Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 12 November 2025

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

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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)

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Sam Groth (from 27 December 2024)

David Southwick (to 27 December 2024)

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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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Wednesday 12 November 2025

The SPEAKER (Maree Edwards) took the chair at 12:05 pm, read the prayer and made an acknowledgement of country.

Bills

Justice Legislation Amendment (Police and Other Matters) Bill 2025

Introduction and first reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (12:07): I move:

> That I introduce a bill for an act to amend the Confiscation Act 1997, the Control of Weapons Act 1990, the Crimes Act 1958, the Crimes (Assumed Identities) Act 2004, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Interpretation of Legislation Act 1984, the Sex Offenders Registration Act 2004, the Summary Offences Act 1966, the Surveillance Devices Act 1999 and the Victoria Police Act 2013 and to make related amendments to other acts and for other purposes'.

Motion agreed to.

David SOUTHWICK (Caulfield) (12:08): I probably need more than a brief explanation, but could I ask for a brief explanation on that comprehensive list that the minister just provided.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (12:08): I thank the member for Caulfield for his request. The Justice Legislation Amendment (Police and Other Matters) Bill 2025 includes several important reforms in the police and Attorney-General portfolios. These reforms provide Victoria Police with stronger powers and streamline processes, introduce offences to address community safety concerns and include technical and clarifying amendments across a range of other legislation. This bill also gives Victoria Police stronger powers to safeguard places of worship and crack down on violent protests, including by removing face masks.

Read first time.

Ordered to be read second time tomorrow.

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

Introduction and first reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:09): I move:

> That I introduce a bill for an act to amend the Child Wellbeing and Safety Act 2005, the Worker Screening Act 2020, the Social Services Regulation Act 2021, the Disability Service Safeguards Act 2018, the Disability Act 2006, the Residential Tenancies Act 1997 and other acts and for other purposes'.

Motion agreed to.

Jess WILSON (Kew) (12:09): I ask the minister for a brief explanation of the bill.

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:09): Thank you to the member for Kew. The Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 will essentially do three things. First and foremost, it will implement the reforms to transfer the child-safeguarding schemes, the working with children check, the reportable conduct scheme and the child safety standards into the Social Services Regulator. This is in line with the recommendations from the rapid child safety review. Secondly, the bill will enhance the working with children check and the reportable conduct scheme, merge the disability

entities into the Social Services Regulator and establish a complaints function across the disability and social services sector. Thirdly, the reforms will enhance the Social Services Regulator to bring together and analyse a broad range of information from across the regulatory bodies to inform its assessment of individuals' suitability to work with children.

Read first time.

Ben CARROLL: Under standing order 61(3)(b), I advise the house that the representatives of the other parties and independents have been provided with a copy of the bill and a briefing in accordance with the standing order. I will therefore move the second reading immediately.

James Newbury: On a point of order on the matter, Speaker, the coalition will of course not be dividing on the immediate moving of this matter. In fact the coalition has been calling for action. We have been calling for speed, and we do note that this legislation has been rushed in terms of –

Members interjecting.

James Newbury: As the member for Bulleen has just said, unlike the 'adult time' supposed bill, which has not been drafted, at least we have a bill that has been put before the house. But it does make the point that it is important that the chamber and Victorians more broadly have the opportunity on what looks like – I look across the other side of the table and I see probably a 1000-page –

The SPEAKER: Order! Member for Brighton, are you making a point of order?

James Newbury: I am.

The SPEAKER: About?

James Newbury: On the matter – on what appears to be a 1000-page bill. We will not be dividing, but we do think it is important to note that the government does need to be scrutinised in relation to the bill and that the bill has been rushed through this place.

The SPEAKER: There is no point of order.

Statement of compatibility

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:15): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025:

> In accordance with s 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 (the **Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I have this opinion for the reasons outlined in this statement.
>
> **Overview of the Bill**
>
> The purposes of the Bill, relevant to human rights, are:
>
> - to amend the *Child Wellbeing and Safety Act 2005* (**CWS Act**) to:
>   - to transfer the education and guidance functions, and regulatory remit, of the Commission for Children and Young People under the Child Safe Standards to the Social Services Regulator;
>   - to transfer the functions of the Commission for Children and Young People in relation to the reportable conduct scheme to the Social Services Regulator including the administration, oversight and monitoring of the reportable conduct scheme;
>   - to expand the ability to share information about reportable conduct allegations for the purposes of the WWC check scheme; and

- to enable recognition of investigations by corresponding reportable conduct schemes in other jurisdictions;

- to amend the *Worker Screening Act 2020* (**Worker Screening Act**):
  - to transfer the functions of the Secretary to the Department of Justice and Community Safety under that Act to the Social Services Regulator;
  - to enable the Social Services Regulator to assess or re-assess a person's eligibility to hold a Working With Children (**WWC**) clearance on the basis of child safety risk information;
  - to enable a finding of reportable conduct in another jurisdiction to trigger a reassessment of a WWC check in Victoria;
  - to require every applicant for a WWC check to undergo training and testing;
  - to enable a broader range of information to be considered to assess, refuse, suspend or revoke a WWC check or a WWC clearance;
  - to require persons and agencies to verify that any persons they engage or offer for child-related work have applied for or hold a WWC check;
  - to enable an interim bar or suspension to be applied to an applicant or clearance holder to prevent the applicant or clearance holder from working with children while a review, check, application or re-assessment is undertaken; and
  - to provide for internal review of WWC check decisions by the Social Services Regulator in place of VCAT; and
- to amend the *Social Services Regulation Act 2021* (**SSR Act**) to:
  - to enable the Social Services Regulator to respond to complaints about social services, disability services and providers of those services as regulated under that Act, the Disability Act 2006 and the Disability Service Safeguards Act 2018; and
  - to provide for the appointment of Associate Social Services Regulators to transfer the functions of the Disability Services Commissioner, the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria to the Social Services Regulator; and
  - to make child safety related amendments and other miscellaneous and consequential amendments to that Act; and
- to amend the *Disability Service Safeguards Act 2018* (**Disability Service Safeguards Act**)
  - to change the title for that Act; and
  - to abolish the Victorian Disability Worker Commission and the office of the Victorian Disability Worker Commissioner; and
  - to abolish the Disability Worker Registration Board of Victoria; and
  - to provide for the regulation of certain social service and disability providers, workers and carers; and
  - to provide for the registration and regulation of disability workers and students; and
  - to provide for the registration of out of home carers; and
  - to confer functions on the Social Services Regulator; and
- to amend the *Disability Act 2006* –
  - to abolish the Disability Services Commissioner; and
  - to make consequential amendments to that Act; and
  - to amend the Residential Tenancies Act 1997 in relation to specialist disability accommodation including to validate certain SDA residency agreements; and
  - to make consequential and miscellaneous amendments to these and other Acts.

The importance of the Bill

The amendments in this Bill serve two significant purposes:

- bolstering protections, safety and welfare in both disability, social service and child-related work settings, and;

- bringing the functions of Victoria's child safeguarding and disability safeguarding regulatory bodies into the Social Services Regulator, creating one point of entry for risks to be raised across both sectors and complaints to be brought by service users, improving service users' ability to have their voices heard and enforce their rights and improving timely access to information by the Regulator.

To frame the discussion that follows and avoid repetition, I will outline these now.

Improving child safety

The primary purpose of the Bill is to significantly overhaul the existing systems that safeguard child safety in Victoria so that the systems are as robust and effective as possible, in order to ensure that children are protected.

In response to the recent allegations of child sexual abuse in early childhood education and care centres across Melbourne, the Government commissioned a Rapid Review into child safety to identify immediate actions to improve the Working With Children Check (**WWCC**) Scheme and the safety of children in early childhood education and care settings. The Rapid Child Safety Review (**Rapid Review**) identified immediate actions the Victorian Government should take to close existing gaps in the WWCC Scheme (provided for in the *Worker Screening Act 2020*) and the Reportable Conduct Scheme (provided for in the *Child Wellbeing and Safety Act 2005*) to ensure predators are quickly detected and excluded from working with children in the national early childhood education and care system or elsewhere. In short, the Rapid Review found Victoria's laws were no longer fit for purpose and among the least flexible in the country – and needed a fundamental reset.

In response to the Rapid Review's finding that Victoria's current child safeguarding regulatory framework is fragmented, with functions sitting across multiple regulatory bodies, this Bill transfers the WWCC scheme (currently administered by the Department of Government Services) and the Reportable Conduct Scheme and Child Safe Standards (currently administered by the Commission for Children and Young People (**CCYP**)) to the Social Services Regulator. In doing so, all child safety risk information and risk-assessment capability is consolidated with the Social Services Regulator.

In making the Social Services Regulator responsible for administering the WWCC and the Reportable Conduct Schemes, the Regulator will be responsible for rebalancing the schemes in favour of child safety. This will be achieved by amending the Reportable Conduct Scheme so that information relevant to child-safety risk, whether substantiated or not, can be taken into account by the Social Services Regulator. The Bill also removes the discretion not to share findings and provides for the recognition of interstate investigations and findings. These changes to the legislation ensure that the Regulator is able to better assess a person's suitability to work or volunteer with children and to better identify and address risks to children across the more than 12,000 organisations in Victoria that exercise supervision, care or authority over children.

Further, child safety is enhanced by allowing the Social Services Regulator to have regard to unsubstantiated allegations and intelligence when assessing, refusing, temporarily suspending or revoking a WWCC. By lowering the threshold of risk relevant information that may be considered when making decisions whether to grant or revoke clearances to work with children, the Bill moves away from the existing over-reliance on 'formal' charge, conviction or finding of guilt or substantiated disciplinary or regulatory finding to trigger action. In doing so, it ensures that 'breadcrumbs' or 'red flags' can be joined up to provide a more complete picture of risk. This is critical because it is often in the pattern of behaviour or repetition of incidents (which on their own may *not* be considered sufficiently serious or evidence for substantiation) that risks to children become evident.

In order to ensure that persons working with children have a base level of child safety literacy to equip them to recognise, identify and adequately act to protect children from abuse, the Bill also requires all persons applying for a WWCC to complete mandatory online child safety training and testing before being granted a WWCC. The Bill further implements a requirement for all organisations that engage people in child-related work to verify the status of that person's WWCC clearance and to notify the Social Services Regulator of all engagements of WWCC clearance holders so the Social Services Regulator will be aware of the movement of workers and volunteers across organisations. To support compliance with this requirement, a failure to comply with this obligation is an offence under the Bill.

To protect child safety and promote decision-making through a child safety lens, the Bill replaces the external VCAT review pathway with an internal review process wherein the Social Services Regulator is required to establish an expert panel that can provide independent specialist advice as needed in relation to individual cases where review has been sought. To ensure procedural fairness is safeguarded, the Bill imposes a requirement for the provision of reasons for an adverse internal review decision.

In doing the above, the Bill pursues the important and pressing objective of protecting child safety. In doing so, it promotes the protection of a child's best interests in accordance with s 17(2) of the Charter, which seeks

to protect important values such as the bodily integrity, mental health, dignity and self-worth of a child. The right recognises the special vulnerability of children and the need for measures to protect them and foster their development and education.

At the same time, the balance of these reforms will necessarily interfere with the right to privacy, which has been interpreted to extend to matters relating to the right to seek employment, and may be interfered with where employment restrictions impact sufficiently upon the personal relationships of the individual and otherwise upon the person's capacity to experience a private life (*ZZ v Secretary, Department of Justice* [2013] VSC 267). While it is recognised that the balance of these amendments will collectively impose more restrictions on a person's ability to engage in child-related work, including extending to preventing a person from continuing to work in the sector to which they may be primarily qualified for, they are necessary to ensure that the protection of children and their best interests are paramount. The changes to the WWCC laws are principally directed at stopping predators from commencing or continuing to engage in child-related work.

Enhancing the rights of service users and children

The Bill consolidates a number of disability oversight bodies – namely, the Victorian Disability Worker Commissioner, the Disability Worker Registration Board and the Disability Services Commissioner – into the Social Services Regulator. By transferring the functions and powers of these entities to the Social Services Regulator, the Bill streamlines and simplifies what is currently a complex safeguarding system, particularly given the number of separate disability oversight bodies. The Bill also establishes a complaints function in the Social Services Regulator, which will be available across all social services in its remit.

In doing the above, the Bill seeks to promote the rights and protection of service users, including their rights to equality, life, privacy, freedom of movement and protection from inhumane and degrading treatment.

Transferring the functions of the Victorian Disability Worker Commissioner and Disability Worker Registration Board to the Social Services Regulator will bring together the worker regulation schemes currently administered by these bodies with the existing worker regulation scheme for the out of home care sector administered by the Social Services Regulator. This, together with the consolidation of disability, child safety and social services provider regulation under the Social Services Regulator, will facilitate expanded access to regulatory intelligence across multiple service sectors, increasing the quality and safety of social services in the Regulator's remit.

The Bill, by consolidating the two worker regulation schemes and broadening the Social Services Regulator's complaints function, creates one clear point of entry for disability service users, children and young people in out of home care and their families and advocates to make a complaint. It simplifies the current fragmented schemes, creating a more accessible pathway for complaints and will enhance protections by, among other things, allowing the Regulator to decide that a worker who is prohibited from working in the disability sector, also be prohibited from working in the out of home care sector.

Human rights

In light of the large scope of this Bill, this Statement of Compatibility continues with an outline of the rights generally engaged by the Bill and then discusses the compatibility of relevant Parts of the Bill with those rights.

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

Right to protection from discrimination (section 8)

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* on the basis of an attribute in s 6 of that Act. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to privacy is broad in scope and encompasses rights to physical and psychological integrity, individual identity, informational privacy and the right to establish and develop meaningful social relations.

Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

Right to freedom of expression (section 15(2))

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. This right has been interpreted as encompassing a right to access information in the possession of government bodies, at least where an individual seeks information on a subject engaging the public interest or in which the individual has a legitimate interest.

However, s 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Right to property (section 20)

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

Right to a fair hearing (section 24(1))

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. While recognising the broad scope of s 24(1), the term 'proceeding' and 'party' suggest that s 24(1) was intended to apply only to decision-makers who conduct proceedings with parties. As many of the regulatory decisions at issue here do not involve the conduct of proceedings with parties, there is a question as to whether the right to a fair hearing is engaged. In any event, I will proceed to discuss the impact on fair hearing in the event a broad reading of s 24(1) is adopted.

The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Presumption of innocence (section 25(1))

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

Right to protection against self-incrimination (section 25(2)(k))

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

Human rights issues

Chapter 2 – Social Services Regulator and reportable conduct functions

Part 2.1 – Amendment of *Child Wellbeing and Safety Act 2005*.

Clause 7 deals with the sharing of 'corresponding reportable conduct' information between Victoria and other States and Territories. Clause 7 inserts new s 16ZC(2)(da) in the CWS Act which provides that the Commission, the head of an entity and a regulator may disclose specified information to 'any person or body, including a corresponding reportable conduct regulator, if the information relates to the performance of a function or exercise of a power conferred on that person or body by or under a corresponding reportable conduct law'.

Clause 8 enables the Commission, until the function transfers to the Social Services Regulator, to disclose information relevant but additional to a finding of reportable conduct, for the purposes of a WWCC. This includes any other reportable allegation, any other concern that reportable conduct has been committed, and investigations and findings in relation to either of those things.

While these provisions engage the right to privacy, this interference is neither unlawful nor arbitrary and is therefore compatible with the right to privacy in s 13 of the Charter. The sharing of reportable conduct information with corresponding interstate bodies will assist in ensuring that all information relevant to assessing someone's suitability to work or volunteer with children is provided to, and in the possession of, those regulating child safety interstate. Additionally, the new provisions clearly set out the parameters regarding the sharing of information, and persons working in this highly regulated environment must necessarily have a lesser expectation of privacy in relation to their personal information so far as it is relevant to their employment in this context. It is my view that these provisions do not extend beyond what is reasonably necessary to achieve the legitimate aim of the Bill, such that it is reasonable and proportionate to the Bill's important objectives.

Part 2.4 – Amendment of Worker Screening Act 2020

Part 2.4 of the Bill makes amendments to the Worker Screening Act relating to interstate reportable conduct findings.

Clause 26(b) will amend the definition of *relevant disciplinary or regulatory finding* under the Worker Screening Act to include a finding of reportable conduct made under a corresponding reportable conduct law by a corresponding reportable conduct regulator or another entity responsible for investigating reportable allegations under that law. Clause 26(a) will insert definitions of *corresponding reportable conduct law* and *corresponding reportable conduct regulator* into the Worker Screening Act.

These amendments, when read together with sections 38, 78, 27 and 64 of that Act will have the substantive effect of enabling a finding of reportable conduct in another jurisdiction to trigger a reassessment of a person's eligibility to hold a NDIS clearance or WWC clearance in Victoria.

Fair Hearing right (section 24)

As outlined above, if a broad reading of fair hearing is adopted and the right is taken to encompass the decision-making procedures of a WWC check (which are determinative of legal rights and interests), the changes made under Part 2.4 to the WS Act to enable an interstate reportable conduct finding to trigger a reassessment of an NDIS clearance or WWC clearance in Victoria are likely to engage this right. The fair hearing right is principally concerned with the procedural fairness of a decision, which in the context of these types of administrative decisions, generally requires prior notice of a decision, informing interested parties of the matters that may be relevant to a decision, and giving them a 'reasonable opportunity' to present their case and respond to adverse information. Any reductions in procedural fairness at first instance can be cured on review.

The concept of a 'civil proceeding' in s 24(1) is not limited to judicial decision makers, but may also, adopting a broad reading of s 24(1), encompass the decision-making procedures of other administrative decision-makers. If a broad interpretation is adopted and it is understood that the fair hearing right is engaged by an interstate finding triggering an assessment or reassessment of a NDIS clearance or WWC clearance, I am satisfied that this right would not be limited because of the various procedural fairness safeguards provided in the Bill.

If the Regulator, for example, proposes to refuse to give a WWC clearance under s 65 of the WS Act, the Regulator must, in accordance with s 66, before finally deciding the application, give written notice to the applicant, state the information of which the Regulator is aware, and invite the applicant to make submissions on the matter specified in the notice. New Division 8 also provides for internal review of a decision by the Regulator.

Privacy

Although the right to privacy may be limited by way of information being shared from interstate bodies to the Regulator, I do not consider that this will ultimately limit a person's right to privacy. This is because the terms of the provisions seek to achieve the objectives of promoting child safety and making disclosures where necessary. I consider that the privacy right is not in fact limited, given any interference in privacy would be pursuant to law and is not arbitrary.

Chapter 3 – Transfer of child safety functions to Social Services Regulator

Part 3.1 – Amendment of Child Wellbeing and Safety Act 2005

Division 1 – Child Safe Standards

Information sharing

The Bill amends a number of information-sharing provisions in the CWS Act to transfer the existing powers of the Commission to the Regulator:

- Clause 36 amends s 25D(1) of the Act to omit reference to the Commission and empowers the Regulator to receive information and data from sector regulators in relation to their functions in compliance with the Child Safe Standards;
- Clause 43 amends s 41B(1) of the Act to substitute reference to the Commission with the Regulator, and allows a relevant person to disclose protected information (other than exempt or privileged information) to any person where reasonably necessary, if the relevant person is the Regulator and the disclosure is in the exercise of a function or power under the SSR Act;
- Clause 44 substitutes reference to the Commission with the Regulator in s 41D of the Act, and allows a relevant person to disclose protected information to any of the specified persons in the provision to report concerns about the failure of a relevant entity to promote the safety of children, to prevent child abuse or to properly respond to allegations of child abuse; and
- Clause 45 amends s 41H(2) to substitute reference to the Commission with the Regulator and allows a relevant person to disclose protected information to a person under s 41H(1) if the information is relevant to the functions of the Regulator.

As discussed above, although the right to privacy may be limited by way of protected information being shared to a new body (being the Regulator), I do not consider that this will ultimately limit a person's right to privacy. This is because the terms of the provisions seek to achieve the objectives of promoting child safety and making disclosures where necessary.

Immunity

Clause 38 amends s 32B(1) to provide that the Regulator, including Associate Regulators and those acting in these positions, will not be personally liable for anything done or omitted to be done in good faith for the purposes of Part 6, which may impact property rights where 'property' includes a cause of action.

However, s 32B(2) provides that where any liability would ordinarily attach to the Regulator, it attaches to the Crown. Therefore, the transfer of the property or liability will not limit the property rights of persons holding the interest, as they are not being deprived of their interest in the property or liability, but rather, the property or liability is transferred without altering the substantive content of that property right or liability.

For the same reasons I have discussed above in relation to these types of standard immunity provisions provided to Regulators, I do not consider this clause to limit the right to property, as any deprivation of a claim for personal liability is in accordance with law and not arbitrary for purpose of facilitating the Regulator to maintain the effectiveness of its protective functions without fear of tort liability.

Division 2 – Transitional provisions

Clause 56 inserts, among other things, transitional provision section 63 that sets out that the CCYP must, as soon as practicable after the Amendment Act comes into effect, disclose to the Social Services Regulator any information held by the CCYP that relates to the Child Safe Standards including, but not limited to, information provided to the CCYP by other sector regulators and by integrated sector regulators, and any information held by the CCYP that relates to the oversight of the reportable conduct scheme. The provisions provide that s 55 of the *Commission for Children and Young People Act 2012* (**CCYP Act**) does not apply to a relevant person (within the meaning of s 54 of the CCYP Act) who discloses information for the purposes of that section. New s 64 provides for the continued protection of information following the transfer of functions from the Commission to the Regulator. New section 64(1) provides for section 41HA to continue to apply to a former relevant person. New section 64(2) provides that s 41HA of the CWS Act will not apply to a former relevant person (as defined in new section 64(3)) who disclosures information for the purposes of section 63. This is to protect the Commission from prosecution for disclosure of protected information during the transfer of information to the Social Services Regulator.

The purpose for this transfer of information is to enable the Regulator to exercise their new functions as it relates to Child Safe Standards and the reportable conduct scheme under the Amendment Act.

Privacy right

While these amendments have the potential to interfere with the right to privacy, the interference will be neither unlawful nor arbitrary. This is because the transfer of information is confined to the statutory purpose of enabling the Regulator to exercise their new functions pertaining to Child Safe Standards and reportable conduct scheme, which are currently exercised by the CCYP. The consolidation of information necessary to safeguard child safety with the Regulator remedies the problem of fragmentation identified by the Rapid Review, which give rise to quality and safety risks arising from unused risk information. I consider any interference with informational privacy to be reasonable and proportionate to the Bill's important objectives.

Part 3.2 – Amendment of Worker Screening Act 2020

Division 1 – Own motion assessments and reassessments and consideration of additional information

The Bill transfers and amends functions and powers relating to WWC clearance from the Secretary to the Regulator.

Clause 77 amends s 54 of the Worker Screening Act to insert additional requirements for each WWC application. In addition to the requirement to authorise the conduct of a police record check and consent to enquiries being made of disciplinary bodies, a WWC applicant will be required to consent to enquiries being made of any person for the purposes of obtaining child safety risk information and authorise the disclosure of any relevant information by any person for that purpose when assessing the WWC application and while the clearance is in force (new ss 54(2)(d) and (e)).

If the Regulator is required or proposes to refuse to give a WWC clearance under s 61, 63 or 65 of the WS Act, the Regulator must, in accordance with s 66, before finally deciding the application, give written notice to the applicant, state the information of which the Regulator is aware, and invite the applicant to make submissions on the matter specified in the notice. Clause 80 amends s 66 by removing the requirement for the Regulator to, in accordance with 66(1)(a)(ii), give written notice to an applicant in respect of a Category C determination that states the information about the applicant of which the Regulator is aware if:

- the Regulator proposes to refuse to give a WWC clearance under s 65, and
- the information of which the Regulator is aware is 'child safety risk information', and
- the Chief Commissioner of Police or the Regulator is satisfied that disclosing that information in the notice would prejudice an investigation, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement, or pose a serious risk to the safety of any person.

Section 69 of the WS Act provides that the Regulator must notify an applicant for a WWC check in writing as to whether the applicant has been given a WWC clearance or a WWC exclusion. Clause 81 amends s 69 by removing the requirement for the Regulator to, in accordance with 69(2)(a), state the reasons for the decision to give the exclusion if the applicant has been refused a WWC clearance under s 65 and the reason for the decision to give the WWC exclusion is 'child safety risk information', and the Chief Commissioner of Police or the Regulator is satisfied that disclosing the 'child safety risk information' would: prejudice an investigation; enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or pose a serious risk to the safety of any person.

Section 88 of the WS Act provides that if the Regulator proposes or is required under sections 83, 85 or 87 to revoke a person's WWC clearance, the Regulator must, before finally deciding the re-assessment, give a written notice to the WWC clearance holder that informs the person of the proposal or requirement, states the information about the person of which the Regulator is aware, and invites the person to make submissions. Clause 87 amends s 88 by removing the requirement for the Regulator to, in accordance with 88(1)(a)(ii), state the information about the person of which the Regulator is aware – if the Regulator proposes to revoke the WWC clearance under s 87 and the information of which the Regulator is aware is 'child safety risk information', and the Chief Commissioner of Police or the Regulator is satisfied that disclosing that information would prejudice an investigation, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement, or pose a serious risk to the safety of any person.

Section 91 of the WS Act provides that if the Regulator revokes a person's WWC clearance under s 83, 85 or 87, the Regulator must give the person a WWC exclusion and further, must give a written notice to the WWC clearance holder that states the reasons for revoking the person's WWC clearance and informs the person of their right of review of the decision. Clause 88 amends s 91 by removing the requirement for the Regulator to, in accordance with 91(2)(a), state the reasons for revoking the person's WWC clearance and giving the person a WWC exclusion if the WWC clearance has been revoked under s 87 and the reasons for the decision to revoke the WWC clearance and give the WWC exclusion is 'child safety risk information', and the Chief Commissioner of Police or the Regulator is satisfied that disclosing that information would prejudice an

investigation, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement, or pose a serious risk to the safety of any person.

The amendments to sections 66, 69, 88 and 91, have the effect of removing the Regulator's obligation, in specific circumstances, to provide WWC applicants or WWC clearance holders information that is categorised as 'child safety risk information' on which the Regulator relies when making a decision to refuse an application, revoke a WWC clearance and impose an WWC exclusion. These amendments engage the fair hearing right.

Clause 12 in Part 2.2 inserts new s 19(1)(ab) in the SSR Act, requiring the Regulator, as part of their annual reporting requirements, to report on the number of adverse decisions made on the basis of child safety risk information not disclosed to the applicant or clearance holder in accordance with the above amendments to the WS Act. This will serve the important purpose of providing greater transparency for the public about the number of such decisions being made.

Privacy right

The amendments to s 54 engage the right to privacy and reputation in s 13 of the Charter as it permits the Regulator to obtain broader information about a WWC applicant, not only for the assessment of the initial application but throughout the time the WWC clearance is in force. The provision makes clear that the Regulator will make broad enquiries of other agencies as to regulatory or disciplinary enquiries and investigations. The applicant is given an opportunity to consider whether they will proceed with the WWC check application or not and allowed the chance to provide their informed and free consent. The provision seeks to achieve the objectives of promoting child safety by enabling the Regulator access to relevant and appropriate information that is clearly related to the decision as to whether it is appropriate for a person to work with children. I consider that the privacy right is not in fact limited, given any interference in privacy would be pursuant to law and is not arbitrary.

Fair Hearing right

Adopting the broad reading of fair hearing, the powers under Chapter 3 of the WS Act to revoke or suspend an existing WWC clearance are likely to engage this right.

The amendments to sections 66, 69, 88 and 91 provide the Regulator with the discretion, in specified circumstances, to not provide the applicant or clearance holder with the 'child safety risk information' held by the Regulator when making a decision, or when a decision has been made, the reasons for that decision. While internal review of an adverse decision is an available option for the applicant (as is the ability to apply for judicial review in the Supreme Court), without awareness of the reasons for the adverse decision, their ability to argue against the Regulator's decision will be impacted.

I accept that not disclosing information to an applicant in these circumstances is a significant limit on the right to fair hearing. However, the limit serves an important purpose. The Rapid Review made clear the need for a shared intelligence and risk assessment capability to uphold child safety. The criteria relating to excludable information is limited to information carrying a risk of adverse public interest outcomes if disclosed, such as prejudicing an investigation, confidential source or enlivening serious safety risks. It is essential that the Regulator be able to have regard to all relevant risk information it holds, including intelligence from confidential sources. It is also essential that those entities sharing confidential information with the Regulator (such as Victoria Police or Child Protection) can be assured that such information will remain confidential in limited necessary circumstances. Without this circle of trust, the ability of the Regulator to take swift decisive action in favour of child safety would be compromised.

In my view, the paramount consideration should be the protection of children and these limits are necessary to fix quality and safety issues identified by the Rapid Review and give effect to one of its key findings that the WWC screening needs to be re-calibrated to better protect child safety. Less restrictive alternatives have not worked. I accordingly consider these changes compatible with the Charter.

Divisions 1 and 2 – Suspension of WWC clearance and Interim bar to engaging in child-related work

Division 1 of Part 3.2 of the Bill, specifically clause 84, empowers the Regulator to suspend a person's WWC clearance whilst a re-assessment of their eligibility to hold the WWC clearance is pending. This can occur if the Regulator receives or becomes aware of child safety risk information and is satisfied that it is in the interests of child safety to suspend the WWC clearance. A suspension will continue in force until the Regulator determines whether or not to revoke the WWC clearance, gives an interim WWC exclusion, withdraws the suspension, or after 24 months (new s 79(7)). The Regulator must review the decision to suspend a person's WWC clearance 6 months after it comes into force and then at least every 3 months after the first review, while the suspension is in force. It is open to the Regulator to withdraw the suspension of a person's WWC clearance at any time by providing them with written notice (new s 79(9)).

In addition to the suspension powers relating to existing WWC clearance holders, Division 2 of Part 3.2 of the Bill inserts new Part 3.1A into the Worker Screening Act 2020. New s 71A empowers the Regulator to place an interim bar on an applicant for a WWCC if, at any time before deciding the application, they receive or become aware of child safety risk information relating to the applicant and are satisfied that an interim bar is in the interests of child safety. An interim bar will continue in force until the Regulator grants a WWC clearance, exclusion or an interim WWC exclusion, or the application for a WWCC is withdrawn, or the Regulator withdraws the interim bar under new s 71D, or after 24 months (new s 71B).

