Multicultural business support

Meng Heang TAK (Clarinda) (17:26): (1416) My adjournment matter is for the Minister for Small Business and Employment, and the action I seek is for the minister to provide the latest update on the Victorian government's investment to support peak multicultural trader associations such as the Springvale Asian Business Association to ensure their members have the right access to services that they need. This weekend just past I had the privilege of hosting a multicultural business lunch together with the Minister for Tourism, Sport and Major Events. It was another fantastic opportunity to celebrate our proud and vibrant multicultural business community and their integral contribution to our state. There were some fantastic discussions on exciting projects and initiatives happening locally in the south-east and across the state. There were also some great discussions on the Allan Labor government's support for our multicultural businesses, including their amazing support for multicultural traders associations like the Springvale Asian Business Association, to promote and also to celebrate the food, music, dance, arts and cultures of Victoria's Indochinese community and to bring significant opportunities and activity to our local businesses in the community more broadly. I am proud of this government's record of delivering on the things that matter for Victoria's multicultural community and business owners. I thank the minister, and I look forward to her response.

Head of the Yarra

John PESUTTO (Hawthorn) (17:28): (1417) My adjournment matter tonight is for the Minister for Tourism, Sport and Major Events, and the action I seek is that the minister join me in attending the Head of the Yarra event in my electorate later this month. As part of that, I hope that the minister will take the opportunity to investigate and help facilitate any appropriate grants and support available for sporting events like the Head of the Yarra, which is one of the largest events in my electorate. It is

particularly loved by my community, and many of my region's leading citizens are active as part of the Hawthorn Rowing Club.

The Head of the Yarra was inaugurated in 1957, and it brings together thousands of rowers, with some 300 eight-person crews from across Australia and even further afield, including many teams from across and throughout the Asia Pacific. They compete in an 8-kilometre race along the Yarra. It starts in the city and it finishes at Hawthorn Bridge, with its beautiful bluestone supports. The Head of the Yarra race ranks among the top three head races in the world, alongside the Head of the Charles in Boston and the tideway head of the Thames. Not only should it be a source of pride for our state and city, but also it is a testament to the calibre of our rowing community here in Melbourne and in Victoria. Rowing is a great sport, and it embodies many of the values we Victorians hold dear: mateship, having a go, giving your all, showing commitment and, above all else, having fun.

The Head of the Yarra is a major event for Melbourne. It is one of eastern Melbourne's largest events in fact, and I believe there is a great deal more that we can do to grow this event and maximise its benefits for the broader Victorian community. I want to pay tribute in this endeavour by acknowledging the work of Hawthorn Rowing Club, Rob Perkins and everyone down there, who do such a terrific job in promoting and holding this event.

Holmesglen Education First Youth Foyer

John MULLAHY (Glen Waverley) (17:30): (1418) My adjournment matter is directed to the Minister for Housing and Building, and the action I seek is for the minister to join me at the Holmesglen youth foyer in Glen Waverley. The Holmesglen youth foyer is an inspiring program that provides safe, stable accommodation for young Victorians with lived experience of homelessness, but it goes far beyond providing a roof over their heads. It delivers opportunities that nurture ambition, confidence and long-term independence. Whether it is access to TAFE courses delivered through Holmesglen, academic support, pathways into training and employment or essential mental health services, this is an extraordinary initiative that offers real hope to young people who need it most. It recognises that housing stability is only one part of the equation and that dignity, safety and opportunity must go hand in hand.

Importantly, the youth foyer also provides crucial support for young people from the LGBTQIA+ community, who experience homelessness at disproportionately high rates due to family rejection, discrimination or violence. For many of these young people, programs like this are not just about accommodation. They are a refuge, an affirmation and a chance to be accepted for who they are. I am proud that the Holmesglen youth foyer is a place where LGBTQIA+ young people can feel generally safe, respected and supported to thrive.

In last year's budget the Allan Labor government invested $1.8 million in this project, and I am incredibly proud of this commitment and of the work that continues in partnership with Launch Housing and the Brotherhood of St Laurence to deliver these critical services. Their dedication is changing lives every single day. Our young people deserve the dignity of a secure home and the confidence that they can dare to dream – that they can imagine a positive and meaningful future where they can contribute to the community and shape their own paths.

Early intervention matters. It helps break the cycle of homelessness, hardship and despair, and it places young people on a path to purpose, empowerment and long-term safety. This is life-changing work. This is exactly what good governments should be about, not dividing communities or attacking vulnerable people but supporting them, lifting them up and ensuring that no young person, whether queer, culturally diverse or otherwise marginalised, is left behind. I thank everyone involved in the youth foyer for their extraordinary contribution, and I look forward to welcoming the minister to Glen Waverley to see firsthand the profound impact this program is having on young Victorians. I will open it up to the chamber that when I have the minister down there I would like more of the members here to come along and visit as well and see the great work that they do at the youth foyer.

Responses

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (17:33): The member for Lowan raised a matter for the attention of the Minister for Carers and Volunteers, and the action that she seeks is more community food relief funding in her community. The member for Albert Park raised a matter for the attention of the Minister for Women. The action she seeks is that the minister join her in Albert Park to discuss the recognition that will be given to the First Nations advocate Louisa Briggs in her community.

Nina Taylor interjected.

Mary-Anne THOMAS: To see the statue – excellent. The member for Bulleen raised a matter for the Minister for Roads and Road Safety, and the action that he seeks is that the minister investigate lights at the intersection of Reynolds and Smiths roads. The member for Pascoe Vale raised a matter for the attention of the Minister for Planning. The action he seeks is that the minister join him in his electorate to consider the revitalisation of Coburg. The member for Kew raised a matter for the attention of the Minister for Roads and Road Safety. The action that she seeks is road upgrades in her electorate. The member for Northcote raised a matter for the attention of the Minister for Housing and Building. The action she seeks is that the minister join her at the new social housing development in Walker Street. I am sure the minister very much looks forward to being there with the member for Northcote to open that fantastic initiative of the Allan Labor government.

The member for Ringwood raised a matter for the attention of the Minister for Planning. The action he seeks is that the minister investigate his concerns regarding private building surveyors. The member for Clarinda raised a matter for the attention of the Minister for Small Business and Employment. The action he seeks is an update on investments to support local traders associations, particularly in the community of Springvale in his electorate. The member for Hawthorn raised a matter for the attention of the Minister for Tourism, Sport and Major Events, and the member kindly offered an invitation to the minister to join him at the Head of the Yarra in his electorate. The member for Glen Waverley raised a matter for the attention of the Minister for Housing and Building. The action he seeks is that the minister join him at the Holmesglen youth foyer to see their great work.

The DEPUTY SPEAKER: The house stands adjourned until Tuesday morning.

House adjourned 5:36 pm.