The Regulator must review the interim bar 6 months after it comes into force and then at least once every 3 months after that first review (new s 71C) up to a total permissible time period of 24 months (new s 71B(d)). The Regulator must give an applicant for a WWC check written notice of the interim bar stating that they must not engage in child-related work while the bar is in force, and disclose the child safety risk information on which the interim bar is based (new s 71A(2)(c) unless doing so would prejudice an investigation, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement, or poses a serious risk to the safety of any person (new s 71A(3)).

Privacy right

Given the suspension and interim bar can prevent a person from engaging in child-related work for up to 24 months, this risks interfering with the right to privacy as outlined above, in circumstances where a restriction on employment sufficiently affects an individual's personal relationships at work and capacity to experience a private life. Given the suspension powers and interim bar would prevent a person from pursuing employment for which they are qualified, it may negatively affect their capacity to develop personal relationships and have a private life.

However, I consider that the privacy right is not in fact limited, given any interference in privacy would be pursuant to law and is not arbitrary. In my view, the suspension and interim bar are proportionate, temporary measures to achieve the important purpose of protecting children by closing a gap in the legislation where there is currently no ability to immediately prohibit a person from working with children while the Regulator undertakes an assessment or re-assessment of a person's WWC clearance and where there is information to indicate the person may be a safety risk to children. The suite of interim decisions to be made available to the Regulator, including suspensions and interim bar, will act to ensure the Regulator can act on information that comes to light if it presents a sufficiently serious risk to child safety. The inclusion of a mandatory review period for a suspension and interim bar of 6 months then every 3 months is a further safeguard to ensure that the suspension or interim bar remain appropriate and proportionate. The duration of these interim decisions is to enable law enforcement investigations and ensuing court matters to be fully resolved. The three-monthly reviews included are to ensure that the Regulator regularly liaises with outside bodies as to the progress of investigations and hearings.

Fair hearing

The decision by the Regulator to impose an interim bar or a suspension on a person may engage the right to fair hearing under s 24 of the Charter, given the right extends to civil proceedings, which may include proceedings of an administrative character, and could extend to the decisions of entities such as the Regulator that affect a person's legal rights and interests.

If a broad reading of the Charter's fair hearing right is adopted, I accept an interim bar or suspension is likely to limit the right in that a person is not provided with an opportunity to make submissions to the Regulator before an interim bar or suspension is imposed, and in some cases will not know the exact content of any allegations against them. However, I consider that the limit is reasonably justified under s 7(2) of the Charter, given the power to issue an interim bar or suspension is a crucial protective measure that ensures that persons who may pose a risk to children are prohibited from working with children until their suitability for a WWC clearance is properly investigated. I do note that a person is provided with notice of the decision, and a copy of the information upon which it was based (subject to exceptions relating to investigative integrity, safety of children and confidential sources), and that both the interim bar and suspension must be reviewed by the Regulator 6 months after the day the bar or suspension comes into force, and then on a regular basis every 3 months after that up to a maximum total time period of 24 months. A person is not precluded from being able to provide information to the Regulator in relation to those reviews.

The interim bar and suspension powers improve the WWCC process in Victoria, which was recommended for reform by the Rapid Review to improve its flexibility, make it fit for purpose and to better prioritise the safety of children. It adopts the approach taken in other jurisdictions to ensure immediate action can be taken where there is a real and appreciable risk of harm to children pending a risk assessment or completion of an investigation. It is critical to the protective objectives of the Bill that the Regulator is provided with the ability to access broad child safety risk information, including unsubstantiated information, and act to protect

children's safety. The suite of above measures function together to ensure that final decisions on unsubstantiated information would be rare.

I am therefore of the view that Divisions 1 and 2 of Part 3.2 of the Bill are compatible with the right to a fair hearing under s 24 of the Charter.

Division 4 – Child safety training amendments

Clauses 96 and 98 of Division 4 amend the WS Act to require an applicant for a WWCC to provide proof of completion of child safety training, defined to mean training approved by the Minister, with their application. New s 54(6A) makes clear that this training must be completed anew each time an application for a WWCC is made.

This may engage the right to protection from discrimination but does not limit it due to two further amendments made by clause 98. New s 54(4A) enables the Regulator to consider an application that does not include evidence of completion of the training if the Regulator considers that the applicant has made arrangements to complete the training. This will enable a WWCC to be granted swiftly when required, such as when kinship care arrangements are made for a child. New s 54(3A) of the WS Act requires the Regulator to enable reasonable modifications to be made to the training requirement if the applicant has a disability that prevents them from completing the training.

I am therefore of the view that Division 4 of Part 3.2 of the Bill is compatible with the right to protection from discrimination under s 8 of the Charter.

Division 5 – Power to require production of information

Clause 99 inserts an offence into s 128 of the Worker Screening Act, providing that a person must not give information that is false or misleading to the Regulator in relation to an application for, or re-assessment of, a WWC check or in connection with an internal review under Part 3.4A.

Clause 101 inserts new ss 142A and 142B. Section 142A empowers the Regulator to request information and documents for the purpose of carrying out an NDIS check or WWC check, re-assessment of eligibility to hold such checks, and carrying out internal review under Parts 4.1 or 3.4A of the Worker Screening Act 2020. Under s 142A(7), a person who fails to comply with a notice for production without reasonable excuse can be penalised. Section 142A(8) provides protection against self-incrimination for a natural person by allowing that person to refuse or fail to provide information they are required to provide if doing so would incriminate them.

Section 142B provides that nothing in this Act entitles or requires a person to disclose information that is subject to legal professional privilege or client legal privilege and does not affect the law or practice relating to these privileges.

Section 143 (as inserted by Clause 102) protects a person who produces information that is authorised or required under s 142A from liability.

Freedom of expression

These provisions may engage the right to freedom of expression by limiting the kind of information that a person may impart, including through providing documents. However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in s 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. The prohibitions are necessary to ensure the accuracy of the information provided to the Regulator. Further, the restrictions are critical to ensuring the worker screening schemes can effectively assist in protecting children and persons with disability from harm. By reducing the risk that the Regulator's decisions regarding a clearance will be based on false or misleading information, or that a person will provide a misleading clearance document in a work situation, the provision reduces the risk that an inappropriate person will be able to work with children or persons with a disability. Accordingly, I consider these provisions to be compatible with the right to freedom of expression under the Charter.

Division 8 – Internal review and further WWC category A applications

Division 8 of Part 3.2 of the Bill inserts new Part 3.4A into the Worker Screening Act to enable persons who are subject to various WWC exclusion and clearance decisions to apply for an internal review by the Regulator (new s 92A). In the case of a WWC category A exclusion or re-assessment, a person may make a further application to the Regulator (new s 92B). The internal review of a decision or further application must then be conducted by a person at the Regulator who did not make the original decision or to the extent practical was not substantially involved in the original decision, is in a position that is equal or more senior than the original decision maker and is suitably qualified or experienced to deal with the issues raised by the internal review or further application (new s 92D). In conducting an internal review, the Regulator may request advice from an independent expert advisory panel established by new Division 3A of Part 10 of the SSR Act. For

the purposes of a further application made under new s 92B, that is by a person after receiving an WWC category A exclusion or re-assessment, the Regulator must request advice from an independent expert advisory panel (new s 92E).

For internal reviews the original decision must be confirmed unless the Regulator is satisfied that the applicant holding the WWC clearance would not pose an unjustifiable risk to the safety of children having regard to various matters, including that they are satisfied that a reasonable person would allow their child to have direct unsupervised contact with the applicant while the applicant was engaged in any type of child-related work. Ultimately, the internal reviewer within the Regulator may decide to confirm the decision to impose a WWC exclusion, revoke a WWC clearance, or withdraw the decision to give a WWC exclusion or revoke a WWC clearance. Notice of the decision must be given to the applicant, and where the outcome is adverse to them, the notice must include a statement of reasons.

Division 9 of Part 3.2 of the Bill contains consequential amendments to the Worker Screening Act. Clause 120 repeals Part 4.3 of the Worker Screening Act which provided a right of review to VCAT for various WWC clearance decisions, including the decision to give a WWC exclusion and the decision to revoke a WWC clearance. Accordingly, the only review pathway for these decisions will now be via the internal review process discussed above, rather than to VCAT.

Fair hearing

The removal of the right to apply to VCAT for review of WWC clearance decisions interferes with the right to fair hearing under s 24(1) of the Charter, which is concerned with the ability of a person affected by a decision to know the matters relevant to the decision and to have a reasonable opportunity to present their case and respond to adverse information.

While the opportunity to be heard by an independent tribunal has now been removed, the internal review and further application mechanisms do allow an applicant to provide further information they consider relevant (new s 92A(5)(c) and 92B(4)(d)), and the person conducting the internal review may also seek advice from an independent expert advisory panel in considering whether to confirm or withdraw the decision (new s 92E). For further applications made in relation to WWC category A exclusions, advice from an independent expert advisory panel must be sought. Further, where an internal review results in an outcome adverse to the applicant, a statement of reasons must be provided. This mitigates the impact on fair hearing rights to a material degree.

To the extent, however that fair hearing rights are limited, in that an applicant is not afforded a right to review before an independent tribunal, I am satisfied that the limits are reasonable and justified in the circumstances in accordance with s 7(2) of the Charter, in that the replacement of the VCAT review rights with the internal review pathway will ensure more consistent decision making that applies a child safety lens, consistent with the Rapid Review's recommendations that reviews be conducted by persons with specialist expertise in child safety. It is also anticipated that this pathway will be more straightforward and accessible for applicants.

To the extent that fair hearing rights are limited, the limitation is demonstrably justified given the over-arching purpose is protection of children from harm and is also reasonably balanced by the range of safeguards 'built in' to the internal review model – namely:

- Members of the independent expert advisory panel will be appointed by the Minister based on their qualifications or experience. This ensures independence from the Regulator, as does the requirement for the Minister to appoint an independent Convenor of the expert panel.
- The protection of children hinges substantially on worker decisions being informed by specialist knowledge acquired through dedicated training, study or experience (e.g. in fields like child health and wellbeing and criminology). The Bill specifically requires that internal review decision-makers be suitably qualified or experienced to deal with the issues raised by the WWCC determination. In addition, the requirement to establish an independent expert advisory panel that can advise the Regulator on internal review matters will also promote the protective purpose of the child safety reforms, ensuring that decision-making is consistent and grounded on a sound, rational basis.
- The Bill's requirements that there be structural separation between first-instance and review decisions, equivalence (at minimum) in seniority for review decisions, and more robust written notice requirements are also important procedural fairness safeguards.

Importantly, judicial review in the Supreme Court will remain an option for individuals affected by adverse WWCC decisions.

I therefore consider that new Divisions 8 and 9 of Part 3.2 of the Bill are compatible with the right to fair hearing under s 24 of the Charter.

Chapter 4 – Disability legislation amendments

Part 4.1 – Amendment of Disability Service Safeguards Act 2018

New regulatory scheme for unregistered disability workers and regulated social service workers or carers

Part 4.1 of the Bill includes key amendments that streamline and simplify the regulation of workers in the disability and social services sectors. Clause 150 renames the Disability Service Safeguards Act 2018 to the Disability and Social Services Worker Act 2018. In particular, clause 157 inserts a new Part 6 into the Disability Service Safeguards Act which covers matters previously covered by both Part 9 of the Disability Service Safeguards Act and Part 5 of the SSR Act, which is repealed by Part 4.3 of the Bill (noting that matters previously covered by Part 6 of the Disability Service Safeguards Act are moved to the SSR Act by clause 391). This is to ensure that unregistered disability workers and regulated social service workers and carers are regulated in a largely consistent manner by the Regulator.

Many of the provisions in clause 157 already existing, under Part 9 of the Disability Service Safeguards Act and Part 5 of the SSR Act, so their human rights impacts have been discussed in previous Statements of Compatibility. However, as the scope of the worker regulation scheme could be expanded via regulations to apply to a larger class of workers than is currently the case under the SSR Act, the impact on rights is restated or considered afresh as required below.

Preliminary assessments

New s 19 of the Disability Service Safeguards Act enables the Regulator to conduct a preliminary assessment to determine whether to investigate if a regulated social service worker or carer is engaging in or has engaged in various prescribed conduct, or conduct that causes serious harm or is reasonably likely to cause serious harm or persistent or repeated conduct that results in harm, to a regulated social service user or a person with the characteristics of a regulated social service user.

Investigations

Following the preliminary assessment, new s 20 of the Disability Service Safeguards Act provides that the Regulator may decide to investigate the matter, refer the matter to a regulatory entity, provide information or guidance to the worker or carer, issue a condition notice, make an interim prohibition order and investigate the matter, determine the worker or carer is a registered NDIS provider or person employed or engaged by a registered NDIS provider, or determine that the matter does not require further investigation or action.

New Division 4 of Part 6 of the Disability Service Safeguards Act provides for the investigation the Regulator may conduct following a preliminary assessment into the conduct of unregistered disability workers or a regulated social service worker or carer. Under new s 31, the Regulator is not bound by the rules of evidence in conducting an investigation but is bound by the rules of natural justice. Under new s 13 of the Disability Service Safeguards Act (inserted by clause 156 of the Bill) the Regulator may obtain and use a report from an expert (which may include a registered disability worker) to assist them in conducting an investigation and considering what further action to take.

At the completion of an investigation, an investigation report is completed (new s 39) and the Regulator may confirm recommend actions that the worker or carer must take to address the findings, refer the matter to a regulatory entity, provide information or guidance to the worker or carer, issue a condition notice, make a prohibition order in respect of that worker or carer, or determine not to take any further action (new s 40). The Regulator must give notice to the worker or carer of the outcome of an investigation and a copy of the Regulator's report, or those parts that relate to the worker or carer (new s 41). The Regulator may also disclose the report to other entities such as the Australian Health Practitioner Regulation Agency in certain circumstances (new s 44).

Information gathering powers

The Bill includes several information gathering powers in a range of circumstances.

New s 16 of the Disability Service Safeguards Act provides that a regulated social service provider and its employees must provide the Regulator, an authorised officer or independent investigator with reasonable assistance and access to records and employees, as required.

New s 19(3)(b) of the Disability Service Safeguards Act gives the Regulator the power to request information from any person or body about the conduct of the unregistered disability worker or regulated social service worker or carer.

Information sharing

Under new s 17, the Regulator must report to the Chief Commissioner of Police if they become aware that an unregistered disability worker or a regulated social service worker or carer may be, or have been, involved in criminal conduct. New s 18 provides that the Regulator may obtain information from the Chief Commissioner

of Police as to whether Victoria Police is investigating an unregistered disability worker or regulated social service worker or carer, and the result of that investigation, if the Regulator reasonably believes that the worker or carer is engaging or has engaged in conduct that may be the subject of a preliminary assessment or investigation.

New s 291E of the SSR Act also provides that the independent expert advisory panel can consider any document or information provided to the panel by the Regulator for the purpose of any requests for advice.

Referral of matters

New s 20(1)(a)(ii) of the Disability Services Safeguards Act provides that at the completion of a preliminary assessment, the Regulator may refer the matter to another regulatory entity, with s 25 setting this power out in full. New s 24 also provides that the Regulator must refer the matter to the NDIS Quality and Safeguards Commission if the carer or worker is a registered NDIS provider or is employed or engaged by a registered NDIS provider.

Notification to employer

New s 22 of the Disability Service Safeguards Act provides that a worker or carer's employer is to be notified of a determination by the Regulator to conduct an investigation following a preliminary assessment, and new s 23 provides that the Regulator must notify a worker or carer's employer of a determination after a preliminary assessment to provide information or guidance to the worker or carer.

A carer or worker's employer may be notified of the final outcome of an investigation under new s 42(1). Any other person that had been notified that an investigation was to be carried out must be notified of the outcome (new s 42(2)). The Regulator may also provide a worker or carer's employer with a copy of the investigation report under new s 42(4) in certain circumstances.

Privacy right

The scope of the right in s 13(a) of the Charter not to have a person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with is broad and protects persons from unjustified interference with their personal and social sphere.

The information gathering, information sharing and referral powers discussed above allow or require potentially sensitive and personal information to be shared with the Regulator, persons from whom expert assistance is sought or independent expert advisory panellists (where advice is sought), and with agencies such as Victoria Police. Notice of a preliminary assessment, investigation and provision of a copy of the investigation report must be provided to a worker or carer's employer. These actions may constitute an interference with privacy rights under the Charter.

However, I consider that any such interference is lawful and not arbitrary. This is because the provision of, or sharing of, information would be pursuant to properly circumscribed legislation which is appropriately confined to facilitate the legitimate purpose of the Bill, being promoting the quality, safety and sustainability of the disability and regulated social services workforce and ultimately to protect the vulnerable users of these services. It is important that employers of these workers and carers are informed of the actions taken by the Regulator in respect of their employees, so that they can implement measures to ensure the safety of service users. As I discussed above, persons working in this highly regulated environment must necessarily have a lesser expectation of privacy in relation to their personal information so far as it is relevant to their employment in this context.

Further, safeguards have been included in the Bill, including new s 26 which makes it an offence to publish information relating to a preliminary assessment that would enable the identification of a disability service user or a regulated social service user who is affected by the conduct of the carer or worker, or a notifier or complainant in relation to the preliminary assessment. There are also carve outs that provide that disclosure of a report must not be made in circumstances where this would identify a child, young person or disability service user, regulated social service user or primary family carer to whom the services were provided, or their family member.

I therefore consider that the powers conferred on the Regulator in respect of preliminary assessments, investigations and the gathering and sharing of information and referral of matters in clause 157 of the Bill do not limit the right to privacy.

Freedom of Expression

The information-gathering powers of the Regulator to compel persons to provide information or assistance may also interfere with the right to freedom of expression, to the extent that the right extends to a right not to express or impart information. However, these powers are required to ensure the effective regulation and investigation of persons providing services to vulnerable people in the disability and regulated social services sectors. Accordingly, I am of the view that to the extent the right is limited, that limit is reasonably justified

in the circumstances pursuant to s 7(2) of the Charter, in that such powers are necessary to facilitate the regulation of these sectors and the protection of vulnerable people. I am therefore satisfied that the information gathering provisions in clause 157 of the Bill are compatible with the right to freedom of expression.

Condition notices

New Division 5 of the Disability Service Safeguards Act provides for the Regulator to issue condition notices to an unregistered disability worker or a regulated social service worker or carer after conducting a preliminary investigation or at the completion of an investigation. New s 45(5) provides that the Regulator may consult the provider on the proposed conditions, where the worker or carer is employed or engaged by a registered disability service provider or regulated social service provider. New s 45A sets out the conditions that can be imposed on a worker or carer, which include undertaking a period of supervised practice, further training, refraining from or doing something in relation to their practice, or to practice in a certain way or any other appropriate condition.

New s 45C provides that the condition notice is to be served on the carer or worker. A copy of the condition notice must also be given to their employer (new s 45D). New s 45F provides that details of the condition notice for an unregistered disability worker are to be published in the Government Gazette including the worker's name and the conditions imposed upon them, while new s 45G provides that the Register of Prohibition Orders must be updated to include details of the condition notice. Condition notices may be varied upon application by the person under the notice under new s 45H, and any variations must also be published and recorded in the Register of Prohibition Orders.

Condition notices can be revoked following an application under new s 45J and, if granted, the revocation will be published (if it relates to a disability worker), the notice provided to both the carer or worker and their employer, and the relevant Register of Prohibition Orders updated under new s 45K. Condition notices will also be subject to the new internal review pathway set out in new Division 8 of the Disability Services Safeguards Act.

Privacy and reputation

The publication of condition notices and their variation and revocation in the Government Gazette and in the Prohibition Order Register, and their provision to employers and other entities, engages the right to privacy and reputation, given it would reveal the names of workers and carers who have been subject to preliminary assessment or investigation by the Regulator, and details of the conditions imposed upon them.

However, I consider that the right to privacy and reputation is not limited, because the interferences would be pursuant to law, and are proportionate to the legitimate purpose of ensuring proper regulation of unregistered disability workers and regulated social services carers and workers in order to protect the vulnerable users of these services. Conditions are only imposed on workers or carers when they are considered necessary to prevent a risk to disability service users or regulated social services users, or to address a failure to comply with an approved code of conduct (new s 45(3)(a) and (b)), and it is necessary that employers of carers and workers are advised of the imposition of condition notices to ensure they can be properly implemented and enforced and that service users are protected.

I am therefore satisfied that the right to privacy and reputation is not limited by new Division 5 of the Disability Service Safeguards Act.

Right to freedom from forced work

The compulsion to undertake an activity or to 'do' something as required by a condition notice may interfere with the right to freedom from forced work, specifically the prohibition on compulsory labour in s 11(2) of the Charter. I am of the view, however, that the right is not engaged as any work required by a condition would fall within the scope of the exception to the prohibition in s 11(3) of the Charter, namely work or service that 'forms part of normal civil obligations,' as the conditions are imposed on workers or carers who are engaged in the regulated disability and social services sectors and have voluntarily assumed associated responsibilities and obligations. Additionally, the condition notices serve an important preventative purpose, being to prevent a risk to disability service and regulated social service users.

Fair hearing

The concept of a 'civil proceeding' in s 24(1) is not limited to judicial decision makers, but may also, adopting a broad reading of s 24(1), encompass the decision-making procedures of other administrative decision-makers. If a broad interpretation is adopted and it is understood that the fair hearing right is engaged by the decision of the Regulator to issue a condition notice to a worker or carer, I am satisfied that this right would not be limited because there are various procedural fairness safeguards provided in the Bill, including notice requirements to the carer or worker, the right to apply for a variation or revocation of the condition notice, and the right to apply for an internal review by the Regulator (new Division 8).

Interim prohibition orders and prohibition orders

New Division 6 of the Disability Service Safeguards Act empowers the Regulator to impose an interim prohibition order on an unregistered disability worker or regulated social services carer or worker following a preliminary assessment or during an investigation, which prohibits the worker or carer from providing relevant disability services or regulated social services. New Division 7 then empowers the Regulator to impose a prohibition order upon completion of an investigation. These divisions replace parts of Part 9 of the Disability Service Safeguards Act and Part 5 of the SSR Act.

There are similar notice and publication requirements for both interim prohibition orders and prohibition orders as with condition notices, with publication in the Government Gazette where the order applies to a disability worker, and in the Prohibition Order Register, and a copy of the order must be provided to the worker or carer's employers and may be given to past employers and other entities such as the Health Complaints Commissioner where relevant.

An interim prohibition or prohibition order may be varied or revoked upon an application by the carer or worker that is subject to it.

Prohibition orders will be issued after a show cause process, whereby the carer or worker will be given notice of the proposed order and invited to provide a written or oral submission to the Regulator (new s 47 of the Disability Service Safeguards Act). The Regulator must not make a prohibition order against a worker or carer unless they reasonably believe the worker or carer poses an unjustifiable risk to a disability or regulated social service user and various factors are outlined in the Bill that will guide them in considering whether the worker or carer poses such a risk (new s 47A). These include whether a reasonable person would allow a disability or regulated social service user to have direct unsupervised contact with the worker or carer, and whether it is in the public interest that the worker or carer continues to be able to provide disability or regulated social services.

Fair hearing

Clauses 277 and 387 of the Bill repeal parts of the Disability Services Safeguards Act and SSR Act that provided that certain decisions relating to prohibition orders or interim prohibition orders were reviewable by VCAT. New Division 6 contains regular periodic review requirements for interim prohibition orders by the Regulator (new s 46H) which also allows the carer or worker to make written submissions to the Regulator and receive reasons for the decision if the interim prohibition order is confirmed. Further, new Division 8 provides a right of internal review to the Regulator for both an interim prohibition order and a prohibition order (see new s 48) during which process the Regulator may obtain advice from an independent expert advisory panel (see new s 48D). New s 48G provides that the Regulator must provide notice of the outcome of the internal review to the applicant and provide a statement of reasons in the event of an outcome adverse to the applicant. Finally, the worker or carer would also have a right of judicial review of a decision to issue an interim prohibition order or prohibition order.

As discussed above in respect of condition notices, if a broad interpretation of s 24 of the Charter is adopted and it is considered that the fair hearing right is engaged by the decision of the Regulator to issue an interim prohibition order or prohibition order, this right would, in my view, not be limited because there are various procedural fairness safeguards provided in the Bill, including: notice requirements to the carer or worker; the right to apply for a variation or revocation of the order; the show cause process for prohibition orders outlined in new s 47 which provides the carer or worker with the opportunity to make submissions; the right to make submissions to the Regulator at any time in relation to an interim prohibition order, which new s 46H requires must be considered at the next review, and; the right of internal review under new Division 8 (which may involve advice from an independent expert advisory panel).

As such, I am of the view that the right to a fair hearing is not limited by new Divisions 6 and 7 inserted into the Disability Service Safeguards Act by clause 157 of the Bill. In the event that it is considered that this constitutes a limit on the right, for instance by not providing for VCAT review of a decision to make an interim prohibition order or prohibition order, I am satisfied that any such limit is reasonable and justified in the circumstances where internal review is available. The threshold for imposition of an interim prohibition order or prohibition order is quite high – an unjustifiable risk to disability or social service users – and is necessary for the regulation of the disability and social services sectors, and the protection of people that use them. I draw on my above reasoning that effective protection of disability service users hinges on decisions being informed by specialist knowledge acquired through dedicated training, study or experience.

Privacy right

I am also satisfied that the publication and notice provisions pertaining to interim prohibition orders and prohibition orders do not limit the right to privacy for similar reasons as above – they are lawful and not arbitrary in that they are necessary to ensure the orders are complied with and vulnerable disability and

regulated social services users are protected. Insofar as the orders interfere with the right to privacy in that they prevent a person from working in their chosen field, I also consider there to be no limit on the right for the same reasons.

Double punishment

I am also of the view that interim prohibition orders or prohibition orders do not limit the right not to be tried or punished more than once. While these orders may be applied to persons who have previously been found guilty of prescribed criminal offences, disciplinary or regulatory action such as this does not fall within the scope of the right, given they are not criminal sanctions. Interim prohibition orders and prohibition orders, rather than being sanctions designed to punish, are effectively protective tools which are aimed at preventing harm to disability and regulated social service users by preventing workers or carers who have engaged in harmful or even criminal conduct in the past, from providing these services. They are made on a criteria directed at avoiding risk to disability and regulated social service users. Accordingly, I do not consider that these orders constitute punishment within the meaning of this right.

'Reasonable excuse' offence provisions

Presumption of innocence (section 25(1))

Clause 157 of this Bill introduces two offence provisions that contain 'reverse onus' elements (new ss 26 and 43 of the Disability Service Safeguards Act). The right to presumption of innocence in s 25(1) of the Charter is relevant to provisions which shift 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 he or she is not guilty of an offence. The identified offences all require the proof of a 'reasonable excuse'.

As these offences are summary offences, s 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'lawful authority or excuse' defence to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse. In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidential onus falls short of imposing any burden of persuasion on an accused. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution who must prove the elements of the offence. Accordingly, I do not consider that the 'reasonable excuse' offence provisions in clause 157 limit the right to be presumed innocent in s 25(1) of the Charter.

Registers of Prohibition Orders

Clause 291 of the Bill substitutes Division 4 of Part 15 of the Disability Service Safeguards Act with a new Division 4 (Registers of Prohibition Orders). Subdivision 1 relates to disability services, subdivision 2 relates to regulated social services and subdivision 3 concerns the update of personal information.

Under subdivision 1 of new Division 4, the amendments remake existing s 251 and provide that the Regulator, rather than the Commission, has responsibility for maintaining the Register of Prohibition Orders – Disability Services. New s 251 provides that the Regulator must keep a public register of persons (other than registered disability workers) who are issued with a prohibition order, an interim prohibition order or a condition notice in relation to the provision of disability services. The section outlines the information that must be included in the Register of Prohibition Orders – Disability Services and includes the name of the person, the type of order or notice, details of the disability services that the worker is prohibited from providing or which are subject to conditions, the period for which the order or notice is in force and the reasons for the decision to make the order or issue the notice.

New s 251A provides that the Regulator must ensure that the Register of Prohibition Orders – Disability Services is accessible on the Regulator's website, may be inspected at the office of the Regulator and that a person may obtain a copy of an extract from this Register without charge. Consequently, this Register will continue to be publicly available.

Subdivision 2 creates the Register of Prohibition Orders – Regulated Social Services. This replaces the worker and carer exclusion scheme (WCES) database established under s 83 of the *Social Services Regulation Act 2021*. Under new s 251B the Regulator must keep a register of all persons issued with a prohibition order, interim prohibition order or a condition notice in relation to the provision of a regulated social service. This register must include certain details against the name of the person issued with the order or notice, namely, the type of order or notice issued, details of the regulated social services that the person is prohibited or excluded from providing or which are subject to conditions, the period and the reasons for the decision to make the order or issue the notice. The Register of Prohibition Orders – Regulated Social Services will not be publicly available.

New s 251C requires that, before employing or engaging a person as a regulated social service worker or carer, a regulated social service provider must request the Regulator disclose certain information about the person. The Regulator may provide any information recorded on the Register of Prohibition Orders – Regulated Social Services to a regulated social service provider for the purpose of responding to the request.

New s 251D in subdivision 3 inserts a requirement that a person who is subject to a prohibition order, an interim prohibition order or a condition notice, must notify the Regulator, as soon as practicable, of any change to their name or place of residence.

Privacy and reputation

The right to privacy and reputation is relevant to these provisions. Inclusion of a person's personal information on these Registers may interfere with a person's privacy and reputation, to the extent that it provides they have been subject to an order or notice in relation to the provision of disability services or the provision of a regulated social service and the details of excludable conduct.

In respect of the Register of Prohibition Orders – Disability Services, this Register is already publicly available. It records a range of personal information and will engage the right to privacy and reputation under the Charter. The purpose of this Register is to make relevant information about disability workers available to the public, particularly disability service users who may directly engage a disability worker, which serves an important purpose of promoting transparency and assisting users of disability services to make informed decisions. To the extent that the right to privacy and reputation is relevant to the information required to be listed on this Register, I believe that any interference with that right is lawful and not arbitrary. The particulars which are to be listed on this Register are clearly set out, and their listing is a known condition of any person seeking to work as a disability worker. The collection and publication of information on this Register is necessary for and tailored to ensuring compliance with the regulatory scheme and promoting transparency and public safety, and accordingly does not constitute an arbitrary interference with privacy or an unlawful attack on a person's reputation.

In respect of the Register of Prohibition Orders – Regulated Social Services, in addition to the observations above, any interference will be authorised under legislation and is subject to appropriate safeguards, including that the Register be kept private and information on it only shared with regulated social service providers upon their request in relation to a particular person.

Further, the Registers must be kept in a way that ensures they are up to date and accurate. I therefore consider that these clauses are compatible with the right to privacy and reputation.

Information sharing

Clause 297 amends s 257 of the Disability Service Safeguards Act to expand the scope of the provision to capture 'regulated social services workers or carers' in addition to unregistered disability workers. This section provides that the Regulator may request information from a worker screening unit for the purposes of determining whether to make an interim prohibition order or a prohibition order and may give the worker screening unit any information concerning the worker that is necessary to conduct a worker screening check on the worker. I consider this amendment compatible with the right to privacy for the reasons above, relating to the necessity of the Regulator being able to access, and make decisions in regard to, all relevant risk information.

Amendments to certain offences in Division 1 of Part 16 of the Disability Service Safeguards Act

Clauses 299 to 306 of the Bill amend various offence provisions in Division 1 of Part 16 of the Disability Service Safeguards Act. The amendments add a 'without reasonable excuse' exception to a number of offences in that Division.

Right to be presumed innocent

As discussed above, s 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 s 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 amendments in clauses 299 to 306 of the Bill either amend existing offence provisions or add new offence provisions. These amendments add or include a 'without reasonable excuse' exception in a number of offences.

For the same reasons as discussed above, I do not consider that an evidential onus such as these provisions limits the right to be presumed innocent, in accordance with the case law on this question.

New sections 266A to 266G

Clause 304 of the Bill introduces new ss 266A to 266G into the Disability Service Safeguards Act. These sections include an offence for where a person applies for employment or engagement providing a disability service or a regulated social service if prohibited (new s 266A), an offence for where a person applies for employment if they are under investigation (new s 266B), and an offence to apply for employment or engagement without disclosing details of a condition notice, without reasonable excuse (new s 266C). New s 266D adds an offence for a disability worker or regulated social service worker or carer who is given an interim prohibition order, condition notice or notice of investigation under the Disability Service Safeguards Act for failing to disclose certain details to the Regulator within a specified time, without reasonable excuse. Clause 304 of the Bill also adds offences of failing to notify an employer of an investigation (new s 266E) or a condition notice (new s 266F) for unregistered disability workers or a regulated social service worker or carer, without reasonable excuse. New s 266G adds an offence for failing to notify an employer of a prohibition or exclusion.

These offence provisions can be construed as prohibiting conduct that is protected by the Charter, namely freedom of expression and freedom not to impart information (s 15) and the right to privacy (s 13). As stated above, the right to privacy has been interpreted to extend to matters relating to the right to seek employment, and may be interfered with where employment restrictions impart sufficiently upon the personal relationships of the individual and otherwise upon the person's capacity to experience a private life. The requirement to notify an employer of an investigation may also have follow-on implications if the person is treated adversely on the basis of this information. Nevertheless, I consider that these prohibitions are necessary to ensure the implementation of the reforms and increased protection for disability service and regulated social service users. They give necessary effect to the prohibition and exclusion schemes and criminalise behaviour that is intended to undermine the efficacy of these protective schemes and associated investigations.

Criminal liability of officers of a body corporate

Clause 306 of the Bill substitutes ss 268 to 272 of the Disability Service Safeguards Act. New s 272 provides that if a body corporate commits certain specified offences, then an officer of the body corporate also commits an offence against the provision if the officer authorised or permitted the commission of the offence by the body corporate or was knowingly concerned in any way in the commission of the offence by the body corporate. The offences covered by this provision are listed in new s 272(2) and include:

- New s 26(1) (Offence to publish identifying information);
- Section 258(3) and (4) (Restrictions on use or protected titles);
- Section 259(4) and (5) (Claims about type of registration or endorsement or qualification to hold type of registration or endorsement);
- Section 260(3) (Claims about division of the Register);
- Section 261 (Restriction to provide prescribed disability service);
- Section 262 (Directing or inciting unprofessional conduct or professional misconduct);
- Section 267(2) (Advertising offences);
- New s 268 (Regulated social service provider employing or engaging a person without a Register check);
- New s 269(1),(2), (3) and (4) (Regulated social service provider employing or engaging a prohibited person);
- New s 270 (Registered disability provider employing or engaging a prohibited person).

Right to be presumed innocent

New s 272 is relevant to the presumption of innocence as it may operate to deem as 'fact' that an individual has committed an offence based on the actions of the body corporate. New s 272(3) provides that an officer may rely on a defence available to the body corporate but bears the same onus of proof to establish the defence as the body corporate.

Further, new s 272(3) provides that the officer, in relying on the same defence as that is available to the body corporate, bears the same burden of proof that the body corporate would bear in order to establish a relevant defence.

I consider that new s 272 of the Disability Service Safeguards Act does not limit the right to the presumption of innocence. Firstly, new s 272 requires the prosecution to prove the accessorial elements of the offence – that is that the officer authorised or permitted the offence or was knowingly concerned in the commission of the offence by the body corporate. Further, the provision only places an evidential burden on an accused to

establish a defence, and the prosecution is still required to prove the main elements of the offence. Finally, the evidence required to establish a relevant defence will likely be peculiarly within the personal knowledge of the officer and would be difficult for the prosecution to establish.

In my view, it is appropriate to extend the criminal liability of bodies corporate, and to make officers liable for the conduct of the body corporate and its employees and agents, in order to ensure proper compliance with the regulatory regime. A person who elects to undertake a position as an officer of a body corporate accepts that they will be subject to certain requirements and duties, including a duty to ensure that the body corporate complies with its legal obligations, and does not commit offences. Affected persons should be well aware of the regulatory requirements and, as such, should have the necessary processes and systems in place to effectively meet these requirements and not incur accessorial liability. Finally, the offences are not punishable by a term of imprisonment.

Should the right to the presumption of innocence in fact be limited by these provisions, I am of the view that any limitation is reasonable and demonstrably justified, in that it is a proportionate measure to the legitimate purpose of the offences, which are to ensure the compliance of bodies corporate with the regulatory regime and to protect people accessing disability services and regulated social services. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where regulatory offences may cause harm to the public.

Compensation for acts done in exercise of powers under the Disability Service Safeguards Act

Clause 316 of the Bill proposes to repeal s 283 of the Disability Service Safeguards Act, which allows compensation to be claimed from the Commission if loss or expense is incurred because of a power exercised or purported to be exercised under the Disability Service Safeguards Act by an authorised officer. The provision also allowed compensation in other circumstances, such as a result of a person complying with the requirements of the Act, where compensation is ordered to be paid in a proceeding in a court with jurisdiction for the recovery of the amount of compensation claimed, and where the court orders compensation to be paid if it is satisfied that it is fair to do so in the circumstances in a particular case. This is relevant to property rights, as it may affect a person's right to be compensated by the Commission in circumstances prescribed by the Act.

New Part 19 contains a proposed provision that allows persons who were entitled to compensation from the Commission to claim that compensation from the Regulator (new s 298 of Part 19 in clause 319). This preserves the rights of any person with a claim under s 283 despite its repeal.

As s 283 is repealed, compensation will no longer be provided for under the Disability Service Safeguards Act. This may engage the right to property, insofar as a cause of action may be considered 'property'. A deprivation in this context is unlikely, as a person will retain their right to seek a remedy for any loss or damage at common law.

Liability for acts done in exercise of powers under the Disability Service Safeguards Act

Similarly, clause 317 proposes to amend s 285 to transfer protection of a 'protected person' from personal liability for acts done under the Disability Service Safeguards Act from the Commissioner to the Regulator. It also grants similar protection from liability to a person appointed as the acting Regulator under the Social Services Regulation Act, an Associate Regulator or a person appointed as an acting Associate Regulator under the Social Services Regulation Act, and a member of a panel. Under this section, a person is not personally liable for anything done or omitted to be done in good faith in the exercise of a power or the performance of a function under the Disability Service Safeguards Act or in the reasonable belief that the act or omission was pursuant to a power or a function under the Disability Service Safeguards Act.

This may engage the right to property, insofar as a cause of action may be considered 'property'. The Bill transfers protection from one statutory body to another, but in doing so it removes the immunity for staff, authorised officers and investigative officers. Any liability resulting from an act or omission of a protected person – now meaning the Regulator, an Associate Regulator or a person appointed as an acting Associate Regulator under the Social Services Regulations Act, and a member of a panel – attaches instead to the State, meaning that a plaintiff is not deprived of access to the court to seek a remedy for any loss or damage.

As for the substantive effect of the immunity, any deprivation of a claim for personal liability is in accordance with law and not arbitrary, as it is reasonably necessary to achieve the important objective of ensuring that the Regulator can exercise their statutory functions and powers in good faith without exposure to the prospect of personal liability. These immunity provisions are commonly afforded to Regulators in order to maintain the effectiveness of its protective functions without fear of tort liability. Without at least some degree of protection from litigation, a Regulator may be reluctant to exercise powers or conduct duties essential to upholding the protective aim of the scheme, notwithstanding their statutory authorisation to do so. The immunities will

ultimately facilitate the proper exercise of powers which are directed at safeguarding the rights of disability and regulated social service users.

The removal of staff, authorised officers and investigative officers is in accordance with government policy, noting that for many years Victorian Public Service (VPS) agreements have provided for VPS employees to be indemnified for legal costs in these circumstances. The current VPS agreement (2024) provides that where legal proceedings are initiated against an Employee as a direct consequence of the Employee legitimately and properly performing their duties, the Employer will not unreasonably withhold agreement to meet the Employee's reasonable legal costs relating to the defence of such proceedings. Although the amendment removes the immunity, it therefore does not deprive a plaintiff access to the court to seek a remedy for any loss or damage alleged to have been caused by staff, authorised officers and investigative officers employed by the Regulator.

New Part 19 (Transitional and savings provisions)

Clause 319 inserts a proposed Part 19, which contains new transitional and savings provisions into the Disability Service Safeguards Act to transfer the powers of the Board, Commissioner and Commission to the Regulator.

Removal of the roles of the Disability Registration Board, Victorian Disability Worker Commission and Victorian Disability Worker Commissioner

Part 19 includes proposed ss 293, 294 and 296, which remove the Disability Registration Board, Victorian Disability Worker Commission and Victorian Disability Worker Commissioner, respectively. These roles will be dissolved, and their functions will be absorbed by the Regulator to provide a flexible scheme that is responsive to risk and prioritises service user safety.

As I discussed above, the removal of these offices may engage the right to equality under s 8(3) of the Charter for people with disability, to the degree that it could affect the protection against discrimination afforded to people.

I consider that the removal of these bodies will not limit the right to equality under s 8(3) of the Charter, as the Regulator will absorb functions to conduct investigations and receive complaints provided under the Disability Service Safeguards Act.

As such, there will be no reduction in safeguards for people with disability who continue to use disability workers. Various new sections inserted by the Bill will empower the Regulator to receive complaints and conduct investigations about registered and unregistered disability workers.

Disclosure of information held by the former bodies transferred to the Regulator

Sections 293(2), 294(2), and 296(2) of new Part 19 propose to transfer all information and records from the Board, the Commission, and the Commissioner, respectively, to the Regulator. Further, Part 19 includes a number of provisions which empower the Regulator to continue the functions of the former bodies before the commencement of the Bill:

- New s 305 allows the Regulator to be able to deal with notifications in the case of an unregistered disability worker or registered disability worker;
- New s 306 allows the Regulator to have all the functions of the Board, Commission and Commissioner in relation to a complaint made but not finally determined under Parts 3, 4, 5 or 6 of the old Act;
- New s 307 will allow the Regulator to continue and complete any investigation under Part 9 that was commenced but not completed by the Disability Worker Commission by the repeal day, and s 307(3)(b) will further allow the Regulator to have regard to any evidence, submission or report obtained by the Commission in relation to an investigation under the old Act;
- New sections 308, 309 and 310 will allow the Regulator to complete the processes in relation to the making, variation or revocation of any interim prohibition order or prohibition order that was commenced but not been determined by the Victorian Disability Worker Commissioner before the repeal of Part 9.

New sections 318 and 319 will also allow the Regulator to continue and complete under the Disability Service Safeguards Act any assessment or investigation that was commenced under the old Social Services Regulation Act and before the commencement of the Bill.

While these provisions may interfere with the right to privacy to the extent that they allow information, evidence or reports to be shared for the purpose of carrying out pending investigations and complaints, the interference will be neither unlawful nor arbitrary. This is because these amendments are carefully confined to their statutory purpose, to enable the transfer of information to the Regulator to carry out certain functions

currently administered by the Board, Commission, and Commissioner. Therefore, the proposed disclosure of information does not extend beyond what is reasonably necessary to achieve the legitimate aim of the Bill, such that it is reasonable and proportionate to the Bill's important objectives. Further, existing privacy protections will apply in the Disability Service Safeguards Act concerning further use or disclosure of this information.

Internal review

Clause 319 inserts a new transitional provision – s 320(5)(e) – which provides that when the Panel issues a WCES interim exclusion after the commencement day of the Bill, due to a matter having been referred to the Panel before the commencement day, the Panel is required to state in its notice that a person may apply to the Regulator for an internal review of the decision to issue the interim exclusion as if it were an interim prohibition order under the Disability Service Safeguards Act (substituting applications for review by VCAT). As discussed above in relation to Divisions 8 and 10 of Part 3.2 of the Bill, I consider that a transitional provision allowing for internal review of interim exclusions is compatible with the right to fair hearing under s 24 of the Charter, as I am of the view that, in order to achieve the important safety objectives of this Bill, proceedings that are on foot at the commencement of this Bill should not be treated differently.

Transfer of assets, liabilities, debts, etc. held by the former bodies transferred to the Regulator

New sections 293, 294, and 296 will also transfer all rights, property, assets, debts, liabilities and obligations of the Board, Commission, and Commissioner to the Regulator. Similarly, the sections will also substitute the Regulator as a party to any proceedings, arrangements, memoranda of understanding or contracts in which the former bodies were parties to. These amendments may be relevant to the property rights of a natural person who holds an interest in the property, liability, debt or obligations of the former bodies being transferred to a new body.

I consider that the right to property is not limited by this amendment as the person is not being deprived of their property interest. Rather, the property, rights, assets, debts, liabilities and obligations are being transferred from one statutory office to another without altering the substantive content of that property right. Accordingly, the provisions to transfer the assets, debts, liabilities and obligations of the Commissioner to the Regulator do not limit this Charter right.

Right to a fair hearing

For the purposes of conducting a review under s 308(2), new s 308(3) in clause 319 requires the Regulator to invite the person who is subject to the interim prohibition order to make submissions about the order to the Regulator.

In my view, this requirement promotes the right to a fair hearing, as the opportunity to provide submissions affords procedural fairness to a person who is subject to a potential interim prohibition order, and can allow them to refute any allegations made against them.

Part 4.2 – Carers Register

Clause 324 adds Division 3A of Part 15 of the Disability Services Safeguards Act which provides for the Carers Register. New s 250A provides that the Regulator must keep the Carers Register that includes the names of specified out of home carers who are employed or engaged by an out of home care service or a secure welfare service. New s 250A(2) provides that this register is not open for inspection by the public.

New s 250B outlines the other information that must be included in the Carers Register, including the person's address, date of birth, the name of each out of home care service and secure welfare service provider employing or engaging the person the date of that employment or engagement and details of any investigation, regulatory action or orders imposed by the Regulator in relation to the person. New s 250C enables the Regulator to disclose information in the Carers Register to a regulatory entity, an out of home care service, a secure welfare service and any other prescribed person or entity. Such disclosure can be made if the Regulator considers it necessary to do so to promote the safe delivery of services or reduce regulatory burden.

New s 250D will require an out of home care service and a secure welfare service to provide information to the Regulator about the out of home carer employed or engaged by that service as well as prescribed information. Failure to comply with this requirement to provide the Regulator with information without a reasonable excuse carries a penalty.

Privacy right

The right to privacy and reputation is relevant to these provisions. Inclusion of a person's personal information on the Carers Register may interfere with a person's privacy.

In addition to the observations above in respect of the other registers, any interference in this case will be authorised under legislation and is subject to appropriate safeguards, including that the Register be kept private and information on it only disclosed to certain other entities or persons where it is necessary to promote

the safe delivery of services and reduce regulatory burden. Further, the Registers must be kept in a way that ensures they are up to date and accurate.

Part 4.3 – Amendment of the SSR Act

Part 4.3 of the Bill amends the SSR Act to:

- provide for the investigation and resolution of complaints relating to social services, regulated disability services, disability workers and disability students (clause 329);
- expand the objects of the Social Services Regulator (**Regulator**) to include (clause 331):
  - make registered social service providers accountable to persons accessing those social services;
  - promote the quality, safety and sustainability of the disability workforce by strengthening the safeguards for those persons with a disability who access disability services provided by disability workers; and
  - provide a process for complaints for persons with a disability in relation to disability services provided by disability workers; and
- provide for further functions for the Regulator for the purposes of dealing with complaints and accountability investigations (clause 334).

Part 4.3, Division 1 – Complaints about social and disability services

Application of investigation and monitoring powers, and information disclosure powers, to accountability investigations

Clauses 345, 346 and 350 to 355 expand the application of the existing investigation and monitoring powers of the Regulator, authorised officers and independent investigators, provided for in Part 6 of the SSR Act, to the conduct of accountability investigations, investigations under the Disability Services Safeguards Act and regulating and monitoring compliance with that Act. Accountability investigations include those undertaken by the Regulator into complaints, those initiated by the Regulator in relation to regulated disability services, those into matters referred to the Regulator by the Minister, and follow up investigations. These expanded powers are designed to facilitate the operation of the expanded complaints and investigation functions of the Regulator.

Clause 347 of the Bill inserts new ss 109A and 109B, which provide for, respectively, powers in relation to documents produced in accordance with a notice issued under s 109 of the SSR Act and the Regulator to require a person to give evidence or answer questions on oath or affirmation.

Clauses 371 and 377 expand the scope of existing information disclosure powers, provided for in Part 8 of the SSR Act, to include complaints made under new Part 9A, including accountability investigations and matters that could form the basis of issuing a condition notice or prohibition order to a disability worker or disability student.

Right to privacy and freedom of expression

Each of the clauses listed in the above paragraphs engage the right to privacy in s 13(a) of the Charter, which protects against unlawful and arbitrary interferences with a person's privacy, family, home or correspondence. While the powers, as expanded by the clauses listed above, may involve some interference with a person's privacy and home, these powers are necessary to ensure the Regulator is able to conduct an effective investigation into complaints, systemic or individual issues of abuse or neglect of people with disability, investigations referred by the Minister, or follow-up investigations. The powers are also subject to various safeguards such as requiring consent (e.g., s 113 of the SSR Act, amended by clause 351), and not abrogating legal professional privilege, client legal privilege or the protection against self-incrimination (sections 123 and 124 of the SSR Act, amended by clauses 358 and 359). Further, the personal information of service users will continue to be subject to the protections afforded under the *Privacy and Data Protection Act 2014* (**PDP Act**) and the *Health Records Act 2001*. Accordingly, I consider that any interference with privacy is neither unlawful nor arbitrary. Finally, the Regulator (as a public authority) would be required to act compatibly with the right to privacy in s 13 of the Charter.

Although the entry powers, as expanded by clauses 350, 351 and 352, involve some interference with the privacy of the residents and occupiers of premises, I consider that the interference is compatible with the right to privacy in s 13(a) of the Charter because it is in accordance with law (as detailed in the below descriptions

of the relevant clauses) and proportionate to the legitimate aim of ensuring that the Regulator is able to effectively fulfil its complaints and investigation functions:

- clause 350 expands the power under s 112 of the SSR Act to provide that an authorised officer may enter premises without a warrant:
  - to investigate a contravention of this Act or the Disability Service Safeguards Act;
  - for the purposes of conducting an accountability investigation, however, residential premises are excluded; and
- clause 351 expands the power under s 113 of the SSR Act to provide that an authorised officer or independent investigator may enter residential premises without a warrant for the purposes of:
  - monitoring compliance with this Act or the Disability Service Safeguards Act or investigating a possible contravention of either Act; or
  - conducting an accountability investigation however, the occupier's consent is required.

By compelling a person to impart information, clauses 345, 346, 355, 371 and 377 also engage the right to freedom of expression in s 15(2) of the Charter. However, I consider any interference on the right to freedom of expression to come within the internal limitation at 15(3), in that it is reasonably necessary to ensure the Regulator, authorised officers and independent investigators can conduct effective accountability investigations, to protect the rights of others.

Property rights

The expanded seizure powers under a search warrant, provided for in clause 354 which authorises the seizure of any document or thing not named or described in the warrant if relevant to an accountability investigation, may engage property rights under s 20 of the Charter. Similarly, the expanded power of authorised officers to seize any document or thing if they believe on reasonable grounds that the seized document or thing is relevant to an accountability investigation, provided for in clause 355 may also engage s 20.

However, the provisions empowering the removal of documents or things do not limit property rights, as any interference with property through such removal would be undertaken in accordance with the provisions of the Bill, which are accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct. In addition, any deprivation of property is reasonably necessary to achieve the important objective of protecting the rights of disability and social service users.

For the same reasons, the expanded scope of the Regulator's, authorised officer's or independent investigator's power to obtain information, documents and evidence for the purposes of regulation of disability workers and regulated social service workers and carers under the Disability Service Safeguards Act, conducting an accountability investigation or monitoring compliance with a provision under the Disability Service Safeguards Act, provided for in clause 346 , and the expanded powers to retain documents under new s 109A, inserted by clause 347 do not limit s 20 of the Charter.

Complaints and accountability investigations: new Part 9A of the SSR Act

Clause 391 inserts into the SSR Act new Part 9A, which provides for:

- an independent and accessible process for dealing with complaints about the provision of services by registered and regulated disability service providers and specified social service providers, and the conduct of disability workers and disability students – Division 1 of new Part 9A;
- initiated investigations – Division 2;
- referral investigations – Division 3;
- following up on investigations – Division 4;
- conduct of accountability investigations – Division 5;
- protections relating to complaints and investigations – Division 6; and
- reporting requirements – Division 7.

Rights to privacy and freedom of expression

The following provisions of new Part 9A engage the rights to privacy and freedom of expression:

- new s 283E(5) requires a person who complains to the Regulator to give their name and any other information relating to their identity that the Regulator may require, however, the Regulator may keep the information confidential (subject to new s 283E(6)) and the Regulator may still deal with a complaint made by a person who has not provided the required information, if the Regulator is satisfied that the complaint requires investigation (new s 283E(7));

- in respect of referral investigations, although the Regulator must publish details of any referral investigation on the Regulator's Internet site, the Minister may require the Regulator not to publish identifying details of any person (new s 283ZH);
- in respect of follow-up investigations, under new s 283ZP, the Regulator may give notice in writing to the service provider, requiring the service provider to report in writing about any action taken to comply with a notice to take action; and
- in respect of accountability investigations:
  - if the Regulator decides not to conduct a hearing in an accountability investigation, under new s 283ZX, the Regulator may take oral or written submissions, keep a record of all submissions and decisions made, and send for persons, documents or other things;
  - if the Regulator decides to conduct a hearing in an accountability investigation, the Regulator may require a person by written notice to produce a specified document or thing, or to attend the hearing (new s 283ZZ); and
  - new s 283ZV provides for principles applying to all accountability investigations, including that the Regulator is bound by the rules of natural justice; and that, before making a decision affecting a person, the Regulator must give the person an opportunity to make submissions to the Regulator about the decision.

While the above provisions engage the right to privacy, any interference is neither unlawful nor arbitrary and the provisions are therefore compatible with the right to privacy in s 13(a) of the Charter. In addition to the protections listed above, privacy and self-incrimination are also protected through the following provisions, which are necessary to protect the privacy of individuals and to ensure the Regulator can conduct effective investigations, by enabling persons to provide information to the Regulator in the knowledge that it will be kept confidential:

- in respect of reporting, new s 283ZZG(2) precludes the Regulator from giving a report of a systemic initiated investigation to the clerk of each House of the Parliament if the report identifies or names an individual, or contains information which enables an individual to be identified; and
- finally, in respect of conciliations:
  - new sections 283O(1) and (2) provide for the confidentiality of the conciliation process and, by providing that evidence of anything said or admitted in a conciliation is not admissible in a hearing or court or tribunal proceeding (new s 283O(3)); and
  - new s 283P prohibits the disclosure of information obtained during a conciliation except in specified circumstances.

Property and fair hearing rights

New s 283G provides that a person who makes a complaint in good faith, or who produces a document or gives any information or evidence to the Regulator in making a complaint, is not subject to any personal liability because of, respectively, the making of the complaint, or the production of the document or the giving of the information or evidence. While the Victorian courts have not determined whether the right to bring a claim constitutes 'property' for the purposes of s 20 of the Charter, the Supreme Court has indicated that the term should be 'interpreted liberally and beneficially to encompass economic interests'.

This could include accrued causes of action. However, if new s 283G could be considered to deprive a person of property, by altering or extinguishing an accrued cause of action, any such deprivation will be 'in accordance with law' and will therefore not limit s 20 of the Charter. In particular, the provision is drafted in clear and precise terms. In addition, any deprivation of property would be reasonably necessary to achieve the important objective of ensuring that the Regulator can conduct effective investigations, by enabling persons to provide information to the Regulator without exposure to the prospect of personal liability.

By altering or extinguishing an accrued cause of action, new s 283G may also engage the right to a fair hearing in s 24(1) of the Charter, which protects the common law right to unimpeded access to the courts. For the reasons explained in the paragraph above, I consider that any limit on access to a court would be reasonably justified.

New s 283ZZB provides for powers in relation to documents and things produced at an accountability investigation hearing, or at the request of the Regulator, including retaining the document or thing for any period reasonably necessary for the purposes of the hearing. Any deprivation pursuant to s 283ZZB will be 'in accordance with law' and will therefore not limit s 20 of the Charter. Further, the retention of documents and things can only occur if reasonably necessary for the purposes of an accountability investigation, and new s 283ZZB(2) requires that they be delivered to the person, who appears to be entitled to them, when they cease to be reasonably necessary and at the person's request.

Publishing certain matters, including adverse comments or opinions

Clause 391 of the Bill includes provisions to ensure that those persons with a legitimate interest can access information about an investigation or decision of the Regulator. In particular, the Bill provides that:

- The Regulator is required to give written notice of the decision on a systemic initiated investigation to any person with disability (or their guardian or next of kin as relevant) who was the subject of the investigation and, if the notice makes adverse comment on or gives an adverse opinion of an individual, the Regulator must give the individual a reasonable opportunity to comment on the proposal to give the notice (see new s 283ZD).
- Similarly, if a report to the Minister or Secretary of a systemic initiated investigation, an individual initiated investigation, or a referral investigation makes an adverse comment on or gives an adverse opinion of an individual, at least 14 days before giving the report, the Regulator must give to the individual a copy of the relevant part of the report and give the individual a reasonable opportunity to comment on the adverse comment or opinion (see new s 283ZZF).

Rights to privacy and freedom of expression

These powers engage:

- the right to privacy in s 13(a) of the Charter, and the right not to have a person's reputation unlawfully attacked in s 13(b), by publishing an adverse comment on or an adverse opinion of an individual; and
- the right to freedom of expression in s 15(2) of the Charter, by compelling the Regulator to impart information.

To the extent that the rights in sections 13 and 15(2) are limited, I consider any limitations to be justified. The reporting requirements in Division 7 of new Part 9A of the SSR Act serve the important purpose of seeking to promote accountability in the disability and social services sector and to protect the rights of people with disability. Accordingly, as any interference with privacy and reputation will be authorised under legislation and is subject to the safeguards of allowing individuals a reasonable opportunity to comment on the proposal to give the notice, or the adverse comment or opinion, I consider the Bill does not amount to an arbitrary interference with these rights.

Complaints and promotion of rights

Clause 391 of the Bill includes protections in relation to complaints and investigations that promote a person's right to equality before the law (s 8(3) of the Charter) and right to life (s 9).

In respect of the right to equality before the law, the following provisions inserted by clause 391 seek to ensure that complainants and persons with disability have the equal protection of the law without discrimination:

- new s 283F requires the Regulator to give appropriate assistance to a person who wishes to make a complaint if the person requires assistance to formulate their complaint; and
- new s 283ZZ(2) provides that the Regulator may agree to a person giving evidence by different means (e.g., video link) if they are unable to attend the hearing, because of their disability or health.

The following provisions inserted by clause 391 seek to promote complaints' right to life:

- new s 283H(3)(a) provides that the Regulator may continue to deal with a complaint that has been withdrawn if the Regulator considers that the subject matter of the complaint should be dealt with as it could pose a serious risk to the life, health, safety or welfare of a person;
- new s 283I(3)(b)(i) provides that the Regulator may conciliate or investigate a complaint if it considers that, unless it does so, the subject matter of the complaint could pose a serious risk to the life, health, safety or welfare of a person; and
- new s 283P(2)(a)(i) provides for disclosure of information in circumstances where the person believes on reasonable grounds that the disclosure is necessary to avoid a serious risk to the life, health, safety or welfare of a person.

Division 2 – Transitional and repeal provisions

Removal of the office of the Disability Services Commissioner and the appointment of Associate Social Services Regulators

Clause 397 of the Bill inserts new Part 11B, which provides that the office of the Disability Services Commissioner (**Commissioner**) is removed, and the Commissioner goes out of office (new s 348D). The Office of the Commissioner is being dissolved because, given the shift in services from the State to the National Disability Insurance Scheme (**NDIS**), its remit is now small (covering forensic disability services, services to Victorians ineligible for the NDIS and some Transport Accident Commission services) and it is

no longer viable as a standalone entity. Accordingly, the Commissioner's complaint and investigation function for people accessing Victorian Government funded disability services will be absorbed by the Regulator.

Right to equality

The removal of the Office of the Commissioner could engage the right to equality under s 8(3) of the Charter for people with disability. This is because every person has the right to effective and equal protection from discrimination, including on the basis of disability. The removal of the entity that was designed to support the oversight of the Victorian disability services sector, including relevant complaints and investigation processes, is relevant to an assessment of the efficacy of legislated protections against disability-based discrimination.

However, I consider that the removal of the Commissioner would not in fact affect any erosion in protections so as to constitute a limit the right to equality under s 8(3) of the Charter, as the Bill's amendments to the SSR Act provide that the Regulator absorb the complaint handling and investigation functions of the Commissioner. Further, the creation of the new offices of Associate Social Services Regulator (in new Division 2A of Part 2 of the SSR Act, inserted by clause 11 of the Bill) provides for dedicated Governor-in-Council appointed roles to assist in performing functions of the Regulator, in accordance with the Bill.

As such, there will be no reduction in safeguards for people with disability who continue to receive State-funded disability services. New Part 9A, inserted by clause 391 of the Bill, empowers the Regulator to resolve complaints, to conduct and follow up on initiated investigations, referral investigations and accountability investigations into the provision of disability and social services, and protect the rights of people with disability. Clause 10 of the Bill amends s 15 of the SSR Act to enable the Regulator to delegate functions to an Associate Regulator as needed, including the functions relating to complaints and investigations into the provision of disability and social services (the exercise of which can be informed by expert assistance (see clause 156) and advice from an independent expert advisory panel (see clause 157)).

Therefore, the amendments do not propose to treat people with disability unfavourably and are not likely to have the effect of unreasonably disadvantaging those people, so as to constitute direct or indirect discrimination.

Right to take part in public life, property rights and fair hearing

First, clause 397 of the Bill inserts new s 348D(1)(a) of Division 1 of new Part 11B, which provides that, on commencement day, the Disability Services Commissioner goes out of office. Under s 14 of the *Disability Act 2006*, the Disability Services Commissioner holds office for a term (not exceeding five years) that is specified in the instrument of appointment and is entitled to receive any remuneration or allowances from time to time fixed by the Governor in Council. On ceasing to hold office – as a result of the provisions introduced by clause 397 – the current Disability Services Commissioner would not be paid any remuneration or allowances.

Although not defined in the Charter, 'property' in s 20 would encompass remuneration and allowances. For deprivation of a person's property to be in accordance with law, as required by s 20 of the Charter, the legal authorisation for the deprivation must be publicly accessible, clear and certain, and it must not operate arbitrarily. The deprivation of the remuneration or allowances of the current Disability Services Commissioner is a statutory consequence of the individual ceasing to hold office by the operation of new s 348D(1)(a). This provision is public, clear, certain and would not operate arbitrarily. Accordingly, I consider that it would not limit s 20 of the Charter.

Further, the Disability Services Commissioner may hold public office for the purposes of s 18(2)(b) of the Charter. However, I do not consider that the right to take part in public life in s 18(2)(b) would be limited by clause 397 of the Bill. This is because the operation of new s 348D(1)(a) in relation to the Disability Services Commissioner going out of office would not, in my view, constitute discrimination within the meaning of the Charter and the *Equal Opportunity Act 2010*.

For completeness, because the Disability Services Commissioner ceasing to hold office is a statutory consequence, I do not consider that this involves a civil proceeding or a decision-making exercise that would engage the fair hearing right in s 24(1) of the Charter.

Second, clause 397 of the Bill inserts new s 348D(1)(b) to (e) of Division 1 of new Part 11B, which provides for the Regulator to take on certain rights and obligations of the Disability Services Commissioner, including in relation to legal proceedings. Part of the right to a fair hearing, protected in s 24(1) of the Charter, is the common law right to unimpeded access to the courts. Further, while the Victorian courts have not determined whether the right to bring a claim against the State constitutes 'property' for the purposes of s 20 of the Charter, the Supreme Court has indicated that the term should be 'interpreted liberally and beneficially to encompass economic interests'. This could include accrued causes of action and contractual rights.

Clause 397 of the Bill provides that:

- all rights, property and assets, and all debts, liabilities and obligations, of the office of the Disability Services Commissioner, vest in the Regulator (new ss 348D(1)(b) and (c));
- the Regulator is substituted as a party to any pending court or tribunal proceeding to which the Disability Services Commissioner was a party (new s 348D(1)(d)); and
- the Regulator is substituted as a party to any arrangement, memorandum of understanding or contract entered into by or on behalf of the Disability Services Commissioner (new s 348D(1)(e)).

I do not consider that there would be any deprivation of a person's accrued cause of action against the Disability Services Commissioner by the operation of clause 397 of the Bill, given:

- the Regulator would be substituted as a party to any pending court or tribunal proceeding; and
- the transfer of the Disability Services Commissioner's property and assets, and liabilities and obligations, to the Regulator would not affect the Regulator's ability to compensate a person in a legal proceeding.

Further, there would not be any deprivation of a person's contractual rights against the Disability Services Commissioner by the operation of clause 397 of the Bill, given the Regulator would be substituted as a party to any arrangement, memorandum of understanding or contract. In any case, any deprivation would occur in accordance with law, as required by s 20 of the Charter.

For the reasons outlined above, I also do not consider that clause 397 of the Bill would limit the fair hearing right in s 24(1) of the Charter, because the clause would not operate to preclude people from bringing a legal action against the Regulator in place of the Disability Services Commissioner.

Part 4.3 – Amendment of Social Services Regulation Act 2021

Division 1 – Complaints about social and disability services and other matters

Division 1 of Part 4.3 provides for amendments to the SSR Act that are consequential to the proposed amendments to the Disability Service Safeguards Act and includes provision for the repeal of Part 5 of the SSR Act.

Power to enter public place without consent

Clause 353 of the Bill adds new s 114A to the SSR Act which provides that an authorised officer or independent investigator may enter public premises without the consent of the owner or occupier if:

- the entry is for the purposes of monitoring compliance with or investigating a possible contravention of the SSR Act or the Disability Service Safeguards Act, including for the purpose of conducting an accountability investigation; and
- it is a public place, and entry is made when the place is open to the public.

Right to privacy

Although this new entry power may involve some interference with the privacy of the owner or occupier of the premises, I consider that the interference is neither unlawful nor arbitrary. While the power does not require consent of the owner or occupier for entry, the exercise of the power is limited to circumstances where entry is for a specified purpose linked to an investigation or monitoring compliance with the regulatory regime, and at a time when the place is open to the public. Given this entry power is limited to circumstances where the premises is a public place and connected to the monitoring compliance with or investigating a possible contravention of the regulatory regime (and all other criteria are satisfied), I consider the power to be compatible with the right to privacy.

Powers after entry under warrant

Clause 357 of the Bill adds new s 122A to the SSR Act which outlines the powers of an authorised officer or independent investigator who enters a premises subject to a warrant under s 115 of that Act. These powers include directing a person to produce a document or part of a document located at the premises, providing reasonable assistance, operating equipment or providing access to equipment or complying with any lawful direction. In such circumstances, the authorised officer or independent investigator must inform the person that it is an offence to fail to comply without reasonable excuse, that under s 124 it is a reasonable excuse to refuse or fail to comply if complying would tend to incriminate the individual, and state the maximum penalty for failing or refusing to comply.

Clause 357 also adds new s 122B which provides that it is an offence for a person to fail to comply with a requirement made by an authorised officer or independent investigator under s 122A. This does not apply if the authorised officer or independent investigator failed to inform the person that it is a reasonable excuse under s 124 to fail to comply if complying would tend to incriminate the individual.

Right to privacy and freedom of expression

These powers engage the right to privacy in s 13(a) of the Charter, which protects against unlawful and arbitrary interferences with a person's privacy, family, home or correspondence. S 15 of the Charter also protects a person's right to freedom of expression, which has been interpreted to include a right not to impart information. This right may be subject to lawful restrictions reasonably necessary for the protection of public order (s 15(3) of the Charter).

While these powers may involve some interference with a person's right to privacy and expression, they are necessary to ensure that the authorised officers or independent investigators entering a premises under a search warrant can undertake certain actions for the purpose of executing the warrant relevant to an investigation. The powers are limited to being used for the purposes of executing the warrant. Accordingly, I consider that the interference is neither unlawful nor arbitrary and is therefore compatible with the right to privacy in s 13 of the Charter. I also consider it compatible with the right to freedom of expression because the limitation of this right is lawful and reasonably necessary for the effective execution of warrants under the regulatory regime. Finally, I observe that these powers are only excisable following judicial authorisation in the form of the warrant, protecting against any arbitrary exercise.

Confidentiality notice

Clause 380 amends s 201(1) of the SSR Act to update the bases upon which a confidentiality notice may be issued. This clause provides that the Regulator may issue a confidentiality notice to a person (other than an authorised officer, an independent investigator or a relevant agency) specifying a restricted matter (which is defined in s 200 of the SSR Act). A confidentiality notice may be issued if the Regulator considers on reasonable grounds that the disclosure of that restricted matter would be likely to prejudice: the investigation of a contravention of the SSR Act or the Disability Service Safeguards Act; the investigation of a contravention of the Child Safe Standards; the investigation of conduct of a disability worker, disability student or a regulated social service worker or carer under the Disability Service Safeguards Act; the safety or reputation of a person; or the fair trial of a person who has been or may be charged with an offence.

Right to freedom of expression

The confidentiality notice regime restricts the right to freedom of expression. However, in my view, any restriction is reasonably necessary for the protection of the rights and reputations of others, and for public order. The amendments ensure that the existing regime aligns with the updated monitoring and enforcement functions of the Regulator and the rights of other persons to personal safety, reputation, or a fair trial, are not compromised by inappropriate disclosures concerning the exercise of powers under the Bill. The range of circumstances where a notice may be issued remain limited and appropriately tailored with a number of exceptions, which ensures that the limit on expression goes no further than reasonably necessary. I therefore consider that amended s 201(1) is compatible with the right to freedom of expression.

Part 4.4 – Disability legislation consequential amendment of other Acts

Subdivision 2 – Disability Act 2006

Following the removal of the Board, Commission, and Commissioner, clause 401 of the Bill amends s 202AB(4) of the Disability Act to remove the Board, Commission, and Commissioner as bodies that may receive the disclosure, use or transfer of protected information. Similarly, clause 402 amends s 202AD(1) to also remove the Board, Commission, and Commissioner as bodies which can receive information about worker screening from the Secretary.

As the Board, Commission, and Commissioner has statutory responsibilities under the Disability Act to receive and use information gathered in the course of provision of disability services, the reduction of the scope of the bodies' functions and powers could engage the right to equality under s 8(3) of the Charter for people with disability.

However, I consider that the above right is not limited by the repeal of the bodies' functions to receive and use relevant information as these functions will be assumed by the Regulator (which is already a prescribed body for the purpose of these sections), ensuring that there will be no reduction in the ways information related to the provision of disability services and worker screening can be received. On the contrary, the approach will clarify the Regulator's role to receive relevant information, enhancing the exercise of its functions.

Subdivision 7 – Spent Convictions Act 2021

Clause 415 amends s 22 of the Spent Convictions Act to remove the Board and the Commission as prescribed bodies or persons in which a law enforcement agency may disclose a spent conviction to, and transfers powers to the Regulator as a prescribed body. The amendment will specify that the Regulator, in accordance with its functions under the Disability Service Safeguards Act, can receive disclosures in relation to the registration

and regulation of registered disability workers and disability students, and the regulation of unregistered disability workers.

Privacy right

The transfer of powers to receive disclosures to the Regulator may engage the right to privacy insofar that it will allow information to be shared. However, I consider that privacy is protected through this clause, which prohibits the disclosure of information to entities other than as authorised in s 22 of the Spent Convictions Act.

Right to equality

'Discrimination' under the Charter is defined by reference to the definition in the EO Act on the basis of an attribute in s 6 of that Act. Relevantly, 'spent convictions' is a protected attribute under ss 6(pb) of the EO Act. As such, the Regulator's power to receive disclosures of spent convictions from a law enforcement agency in relation to the registration and regulation of registered and unregistered disability workers, and disability students, may constitute direct or indirect discrimination. This is on the basis that information about a person's protected attribute is being shared between two bodies, which may affect, and discriminate against, a person's employment as a disability worker or disability student.

However, I consider that if such a limitation arises, it is justified in these circumstances. The Bill seeks to strengthen the regulatory systems that apply to disability workers, such that a more effective safeguarding framework can ensure that people with disability can access safe services without fear of abuse, harm or neglect from workers. There is a strong public interest in achieving this purpose and, accordingly, any limitations on the rights to equality are necessary to prevent potential risks of harm from disability workers and disability students towards people with disability, which may not be achieved by less rights-limiting means.

Subdivision 8 – Worker Screening Act 2020 and Schedule 2 – Further consequential amendments relating to the Worker Screening Act 2020

The Bill makes a number of amendments to remove references to the Board, the Commission, and Commissioner in information sharing provisions in the Worker Screening Act and transfers the existing powers to the Regulator as the case requires through consequential amendments in Schedule 2 to the Act to update references to the Secretary to the Regulator. These changes are implemented by the following provisions:

- Clause 417 amends s 18(2) of the Act in relation to consideration of an application for an NDIS check and Items 1.21 and 1.22 of Schedule 2 update references in s 18 from Secretary to Regulator;
- Clause 419 amends s 40(1) of the Act in relation to re-assessment of a person's eligibility to hold an NDIS clearance and Items 1.53 and 1.54 of Schedule 2 update references in s 40 from Secretary to Regulator;
- Clause 420 amends s 97(2) of the Act in relation to an applicant for internal review of a decision related to an NDIS clearance providing further information and Items 1.155 and 1.156 of Schedule 2 update references in s 97 from Secretary to Regulator;
- Clause 421 amends s 104(c),(d), (e) and (f), which removes the Board, Commission, and the Commissioner as bodies in which enquiries can be made and from which information can be sought from for the purposes of assisting VCAT in relation to the determination of an application in relation to NDIS clearances and Items 1.164 and 1.165 update references in s 104 from Secretary to Regulator; and
- Clause 422 repeals s 141, which currently empowers the Secretary to the Department of Justice and Community Safety to notify entities of certain matters relating to disability-related work, and to notify relevant entities (being the Board, Commission, and Commissioner) of matters relating to screening checks and clearances.

While these provisions may interfere with the right to privacy as they allow information to be shared between the Regulator and other bodies, the interference will be neither unlawful nor arbitrary. As discussed above, this is because these amendments are confined to their statutory purpose to enable the transfer to the Regulator of functions currently administered by the Board, Commission, and Commissioner under the Worker Screening Act. Disclosure of information in these circumstances does not extend beyond what is reasonably necessary to achieve the legitimate aim of the Bill and is reasonable and proportionate to the Bill's important objectives. Further, existing privacy protections will apply in the Worker Screening Act concerning further use or disclosure of this information.

Chapter 5 – Amendment of *Residential Tenancies Act 1997*

Part 5.1 – Specialist disability accommodation amendments

Application to the Tribunal to enter or establish agreement with SDA resident in occupation

Clause 456 of the Bill adds ss 498LAA, 498LAAB and 498LAAC to Part 12A of the *Residential Tenancies Act 1997*. These amendments provide the ability for a specialist disability accommodation (**SDA**) resident and SDA provider to apply to VCAT for an exceptional agreement order permitting an SDA residency agreement to be formed notwithstanding that the SDA resident is already in occupation of the SDA dwelling. New s 498LAAB permits VCAT to make such an order if it is satisfied that it is appropriate in the circumstances and having regard to the conduct of the parties. Further, new s 498LAAC requires that an SDA provider gives an SDA resident in respect of whom an exceptional agreement order is made, an information statement within 7 days after the order is made.

These provisions promote the rights of people with a disability in specialist disability accommodation and the right not to have their home arbitrarily interfered with by giving them the opportunity to have a valid SDA residency agreement in circumstances where they may not have been able to form an SDA residency agreement before occupying the SDA dwelling. It ensures that people with a disability can remain living in their home and have the same protections and rights as those who formed an SDA residency agreement before moving into their SDA dwelling.

Part 5.2 – Validation of certain SDA residency agreements

Clause 464 of the Bill adds Schedule 4 into the *Residential Tenancies Act 1997*. These amendments resolve potential validity issues with specialist disability accommodation agreements made with residents who transitioned from the group home protections under the *Disability Act 2006* to the *Residential Tenancies Act 1997* between 1 January 2020 and commencement of the protections. These amendments will provide certainty for affected residents and providers by deeming the agreements to have been validly formed in accordance with Part 12A of the *Residential Tenancies Act 1997*.

These provisions promote and ensure the rights of people with a disability in specialist disability accommodation are upheld, namely the right to equality and the right not to have their privacy or home arbitrarily interfered with. The amendments do this by ensuring that affected residents are not disadvantaged and are offered the choice to continue with their validated agreement or form a new agreement.

Conclusion

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

The Hon. Ben Carroll MP
Deputy Premier
Minister for Education

Second reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:16): 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:

Overhaul of Child Safety

Nothing is more important than the safety, welfare and wellbeing of children. The distressing allegations of child abuse in early childhood settings earlier this year demonstrate the need to ensure that we have the most robust and effective systems in place to protect all children in Victoria.

On 2 July 2025, the Victorian Government commissioned the Rapid Review of Child Safety (Rapid Review), led by Jay Weatherill AO and Pam White PSM. The Review made 22 recommendations to drive improvements in child safety. The Victorian Government accepted, and has committed to implementing, all 22 recommendations.

On 27 August 2025, the first tranche of urgent reforms that the government introduced to strengthen Victoria's Working with Children Clearance laws was enacted. Key changes included ensuring that anyone banned from child-related work interstate will be banned in Victoria, and requiring a Working with Children clearance to be immediately suspended while it is under re-assessment for intended revocation, with no exceptions.

The Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 (the Bill) is the next step in the government's child safety overhaul. The reforms in this Bill will bring together several child safeguarding schemes under the single roof of the Social Services Regulator and enhance the Working with Children Clearance, as recommended by the Rapid Review, to create a flexible scheme that is responsive to risk and prioritises child safety.

More effective protections for children across all settings

These reforms, in combination with the government's reforms to the oversight of Early Childhood services, will better protect children across the different settings where they play, learn and receive support and care.

In addition to consolidating the Working With Children Clearance scheme and other child safety schemes within the Social Services Regulator, the Bill also brings the regulation of disability workers into the Social Services Regulator, where it will be aligned with the existing regulation of out of home carer workers and carers. Safeguards will be significantly enhanced across these schemes.

Children use social services, and some of the social services registered by the Regulator are specifically aimed at supporting children – including child protection, statutory care and community-based child and family services. Children with a disability are a particularly vulnerable cohort – both in registered social services and in schools and early education.

While the totality of these initiatives will benefit service users in all settings, the combination of child safeguarding reforms and enhanced protections for service users with disability will particularly benefit children and young people with a disability – whatever service they are accessing.

While regulation of early childhood, teachers and schools will remain with the dedicated schemes in the new Victorian Early Childhood Regulation Authority and the Victorian Institute of Teaching, the strengthened information sharing arrangements between the Social Services Regulator and other regulators will allow information to flow between regulators so that problems are identified and addressed by the appropriate regulator.

The Working with Children clearance, which is used in so many areas of child-related work, provides a strong basis to keep children safe across all the services, activities and settings that children engage in. The Social Services Regulator will make the decisions about who should hold a Working with Children clearance, and who should have their clearance suspended or cancelled. The information that will flow into the Regulator from its own activities and from other sources including the education regulators, will be used to inform those decisions and to help keep children safe from predators in a broad range of settings.

I will now discuss each of the key reforms in this Bill in turn.

The foundation of the child safety overhaul is consolidation of regulatory responsibilities

The Rapid Review found that Victoria's child safeguarding regulatory framework is fragmented, with functions sitting across multiple regulatory bodies. This approach has meant that 'breadcrumbs' of information would often be viewed in isolation, only providing a partial picture of risk. Bringing safeguarding functions together into a single entity – with expanded powers and a broader remit – allows relevant information to be joined up across services, giving a more accurate picture of risk that goes directly to assessing whether someone is suitable to work with children.

The Rapid Review recommended that the Working with Children Clearance, the Reportable Conduct Scheme and the Child Safe Standards be consolidated in one place and that the Social Services Regulator is the appropriate entity to administer all these schemes. This was in recognition of the need to bring 'breadcrumbs' of information (including across disability and social services) into the one entity to ensure consistent safeguards for all Victorian children.

The Regulator is an independent statutory authority established under the *Social Services Regulation Act 2021* to safeguard social services users from harm, abuse and neglect. As an independent regulator with existing responsibilities relating to children in out of home care, and with an existing role under the Child Safe Standards as an integrated sector regulator, the Regulator is ideally placed to take on this new responsibility.

The Reportable Conduct Scheme, which exists to improve how organisations respond to allegations of child abuse and misconduct by their employees, is currently administered by the Commission for Children and Young People (CCYP). The CCYP oversees some providers' compliance with the Child Safe Standards and has a State-wide education and guidance function for the Standards. These functions will move from the CCYP to the Regulator.

The changes will focus the CCYP's critical functions on children and young people in child protection, out of home care and youth justice. The CCYP will continue to promote the rights, safety and wellbeing of children and young people, and provide independent scrutiny of services provided to children and young people, particularly those in the child protection system and in youth justice.

The Bill brings the Reportable Conduct Scheme and the CCYP's remit for the Child Safe Standards scheme under the roof of the Regulator, locating multiple sources of information about child safety together in one place. Additionally, the Working with Children Clearance, which is administered by the Department of Government Services, will move to the Regulator, who will become the decision maker under the scheme. The Minister for Government Services remains jointly responsible for the *Worker Screening Act* and the Department of Government Services will continue to run the substantial databases that support both the Clearance and the NDIS worker screening check. The public interface with the scheme will continue to be through Services Victoria, so Victorians will continue to use the same system to apply for a Clearance or to check the status of people they engage to work with children.

Enhancements to the Working with Children Clearance framework

The Rapid Review found that Victoria's Working with Children Clearance framework under the *Worker Screening Act 2020* was not fit for purpose and needed to be rebalanced in favour of child safety. This Bill enacts all of the Rapid Review's Working with Children Clearance recommendations and ensures that Victoria's Working with Children Clearance leads the way nationally in better protecting the safety, welfare and wellbeing of children.

The Bill introduces a series of reforms to Victoria's Working with Children Clearance laws that will improve the Regulator's ability to act swiftly and decisively to prevent harm to children.

Unsubstantiated information may trigger and inform Working with Children assessments

Currently, only criminal charges or substantiated disciplinary findings can be used as a basis to assess, refuse, temporarily suspend or revoke a Working with Children clearance. Information that falls below this, for example, unsubstantiated allegations or intelligence from police or received through the Reportable Conduct Scheme, can be highly pertinent to forming a holistic picture of risk.

The Rapid Review found that limitations on the use of such information are problematic as they can lead to an incomplete view of the child safety risks posed by a Working with Children clearance holder or applicant. In response to the Rapid Review recommendations, this Bill ensures that the Regulator will have the power to act swiftly and decisively when it receives any information that puts children's safety in doubt, rather than having to wait until a matter is finalised.

A new Intelligence and Risk Assessment Unit

To support the appropriate use of information that is yet to be substantiated for the purposes of determining someone's suitability to work with children, a new Intelligence and Risk Assessment unit is being established within the Regulator, consistent with the recommendations of the Rapid Review.

Evidence-based risk assessment tools will be developed with input from child safety experts, ensuring staff are well trained and equipped to exercise consistent and sound professional judgement when weighing up risk information.

A new 'interim bar' power to immediately prohibit or suspend someone from Working with Children

The expanded ability to assess risks to children's safety based on information that is yet to be substantiated will be supported by the introduction of a new 'interim bar' power.

Currently, the Regulator must immediately suspend someone's Working with Children clearance when a person is found guilty of serious offending.

The new standalone 'interim bar' power in the Bill will allow the Regulator to act on the basis of serious intelligence or information that is yet to be substantiated, but that suggests a risk to children is present, and immediately prohibit or suspend someone from working with children while the Regulator undertakes a risk assessment.

The 'interim bar' can be imposed for six months initially, with an ability for the Regulator to extend this up to a total maximum duration of 24 months. The 24-month upper time limit will ensure the Regulator has time to complete an assessment or re-assessment, and importantly will allow completion of investigative processes – for example, by police or child protection. While it is a substantial period for an interim decision to stand, it means a person will not be subject to a Working with Children exclusion, which prevents a person from reapplying for five years without a change in circumstances.

Because 'interim bar' decisions are not a final determination, they are not subject to the internal review process. However, for any 'interim bar' that extends beyond six months, the Bill imposes a requirement on the Regulator to re-assess its continued necessity every three months.

An internal review process for Working with Children decisions

The Rapid Review recommended that Victorian Civil and Administrative Tribunal (VCAT) review of a Working with Children decision be removed and replaced with an internal review process. The Review

identified the need for review decision makers to possess specialist skills and knowledge relevant to the assessment of risks to child safety.

The Bill enacts this recommendation by preserving review rights but replacing the review pathway to VCAT with an internal review process. This and the following changes importantly ensure natural justice for people who have been refused a Working with Children clearance or have had their Working with Children clearance revoked.

The Bill requires that an application for internal review be dealt with by a person who did not make the reviewable decision and who is in a position equal to or more senior than the original decision maker. This will support a structural separation of first instance and review decision making within the Regulator. It will safeguard against conflicts in the internal review process and ensure the original decision is properly considered afresh.

To ensure that these decisions draw on specialist expertise in child safety, as recommended by the Rapid Review, the Bill will require the Regulator to establish an expert panel that can provide independent specialist advice as needed in relation to individual reviews. The expert panel will be established as a list of appropriately qualified members, a convener, and (at the Minister's discretion) one or more deputy conveners. The office of convener ensures independence by allowing the expert panel to manage its own processes in response to the Regulator's requests for advice on individual cases.

Judicial review in the Supreme Court is of course not affected. The Bill's requirements for the Regulator to provide reasons for an adverse review decision will support applicants to make an informed decision about whether to make such an application.

Mandatory online safety training for all Working with Children applicants

The Rapid Review found that the broader community lacks the required knowledge to act to protect children from abuse and neglect. The Bill requires mandatory child safety training and testing for people applying for a Working with Children Clearance to support applicants to have a base level of child safety literacy. This will equip them to recognise, identify and adequately act to protect children from abuse.

This requirement will apply to all new and renewal applications but will not start until government has ensured the training materials are fit for purpose and integrated with the on-line application system. There will be flexibility to accommodate applicants who require reasonable modifications to be made to the process, as well as flexibility for the Regulator to make alternative arrangements for proof of completion of training to be provided at a later date.

Organisations to verify that employees and volunteers have Working with Children Clearance

The Rapid Review found that there is currently no effective method of ensuring a link between a person with a Working with Children Clearance and every organisation where they work or volunteer. Organisations are not required to verify that persons they engage in child-related work have a Working with Children Clearance. Although the person engaged is required to notify the screening authority that they are working or volunteering with an organisation, and this will create a link on the system between a clearance holder and an organisation, there is a risk a person may fail to link every organisation with which they have worked.

The Bill addresses this risk by requiring anyone engaging a person in child-related work to verify that the person has a Working with Children clearance. Employers and volunteer organisations must also notify the Regulator when they engage or cease to engage a person in child-related work and provide details of the person's name, address and phone number, and update the Regulator with any changes. This will apply to new and existing workers but will not commence until government has ensured that the requirement can be integrated in the current Working with Children Clearance user interface, and that the burden on organisations will be manageable.

The Bill introduces new offences for failing to update this information, to help ensure compliance. The Bill also ensures that the new requirements are appropriately targeted by providing an exception for parents entering a private arrangement for their own children. These parents will however be able, if they choose, to notify the screening authority that they have engaged a Working with Children clearance holder in child-related work.

These changes will allow the Regulator to properly track the movement of workers and volunteers across organisations, further expanding and strengthening the safety net around children.

National harmonisation

The Victorian Government is also working with the Commonwealth Government and other States and Territories to develop a national approach to the Working with Children Clearance laws and advocate for an improved national database to support real-time monitoring of who holds a Working with Children clearance.

Bringing together information from different parts of the child safeguarding system

The new Victorian Early Childhood Regulatory Authority, VECRA, will be the primary place parents concerned about the quality or safety of care can go for assistance and advice. Any concern about an immediate risk to child safety outside the home, or that a crime may have been committed, should be reported to police. However, government recognises that not all risk to children will end in a criminal prosecution, and child safety cannot wait where unacceptable risks are seen.

These reforms recognise that information about risk to children can come from many different places, and from different stages of an investigation. The Regulator will receive information from investigatory authorities as soon as is appropriate and will be able to act on it quickly to stop someone from working with children if needed.

The Social Services Regulator will also be able to collect up information from other places that consider risks to child safety, including the Victorian Institute of Teaching and VECRA. No matter which agency gets a complaint and investigates it, information from those investigations can flow into the Regulator.

The new shared intelligence and risk assessment function will allow the Regulator to piece this information together, so it gets a holistic picture of whether someone is a risk to children and so that it can make quicker and robust decisions about whether people are safe to work with children.

These reforms are building a system that enables different agencies to work together, to get a complaint or concern to the right place to be investigated and then get the information from that investigation into the right place for it to be acted on. **In the words of the Rapid Review, over time there should be 'no wrong door'.**

Working with the new Early Childhood Regulator

The expanded Social Services Regulator will work closely with the proposed new independent Victorian Early Childhood Regulatory Authority, introduced in the Victorian Early Childhood Regulatory Authority Bill 2025, to strengthen regulation and child safety.

Early childhood workers (who are not also qualified teachers) need a Working with Children Clearance to work in early childhood. The Social Service Regulator will tell VECRA when it suspends or cancels an early childhood worker's Working with Children Clearance, so that VECRA is aware that a person can no longer work in early childhood.

The Regulator will also tell any organisation that it is aware of that employs that person. While an individual is required to stop performing child related work, ensuring that employers know when a clearance is suspended or cancelled protects against workers failing to remove themselves from the workplace.

In addition to sharing these outcomes, the Regulator is also empowered to share information with other regulators. Where the Regulator receives a complaint or intelligence that would fall within VECRA's remit, the Regulator will be able to refer the complaint or intelligence to VECRA and vice versa, ensuring a 'no wrong door' approach to child safety matters.

The *Social Services Regulation Act 2021* includes broad information sharing powers, that will allow the Regulator to share relevant information with VECRA. Similarly, the VECRA will be empowered to share information that is required under any other law – providing information to the Social Services Regulator that will be able to be added to the other pieces of information gathered through the new intelligence and risk assessment function.

Where that information raises a question of whether a person is suitable to work with children, the Regulator's expanded powers under the Working with Children Clearance will allow it to combine this information with other 'breadcrumbs' from sources including social services regulation, Reportable Conduct Scheme and its Child Safe Standards work, and reassess or suspend an individual's Working with Children clearance where necessary. As I noted earlier, the Regulator will notify VECRA of these outcomes. As these reforms commence, the regulatory authorities will build the protocols and pathways to ensure this information is shared quickly to enable each regulator to play their part.

Both the Social Services Regulator and the Victorian Early Childhood Regulatory Authority will be prescribed under the Child Information Sharing Scheme, further enhancing the information that can be shared between them. The scheme allows prescribed organisations to share confidential information about children when doing so will promote a child's wellbeing or safety – including to assess or manage risk, plan services, or support investigations.

This will enable the Social Services Regulator and the Victorian Early Childhood Regulatory Authority to receive and share relevant information to:

- identify and respond to risks to children
- inform workforce screening and exclusion decisions

- coordinate regulatory responses with other oversight bodies.

In practice, if a worried parent contacted the Social Services Regulator with concerns about the behaviour of an early childhood educator, that information will reach the right place for any investigation or other follow action required.

If the complaint raises concerns about criminal conduct, the Regulator would contact Victoria Police to enable the allegation to be investigated. The proposed new Victorian Early Childhood Regulatory Authority (VECRA) will be the central regulator for early childhood, so the Regulator would also provide any information about risk to a child to VECRA.

Criminal investigation by Victoria Police will always take precedence. Depending on the circumstances, this information could also be responded to by a combination of regulatory measures. These include information gathering across multiple sources, risk assessment, and the use of new Working with Children Clearance suspension powers designed to protect children from harm across all settings involving child-related work.

The Regulator could gather information as part of its own investigation of the worker's suitability to continue to hold a Working with Children clearance. This could involve gathering information from police and VECRA, as well as other sources such as allegations or investigations under the reportable conduct scheme and the worker and carer exclusion scheme for out of home care workers. Importantly, the Regulator is no longer required to wait, for example, for police to charge the worker before taking protective action. The Regulator may suspend the worker's Working with Children clearance if it considers that it is in the interests of child safety to do so. The Regulator must then notify the worker of the suspension in writing, stating that they must not engage in child-related work while the suspension is in force. The Regulator would also be required to notify the centre and/or agency who employs the worker. The suspension would affect the worker's right to work with children in other settings, including early childhood education and teaching, and would also prohibit the worker from engaging in any volunteer activity involving child-related work such as sports coaching.

Consolidating disability oversight functions in the Social Service Regulator.

Similar to the early childhood sector, the location of different responsibilities and different sources of information in the disability oversight area leads to the risk that no one agency has a holistic focus on consistent protections and safeguards for children and adults in higher-risk settings. Disability oversight in Victoria is currently fragmented and confusing for people with disability to navigate. The Victorian Disability Worker Commission regulates disability workers, while the Disability Services Commission receives complaints about State-funded disability services. The Social Service Regulator regulates state-funded disability services and ensures that providers meet the social service standards.

This Bill will bring all the current Victorian disability oversight functions under the roof of the Social Services Regulator, creating a more efficient and effective system that is easier for people with a disability to navigate. It will also better enable breadcrumbs of information and risk to be shared, to inform collective action across different sectors, including higher-risk settings, to protect children.

The rights of children and adults with disability are a key priority for the Victorian Government. The reforms will ensure that people with disability continue to be protected from harm, abuse and neglect, and receive safe and high-quality services. Many reforms in this Bill, which I will outline below, enhance protections and safeguards for disability service users.

The changes in the Bill will enable better information sharing and a stronger independent regulator that has the powers it needs to keep our communities safe. It will deliver a strengthened and more efficient safeguarding framework to ensure that children and adults with disability – and people accessing social services more broadly – can access safe, high-quality services, and can do so without fear of abuse, harm, or neglect from providers or workers.

More effective safeguarding of children and adults accessing disability services

The Rapid Review acknowledged that predators exploit system loopholes and administrative gaps to target vulnerable people. The reforms in this Bill will strengthen Victoria's regulatory systems recognising that children with disability may be at higher risk of abuse. As the Rapid Review noted, for too long too many separate pieces of relevant information about an individual have not been pieced together to create the full picture of risk. We need a better understanding of child safety to protect all children – including those at risk due to disability, neglect, family violence and other forms of abuse. This Bill also reflects the need to protect children and adults accessing disability services in Victoria, particularly to ensure that predators are prevented by the Social Services Regulator from moving between sectors.

Safeguarding all children including those with disability cannot wait and we must act. An effective and efficient safeguarding framework is vital to ensure that all Victorian children and adults living with disability can access high-quality services, and can do so without fear of abuse, harm and neglect from providers.

This Bill addresses regulatory fragmentation raised by the Rapid Review by bringing together a range of related regulatory and oversight functions within the one agency to create a system that is easier for everyone to navigate. Amongst other things, this provides that breadcrumbs of information across any of the Social Services Regulator's functions can be used to prevent high-risk individuals from working with children with disability and builds on improvements already made to the Working with Children Clearance to include prohibitions of disability workers by regulatory bodies as a trigger for an NDIS worker screen or Working with Children re-assessment.

An expanded complaints scheme

The number of different entities involved in regulation and complaints for social services can be confusing for service users. For example, of the 62 complaints made to the Disability Services Commissioner in 2024–25, 58 were outside of its legislated scope. Where those complaints never reach the right place, this can lead to essential safeguarding information being missed or trends of poor conduct by workers going unchecked, reducing the safeguards for children and adults in high-risk settings.

The Review of the National Disability Insurance Scheme noted that people with disability frequently struggle to identify which service they should approach to have their concerns addressed.

The Disability Royal Commission also noted in its final report that accessing the existing complaints landscape is difficult without appropriate assistance and support. The report highlighted stakeholder feedback calling to remove the burden on individuals to navigate where to complain whilst respecting and empowering them to participate.

Disability Services Commissioner

The Disability Services Commissioner currently receives and resolves complaints about disability service providers (not individual workers) and promotes the rights of people with a disability to be free from abuse and neglect. However, with the shift in services from the State to the National Disability Insurance Scheme, the remit of the Victorian Office of the Disability Services Commissioner is now very small, covering forensic disability services, services to Victorians ineligible for the NDIS and some Transport Accident Commission services.

But, while the scope of the Office has reduced in size, its function of regulating State funded and delivered disability service providers continues to be an important safeguard. The function will be moved into the Social Services Regulator, where complaints about a disability service that is funded by Victoria will continue to be able to be dealt with, and where the information that a complaint provides can also inform the Regulator's broader regulatory activity.

A new complaints pathway for all social service users, covering all social service providers

It is not only users of a disability service who, from time to time, will wish to complain about the service they are receiving. However, currently users of disability services are the only social service users that have a dedicated pathway for their complaint to be heard.

The Bill introduces a new, dedicated and accessible pathway for service users and their advocates to raise concerns about social services with the Social Services Regulator. This not only provides critical new safeguards for service users that do not currently have access to a dedicated complaints function but also supports the Regulator to gain information across sectors and address risks in a timely way.

The complaints scheme will be rolled out progressively – starting with disability services and disability workers and eventually covering all social services within the scope of the Regulator. This will allow for complaints in a social service, to be made to the one Regulator. This will allow action to be taken to safeguard children and adults in disability services, out of home care or the broader social services and to provide the same level of consistent safeguards and protection across all the social services.

The Regulator will be able to resolve complaints through agreement with the relevant parties, or through investigation. It will have access to its full range of existing powers to conduct investigations about complaints it receives.

As in the child safety space, it is important to be able to bring together disparate pieces of information from different sources in order to fully identify risk to users of social services. A complaints function will allow the Regulator to receive a broad picture of risk, from multiple sources, and to consider this information holistically, and determine the most appropriate response.

Where the Regulator receives information through its complaints function (including about disability services and/or workers) which raises a question about whether a person is suitable to work with children, the Regulator's expanded powers under the Working with Children Clearance will allow it to combine this information with other 'breadcrumbs' from sources including the Reportable Conduct Scheme and re-assess or suspend an individual's Working with Children clearance. This builds on recent changes to Victoria's

Worker Screening laws which ensure a decision by other regulators to prohibit a disability worker, triggers a re-assessment of the worker's NDIS worker screen or WWC clearance. This will better protect Victorian children, as a potential predator located in one service type will be more easily stopped from working across any other settings where children play, learn or receive support and care.

Worker regulation

Currently, the Victorian Disability Worker Commission and Disability Worker Registration Board are jointly responsible for regulating disability workers in Victoria. The Commission can investigate complaints and notifications about disability workers and the Commissioner can prohibit disability workers from providing disability services in certain circumstances. The Disability Worker Registration Board sets standards for and administers the voluntary registration system for disability workers.

The Bill will mean the Regulator takes on these functions, in addition to its current role of regulating out of home care workers and carers under the Worker and Carer Exclusion Scheme. The Disability Worker Registration Board will dissolve once these functions transition to the Regulator.

The worker regulation and prohibition scheme will continue under the Regulator, with the Bill aligning, where practical, existing regulation of out of home care workers and carers with regulation of disability workers so that they are regulated consistently.

Importantly, the changes will also increase protections for people with a disability and children in out of home care. The Bill will introduce additional regulatory tools for the out of home care sector, to align with those currently available in the disability sector. The current Worker and Carer Exclusion Scheme can only result in a decision to prohibit or not prohibit a worker or carer, while the disability worker regulation scheme allows for a range of interventions that are appropriate when a worker's conduct needs to be addressed, but does not warrant prohibition.

These include providing information and guidance to a worker, or placing conditions on a worker such as requiring them to undertake specified training. These interventions will be available for lower-level conduct, aiming to address concerning worker conduct before it risks harm to service users and warrants the worker being prohibited.

Currently a disability or out of home care worker who is prohibited under one scheme is still able to work in the other. Bringing the schemes together under one roof will enable the Regulator to prohibit a worker or carer from being employed or engaged in one sector, if they have a prohibition order against them in the other. This will enable the Regulator to limit mobility of excluded workers between the disability and out of home care sectors, further protecting Victorian children and Victorians with disability.

There will be increased penalties for offences that apply in the disability sector, ensuring greater uniformity of penalties across the two regulated workforces. Offences that exist in the Worker and Carer Exclusion Scheme will be expanded to also apply in the disability sector, including offences for applying for employment if prohibited and for failing to notify an employer if placed under investigation, or subject to a condition or a prohibition order. There will also be a new offence that will apply to any registered disability provider that engages a disability worker, while that worker is listed on the public register as being prohibited. The new offences and changes to penalties ensure consistency across the two workforces and will strengthen protections for service users.

Consistent with the new internal review process for the Working with Children Clearance scheme noted earlier, the Bill creates an internal decision making and review pathway for both out of home care and disability worker regulation. This replaces first instance prohibition decisions about out of home care workers and carers that are currently made by the Worker and Carer Exclusion Scheme Panel. It also replaces review of worker prohibition decisions for disability and out of home care workers which are currently reviewable by VCAT. These internal review processes will be supported by the same expert advisory panel arrangements being established in connection with the Working with Children Clearance scheme, ensuring that independent specialist advice can be provided to the Regulator for particular internal review decisions. The expert panel will include specialist disability expertise as well as child safety expertise to ensure decisions by the Regulator are appropriately informed.

Worker and Carer Register

Currently, the Regulator is required to record information on workers and carers who are prohibited from working in the out of home care sector, and this information is used to ensure that out of home care services do not engage prohibited workers. The information is not publicly available.

The reforms will establish a requirement for the Regulator to maintain a register of workers and carers in the out of home care sector, including details of their employment or engagement, covering the same scope of workers and carers as the previous Victorian Carer Register.

Providers will be required to provide the Regulator with the required information on the people they employ or engage, and it will be an offence not to provide this information. Providers will have adequate time to provide this information as the register is being established.

If a worker or carer is under investigation, or is excluded from the out of home care sector, this register will enable the Regulator to identify where the individual is employed or engaged, or may have previously worked or been engaged, and to swiftly notify relevant providers. This will prevent prohibited workers or carers from working with Victorians with vulnerabilities, providing critical additional protection for service users.

I am conscious that we do not yet have a similar database of disability workers in Victoria, who may be working across State and or NDIS funded roles. I know that the Commonwealth raised concerns about the risks the number of unregistered NDIS service providers pose, and the NDIS Provider and Worker Registration Taskforce recommended registration of disability workers. As Disability Minister, I will continue to advocate for a strong regulatory system to protect the rights of people with disability to receive safe and high-quality services they deserve, including a register of disability workers.

Maintaining disability specialisation

We have heard that there needs to be a continued focus on disability sector specialisation throughout these reforms. In response, the Bill includes reforms to ensure that the Regulator retains disability focus and expertise, including:

- establishing Associate Regulator roles. These key leadership roles will be Governor in Council appointments. There is flexibility in how these roles can be used, but it is intended that at least one Associate Regulator will have an understanding of, and expertise in, disability, and another will have child safety expertise.
- staff from impacted entities such as the Victorian Disability Worker Commission will transfer to the Regulator.
- enabling the Regulator to establish expert committees or expand existing committees to provide advice on the registration and regulation of Victoria's registered and unregistered disability workers.
- as noted above, the ability to include specialist disability expertise on the Expert Advisory Panel, ensuring that the Regulator is informed by expertise in this area when reviewing prohibition decisions.

Procedural fairness safeguards

The common objectives that cut across all these reforms are the paramountcy of the safety of vulnerable cohorts and the prevention of individuals posing an unjustifiable risk from gaining access to sector specific employment or volunteering opportunities.

Consequently, the Bill empowers the Regulator to make decisions that have significant consequences for the rights of individuals, including prohibiting individuals from working in the out of home care and disability sectors and in child-related work, where appropriate and necessary.

However, the Bill includes safeguards to ensure any decision to prohibit an individual from working in a relevant sector is proportionate and justified in the interests of safeguarding vulnerable individuals.

In relation to disability and out of home care worker and carer regulation and Working with Children Clearance functions, the following procedural safeguards will apply or continue to apply:

- a requirement for the Regulator to provide reasons for decisions (subject to exceptions where disclosure would prejudice an investigation, identify a confidential law enforcement source of information or pose a serious safety risk).
- the ability to respond to evidence relied upon by the Regulator in making a final Working with Children Clearance decision.
- structural separation of first-instance and review decision making in the new internal review process, and the requirement for the Regulator to establish an independent expert panel from which the Regulator can seek specialist advice on complex review applications. There will also be requirements to provide written reasons for an adverse internal review decision.
- judicial review to the Supreme Court is retained, noting that the requirements for the provision of reasons in the Bill will support applicants to make an informed decision about whether to make such an application to the Supreme Court.
- a requirement for regular re-assessment of interim bar decisions, and interim out of home care and disability worker prohibitions.

In relation to allowing unsubstantiated intelligence or information to inform Working with Children Clearance assessments, in addition to the above procedural safeguards:

- the implementation of more sophisticated risk assessment capabilities through an enhanced risk assessment tool will enable greater use and interrogation of information. It will also ensure the Regulator has evidence-based tools to fully assess the risk posed to children by the new types of information.
- an offence of providing false or misleading information will mitigate against the risk of vexatious or malicious action in relation to allegations.
- the Regulator will be required to report annually on the number of adverse decisions made that involve consideration of information that is not able to be shared with the individual who is the subject of that decision.

Review

This is a significant package of reforms, which will affect many Victorians. Over 2 million Victorians hold a Working with Children Clearance, and up to half a million applications and renewals are processed every year. We are striking a balance between the paramount consideration of ensuring Victorian children are safe and the need to preserve a fair and efficient system that enables many Victorians to work and volunteer in their communities.

To ensure that we have struck the right balance, we are committing to review the reforms made in this Bill in response to the Rapid Review, five years after the commencement of those reforms. That review will be tabled in Parliament.

Implementation

The reforms in this Bill are significant and urgently required. In particular, the Government is seeking to make changes in response to the child safety review as a matter of urgent priority.

Given the scale and complexity of the reforms, they will be phased in progressively, commencing with numerous reforms to the Reportable Conduct Scheme, most of which will start on Royal Assent.

Given the urgent nature of this reform package, I intend that the other reforms will commence as soon as the required arrangements can be put in place.

Specialist disability accommodation and other minor amendments

The Bill makes targeted amendments to Part 12A of the *Residential Tenancies Act 1997* to ensure that the rights of people with disability in specialist disability accommodation are upheld, and that the law operates as intended.

The amendments will resolve potential validity issues with specialist disability accommodation agreements made with residents who transitioned from the group home protections under the *Disability Act 2006* to the *Residential Tenancies Act 1997* between 1 January 2020 and commencement of the protections. In some cases, these agreements could be found to be invalid due to technical defects in how they were formed.

The amendments will provide certainty for affected residents and providers by deeming the agreements to have been validly formed in accordance with Part 12A. To ensure residents are not disadvantaged, providers will be required to offer residents the choice to continue with their validated agreement or to form a new agreement.

The Bill will further improve and enhance Part 12A by:

- empowering the Victorian Civil and Administrative Tribunal to waive the requirement that an agreement be made before the resident moves into the accommodation
- aligning rent collection provisions for specialist disability accommodation with the rest of the *Residential Tenancies Act 1997*, reducing confusion for residents and providers
- streamlining residential notice requirements to reduce duplication, while preserving the Public Advocate's safeguarding role in respect of notices issued under Part 12A.

The Bill also makes minor and clarifying amendments to the *Residential Tenancies Act 1997*, *Social Services Regulation Act 2021* and other Acts. The changes are needed to ensure alignment of those Acts with amendments made by the *Disability and Social Services Regulation Amendment Act 2023*.

Conclusion

The Government has acknowledged the need for an overhaul of the child safety system to keep Victorian children safe and rebuild confidence in the early childhood education and care sector. The reforms in this Bill are a crucial step in the Government's response to distressing allegations of abuse in childcare centres.

Likewise, the Government is committed to ensuring that the safeguarding framework for people accessing social services is effective, efficient, and fit for purpose. The Bill will make the safeguarding system simpler for people to navigate and provide additional avenues for people accessing social services to have their voices heard.

The Bill reflects the Government's commitments to streamline, strengthen, and enhance regulation of social service providers, disability and out of home care workers and carers, and workers and volunteers working with children and young people.

This Bill will ensure that Victoria's regulatory frameworks for child safety and social services are as strong as possible to promote and protect the safety and wellbeing of our most vulnerable Victorians.

I commend the Bill to the house.

James NEWBURY (Brighton) (12:16): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Introduction and first reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:16): I move:

That I introduce a bill for an act to amend the Education and Care Services National Law set out in the schedule to the Education and Care Services National Law Act 2010, and to make Victorian specific modifications to that law as it applies as a law of Victoria, to improve child safety in education and care services and for other purposes'.

Motion agreed to.

Jess WILSON (Kew) (12:17): I ask the minister for a brief explanation.

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:17): The Early Childhood Legislation Amendment (Child Safety) Bill 2025 implements agreed reforms by states and territories to the national law governing early childhood safety and quality following decisions at recent education meetings. Further, this bill will also legislate reforms to Victoria's regulation of early childhood education and care, going further than the national consensus to provide additional regulatory tools to the new Victorian early childhood regulator to keep children safe.

Read first time.

Ben CARROLL: Under standing order 61(3)(b), I advise the chamber that representatives of all other 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

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:21): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Early Childhood Legislation Amendment (Child Safety) Bill 2025:

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 Early Childhood Legislation Amendment (Child Safety) Bill 2025 (the **Bill**).

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

Overview of the Bill

The Bill amends the Education and Care Services National Law (**National Law**) set out in the Schedule to the *Education and Care Services National Law Act 2010*, to implement the recommendations of the Rapid Child Safety Review (**Rapid Review**) to improve child safety in education and care services and the early childhood child safety and quality reforms arising from the national Review of Child Safety Arrangements under the National Quality Framework (**Child Safety Review**) and other priority national child safety and quality reforms agreed by the Ministerial Council.

The objects of the Bill are to:

Strengthen Legal and Enforcement Measures

- extend timeframes for prosecuting offences, triple maximum penalties, and add new infringement offences to strengthen enforcement;

Conduct, Supervision and Training

- add new offences for inappropriate behaviour, and allow authorities to suspend or supervise staff and volunteers, or require them to undergo training;

Emphasise Child Safety and Wellbeing

- reinforce that children's safety and wellbeing must be the top priority, with mandatory child protection and safety training for those working in education and care;

Increase Regulation of Technology and Environment

- introduce rules to manage the use of digital devices in care settings, and provide new powers to authorised officers to inspect family day care services;

Increase Oversight and Transparency

- establish a register for key personnel (**National Early Childhood Worker Register**), require approved providers to report changes in ownership or voting rights, and expand information-sharing with providers and agencies; and

Administrative Updates

- make minor and consequential amendments to improve clarity and consistency.

Human rights issues

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

- the right to protection from forced work (section 12);
- the right to privacy and reputation (section 13);
- the right to freedom of expression (section 15);
- the right to freedom of association (section 16)
- the right to protection of children (section 17(2));
- property rights (section 20);
- the fair hearing right (section 24(1));
- the right to presumption of innocence and other criminal process rights (s 25); and
- the protection against retrospective criminal laws (s 27).

Importance of Bill – protecting the safety, rights and best interests of children

As the amendments in this Bill all serve a common purpose of bolstering protections, safety and welfare in child-related education settings, I consider it helpful to preface my statement with an outline of the importance of this Bill and the pressing objectives it serves.

The primary purpose of the Bill is to overhaul the existing systems that safeguard child safety in Victoria so that they are as robust and effective as possible, in order to ensure that children are adequately protected.

The safety, health, wellbeing and protection of children is one of the highest priorities for all Australian governments. In 2023, the Australian Government Minister for Education and Minister for Early Childhood Education, supported by all state and territory Education Ministers, requested that the Child Safety Review be undertaken by the Australian Children's Education and Care Quality Authority (**ACECQA**). The Final Report of the Child Safety Review was published by ACECQA in December 2023.

The Child Safety Review examined new or refined systemic safeguards to better support services to protect children who attend an ECEC service. The Child Safety Review made 16 recommendations to address

emerging issues, close loopholes, strengthen policies and practices, child safe cultures, recruitment processes and information handling, support staff capabilities, and improve protections around the use of new, online technologies.

In response to the recent allegations of child sexual abuse in early childhood education and care centres across Melbourne, the Government commissioned a Rapid Review into child safety. The Rapid Review identified immediate actions the Victorian Government should take to ensure predators are quickly detected and excluded from working with children in the national early childhood education and care system or elsewhere. In short, the Rapid Review found Victoria's laws were no longer fit for purpose and among the least flexible in the country – and needed a fundamental reset.

In response to the Child Safety Review and Rapid Review's findings, this Bill introduces new offences for inappropriate conduct and give regulatory authorities stronger powers to suspend or supervise staff and volunteers, as well as require training.

The amendments place greater emphasis on child safety, emphasising it as the central consideration in service delivery and mandating child protection training. Transparency is improved through a new register of personnel and stricter reporting requirements for corporate providers. Legal enforcement is strengthened by extending prosecution timeframes, increasing penalties, and adding new infringement offences. The use of digital devices in care settings is now regulated, and authorised officers have expanded powers to inspect family day care services. Finally, minor technical updates have been made to improve clarity and consistency across the legislation.

In doing the above, the Bill pursues the important and pressing objective of protecting child safety in the early childhood education and care settings. In doing so, it promotes the protection of a child's best interests in accordance with s 17(2) of the Charter, which seeks to protect important values such as the bodily integrity, mental health, dignity and self-worth of a child. The right recognises the special vulnerability of children and the need for measures to protect them and foster their development and education.

At the same time, the balance of these reforms will necessarily interfere with the right to privacy, which has been interpreted to extend to matters relating to the right to seek employment, and may be interfered with where employment restrictions impact sufficiently upon the personal relationships of the individual and otherwise upon the person's capacity to experience a private life (*ZZ v Secretary, Department of Justice* [2013] VSC 267). While it is recognised that the balance of these amendments will collectively impose more restrictions on a person's ability to engage in child-related work, including extending to preventing a person from continuing to work in the sector to which they may be primarily qualified for, they are necessary to ensure that the protection of children and their best interests are paramount. The changes to the education and care services laws are principally directed at stopping predators from commencing or continuing to engage in child-related work.

New paramount consideration of child safety

To codify the importance of protecting children, clause 61 of the Bill inserts new s 2A into the National Law which provides that the safety, rights and best interests of children is the paramount consideration in the operation of an education and care service and in the delivery of education and care services to children. New subsection 2A(2) provides that various persons involved in the provision of an education and care service must have regard to and apply the paramount consideration in making any decision or taking any action under the National Law. The introduction of this paramount consideration promotes the protection of children under s 17(2) of the Charter by effectively imposing a positive duty on education and care providers to have regard to the safety, rights and best interests of children, embedding a culture of child safety into their decision-making processes and day to day operation.

Amendments to the National Law relating to offences, recruitment agencies and powers of the Regulatory Authority

The Bill amends the National Law to introduce penalties for providing false and misleading information to recruitment agencies regarding prohibition orders, and to allow the Regulatory Authority to share information with, and require information from, recruitment agencies. These amendments engage the rights to privacy and freedom of expression.

Rights to privacy and freedom of expression

Section 13(a) of the Charter prohibits unlawful or arbitrary interferences with a person's privacy. The right to privacy has been interpreted broadly by the courts to include protection of a person's physical and psychological integrity, their individual and social identity and their autonomy and inherent dignity. Arbitrary interferences are those that are capricious, unpredictable or unjust, as well as unreasonable because they are not proportionate to a legitimate aim sought. An interference with privacy can still be arbitrary even though it is lawful.

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

Clause 5 inserts new section 188B, which mirrors the existing offence in section 188A of the National Law in relation to false or misleading information about a prohibition notice, but expands its application to an individual who has entered into an agreement with a recruitment agency for education and care related work (agency educator) and who is subject to a prohibition notice.

By prohibiting such an individual from making a false or misleading statement to a recruitment agency about the prohibition notice, clause 5 engages the right to freedom of expression in section 15 of the Charter. This is consistent with the lawful restriction on the right to freedom of expression in section 15(3) of the Charter, being that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other people, including children. The right to freedom of expression is heavily qualified – and generally understood to not extend to protecting false or misleading expression in the context of a person's participation in a regulatory scheme. Deterring a person from providing false or misleading information about prohibition orders to which they are subject is directly connected to reducing the risk of harm to children and operationalising the effectiveness of these compliance measures.

Clauses 7 and 8 introduce powers to require recruitment agencies to provide information. Clause 7 inserts new section 206A, which mirrors the existing power in section 206 of the National Law of authorised officers to obtain information, documents and evidence, but expands its application to recruitment agencies. Similarly, clause 8 expands the existing power in section 215 of the National Law of the Regulatory Authority to obtain information, documents and evidence by notice, but expands its application to recruitment agencies. The definition of recruitment agency in clause 3 encompasses individuals. Under the National Law and regulations, approved providers are required to keep prescribed documents relating to any staff member employed or engaged by the service, including staff records comprising contact information, and evidence of relevant qualifications and training.

By requiring a recruitment agency to provide personal information about agency educators, clauses 7 and 8 engage the right to privacy and the right to freedom of expression in section 13(a) and section 15 of the Charter respectively. In respect of section 13(a), I consider that any interference with an agency educator's privacy would be in accordance with law and proportionate to the legitimate aim of ensuring that, when an allegation is made against an agency educator and a host provider has an incomplete staff record, authorised officers and the Regulatory Authority are empowered to obtain additional information about agency educators from recruitment agencies in order to take urgent action to mitigate risks to children. While this information may be personal, it will relate to information to which a person undertaking such roles would possess a lower expectation of privacy in relation to. For the same reasons as above, compelling recruitment agencies to provide information would not limit section 15(2) of the Charter, as it would be reasonably necessary to protect the rights of others, and public order.

Clauses 9 and 10 permit the National Authority or the Regulatory Authority to share information about an agency educator with their recruitment agency, including information about the educator's prohibition orders and enforceable undertakings. Clause 9 permits the National Authority or the Regulatory Authority to disclose to an approved provider, without that provider's prior request, information about whether an individual employed (or appointed or engaged) by the approved provider has given an enforceable undertaking or is subject to a prohibition notice, or whether a family day care educator employed (or appointed or engaged) by the approved provider has been suspended, if the National Authority or Regulatory Authority considers on reasonable grounds that the information may assist the provider to comply with the National Law. The effect of this amendment is to enable the National Authority and Regulatory Authority to proactively disclose certain information to an approved provider and to expand the types of information that may be disclosed to include enforceable undertakings. Further, the threshold for allowing disclosure of information is lowered from 'requires', to 'may assist' the provider to comply with the National Law in clause 9. Clause 10 inserts new section 272A, which permits the National Authority or the Regulatory Authority to disclose information to a recruitment agency for the purposes of promoting the objectives of the National Quality Framework about whether an individual has given an enforceable undertaking, is subject to a prohibition notice or has been suspended.

Although these clauses may engage the right to privacy in section 13(a) of the Charter, by allowing the disclosure of personal information pertaining to educators, the disclosure would be in accordance with law, including as already provided for under section 272 of the National Law, and necessary to ensure that prohibited or suspended agency educators do not work with children across multiple services undetected. In my view, a person would not hold a reasonable expectation of privacy in relation to records about their compliance with a regulated scheme or the existence of compliance orders being made against them, and the sharing of that information between the Regulator and employers is necessary for the purpose of upholding compliance with the National Law.

Additionally, allowing proactive information sharing (ie, without an approved provider's prior request) and information gathering by regulators is necessary to support early intervention and mitigation of harm to children, which promotes section 17(2) of the Charter

Extending the time within which proceedings for offence may be brought

Clause 11 of the Bill amends section 284 of the National Law to provide that proceedings for an offence under that Law must be commenced within 2 years after the date on which the person bringing proceedings – being the Regulatory Authority, a person authorised by the Regulatory Authority or a police officer – becomes aware of the alleged offence. This extends the existing limitation period previously set as requiring commencement of proceedings within 2 years of the date of the alleged offence.

Clause 11 further amends section 284 to provide that if the Regulatory Authority becomes aware of an alleged offence but is required to suspend taking action in relation to the alleged offence because of a concurrent investigation or proceeding in relation to the same conduct under another Act, proceedings for the offence against the National Law must be commenced within 2 years after any investigation or proceeding (as the case requires) in relation to the conduct under the other Act have been finalised. Section 284 applies to all offence provisions under the National Law. The offence provisions carry monetary penalties and are subject to criminal prosecution.

These amendments are relevant to retrospective criminal laws (s 27) and fair hearing (s 24).

Retrospective criminal laws

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.

The amendments to the National Law introduced by clause 11 apply retrospectively, meaning that Regulatory Authorities could bring proceedings for alleged offences that they become aware of in the 2 years prior to this amendment coming into force that they would not otherwise have been able to bring proceedings for (because the current limitation period in section 284 starts on the date that the alleged offence occurs).

As the amendments introduced by clause 11 do not retrospectively criminalise conduct or impose increased penalties for existing offences, they do not engage section 27(1) of the Charter. Regulatory Authorities will not be able to prosecute a person for an offence which did not exist at the time the alleged conduct which would constitute the relevant offence occurred or seek a penalty amount greater than the amount which applied at that time.

Fair hearing and criminal process rights

Section 24(1) of the Charter provides that a person charged with a criminal offence 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. A person can be subject to procedural disadvantage and still have a fair hearing. Section 25(2)(a) of the Charter provides that a person charged with a criminal offence is entitled without discrimination to be informed promptly and in detail of the nature and reason for the charge. Section 25(2)(c) provides that a person has the right to be tried without unreasonable delay.

Amendments to extend the limitation period for bringing proceedings are relevant to sections 24(1) and 25(2) of the Charter. In respect of section 24(1), the new limitations period based on when the Regulatory Authority becomes aware of the alleged offending does introduce a potentially indeterminate period for bringing proceedings in relation to when an alleged offence was committed, which could, if a long period has elapsed between the alleged offence being committed and the Regulatory Authority becoming aware of it, prejudice an accused's ability to prepare their defence. Longer periods for commencing proceedings are relevant to an accused's capacity to access or lead admissible exculpatory evidence, the availability of relevant witnesses and their capacity for recollection, and the availability of documentary evidence (noting that longer periods for commencing proceedings may also adversely affect the Regulatory Authority's ability to prove the offence). Similarly, in respect of section 25(2), the delay may limit the minimum guarantees of being promptly informed of the nature of the reasons for a charge and of being tried without unreasonable delay, which ultimately protect against a person being subject to an indefinite prospect of prosecution.

However, clause 11 also involves balancing conflicting rights. Commencing prosecutions for breach of the National Law is essential to safeguarding child safety, ensuring administration of justice for victims and accountability for perpetrators. It promotes the right to protection of children as in their best interests, and in certain circumstances would be relevant to ensuring security of person and the right to life (to the degree that those rights impose positive obligations on the State to have a criminal justice system that is able to bring perpetrators to account without obstacles, and deliver justice for victims). I consider that any limitation on the rights of defendants under sections 24(1) and 25(2) is justified for the following reasons, having regard to section 7(2) of the Charter.

The amendments to section 284 are necessary because the current limitation period provided for does not account for circumstances in which there is a delay in reporting and investigation of alleged offences such as child abuse or failing to protect children from harm and hazards. For example, the Royal Commission into Institutional Responses to Child Sexual Abuse found that it takes an average of 24 years for survivors to disclose childhood abuse. Consequently, statutory time limits are increasingly being removed for certain historical sexual offences against children (e.g. *Crimes Amendment (Sexual Offences and Other Matters) Act 2014* (Vic), which amended the *Criminal Procedure Act 2009* (Vic)).

Delays in reporting of complaints by alleged victims and their parents is further compounded if there are delays in reporting by approved providers to the Regulatory Authority, and delays arising from alleged offences being reported to law enforcement in the first instance, such that the Regulatory Authority is only notified of the alleged conduct at a later date.

Additionally, criminal proceedings take precedence over regulatory proceedings and often continue for years, particularly where there are multiple allegations. Therefore, if the 2 year limitation period commences from the date of the alleged offence or from when the Authority became aware of the alleged offence, the Regulatory Authority may be time-barred from commencing proceedings where it was required to suspend taking action in relation to the alleged offence because of a concurrent investigation or proceedings in relation to the same conduct under another Act. Therefore, the 'stop the clock' amendment of s 284 ensures that the Regulatory Authority is not unfairly prevented from prosecuting serious breaches simply because another investigation or proceeding is underway.

Additionally, under the National Quality Framework, the Regulatory Authority has experienced an increased volume of complaints, particularly sexual abuse or assault allegations. Further, there are complexities involved with investigating and preparing legal action for offences under the National Law, as compared with other summary offences.

Accordingly, these amendments will provide Regulatory Authorities with more time in which to investigate the complex and numerous complaints they receive, thereby facilitating a safer environment for children receiving education and care services.

The offences in the National Law are important to child safety so as to justify the extension of the limitation period and introduction of the 'stop the clock' mechanism. Further, I consider the nature and extent of the impact on rights to be limited by the following factors:

- the majority of prosecutions brought under these provisions are brought against entities who are not natural persons and do not have human rights;
- the ceiling of the proposed limitation period is limited to offending committed on and after 1 January 2012, when the National Law commenced operation;
- the severity of penalties is limited to pecuniary penalties and does not extend to imprisonment;
- prospective defendants are persons who have assumed special roles with corresponding obligations to be able to demonstrate their compliance with the National Law; and
- to the extent that the conditions of a particular case are such that an accused is unable to enjoy a fair hearing or their criminal process rights, the courts retain their discretion to stay an unfair prosecution (such as due to an unreasonable delay in commencement, the unavailability of key witnesses or the deterioration of exculpatory evidence).

Accordingly, I consider this provision strikes the appropriate balance between competing rights, and that any limits on fair hearing or criminal process rights are reasonably justified under s 7(2).

Related provider determinations

Clause 64 of the Bill inserts new sections 5B to 5D inclusive into the National Law which introduce the concept of 'related providers'. These provisions establish a framework for identifying providers who are interrelated by way of ownership, shareholding or shared management, or control or influence arrangements and empower the Regulatory Authority to make a related provider determination where such relationships exist.

Clause 65 then inserts new s 13(2A) into the National Law that provides that in determining whether a person is a fit and proper person to provide education and care services, the Regulatory Authority may have regard to a related provider's history of compliance with the National Law and relevant current and former laws of participating jurisdictions, and various other matters including their criminal history and financial status. The Regulatory Authority may have regard to these matters if it is satisfied that there is a systemic risk to the safety, health or wellbeing of a child or children being educated and cared for by an education and care service proposed to be operated by the applicant or that is already operated by a related provider, or that there is a systemic risk of the applicant or a related provider contravening the National Law or the national regulations.

New s 5D provides that in determining whether a risk is a 'systemic risk', the Regulatory Authority may have regard to various factors, including the nature of the risk and whether the risk is shared between an approved provider and any related provider.

Further clauses similarly amend the National Law so that the Regulatory Authority may take into account the conduct of a related provider in making decisions that concern an applicant for provider or services approval, or an approved provider. These actions may be taken if relevant grounds and the systemic risk threshold are met in respect of the related provider, and the action is reasonably necessary to address the systemic risk.

Clause 66 inserts new s 23(2A) into the National Law which provides that the Regulatory Authority may amend an approved provider's approval, or vary or impose a condition on their provider approval if it is satisfied that the systemic risk threshold has been reached either in respect of the approved provider or by a related provider of the approved provider, and the amendment of, variation or imposition of a new condition on the approval is reasonably necessary to address the systemic risk.

Clause 67 inserts new s 25(2) into the National Law which provides that the Regulatory Authority may suspend the provider approval of an approved provider if various grounds apply to a related provider of the approved provider and the systemic risk threshold is reached in respect of the approved provider or their related entity, and the suspension is reasonably necessary to address the systemic risk. Clause 69 of the Bill then inserts new s 31(2) into the National Law which operates similarly to clause 67 to allow the Regulatory Authority to cancel an approved provider's provider approval if various grounds apply to the related provider and the systemic risk threshold is met in respect of that approved provider or a related provider.

Clause 71 then inserts new s 47(2A) into the National Law which provides that the Regulatory Authority may have regard to the history of compliance of a related provider of an applicant for service approval in making a determination regarding the application if the systemic risk threshold applies to the applicant or a related provider. Clause 72 then provides that the Regulatory Authority may refuse to grant a service approval because of one of the systemic risk grounds found in new s 47(2A). Clause 73 also allows the Regulatory Authority to amend, vary a condition or impose a new condition on a service approval held by an approved provider if the systemic risk threshold is met by the approved provider or their related entity.

Clause 74 of the Bill inserts new s 70(2) into the National Law which provides that the Regulatory Authority may suspend an approved provider's service approval if various grounds apply to a related provider of the approved provider and the systemic risk threshold is reached in relation to the approved provider or their related entity. Clause 76 then inserts new s 77(2) to allow the Regulatory Authority to cancel a service approval of an approved provider if various grounds apply to a related provider and the systemic risk threshold is reached in relation to the approved provider or their related entity.

Finally, clause 77 inserts new s 90(ab) that provides that the Regulatory Authority must consider the history of compliance with the National Law of a related provider of an applicant for a service waiver, in deciding whether the grant of a service waiver is appropriate.

These amendments, in providing for the making of a related provider determination, and allowing the Regulatory Authority to make decisions that affect the rights of approved providers or applicants for provider or service approval or a service waiver, based in part on the conduct of another entity, may engage the rights to freedom of association (s 16) and fair hearing (s 24).

Freedom of association

Section 16(2) of the Charter relevantly provides that every person has the right to freedom of association with others, including protection from adverse treatment on the basis of a person's associations.

In allowing the Regulatory Authority to make decisions regarding whether a person is a fit and proper person to provide education and care services (clause 65), or to make decisions regarding provider or service approvals or the grant of a service waiver, in part on the basis of the conduct of a related provider, the provisions may engage the right to freedom of association under s 16 of the Charter. While in many cases, the 'provider' captured by these provisions will not be a natural person with human rights, there may be instances where an approved provider or applicant is a natural person. As the Bill mandates a factor in the Regulatory Authority's decision-making process to be the association or relationship of that person with a related provider (who may be a corporate entity or another individual) and the conduct of that related provider – this could interfere with that person's freedom of association, to the extent to which they are subject to adverse treatment under the scheme by way of their association.

The right to freedom of association has been interpreted to protect both private and public associations, including the right to associate with other individuals. In my view, the associations of related providers, being a relationship based on corporate ownership or some other company structure, is not likely to be something that comes within the type of protected associations to which this right is concerned.

However, if a broad view is taken and the right is considered to be interfered with or limited by these provisions, I consider any limit to be reasonably justified. The intention behind the provisions is to ensure that the Regulatory Authority can maintain proper oversight and intervene appropriately where systemic risks arise across groups of interrelated providers. This includes situations where a current or past education or care provider, with a history of breaching the National Law, acquires, manages or otherwise exerts control or influence over another provider and in so doing, potentially poses a risk to the safety, health or wellbeing of children attending services operated by that other provider. It is necessary to ensure that relevant considerations of risk are properly taken into account and that evidence of prior compliance breaches or bad character that can be attributed to a provider, or may influence a related provider, are not obscured by corporate structures. Finally, I note that a fit and proper person scheme that takes into account the conduct and compliance history of associated entities is commonly provided for in regulatory schemes that safeguard against serious risks to public safety and wellbeing.

In this context, I consider that these provisions are compatible with the right to freedom of association.

Fair hearing

Section 24(1) of the Charter relevantly provides that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. While recognising the broad scope of s 24(1), the term 'proceeding' and 'party' suggest that s 24(1) was intended to apply only to decision-makers who conduct proceedings with parties.

If a broad reading of the fair hearing right is adopted and the right is taken to encompass the administrative decision-making of the Regulatory Authority in respect of related provider determinations and other decisions such as to suspend or cancel a provider approval, insofar as these decisions affect an approved provider that is a natural person, the right may be interfered with. Generally, the fair hearing right is concerned with the procedural fairness of a decision, which in the context of these types of administrative decisions, requires prior notice of a decision, information to interested parties that may be relevant to a decision, and giving them a 'reasonable opportunity' to present their case and respond to adverse information. The right of review of such a decision may also cure any adverse impacts on procedural fairness in the first instance decision.

The related provider determinations in new s 5C of the National Law do not in themselves affect rights, but once a determination is made, information concerning a related provider may then be used in decisions that affect the rights of approved providers or applicants for approvals. However, clause 64 includes the requirement to provide notice of the determination to the affected approved provider or applicant, in addition to reasons for the determination. While the decision to make a determination is not subject to the internal or external review processes in Part 8 of the National Law, an affected person would have the right of judicial review.

Further, the review pathways remain unchanged for the substantive decisions of the Regulatory Authority that will now have regard to systemic risk information of relevant providers, including refusals to grant a provider approval, decisions relating to approval conditions, and decisions to suspend or cancel a provider's approval. These decisions also remain subject to the current notice provisions in the National Law, and the decisions to suspend or cancel provider and service approvals may only be made following a 'show cause process' which allows affected approved providers the opportunity to make submissions in relation to any aspect of the Regulatory Authority's decision, including in relation to related provider status or the existence of a systemic risk. A person who is the subject of a decision may then apply to the Regulatory Authority for an internal review of the decision under current Part 8 of the National Law, and subsequently to review by VCAT under Part 8 of the National Law.

In light of the procedural fairness safeguards that are already in place in the National Law, and the notice and reasons provisions for related provider determinations in clause 64, I am satisfied that the right to fair hearing under s 24 of the Charter is not limited by clauses 64 to 77 of the Bill.

Child protection and child safety training

Clause 78 substitutes s 162A and inserts new s 162B into the National Law, which relate to the requirement that an approved provider of an education and care service must ensure various employees undertake child protection and child safety training respectively. New s 162A now includes an offence provision for non-compliance with the requirement to implement child protection training, which includes a pecuniary penalty, and new s 162B introduces a new requirement that providers roll out child safety training, with an offence provision and pecuniary penalty for non-compliance.

The strengthening of the child protection and child safety training requirements promotes the protection of children under s 17(2) of the Charter, by in effect, imposing a positive duty on providers to ensure relevant staff have adequate training to enable them to keep children in their care safe.

New offence of 'inappropriate conduct'

Clause 79 of the Bill inserts new section 166A, which introduces offences relating to inappropriate conduct. These offences include that an approved provider must ensure that no child is subjected to conduct that a reasonable person would consider to be inappropriate in an education and care service, and that a nominated supervisor of an education and care service must ensure that no staff member or volunteer subjects a child to inappropriate conduct. New section 166A, and especially subsection (8)(a)(ii), (iii) and (iv), promote section 17(2) of the Charter by providing that the circumstances relevant to whether a reasonable person would consider conduct to be inappropriate in an education and care service include whether the conduct is likely to cause or result in harm (including emotional, psychological or physical harm) or injury to a child, the child's age and stage of development and whether the conduct is sexual, aggressive or violent.

Regulating use of devices in education and care services

Clause 81 of the Bill inserts new Part 6A, which regulates the use of devices in education and care services. New sections 175B and 175C respectively permit approved providers to supply a device for use in an education and care service and authorise a device for use in family day care services exclusively for the purposes of providing education and care to children as part of that service. New Part 6A introduces the following further sections and provides for safeguards aimed at enhancing child safety, including:

- that, in authorising a device under new section 175C(1), an approved provider must ensure that the device is configured to operate in accordance with any policies or procedures of the family day care service that relate to child safety or the security of devices (new section 175C(2));
- requiring approved providers and nominated supervisors of an education and care service to take every reasonable precaution to ensure that only service-supplied devices to capture or transmit an image of a child being educated or cared for by the service (new section 175D);
- requiring approved providers and nominated supervisors of a family day care service to take every reasonable precaution to ensure that only service-authorised or service-supplied devices are used to capture, store or transmit an image of a child being educated or cared for by the service (new section 175E);
- providing for offences relating to capturing, storing or transmitting images of children not using a service-authorised or service-supplied device (new section 175F);
- requiring approved providers and nominated supervisors of an education and care service to take every reasonable precaution to ensure that while each nominated supervisor, staff member or volunteer is working directly with children as part of the service, the person does not have a personal device in their possession or control (new section 175H); and
- prohibiting nominated supervisors, staff members of, and volunteers at, an education and care service from having a personal device in their possession or control (new section 175I).

These provisions are relevant to the rights to privacy, expression and property.

Right to privacy

The regulation in education and care services of devices which can capture, store or transmit images will be relevant to:

- a child's right to privacy in section 13(a) of the Charter, to the degree that the right includes entitlement to control over a person's image and informational privacy; and
- the right to privacy in section 13(a) of a person working in an education and care service, to the degree that the right includes their individual and social identity, autonomy, personal relationships and capacity to experience a private life.

The right to privacy has been interpreted broadly by the courts to include protection of a person's physical and psychological integrity, their individual and social identity and their autonomy and inherent dignity. However, I consider that any interferences with the right to privacy are not unlawful or arbitrary.

In respect of a child's right to privacy, the National Regulations already require documentation of children's learning and participation in an educational program (which is typically achieved by digital images and videos). The amendments inserted by clause 81, including requirements to use service-supplied and service-authorised devices to capture, store or transmit an image of a child, and the prohibition on the control and possession of personal devices, promotes and protects a child's right to control over their information privacy.

In respect of the right to privacy of a person working in an education and care service, prohibiting a person's possession or control of their personal device while working directly with children may interfere with a person's individual and social identity, including their personal relationships and capacity to experience a private life. In my view, any interference is proportionate to the legitimate aim of protecting the safety of children. In particular, any limitations on the use of personal devices are confined to circumstances when a person is working directly with children as part of an education and care service, which excludes when a person is on a short break from providing that education or care. Further, clause 81 provides for exceptions, including when possession or control of the personal device is necessary for the purposes of communicating with a family member, for example.

Freedom of expression

Restricting use of a personal device is relevant to freedom of expression, which encompasses the freedom to impart information of all kinds, including by way of images and using a personal device for communication. For the reasons explained above, I consider that any limitation on a person's right to freedom of expression under section 15(2) of the Charter, which encompasses expression in any medium, to be justified to respect and promote children's rights under section 17(2). Clause 81 of the Bill does this by, and is justified for the legitimate purposes of:

- making it more difficult for individuals providing education and care to use their personal device to generate inappropriate digital content relating to children attending education and care services;
- reducing the potential risk that images or videos of children (including inappropriate content) will be distributed, intentionally or unintentionally; and
- giving approved providers greater oversight of the nature and quality of the digital content being produced in their services, as well as their appropriate storage and disposal.

Right to property

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

By restricting people working directly with children from using, controlling or being in possession of their personal devices while doing so (and the enjoyment of their property rights), new sections 175H and 175I engage section 20 of the Charter. Section 20 provides that a person must not be deprived of their property other than in accordance with law. The right is understood to protect deprivations of the use or benefit of property, which would include quiet enjoyment of personal devices. For deprivation of a person's property to be 'in accordance with law', as required by section 20, the legal authorisation for the deprivation must be clear and certain, publicly accessible and it must not operate arbitrarily.

I consider that new Part 6A satisfies these requirements under the Charter, and note that this right would generally not extend to protect against reasonable restrictions on the use of personal property while at a workplace, where there is a legitimate purpose for doing so. Further, it sets out the following exceptions, allowing the use of personal property in legitimate circumstances, including for example:

- when an authorisation has been given by an approved provider under new section 175J;
- when children are being transported by the service, and the possession or control of the personal device is necessary for the purposes of safety or the provision of education and care to the children;
- use in an emergency; or
- providing support or assistance with a person's disability or health needs (thereby also promoting the protection against discrimination in section 8 of the Charter).

Accordingly, I am satisfied these provisions are compatible with the Charter rights to privacy, expression and property.

Compliance directions and compliance notices

Clauses 82 and 83 of the Bill amends sections 176 and 177 of the National Law, respectively, to empower the Regulatory Authority to issue directions or notices to an approved provider of the education and care service. The proposed sections will require the approved provider to take the steps specified in the direction or notice if there is a systemic risk of:

- to the safety, health or wellbeing of a child being cared for by an education and care service operated by the approved provider or a related provider of the approved provider, or
- the approved provider or related provider contravening the National Law or regulations, and

- the direction or notice is reasonably necessary to address the risk.

Clauses 82 and 83 may engage the right to freedom from forced work by inserting provisions which require an approved provider to undertake acts that the Regulatory Authority reasonably considers necessary to mitigate the risk to child safety, or to address a contravention of the National Law.

Freedom from forced work

Section 11 of the Charter provides that a person must not be made to perform forced work or compulsory labour. 'Forced or compulsory labour' relevantly does not include work or service that forms part of normal civil obligations. While the Charter does not define 'normal civil obligations', comparative case law has considered that to qualify as a normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, must not be exceptional and must not have any punitive purpose or effect. This would include obligations to undertake work in order to maintain compliance with regulatory standards, particularly where those standards are to protect against risks to vulnerable persons whose safety and wellbeing are reliant on the compliance of others. It would also include obligations assumed as a result of a person's voluntary assumption of regulated roles.

I am of the view that, if the right is engaged, acts or steps required under a notice or direction to address systemic risks to child wellbeing or a contravention of the National Law would form part of normal civil obligations (here, where there is a duty of care over children in the care of the approved provider or a related provider of the approved provider) and would, therefore, not constitute a limit on the right. A notice or direction requiring the undertaking of steps will be provided in accordance with the National Law and will be confined in its impact, in that the direction or notice must be necessary to protect the safety, health or wellbeing of a child (in contrast to being issued for a wide, undefined purpose). As discussed above, the Bill protects children by ensuring that directions or notices require specific acts to be done in order to promote the safety and wellbeing of children.

As such, I consider that these clauses are compatible with the right to freedom from forced work.

Directions to suspend, supervise, or complete training inserted

Clause 84 inserts new sections which empower the Regulatory Authority to issue notices to direct approved providers of a service if it is satisfied that the conduct or inadequacy of the education and care provided by a relevant staff member or volunteer results in a contravention of the National Law or risks the safety, health or wellbeing of children cared for by the service. These notices concern the following compliance measures:

- Section 178A allows the Regulatory Authority to issue notices to direct the suspension of an education and care by a staff member (other than a family day care educator), or volunteer;
- Section 178B allows the Regulatory Authority to issue notices to direct the suspension of education and care by a nominated supervisor;
- Section 178C allows the Regulatory Authority to issue notices to direct supervision of a staff member (other than a family day care coordinator), or volunteer;
- Section 178D allows the Regulatory Authority to issue notices to direct a nominated supervisor to complete training; and
- Section 178E allows the Regulatory Authority to issue notices to direct a staff member or volunteer to complete training.

A contravention of either of these notices results in a pecuniary penalty.

A 'show cause notice' may be given before a notice under either of the above provisions is issued, which can include the reasons for the proposed direction and allows the provider to make submissions to the Regulatory Authority in respect of the proposed direction. There is a discretionary exception to the requirement to give a 'show cause notice' concerning where the Regulatory Authority is reasonably satisfied that there is an unacceptable risk to the safety, health or wellbeing to the child, and the notice is necessary to protect the safety, health or wellbeing of the child or children.

Freedom from forced work

As we discussed above in relation to compliance directions and notices, obligations or directions to undertake work (here being workplace training, suspending or supervising a staff member) in order to maintain compliance with regulatory standards may engage the right to freedom from forced work. However, I am of the view that, if this right is engaged, undertaking these activities and imposing conditions on workers or carers who provide education and care services forms part of 'normal civil obligations'. Further, notices of this nature serve an important purpose of addressing and reducing the systemic risk of harm to the safety, health and wellbeing of children, which supports the overall aim of the Bill.

Right to privacy

Further, a potential restriction on employment, by way of issuing a notice to suspend or supervise a staff member, may also engage the right to privacy. If a restriction on employment sufficiently affects an individual's personal relationships at work and capacity to experience a private life, this may negatively affect their capacity to develop personal relationships and have a private life.

However, I consider that the privacy right is not in fact limited, given any interference in privacy would be pursuant to law and is not arbitrary. Generally, a condition that someone be subject to supervision in an employment setting would not be considered to be of a requisite gravity of interference to engage the right, given the lower expectation of personal privacy in a workplace setting and that such a condition would not preclude a person from continuing to work. In my view, such a notice is a proportionate, temporary measure to achieve the important purpose of protecting children in education and care services. The inclusion of a provision to allow 'show cause notices' in most circumstances and the opportunity to provide submissions in response also acts as a safeguard to ensure that any proposed notices are appropriate and proportionate.

Presumption of innocence

The above sections may engage the right to be presumed innocent until proven guilty under section 25(1) of the Charter, to the extent that the Regulatory Authority proposes to treat a person adversely on the basis of suspected contraventions of the National Law – which could also constitute allegations of criminal offending. In my view, the right is not limited, as the right is primarily concerned with preventing punishment of an accused prior to any finding of guilt.

While it is an offence not to comply with a notice, a notice directing a relevant person to suspend providing education and care does not itself affect criminal proceedings relating to the person. Nor does it presume that person to be guilty of an offence. Rather, it is a preventative measure which protects children where the Regulatory Authority is reasonably satisfied that there is a risk to the safety, health or wellbeing or children. Prior to any direction to suspend providing education or care, the Regulatory Authority may issue a show cause notice and then consider written submissions from the person. The Regulatory Authority can only issue a notice without giving a show cause notice where it is reasonably satisfied that there is an immediate risk to the safety, health or wellbeing of a child and the notice is for the protection of those children. Further, the substantive effects of these compliance measures, being suspension from work, supervised employment or requirements to undertake further training, are not punitive in nature nor possess the character of criminal sanctions.

I therefore consider that the new sections are compatible with the right to be presumed innocent under section 25(1) of the Charter.

Fair hearing

The discretion of the Regulatory Authority to not issue a show cause notice under certain circumstances, and proceed to issue a notice under the above sections, may engage the right to fair hearing (if a broad reading of fair hearing is adopted and the right is taken to encompass the decision-making procedures). This is on the basis that a provider or person to whom a notice applies to will not be able to make submissions in response to a show cause notice to answer the allegations against them before an immediate notice under the above provisions is made.

However, I consider that the limit is reasonably justified under s 7(2) of the Charter, given the discretion to not issue a show cause notice may only be exercised where there is an immediate risk to a child's wellbeing, safety or health and an immediate notice under the new provisions is necessary to protect the safety, wellbeing or health of a child. This is a reasonable balance between the competing rights of fair hearing and protection of children – with the requirements of a finding of immediate risk and the necessity of an immediate notice being legitimate and reasonable circumstances under which to abrogate fair hearing rights.

Further, I note that the Bill provides (in clause 92) that each decision made under new sections 178A to 178E is subject to internal review (as well as the decision to direct an approved provider of a family day care service to suspend the provision of education and care by a family day care educator under existing section 178). The person who conducts the internal review for the Regulatory Authority must not be a person who was involved in the assessment or investigation of the person or service to whom or which the decision relates.

Further, pursuant to section 192(a) of the National Law and the amendments made to section 190 by clause 92, the decisions made under new sections 178A–178E, and the decision to direct an approved provider of a family day care service to suspend the provision of education and care by a family day care educator will be subject to external review.

I am satisfied the above framework is compatible with the Charter rights to freedom from force work, privacy, presumption of innocence and fair hearing.

Prohibition notices for related providers

Clause 89 inserts a new sub-section in section 182 of the Act to empower the Regulatory Authority to give a prohibition notice to an approved provider if a related provider of the approved provider is subject to a prohibition notice under s 182 and the Regulatory Authority is satisfied that there is a systemic risk in relation to the approved provider or the related provider and the notice is reasonably necessary to address the risk. Clause 90 amends section 185 of the Act to refer the new sub-section, allowing section 185 to apply to a related provider of an approved provider.

A prohibition notice under section 185 may state that a person is prohibited from providing education and care to children, being engaged as an educator or staff member at an education and care service, and carrying out any other activity relating to an education and care service. Clause 91 also amends section 187 of the Act to refer to the new sub-section, which will subject approved providers to penalties if fail to comply with a prohibition notice in respect of a related provider of the approved provider.

As discussed above, the restriction on employment may engage the right to privacy, as prohibition from employment may affect an individual's personal relationships at work and capacity to experience a private life. However, I consider that the privacy right is not in fact limited, given any interference in privacy would be pursuant to law and is not arbitrary.

The prohibition notice can only be given to related provider where the Regulatory Authority is satisfied there is a systemic risk (as defined by the amendments to the National Law in new section 5D) and the notice is reasonably necessary to address that risk. The Regulatory Authority must also issue the notice in accordance with the existing 'show cause' scheme provided for in the National Law, as I have already discussed above, and a decision to give a prohibition notice is subject to external review.

Investigation and determination powers – powers of entry and powers to request information

Clauses 94 to 97 concern the powers of entry of authorised officers in Division 2 of Part 9 of the Act into premises where care and education services are provided:

- Clause 94 inserts new section 197A, which allows an authorised officer to enter a family day care service premises (including the area outside of a family day care residence, whether or not that area is used to provide education and care to children as part of the service) during ordinary business hours if they reasonably believe it is necessary to assess or monitor compliance of an approved provider of a family day care service with any prescribed requirement in relation to the safety, health and wellbeing of children. An authorised officer may do so with the consent of the occupier of the premises, and may undertake an inspection of the premises, photograph or film or make audio recordings, take documents or things, or question people at the premises;
- Clause 95 amends section 199 of the Act to specify that authorised officers may enter the premises of any related provider of the approved provider of the approved education and service, but also inserts sub-section 199(5) which requires that an authorised officer must not enter such a premises unless they are satisfied that there is a systemic risk in relation to the approved provider, and such entry is reasonably necessary to address the risk.
- Clause 96 inserts new section 199A, which allows an authorised officer to enter the family day care service premises (including any area outside the residence, whether or not that area is used to provide education and care to children as part of the service) during ordinary business hours with the consent of the occupier to undertake investigatory and search actions (e.g., searching the premises, requiring information from persons on the premises). Prior to entry being effected, the authorised officer must advise the occupier of the premises of the entry and the powers that may be exercised. An occupier of a family day care service premises must not unreasonably refuse to provide consent to an authorised officer who is exercising their powers – failure to do so results in a pecuniary penalty,
- Clause 97 amends section 200 of the Act to allow an authorised officer to search documents or other evidence relevant to an offence if they are present at any of the prescribed locations if the authorised officer is satisfied that there is a systemic risk in relation to the approved provider and entry is reasonably necessary to address the risk. Further, clauses 98 to 103 amend the powers to request information under the National Law:
- Clause 98 inserts section 206B, which allows an authorised officer, by written notice, to require a former provider to provide any relevant information (including documents and evidence) specified in the notice for the purposes of a related provider determination.

- Clause 100 inserts three new sections into the Act in relation to the powers of the Regulatory Authority to request information:
    - Section 216A empowers the Regulatory Authority, by written notice, to obtain information, documents and evidence from an approved provider for the purpose of making a related provider determination;
    - Section 216B empowers the Regulatory Authority, by written notice, to obtain information, documents and evidence from a specified person at an education and care service for the purposes of a related provider determination; and
    - Section 216C provides that an approved provider who is a related provider must provide information to the Regulatory Authority about an arrangement entered into by the approved provider relating to the provider's governance or the operation of an education and care service by the provider, and/or prescribed information relating to the approved operator's ownership or operation. Failure to do so results in a pecuniary penalty.

Accordingly, clause 99 amends s 211(2)(c) of the National Law to protect persons from incrimination in respect of new sections 216A and 216B. Similarly, clause 101 amends section 217 to make it an offence to fail to comply with sections 216A and 216B, clause 102 makes it an offence to hinder or obstruct the Regulator Authority upon a request to provide information under section 216A and 216B, and clause 103 amends section 219 to make self-incrimination not an excuse for a failure to provide information requested under sections 216A and 216B.

Right to privacy

Each of the clauses listed in the above paragraphs engage the right to privacy in section 13(a) of the Charter, which protects against unlawful and arbitrary interferences with a person's privacy, family, home or correspondence. In particular, sections 197A and 199A may constitute a significant increase in privacy intrusion, given that existing sections 197 and 199 only permit entry into the service premises, being the areas where education and care are provided, while the new powers enable entry into any or all parts of the property, including private areas of the residence and wider property (i.e. sheds, outdoor spaces) where family day care services may not be offered.

While the powers, as expanded by the clauses listed above, may involve interference with a person's privacy (and entry into a person's home, in the context of a family day service), these powers are necessary to ensure that authorised officers have suitable powers of entry to monitor compliance and investigate suspected offences, for the protection of children's safety, and the Regulator is able to effectively regulate and respond to systemic risks to the safety, health or wellbeing of children due to the conduct of related providers.

The powers, including the powers in new sections 197A and 199A, are also subject to various safeguards including graduated powers of entry for monitoring compliance (e.g. ensuring emergency exists are accessible) or investigating offences, which are directly linked to necessity and gravity. The entry for monitoring and investigating offences is qualified to only authorising entry to be performed during day time hours and with consent, and in the context of a family day care service, only while the family day care services is operating. Entry for a business premises is predicated on reasonable suspicion of possible offences against the National Law, and satisfaction that the entry is reasonable necessary to address a systemic risk in relation to the approved provider.

Freedom of expression

By compelling a person to impart information, particularly in relation to the new powers to compel provision of information for the purpose of related provider determinations, clauses 94 to 103 also engage the right to freedom of expression in section 15(2) of the Charter. However, I consider any interference on the right to freedom of expression to come within the internal limitation at 15(3), in that it is reasonably necessary to ensure the Regulator Authority can make effective related provider determinations to protect the rights of children in an education and care service. The powers are limited to obtaining information, documents and evidence from specified persons and that are relevant to a determination about a related provider.

Property rights

The power of authorised officers to seize any document or thing from a prescribed premises if they believe on reasonable grounds that the seized document or thing is relevant to the monitoring compliance with the National Law (pursuant to section 197) under Division 2 of Part 9 may also engage section 20.

However, the provisions empowering the removal of documents or things do not limit property rights, as any interference with property through such removal would be undertaken in accordance with the provisions of the Bill, which are accessible, clear and certain, and sufficiently precise to enable an authorised officer to

regulate their conduct. In addition, any deprivation of property is reasonably necessary to achieve the important objective of protecting the rights of children in an education and care service.

For the same reasons, the expanded scope of an authorised officer's or the Regulatory Authority's powers to obtain information, documents and evidence for the purposes of monitoring compliance with the National Law and making related provider determinations under the National Law do not limit section 20 of the Charter.

Right to not self-incriminate

Clause 103 is relevant to the right to protection against self-incrimination, by extending the existing abrogation of the privilege against self-incrimination, provided for in the National Law, to apply to the new information-gathering provisions in sections 216A and 216B concerning obtaining information, documents and evidence from specified persons at education and care service providers for the purposes of a related provider determination.

The existing provisions in the National Law partially abrogate the privilege against self-incrimination by removing the availability of an excuse for self-incrimination, but afford protection to a person by providing that any disclosed information is not admissible in any criminal proceedings or any civil proceedings (with the exception of a prosecution for obstructing or hindering the Authority, or giving false or misleading information). This protection is not afforded to any documents required to be kept under the National Law, which remain admissible.

I refer to the justification advanced for this scheme in the original Bill of the National Law, which concluded that this partial abrogation of the privilege was compatible with the right, having regard to:

- the important purpose of ensuing the regulatory regime could be adequately monitored and enforced, in order to give effect to the best interests of children;
- the limited application of the provision to persons who voluntarily participated in the provision of education and care services;
- the recognition at common law that the privilege against self-incrimination was more readily abrogable in the context of pre-existing documents that are required to be kept for the purpose of demonstrating compliance with a regulatory scheme; and
- the difficulties of proceeding with any prosecutions for breaches of regulatory obligations if such records were not required to be produced, or deemed inadmissible.

I consider the extension of this framework to the new information gathering powers at sections 216A and 216B to be consistent with the above reasoning. The provision of such information is necessary in order for related provider determinations to be made, which ultimately seek to protect children, and the limited privilege against self-incrimination is appropriate for this context.

National Early Childhood Worker Register

Clause 107 of the Bill inserts new Division 4A of Part 13 in the Schedule to the National Law. This division deals with the National Early Childhood Worker Register (**NECW Register**). New section 269B in Division 4A provides that the National Authority must establish and maintain the NECW Register which is to hold specified information about all education and care service workers whom are defined in new section 269A to include nominated supervisors, staff members and volunteers at an education and care service.

In accordance with section 269B(2), the NECW Register may include the full name, any alias name or former name, the address, telephone number and date of birth of all education and care service workers, and in relation to each education and care service where the education and care service worker is or has been employed, engaged or appointed: the name of the service; the person's role at the service; the date that the person was employed, engaged or appointed in or for the service, and the date the person ceased to be employed, engaged or appointed in or for the service (if applicable). The NECW may also include any other prescribed information.

New section 269C provides that the National Authority may, for the purposes of establishing and maintaining the NECW Register, use any information on the register of approved providers kept by the National Authority in accordance with section 266 of the National Law, and may access and use any information on the registers kept by the Regulatory Authority and relevant approved providers in accordance sections 267 and 269 of the National Law.

New section 269D deals with access to NECW Register and subsection (1) provides that the National Authority is authorised to access the NECW Register for the purposes of maintaining the Register and performing any other functions of the National Authority. Section 269D(2) provides that the Regulatory Authority is authorised to access the NECW Register for the purposes of performing its functions under the National Law.

Section 269D(3) provides that approved providers are authorised to access the NECW Register to provide information to the National Authority in accordance with section 269E which requires all approved providers to give, or to update, the information stipulated in section 269B(2) to the National Authority within the prescribed time after an education and care service worker is employed, engaged or appointed at the service, or the approved provider becomes aware of a change to an education and care service worker's information. A failure by the approved provider to provide the stipulated information within this timeframe, imposes a criminal penalty on the approved provider.

New sections 269F and 269G provide that the National Authority may collect for the NECW Register, information from stipulated entities and use that information for the purposes of maintaining the Register and performing its functions under the National Law. The National Authority may also disclose this information for reasons specified in section 269G(3) to relevant Commonwealth, State or Territory Government Departments, public and local authorities, as well as the Regulatory Authority.

New section 269H deals with the collection, use and disclosure of information on the NECW Register by the Regulatory Authority. The provision provides that Regulatory Authority may collect and use the information on the NECW Register for the purposes of performing its functions under the National Law. Section 269H(2) and (3), much in the same way as section 269G(2) and (3), governs to whom and for what purposes information retrieved from the NECW Register may be disclosed.

Right to privacy

The establishment of the NECW Register and the National Authority's power to collect and use education and care service workers' information to perform its functions is relevant to the right to privacy, as the information contains personal identifiers of an individual, their employment status and their employment history. Similarly, the National Authority's ability to disclose this information to the Commonwealth, State and Territory departments and specified authorities as set out in section 269G(2) and for the purposes set out in section 269G(3) also engages the right to privacy. In the same vein, the ability of the Regulatory authority to, in accordance with section 269H, collect, use and disclose the information in the NECW Register is also relevant. The fact that the information is shared outside of Victoria in the form of a National Register is also relevant to assessing the impact on the right.

However, any interference with the right to privacy are not unlawful or arbitrary. The interference with privacy is authorised under the National Law and information to be included in the NECW Register is clearly set out in the National Law and is limited to basic personal information (e.g. name and date of birth), employment history and any information prescribed in the National Law Regulations. Access to the information held in the NECW Register is limited to the National Authority and the entities, and for the purposes, listed in new sections 269G and 269H. The sharing of the information held in the NECW Register serves the objective of enabling the regulators, government bodies and authorities to effectively exercise their oversight, compliance and enforcement powers about the appropriateness of a person to work, or continue to work, with young children, and to ensure the safety of young children in the care of the education and care services sector. For example, the information sharing provisions enable the Regulatory Authority to ascertain the work history of a person against whom allegations are made, thereby identifying patterns of behaviour, which may lead to other alleged victims being discovered. The type of information are matters that a person choosing to engage in employment in a regulated sector would expect to provide to a regulator and to be shared to monitor compliance, being basic identifiers to verify their identity as well as their employment history in the sector.

Further, the NECW Register is established in response to recommendation 4 of the recent urgent review into child safety in the early childhood education and care settings which identified an urgent need to create a national register, hosted by the Commonwealth Government, covering all early childhood education and care staff across Australia who have regular contact with children, including casual staff. The establishment of the NECW Register has as its objectives to support providers in making safe recruitment decisions and to provide a protective mechanism for identifying persons whose history indicates that they pose a risk of causing harm to children if allowed to work in the ECEC sector. The national register creates visibility of predatory and unsafe individuals and prevents them from moving between jurisdictions. Further, the departments and authorities that may under Division 4A collect, use and disclose information held in the NECW Register, are all public entities obliged to handle the said information in accordance with the relevant Commonwealth, State and Territory privacy laws.

Accordingly, any impacts that the creation of a national register has on the right to privacy of persons working in the education sector are, in my view, appropriate and proportionate to the legitimate aim of protecting children across the ECEC sector in Australia. I therefore consider that Division 4A is compatible with the right to privacy in section 13 of the Charter.

Amendment to grounds for cancellation of provider approval

Clause 117 adds new section 16HAB to the ECSNL Act, which amends the application of section 31 of the National Law in Victoria by providing that the Regulatory Authority may cancel a provider approval if the provider has been deregistered under the *Corporations Act 2001* (Cth), is under administration or liquidation or is in an association whose registration has been wound up, or has otherwise ceased to operate or exist.

Right to property and fair hearing

By amending the grounds for cancellation of provider approval in section 31 of the National Law, the Bill expands the grounds upon which the Regulatory Authority may exercise its powers to cancel provider approval.

While the loss of regulatory permission to participate in the sector as an approved provider is unlikely on its own to constitute a deprivation of property within the meaning of the right, the implications of such a cancellation can have implications for the enjoyment of private property rights of natural persons.

However, in this case, I consider such impacts to be negligible where the cancellation of approval is occurring where the provider has already ceased to operate or exist. Further, the amendments are formulated precisely and will be publicly available and accessible to those with provider approval and applicants for provider approval prior to their commencement. These amendments are not arbitrary (capricious, unpredictable, unjust or unreasonable), in the sense of being disproportionate to the legitimate aim sought. The amendments are to ensure that provider approval is cancelled in circumstances where a provider has ceased to operate or exist because of the circumstances outlined in section 16HAB. It will also occur in accordance with the existing provisions of the National Law, which provide for procedural fairness (in the form of a show cause notice and opportunity for the holder to give a written response to the proposed cancellation) and the right of external review to VCAT.

In conclusion, I do not consider that these amendments limit the rights to property or fair hearing.

Timing for responding to show cause notice before cancellation

Section 16HAC is added by clause 117 of the Bill. This new section provides that section 32(2) of the National Law applies in Victoria as if section 32(2)(c) provides that an approved provider provided with a show cause notice stating that the Regulatory Authority intends to cancel the provider approval, generally has 30 days after the notice to provide a written response, but that if the proposed cancellation is under new section 31(3), then the approved provider must give a written response within 14 days after the notice is given.

Fair hearing

If a broad reading of s 24(1) is adopted and it is understood that the fair hearing right applies to administrative decisions such as these, the provision of 14 days to respond to a show cause notice will be relevant to this right. I am the view that this specified time period affords a reasonable opportunity for an affected provider to respond to a notice that their approval is to be cancelled due to the fact that they have ceased to operate or exist because for the reasons specified above. These will be matters within the knowledge of a provider to respond to immediately. They are also matters which warrant the Regulatory Authority having a shorter show cause period upon which to act to safeguard public safety. I am satisfied these provisions are compatible with the right to fair hearing.

Suspension of revocation of rating while under investigation

Section 16HAF, added by clause 117, adds new section 138A to the National Law as it applies in Victoria. New section 138A provides that the Regulatory Authority may suspend ratings of approved education and care providers while the Regulatory Authority is investigating such an entity, if the Regulatory Authority is satisfied it is in the public interest. This new section also provides that, after the conclusion of the investigation, the Regulatory Authority may revoke or re-rate a rating level.

Presumption of innocence

This provision may engage the right under section 25(1) of the Charter to be presumed innocent until proven guilty according to law. However, in my opinion, this provision does not limit the right. It does not affect criminal proceedings relating to the person or entity. Nor does it presume that person or entity to be guilty. Rather, it is simply a preventative measure which helps to protect children from exposure to persons or entities being investigated. The purpose of the ratings system is to allow families to have access to information relating to the quality of early childhood education and care services so they can make informed choices about their child's care.

The suspension is only in place while the investigation is being conducted and if the Regulatory Authority is satisfied it is in the public interest. I therefore consider that new section 138A is compatible with the right to be presumed innocent under section 25(1) of the Charter.

Offences for failure to display prescribed information and notify Regulatory Authority of alleged offences and misconduct

Section 16HAH is added by clause 117, it amends section 172 of the National Law to add subsection 172(3). This subsection adds the requirement for an approved provider of an education and care service to display its quality and compliance history for the service provided at the education and care service premises. Section 16HA is also added by clause 113 and amends the National Law as it applies in Victoria to add new section 174B. This provision provides for an offence for an approved provider for failing to notify the Regulatory Authority of any reportable sexual conduct committed by relevant staff members.

Freedom of expression

To the extent that this new subsection engages the right not to express oneself by compelling the display of information or notification an approved provider that is a natural person, I consider that it falls within section 15(3) of the Charter. In this case, the provisions are necessary to ensure the safety and wellbeing of children in education and care services by enabling the effective monitoring and enforcement of the regulatory standards. Accordingly, I consider that the provisions are compatible with the right to freedom of expression.

Right to privacy

While these provisions require the display of quality and compliance history at the approved provider's premises and notification to the Regulatory Authority of alleged sexual offences and sexual misconduct committed by staff, I do not consider that they impose a limit on the right to privacy. This is because the quality and compliance history of a service provider is unlikely to consist of private information. To the extent there is any disclosure of personal information as a result of this new subsection, it will be lawful and not arbitrary, as it will only occur at the approved provider's premises.

In relation to the notification of alleged sexual offences and sexual misconduct to the Regulatory Authority, this type of disclosure is consistent with the purposes of disclosure recognised by the Information Privacy Principles as being consistent with protection of privacy, being where disclosure is a necessary part of investigating unlawful activity or reporting concerns to a relevant authority.

Further, a person exercising functions under the National Law is subject to strict confidentiality requirements under s 273 of the National Law, and any disclosure of information that is outside that the current exceptions in s 273(2), may amount to an offence.

I therefore consider these provisions to be compatible with the right to privacy.

Notice directing certain persons to suspend providing education and care

New section 16HB is added by clause 118. This section amends the National Law as it applies in Victoria to add section 178BA. This provision provides that the Regulatory Authority may give notices directing certain persons to cease providing education and care services if it is reasonably satisfied that a certain specified person is not complying with any provision of the National Law or there is a risk to the safety, health or wellbeing of children being educated and cared for at an education and care service if certain persons continue to provide education and care at the education and care service. This section applies to the following persons at an education and care service: a nominated supervisor, staff member or a volunteer. Before giving such notice, the Regulatory Authority may give the person a show cause notice, and if a show cause notice is given, the Regulatory must consider any submissions from the person received within the show cause period. Equally the Regulatory Authority may give a person a notice without giving them a show cause notice if the Regulatory Authority is reasonably satisfied that there is an immediate risk to the safety, health or wellbeing of a child or children being educated or cared for by the person and the notice is necessary to protect the safety, health or wellbeing of the child or children. It is an offence not to comply with such a notice.

Further, the decision to direct a relevant person to suspend their provision of education and care under section 178BA is a reviewable decision for internal and external review under section 190 (see new section 16KB).

Presumption of innocence

In the same context as my discussion regarding clause 82 above, new section 178BA may engage the right to be presumed innocent until proven guilty under section 25(1) of the Charter, as a suspension notice may be given in relation to alleged contraventions of offence provisions of the National Law or other unlawful conduct constitute an offence.

However, in my view, and for the same reasons I gave above, the provision does not limit the right. While it is an offence not to comply with a notice, a notice directing a relevant person to cease providing education and care does not itself affect criminal proceedings relating to the person. Nor does it presume that person to be guilty. Rather, it is a preventative measure which protects children where the Regulatory Authority is reasonably satisfied that there is a risk to the safety, health or wellbeing or children. To limit such preventative

measures to only occur after a finding of guilt or substantiated regulatory finding is not sufficient to prevent risks to children. It is critical that the Regulatory Authority is not fettered with regards to the matters it can take action to in relation to a dynamic assessment of risk.

Prior to any direction to a person to cease providing education or care, the Regulatory Authority may issue a show cause notice and then consider written submissions from the person. The Regulatory Authority can only issue a notice without giving a show cause notice where it is reasonably satisfied that there is an unacceptable risk to the safety, health or wellbeing of a child and the notice is for the protection of those children. I therefore consider that new section 178BA is compatible with the right to be presumed innocent under section 25(1) of the Charter. It also ensures, as I set above regarding the existing show cause provisions in the National Law, that any limits on the corresponding right to fair hearing are narrowly confined to circumstances where there would be an unacceptable risk to the child safety if procedural fairness was afforded in the circumstances.

Disciplinary action

New section 16KA (in clause 119 of the Bill) inserts new Division 3A into the National Law as it applies in Victoria. Under Division 3A, new section 188E provides that if the Regulatory Authority reasonably believes grounds for disciplinary action exist against a relevant person then the relevant person and the Regulatory Authority may agree on action to be taken or the Regulatory Authority may apply to the relevant Tribunal or court for the making of an order. New section 188F provides that a court or tribunal may, on application, make an order reprimanding the person, requiring them to pay a penalty payable to the Regulatory Authority or order that the person takes or refrains from taking certain actions to comply with the National Law or the Regulations.

Grounds for disciplinary action are that a person has contravened the National Law or the Regulations or that the person is a person with management or control of a body corporate which has failed to comply with the National Law or Regulations and the person with management or control has failed to exercise due diligence to prevent the failure (new section 188D). A relevant person for the purposes of these provisions is, in respect of an education or care service, an approved provider, nominated supervisor, person with management or control or a family day care educator engaged by or registered with such a service (new section 188C).

Fair hearing

The introduction of a disciplinary regime may be relevant to the right to fair hearing.

Following on from my above discussion about the scope of the fair hearing right – if a broad reading of s 24(1) is adopted and it is understood that the fair hearing right is engaged by these provisions, this right would nonetheless not be limited. The right to a fair hearing is concerned with the procedural fairness of a decision and the right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. The entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Having the ability to take disciplinary action provides an important mechanism by which the Regulatory Authority can ensure relevant persons are complying with the National Law and the Regulations. Compliance with the National law and Regulations will work to protect the safety and welfare of children in education and care settings.

The disciplinary regime inserted by the Bill affords relevant persons procedural fairness given, failing agreement with the relevant person, the Regulatory Authority must apply to a tribunal or court for an order. This affords licence holders a hearing before an independent and impartial tribunal and satisfies the requirements in s 24(1) of the Charter.

As such, I conclude that the fair hearing rights in s 24(1) of the Charter are not limited by the provisions referred to above.

Publication of information

Clause 110 of the Bill inserts new section 16Q which amends section 270 of the National Law as it applies in Victoria to substitute subsections 270(5) to (7). New subsection 270(5) provides that the Regulatory Authority may publish information about enforcement action taken, or being taken, under the National law, including, amongst other things, details about compliance directions, compliance notices, suspension directions, emergency action notices, prohibition notices, prosecutions and suspensions or cancellations of provider or service approvals.

New subsection 270(6) provides that the Regulatory Authority may publish information about the matters in subsection 270(5) including information about the nature of enforcement action taken and the outcome, details of persons in relation to whom the enforcement action has been taken, the reason for taking enforcement action (including the breach or alleged breach), and any other information prescribed. Further, new subsection 270(7) provides that the information the Regulatory Authority may publish under

subsection 270(5) about enforcement action does not include information that may identify, or lead to the identification of, a child.

The amendments provide the Regulatory Authority with the power to publish contextual information about its enforcement decisions. Publication of this information is limited in order to avoid the publication of information that may reveal the identity of a child. Further, the Regulatory Authority's exercise of the power to publish the information specified must be about enforcement action taken, or being taken, under the National Law.

Right to privacy and reputation

The publication of information about enforcement action taken by the Regulatory Authority may involve identifying individuals and may negatively affect the reputation of those individuals.

In my opinion, any interference with the right to privacy and reputation resulting from the amendments to section 270 is neither unlawful nor arbitrary. The details of what may be published under amended section 270 are clearly outlined. Existing section 270 already provides for certain information about approved providers, approved education and care services and nominated supervisors to be published. The scope of amended section 270 will be a known condition of any providing a service under the National Law.

Further, the publication of information about enforcement action listed in amended section 270, including contextual information, is appropriate and limited to being or in connection with, enforcement action taken by the Regulatory Authority under the National Law. It will not include information that can lead to the identification of a child. This provision is precise and is appropriately tailored to ensuring compliance with National Law, protecting children and promoting transparency, and accordingly does not constitute an arbitrary interference with privacy or reputation. The publication of this information helps to ensure compliance with the National Law, which in turn protects the safety, health and wellbeing of children.

Protection from liability for good faith publication

Clause 110 also adds new section 16R which adds new section 270A to the National law as it applies in Victoria. This provision protects a protected person from liability for republications under section 270 if the publication is in good faith, including protection from liability for defamation. This protection covers a number of listed 'protected people', including the Minister, the Regulatory Authority, the proprietor, editor or publisher of a newspaper, the proprietor or broadcaster of a radio or television station or producer of a radio or television show, an internet service provider or internet content host or a member of staff acting at the direction of one of these people.

Fair hearing and property rights

New Section 16R which adds section 270A to the National Law in Victoria provides a protection from liability for certain protected persons listed above for republications under amended section 270. Where an immunity clause restricts a plaintiff's ability to access a court by effectively removing a person's ability to bring an action in court due to the absence of an appropriate defendant, the right to a fair hearing may be engaged.

Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, new section 270A may engage the right by depriving a person of their ability to obtain effective relief for that cause of action.

However, to the extent that this immunity provision could be considered to bar access to a court or deprive a person of a course of action, I consider this provision to be compatible with these rights. Any deprivation of property will be 'in accordance with law'. It will pursue the important objective of ensuring that parents and other members of the public are able to make informed decisions regarding the provision of education and care services to their children, particularly in relation to providers that are subject to enforcement action under the National Law. It will facilitate the Regulatory Authority to use the enforcement tools at its disposal without fear of litigation or reprisal, and add to the deterrent effect of available enforcement action. It is reasonable as it only extends to good faith actions done under section 270 of the National Law and specified information. It also protects against the situation where media entities could be liable for republication of information published by the Regulatory Authority in accordance with law. Finally, it applies to circumstances that in my view are unlikely to give rise to a legitimate cause of action, and to which any potential respondent would likely enjoy the protection of existing defences at law.

Accordingly, in my view the protection from liability provision is appropriately granted and is compatible with the rights to fair hearing and property.

Disclosure of information about person to approved providers

New section 16S in clause 110 adds new section 272B to the National Law as it applies in Victoria. New section 272B provides for the disclosure by the Regulatory Authority of certain information about persons to

approved providers and recruitment agencies or labour hire agencies if required to comply with the National Law. The information that may be provided includes the identity of the person, whether they are subject to a suspension direction, supervision direction or training direction and if so, the provision of the National Law that formed the basis of that direction and any conditions attached to it. The Regulatory Authority may also disclose information about any current investigation into whether a person has not complied with a suspension direction, supervision direction or training direction applying to them.

Right to privacy

Having regard to the circumstances in which information may be shared under new section 272B, and the limited scope of information that may be shared, I consider that this provision is compatible with the right to privacy. The sharing of information with approved providers, recruitment agencies and labour hire agencies will be lawful under this provision, will only apply in specified circumstances and permit disclosure to certain persons, accordingly it will not arbitrarily interfere with the privacy of individuals. It serves the important purpose of safeguarding against risk by empowering the Regulatory Authority to notify relevant entities about persons who are subject to compliance orders and prevent further contraventions of the National Law. This is necessary to ensure the protective purpose of these orders are realised in practice. Accordingly, I am satisfied the power is compatible with privacy.

Additional court orders

New section 16U in clause 114 provides for the insertion of Division 4A into the National Law as it applies in Victoria. New section 292A is added by Division 4A and it provides that a Court may order, if a person commits an offence against the National Law or the Regulations, in addition to any penalty that the offender take action to publicise the offence and the consequences of the offence. New section 292B provides that if a person is found under section 188F to have contravened the National Law or the Regulations, a relevant tribunal or court may make an order requiring the relevant person to take specified action to publicise the contravention, including the circumstances of the contravention, and the consequences of the contravention.

Right to privacy

This new power engages the right to not have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) of the Charter and the right to not have a person's reputation unlawfully attacked under section 13(b) of the Charter, by mandating that a person must make the commission of an offence known to the public or to a specific person, or both.

I consider it likely that the information that a person will be required to publish under an order to publicise the offence or the contravention and its consequences will already be in the public domain as a consequence of judicial proceedings held in open court.

In my view, the right not to have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) and the right to not have one's reputation unlawfully attacked under section 13(b) of the Charter will not be limited, because any interference with a person's privacy or damage to the person's reputation will not be unlawful as it will be in accordance with an accessible and precise legislative framework. Further, any interference with a person's privacy will not be arbitrary as the required disclosure of information serves the legitimate purpose of promoting the safety, health and wellbeing of children. Such an order serves the important purpose of seeking to promote accountability by preventing a person from concealing that they have been convicted of an offence and have been subject to a penalty or found to have contravened the National Law or Regulations. This empowers parents and the community to take their own protective steps, as they are able to gain awareness of the previous conduct of providers they may be considering for the education and care of their children. The risk of such an order resulting damage to a person's reputation may create a greater deterrence than a monetary penalty, which in turn may encourage greater compliance with the National Law and Regulations.

I am satisfied that the right to privacy and reputation under section 13 of the Charter is not limited by new sections 292A and 292B.

Right to freedom of expression

The new power engages and may limit the right to freedom of expression, because it compels a person to publish certain information. To the extent that the right to freedom of expression may be limited, I am satisfied that any such limitation is justified, given the important child safety and deterrent purposes that an order under new sections 292A or 292B serves, as described above.

Offence to enter into contracts of insurance indemnifying against financial penalties

Clause 114 of the Bill adds new section 16V to the ECSNL Act, which provides that the National Law applies as the law of Victoria as if new Division 6A were inserted. This new Division adds an offence of, without reasonable excuse, entering into contracts of insurance indemnifying against the payment of a financial

penalty or being a party to a contract of insurance under which a person is indemnified in respect of the payment of a financial penalty on or after the relevant day (new section 295A of the National Law). This applies to entering into a contract of insurance after the amendments have commenced or to existing contracts to which a person is a party to, on or after the day that is a year after the commencement of the Amending Act. Consequently, it will apply prospectively in relation to entering into contracts, and only to existing contractual arrangements from one year after the commencement of the amendments.

Right to property

'Property' under the Charter includes all real and personal property interests recognised under the general law, relevantly including contractual rights. However, the right to property will only be limited where a person is deprived of property 'other than in accordance with the law'. For a deprivation of property to be 'in accordance with the law', the law must be publicly accessible, clear and certain, and must not operate arbitrarily.

The purpose of the new offences is to ensure that financial penalties, being fines ordered by a court when a person is found guilty of offence under the relevant Act and its Regulations retain their deterrent value, and thereby encourage compliance with duties under the law.

The offence either operates prospectively in respect of entering into contracts or to the extent it applies to existing provisions, the operation of the offence is narrow in nature and only applies from the relevant day. Further, the scope of the offences is narrow and not intended to affect other provisions in contracts or other arrangements which cover other kinds of legal expenses. For example, insuring or indemnifying a person for the cost of defending a prosecution or court-ordered damages.

Where a contract or other arrangement insures or indemnifies a person against more than one expense, offences will only relate to those terms which purport to insure or indemnify the person for the person's liability to pay a financial penalty under the relevant Act or its regulations.

Generally, under the common law an insurance policy cannot cover the consequences of a criminal conviction or penalty. However, this does not necessarily apply to unintentional criminal acts that involve negligence. Offences under the National Law can be established without direct culpability on the part of the duty holder. There is nothing that explicitly prevents a body corporate or a sole trader from insuring themselves for their own liability for offences.

To the extent the offences relate to entering into contracts in the future, I do not consider that the offences amount to a deprivation of property. To the extent that the offence in respect of being a party to a contract of insurance under which a person is indemnified in respect of the payment of a fine on or after the relevant day may amount to a deprivation of property, any such deprivation will be in accordance with the law, and not pursuant to a discretionary power that may operate arbitrarily. As such, I consider that the right to property is not limited by these provisions.

Presumption of innocence

As discussed above, 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

By creating a 'reasonable excuse' exception, the offence in new section 295A of the National Law may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I note the Supreme Court has taken the approach that an evidential onus of this nature does not limit the right to be presumed innocent.

For these reasons, in my opinion, new section 295A of the National Law is compatible with the right to be presumed innocent.

Hon. Ben Carroll MP
Minister for Education

Second reading

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:21): 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:

The Early Childhood Legislation Amendment (Child Safety) Bill 2025 is a critical component of Australian governments' overhaul of child safety regulation.

This Bill gives effect to the commitment of all Australian governments to implement recommendations of the Review of Child Safety Arrangements under the National Quality Framework (known as 'the Child Safety Review') in December 2023. The Bill also implements seven recommendations of the Rapid Child Safety Review commissioned by the Victorian Government in 2025.

I want to emphasise that the vast majority of educators in education and care services are skilled, hard-working, professional, and committed to protecting and caring for our youngest Victorians. Educators are our greatest asset in keeping children safe in services.

Unfortunately, in 2023, 2024 and 2025, several serious incidences of sexual assault and abuse of children in early childhood education and care settings came to light in several jurisdictions including Queensland, NSW and Victoria. These shocking allegations have highlighted the urgent need for further action by governments and the education and care sector to improve the safety and quality of education and care nationally.

The Bill amends the Education and Care Services National Law (National Law) in the Schedule to the *Education and Care Services National Law Act 2010*. It also amends the Victorian application provisions in that Act to modify the National Law as it applies in Victoria, to further strengthen the regulatory regime that applies to Victorian education and care services and their providers.

The proposed amendments to the National Law are expected to be settled nationally by the Australasian Parliamentary Counsel's Committee (APCC) in accordance with the APCC *Protocol on Drafting National Uniform Legislation*, and have been approved by EMM in accordance with the Ministerial Council's function under section 220(1)(g) of the National Law.

Amendments to the National Law – for all participating jurisdictions in the National Quality Framework

The key features of the Bill include to amend the National Law as it applies in all states and territories to:

a. introduce a statutory duty that the safety, rights and best interests of children are to be the paramount consideration for approved providers, persons with management or control of the service, persons in day-to-day charge of a service, nominated supervisors, staff, students and volunteers;

b. mandate child protection training for all staff who work with children and child safety training for all persons who are involved in the provision of education and care services;

c. empower the Regulatory Authority to impose:

    i. a (time limited) suspension notice on approved providers directing them to suspend a specific staff member from providing education and care to children at that approved provider;

    ii. a supervision notice requiring an approved provider to ensure that a specific staff member is supervised in the provision of education and care;

    iii. a mandatory training notice requiring an approved provider to ensure a specific staff member undertakes training to address certain conduct;

d. introduce a new offence which prohibits 'inappropriate conduct' while providing education and care to children;

e. expand the information sharing powers of the Regulatory Authority to proactively share information about individuals with their current approved provider, and gather and share information with recruitment agencies

f. increase the maximum penalties for offences under the National Law by a factor of 3;

g. expand the number of offences that are infringeable offences

h. introduce powers to deal with systemic non-compliance by related providers (including large provider groups);

i. expand the powers for authorised officers to check compliance and investigate offences in the residence and other areas beyond the FDC service premises

j. extend the time in which the Regulatory Authority may commence proceedings for offences under the National Law to 2 years from the date on which the Regulatory Authority becomes aware of the offence, and include a 'stop the clock' mechanism which suspends the two-year limit on commencing proceedings during periods in which a concurrent investigation or proceedings under another Act are taking place;

k. regulate the use of digital devices while taking images or videos of children while providing education and care.

l. establish the National Early Childhood Worker Register.

The expectations of all governments for all those in the sector – from those who control providers through to individual educators 'on the floor' with children – are clear. The Bill creates a new statutory duty for all decision makers in the ECEC system to make the safety, rights and best interests of children their paramount consideration when making decisions.

The Bill contains over 30 measures that aim to improve the safety and quality of the education and care provided to children attending services.

They will strengthen the powers of Regulatory Authorities to monitor and take action against non-compliance, and hold service providers, their staff and volunteers to account. The Bill will triple the maximum penalty amounts for offences against the National Law and provide the authority to create new infringement offences.

Importantly, the Bill will give Regulatory Authorities new powers to address the conduct of individuals who do the wrong thing, including better information sharing powers with an educator's approved provider or labour hire agency.

There are also new powers to deal with non-compliance at a systemic level by 'related providers' (including large provider groups).

The Bill makes provision for the establishment of a National Educator Register which will give regulators better visibility of the education and care workforce, students on practicum placement and volunteers to strengthen accountability, planning, and professional recognition.

The Bill also improves information-sharing and information-gathering powers for Regulatory Authorities. This includes ensuring that Regulatory Authorities can share information about an educator's prohibition with an approved provider where the educator is employed or with the educator's recruitment agency, and power for a Regulatory Authority to obtain information about an educator from a recruitment agency.

The Bill also addresses critical operational requirements for services, to improve child safety practices and understanding.

For example, it establishes a new requirement for all involved in the sector – service providers, their staff and volunteers, whether or not they work with children – to undergo mandatory training in child safe practices. It also expands the existing requirement for training in the child protection requirements of their jurisdiction to all people who work with children.

There will also be new offences to ensure that images and videos of children are only taken on digital devices issued by the service, and that educators do not have a personal digital device with them while working with children. This puts in place mandatory requirements that reflect the voluntary National Model Code on taking images and videos of children in education and care that was put in place earlier this year. The new national offences back up the Victorian restrictions on personal digital devices in services set out in the Statement of Regulatory Expectations – National Model Code that commenced in September this year.

Further child safety measures that will apply in Victoria only

This government is committed to doing everything in its power to ensure the safety of children and restore the community's trust in the early childhood education and care system, so the Bill goes further with additional reforms specifically for Victoria.

The Bill amends the Victorian application provisions in the Education and Care Services National Law Act 2010 to implement additional child safety measures that are specific to Victoria and align with changes recently passed in New south Wales. To achieve this, the Bill makes a number of modifications to the National Law, as it specifically applies in Victoria, to:

a. expand the power for the Regulatory Authority to issue a prohibition notice to include giving a notice to a person who was previously involved in providing an education and care service (regardless of whether the service had the proper approvals);

b. empower the Regulatory Authority to prohibit persons who have been refused provider approval or service approval in the past 12 months from reapplying for the approval;

c. expand the grounds for cancellation of provider approvals to include where an approved provider has been deregistered under the Corporations Act, is under administration or in liquidation or is an association that has been wound up or whose incorporation has been cancelled;

d. empower the Regulatory authority to take disciplinary action and bring disciplinary proceedings against an approved provider who has contravened the National Law or the national regulations, including against a person with management or control of the approved provider;

e. empower the Regulatory Authority to publish information about enforcement or disciplinary action taken under the National Law against certain persons involved in the provision of education and care;

f. introduce a new offence for a failure by an approved provider to display the approved provider's quality and compliance history at an education and care service premises of a service operated by the provider;

g. empower the Magistrates Court to make an order requiring a person convicted of an offence to publicise the offence, and the circumstances and consequences of the offence;

h. empower the Victorian Civil and Administrative Tribunal (VCAT) to make an order requiring a person against whom disciplinary action has been taken for non-compliance to publicise the non-compliance, and the circumstances and consequences of the non-compliance;

i. require an approved provider to notify the Regulatory Authority of any sexual offences or sexual misconduct committed by staff, students or volunteers working at an education and care service operated by the approved provider within a prescribed timeframe.

j. expand the information sharing powers of the Regulatory Authority to enable proactive disclosure of any suspension directions, supervision directions and mandatory training directions given directly to an individual with approved providers and recruitment agencies;

k. increase the maximum penalties for large approved providers (providers which have 25 or more services) by a factor of 9;

l. Empower the Regulatory Authority to give a notice directing individuals working in education and care services to suspend providing education and care for a specified period;

m. clarify that an application for internal review of a decision by the Regulatory Authority does not affect the application, operation and validity of that decision;

n. expand the power of Regulatory Authority to better determine and control rating levels for education and care services, including to suspend a service's quality rating during an investigation;

o. expand the number of offences under the National Law which are infringeable offences;

p. introduce a power to empower Victorian regulations to be made which modify the maximum penalty imposed for offences under the National Regulation which are infringeable offences;

q. introduce a new offence prohibiting an approved provider from entering into a contract of insurance which indemnifies the approved provider or any staff members from a financial penalty for non-compliance with the National Quality Framework or the Child Safe Standards;

r. introduce a power for the Regulatory Authority and the Minister for Children to issue binding directions and guidelines, including to prioritise the safety, welfare or wellbeing of children and set out best practice guidance for operating education and care services;

s. introduce a power for the Minister for Children to issue binding directions to the Regulatory Authority in relation to the exercise of its functions and powers under the National Law;

t. introduce a power for the Regulatory Authority to order the closure of services in a geographic area because of an emergency event;

u. introduce a power to make Victorian regulations for transitional or savings provisions (that are required as a consequence of the reforms proposed above and which may be retrospective in operation to the commencement of those measures to ensure operational continuity and proper functioning of those provisions), and to prescribe additional provisions necessary to give effect to the Victorian- specific measures.

Specifically, the Bill will further improve transparency of information available to families by mandating that approved providers publish their quality and compliance history. It will also prevent persons whose

application for service or provider approval has been refused within the previous 12 months from applying again.

Victoria will have a new category of maximum penalties in Victoria for large service providers at 9 times the current amount, applicable to approved providers that operate 25 or more services. In doing so, we are sending a signal to large providers that they need to be more accountable and ensure better adherence to child safe practices and behaviours.

The Bill will give the Regulatory Authority a new regulatory tool to take disciplinary action and bring disciplinary proceedings against an approved provider who has contravened the National Law or the national regulations. If the Regulatory Authority and person cannot agree on an appropriate sanction or remediation for the breach, the Regulatory Authority can seek an order from VCAT to issue a disciplinary order that could include a reprimand, an administrative penalty or an order to take or refrain from taking certain actions.

The Bill also expands on the new suspension power in the National Law to empower the Regulatory Authority to give a notice directing individuals working in education and care services to suspend providing education and care for a specified period, rather than providing a notice to the approved provider directing them to suspend a specific staff member from providing education and care to children at that approved provider.

The Bill responds to the Victorian Rapid Child Safety Review conducted earlier this year in response to distressing allegations of abuse in Victorian education and care services. We have already implemented the Victorian Worker Register, which will be compatible with a National Register that will be established under this Bill.

This Bill goes hand in hand with the Victorian Early Childhood Regulatory Authority Bill and demonstrates our commitment to ensuring the safety of children in the education and care services sector.

The new, independent Victorian Regulator will be more transparent with greater ability to publish compliance and enforcement activity information on its website.

All children deserve to be safe wherever they learn, play and grow.

I commend the Bill to the house.

James NEWBURY (Brighton) (12:21): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (12:21): I move:

That debate be adjourned until later this day.

Jess WILSON (Kew) (12:21): The opposition will not be opposing this, but I note once again that these reforms were recommended by the Ombudsman three years ago, and it has taken years for the government to actually bring this to the floor of the Parliament. The rapid review said that these would be tabled in the Parliament in October, and the opposition and the crossbench received these bills yesterday afternoon. We will be debating these bills less than 24 hours later. This is a government that has not put child safety first and foremost. The opposition will not be opposing this, but it is to be noted that the government has been dragged to this position.

Will FOWLES (Ringwood) (12:22): I would like to add to the comments from the member for Kew. I am pleased that the coalition got their copy in the afternoon; we got ours at 6:45 pm. It is an absolute beast of a set of bills here. It is 1100 pages, including the two explanatory memorandums. I know the standing orders refer to briefings having been given, and they have been, but an email notification at 6:45 pm for a briefing at 7:30 pm does not do much for those of us who might have other things going on at that time of night, including in relation to one's children. I think it is, yes, technically in compliance with the standing orders, but this is a vast volume of material for anybody to have to attempt to digest in the timeframe that the government proposes, and it just frankly makes a mockery of the process in this place that we would be given 1100 pages to chew over at 7 pm last night with a view to debating them today.

I appreciate the urgency and I appreciate the intent – I do not think there is anyone in this place who is going to stand in the way of good reforms being made for child safety – but a bunch of these reforms were foreshadowed as far back as three years ago, as the member for Kew said, and a number of the matters in these bills do not relate to child safety but to disability care and other matters. Those things I think ought to be given proper consideration in this chamber and indeed proper consideration in the other place as well. They of course have the advantage of getting at least a week's chop-out in terms of dealing with this absolutely vast volume of material. But for those of us who do not have a phalanx of ministerial or shadow ministerial advisers – for those of us who did not even get the basic courtesy of a hard copy of the bill, despite requesting it, and had to just about melt the office printer this morning trying to get this chunk of legislation into a form in which it could be adequately scrutinised – this is a wildly unsatisfactory timeframe and, frankly, an unnecessary abrogation of the process.

There is only one part of this bill – admittedly an important part – that will come into effect from royal assent; the rest is to be sequenced. My question to the government is: why couldn't we have put in place, in the urgent timeframe, the bits that are actually urgent and deal with the balance of this 1100-page supertome in a more orderly timeframe, allowing members in this place even the courtesy of reading the explanatory memorandum, let alone the bill itself? The member for Broadmeadows was quite forceful in her view last sitting week and the member for Preston was quite forceful in his view last sitting week that 13 days was not enough to deal with the very important voluntary assisted dying amendments. Well, try zero days – 1100 pages, zero days. That is the reality that this chamber is forcing on all members today: zero days scrutiny for this bill. We are expected to get up and debate on this vast tome of material asap – not the 13 days that the members for Broadmeadows and Preston would say is inadequate, but zero days. Zero days today is the new standard the government wants to set when it comes to ramming through legislation.

Some of this legislation undoubtedly is good. I am sure the intention is good. I am sure it is an adequate response to the rapid review, but I would not know, because you cannot get through this volume of material in the timeframe being proposed by the government. The member for Narre Warren North can roll her eyes until she is blue in the face, but the reality is –

Belinda Wilson interjected.

Will FOWLES: Get back in your seat.

The SPEAKER: Order! Member for Ringwood, through the Chair.

Will FOWLES: Speaker, I ask that you ask the member for Narre Warren North to stop interjecting.

The SPEAKER: Order! Through the Chair, member for Ringwood.

Will FOWLES: I am asking the Chair something through the Chair.

The SPEAKER: It is inappropriate to ask questions of the Chair. I ask the member for Ringwood to continue his contribution through the Chair.

Will FOWLES: And I shall. On a point of order, Chair, can you please ask the member for Narre Warren North to refrain from shouting at me across the chamber when she is out of her seat.

The SPEAKER: I ask the member for Narre Warren North to refrain from interjecting, and now I ask you to speak through the Chair.

Mary-Anne Thomas interjected.

Will FOWLES: I pick up the manager of government business on the interjection that she just made towards me, and I ask, Chair, on a point of order, that you ask the manager of government business to stop referring to me as embarrassing, when in fact it is she who is embarrassing in this place, and to stop asking me –

Members interjecting.

Will FOWLES: On a point of order, Speaker, I ask that you ask the manager of government business to stop asking members to resume their seat when they are simply saying something with which she disagrees.

The SPEAKER: Member for Ringwood, that is not a point of order.

Will FOWLES: On a point of order, Speaker, I would like some guidance, please, under which standing order I ought to raise conduct of members in the chamber calling across the chamber.

The SPEAKER: I invite the member for Ringwood, if he has concerns about the conduct of other members in the chamber, to come and speak to me in my office afterwards.

Motion agreed to and debate adjourned until later this day.

Petitions

Greater Bendigo mining exploration licence

Ellen SANDELL (Melbourne) presented a petition bearing 1379 signatures:

> The petition of Residents of Bendigo East District
>
> draws to the attention of the House the mining exploration application licence EL008505 by Falcon Gold Resources Pty Ltd over the locality of 2km east of Strathfieldsaye, 5km west of Axedale, 8km southeast of Bendigo, including Emu Creek and Longlea including small portions of Wellsford Forest an area of 94 square kilometres of semi rural communities and environment of high flora and fauna value.
>
> The granting of a mining exploration licence and potential mining operations will have social and environmental consequences for the thriving rural residential communities within the licence boundaries. The activity of mining exploration will impact the social and environmental values the community holds for the area and has potential to impact the threatened and endangered species of the Wellsford forest and nature and conservation reserves within the boundary of the EL008505. The semi rural community of Strathfieldsaye is an expanding growth corridor in an environment of high flora and fauna value.
>
> The petitioners therefore request that the Legislative Assembly of Victoria to ban any mining exploration or the placement of a mine within EL008505.

Ordered that petition be considered tomorrow.

Documents

Victorian Law Reform Commission

Examining Aspects of Family Violence Intervention Orders for Children and Young Adults

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (12:29): I table, by leave, the Victorian Law Reform Commission's report *Examining Aspects of Family Violence Intervention Orders for Children and Young Adults: Stage 1 – Protection for Children Who Turn 18 while on a Family Violence Intervention Order*.

Ordered to be published.

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 15

Gary MAAS (Narre Warren South) (12:30): I have the honour to present to the house a report from the Scrutiny of Acts and Regulations Committee, being *Alert Digest* No. 15 of 2025, on the following bills and subordinate legislation, together with appendices and a minority report:

> Children, Youth and Families Amendment (Stability) Bill 2025
>
> Independent Broad-based Anti-corruption Commission Amendment (Ending Political Corruption) Bill 2024
>
> Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025

Planning Amendment (Better Decisions Made Faster) Bill 2025

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

Victorian Early Childhood Regulatory Authority Bill 2025

SR 31 – Meat Industry Regulations 2025.

Ordered to be published.

Documents

Parliamentary Budget Office

Report 2024–25

Sarah CONNOLLY (Laverton) (12:31): I have the honour to present to the house the Parliamentary Budget Office report 2024–25 under section 28 of the Parliamentary Budget Officer Act 2017.

Tabled.

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:

Alexandra Gardens Reserve

Kings Domain South Reserve

Queen Victoria Gardens and Memorial Statue Reserve

Order under s 17D granting a lease over Tasma Terrace Reserve

Duties Act 2000:

Report 2024–25 of corporate reconstruction and consolidation concessions and exemptions under s 250B

Report 2024–25 of Foreign Purchaser Additional Duty Exemptions under s 3E

Financial Management Act 1994 – Report from the Minister for Environment that he had not received the reports 2024–25 of the:

Caulfield Racecourse Reserve Trust

Dhelkunya Dja Land Management Board

Environment Protection Authority

Gunaikurnai Traditional Owner Land Management Board

Trust for Nature

Yorta Yorta Traditional Owner Land Management Board

Zoos Victoria

together with explanations for the delay

Infrastructure Victoria – Victoria's infrastructure strategy 2025–2055

Interpretation of Legislation Act 1984 – Notice under s 32(3)(a)(iii) in relation to Statutory Rule 91 *(Gazette G42, 16 October 2025)*

Legal Practitioners' Liability Committee – Report 2024–25 together with the Minister's reported date of receipt

Ombudsman – Investigation report: *'That's assault mate'*: Investigation into alleged misconduct in a private prison and how it was handled – Ordered to be published

Planning and Environment Act 1987 – Notices of approval of amendments to the following Planning Schemes:

Boroondara – C394

Golden Plains – C105

Latrobe – C143

Port Phillip – C224, C227

Victoria Planning Provisions – VC291, VC295

Radiation Advisory Committee – Report 2024–25

Statutory Rules under the following Acts:

Cemeteries and Crematoria Act 2003 – SR 114

Charities Act 1978 – SR 115

National Electricity (Victoria) Act 2005 – SR 113

Subordinate Legislation Act 1994 – Documents under s 15 in relation to Statutory Rule 114

Victoria Legal Aid – Report 2024–25

PROCLAMATIONS – Under SO 177A, the Clerk tabled the following proclamations fixing operative dates:

National Electricity (Victoria) Amendment (VicGrid Stage 2 Reform) Act 2025 – Part 2 (other than section 36(2) and (3)), Divisions 1 and 5 of Part 3 and Parts 4 and 5 – 1 November 2025 *(Gazette S588, 28 October 2025)*

Workplace Injury Rehabilitation and Compensation Amendment Act 2025 – Division 2 of Part 2 and Division 2 of Part 3 – 1 November 2025 *(Gazette S588, 28 October 2025)*.

Bills

Statewide Treaty Bill 2025

Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025

Mental Health Legislation Amendment Bill 2025

Council's agreement

The SPEAKER (12:33): I have received messages from the Legislative Council agreeing to the following bills without amendment: the Statewide Treaty Bill 2025, the Building Legislation Amendment (Fairer Payment on Jobsites and Other Matters) Bill 2025 and the Mental Health Legislation Amendment Bill 2025.

Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025

Royal assent

The SPEAKER (12:33): I inform the house that the Governor has given royal assent to the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025.

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025

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

Victorian Early Childhood Regulatory Authority Bill 2025

Appropriation

The SPEAKER (12:33): I have received messages from the Governor recommending appropriations for the purposes of the Early Childhood Legislation Amendment (Child Safety) Bill 2025, the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Victorian Early Childhood Regulatory Authority Bill 2025.

Business of the house

Program

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (12:34): I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5 pm on 14 November 2025:
>
> Labour Hire Legislation Amendment (Licensing) Bill 2025
>
> Victorian Early Childhood Regulatory Authority Bill 2025
>
> Planning Amendment (Better Decisions Made Faster) Bill 2025
>
> Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025
>
> Early Childhood Legislation Amendment (Child Safety) Bill 2025
>
> Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025.

Obviously, it is a very big program of work to be considered in the house this week, and I want to thank the house for their cooperation in working with the government in order to ensure that the two bills that have just been introduced and second read will be debated in cognate with the bill that was introduced last week. This is really important because these three bills work very closely together in order to deliver on commitments that our government has made to accept and act on all of the 22 recommendations of the rapid child safety review, which of course was completed for our government by Jay Weatherill AO and Ms Pam White PSM. That all happened in August, so, as you can understand, the work to bring these bills to the house has been at speed. But I want to assure everyone that absolute due consideration has been given to getting this right. And indeed one of the bills that is before the house today is establishing national law as we work with other states and territories and the Commonwealth government to do everything within our collective powers to ensure that children are kept safe. This is an absolute key responsibility of governments everywhere, and we will be working to do that.

Will Fowles: On a point of order, Speaker, the Leader of the House is anticipating debate on the bills.

The SPEAKER: I remind the Leader of the House that it is a government business program and not to go into the detail of bills.

Mary-Anne THOMAS: I was just wanting to make the point, in thanking the house for their cooperation, how important and significant these bills are. I think it was important that I reflect that one of these bills is about establishing national law and that that is something that the house should be cognisant of ahead of the debate.

We will also be debating the Planning Amendment (Better Decisions Made Faster) Bill 2025. Of course, our government has an absolute focus on ensuring that we are building the houses that Victorians need and want in the areas that are close to transport and close to jobs. This is a bill that is consistent with our housing statement, which is seeing us with a very ambitious target: 800,000 homes to be delivered over 10 years. I am proud, of course, that it is here in Victoria that we are delivering more houses than any other state or territory. Once again, it is another metric on which we are leading the nation. Housing targets have been established for every local government area as part of *Plan for Victoria*, and this bill helps us deliver on that commitment.

We are also debating a really important Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. In October the Premier and the Treasurer announced that our government will restrict the use of non-disclosure agreements in workplace sexual harassment cases because they are used to silence victims. Of course as a Labor government we are absolutely committed to doing all we can to support victims of sexual harassment in the workplace. We listen to workers and we work to address these very real concerns. The bill delivers on our commitment by providing victim-survivors

of workplace sexual harassment with greater agency and choice by restricting the use of non-disclosure agreements in workplace sexual harassment matters.

Another bill to be debated is the Labour Hire Legislation Amendment (Licensing) Bill 2025. This is a bill that responds to the work that the Victorian government did when we commissioned the Wilson review as part of a range of actions responding to allegations of criminal and other unlawful conduct in the construction industry – behaviour for which we have zero tolerance. The bill will implement the Victorian government's response to recommendations 3 to 6 of the Wilson review to strengthen Victoria's labour hire licencing laws. It is important that we consider the bill this week to allow the government to enable us to get on with meeting the public commitments that we have made. So it is a very big government business program with very significant legislation to be debated in this house this week, and I commend the program to the house.

James NEWBURY (Brighton) (12:40): The coalition will not be supporting the government business program. What is clear is the government has lost control of managing the chamber. There is no doubt that the government has lost control of managing the chamber. You see big bills being introduced, and certainly we are not speaking to the substance of those in terms of being opposed to them. In fact we are very, very supportive and have been calling for action in these matters. We saw a press conference from the Premier today with a poster but no bill. There is no question that most Victorians are looking on and saying, 'What's going on?' There is no oversight, there is no proper thinking and there is no proper scrutiny in relation to what the government is doing, and you can see that with the government business program.

The government is trying to push bills that it does not want debated through very quickly this week and to have six bills, some of them very, very meritorious and important bills that will bring about important changes – so much so that we have been calling for the government to meet its own deadlines, which it has broken; we have been calling on the government to actually do these things quicker – but also hiding other bills on the government business program that it does not want to debate. The government does not want to debate the planning laws – it wants to hide those changes – and I am going to be interested to hear the debate from members about how much they want their communities to have their rights taken away from them. I am sure not many neighbours want to have no more say about what is built in their communities, and I am looking forward to seeing how many Labor members put out tiles on that little reform. I suspect it will be none. No members will. This makes the point, on the government business program, that when you mismanage a Parliament, when you do not properly understand how to manage the time of the Parliament, you have to try and add days, because you have run out of time. My view is we should always sit more than less.

Members interjecting.

James NEWBURY: I will pick up the interjection. As an animal of this place I love every single sitting day, and I would love it even more –

Mary-Anne Thomas interjected.

James NEWBURY: All I hear from the Leader of the House is 'We love you'. That is all I heard her say. I do not know exactly what she said, but that is what I think she said.

This government business program shows a mismanagement of this place, because there are very substantive issues that deserve time. They deserve time in terms of debate, but they also deserve time in terms of broader scrutiny from not just the non-government members but the community more broadly. When you are introducing bills with under 24 hours notice, you are not giving experts outside this place – and I am sure lots of people, probably far too many people, in this chamber think they are experts, but they are not. The broader community and the experts genuinely in the subject matter have not got the opportunity to look at any of these reforms in detail. We have just seen a 500-page bill and a 150-page bill introduced – really, really important. But frankly we should have had it quicker, and

there should have been a process built into that drafting that allowed experts to buy into it to allow sunlight and scrutiny.

That is the point that I would make in relation to the government business program. When you mismanage a Parliament, when you do not fully think through what you are going to do, when you do not manage the processes of taking an idea through cabinet, through your caucus, into the party room properly, you get rushed and you get mistakes. We have seen, week after week after week, amendments come into this place that fix things like spelling errors or mismanaged clauses in bills purely because of rushed drafting. It is not in any way the drafters' issue; it is that the government have not fully worked out what they are doing.

Members interjecting.

James NEWBURY: I do take the interjection on the Premier. The Premier had a poster today on a bill that has not even been drafted yet. There is another one we are going to see at some point when it finally gets drafted. But we have got the poster. We have got the big poster out there. We have got the tiles. We just have not got the bill. We have not got the laws. I make the point that the government business program is another example of mismanagement of this place. We certainly will not be supporting it, but that should not reflect on some of our views in relation to bills therein.

Tim RICHARDSON (Mordialloc) (12:45): Shock, horror – the opposition is opposed to the government business program again. Only those opposite could come in a few months ago saying this government has no legislative agenda and we have not got any sort of bills up. We passed treaty. We passed voluntary assisted dying last week. We saw the intellectual display of members of Parliament like we do not normally see across the Parliament. So I counter the suggestion that this Parliament is anything but functional given the depth that we have seen this chamber and the upper house going through. It has been an important hallmark of what is a functioning government business program and a functioning Parliament. And this is another big week. Those opposite have been saying we do not sit enough, even though with those opposite, particularly the Liberals, you do not get them on the second reading of bills; you do not see them. You see the Nats on the second reading of bills; they carry the load. And who knows what is going to happen with the coalition upstairs in Canberra. We do not know what is going on today, do we. We have got net zero sense of where it is up to at the moment –

The SPEAKER: Order! The member for Mordialloc will come back to the government business program.

Tim RICHARDSON: We are very interested in how many will actually speak on the second reading of these bills. They are really important – the Labour Hire Legislation Amendment (Licensing) Bill 2025 is important. It builds on the back of significant reforms that are being taken through by this government. I am really keen on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. This is really important policy that needs to be debated in this Parliament. It is really important policy that this government has led, along with Trades Hall. So I am really interested to see the second-reading contributions from members of Parliament reflecting on what that looks like in our Parliament and making sure that victim-survivors of harassment are supported. They are looking at that bill, and they are looking for leadership on that bill.

And of course there is the Victorian Early Childhood Regulatory Authority Bill 2025. This is a substantial piece of legislation. The member for Kew made reflections around the work not being done. Seriously, does anyone see how big that bill book is? It is extraordinary when populism and ranting at the clouds overtake the reality of where we find ourselves. It is one of the most substantial reforms. We love them in Canberra, but goodness me, if we had to wait for that period of time, we would still be waiting. We have had to lean in as a state, and those reforms have come through and Victoria has once again led the way. Those opposite complain that they have got a thousand pages to read. Welcome to government, member for Brighton, where you have to read and you have to go

through. You cannot just argue into the clouds in party rooms, you have got to get things done. That is exactly what that bill does and why it is so important to put it on the agenda. It is substantive. I know the member for Brighton is an absolute lover of Parliament. He loves it. He would sit in Parliament for 50 weeks of the year if he could; he would be in here every single week. But the notion that his concern is a few commas and full stops on the substantive nature of the bill –

James Newbury interjected.

Tim RICHARDSON: I know he has become a learned friend recently as he is now a practising lawyer. But really, substance over form – that would have been in the law degree, the mantra there. It is the substantive nature. I do not think we are concerning ourselves with the inflection of a word or maybe a comma or a full stop in a particular clause. We are wanting to keep kids safe. We are wanting to make sure that this bill hits the Parliament and sees its debate through. I am sure the Legislative Council will have things that they put forward in amendments and the like when it gets to their grand chamber, but the substance of this bill is really substantial.

We are looking to see how many front up on the second reading. I carry the stats on the government business program. At the moment we are seeing that on a per capita basis we need a bit more work done. We need a little bit more work done on the second readings by those opposite. I do not want to start naming names, but I am doing the *Hansard* search on how many are contributing to the government business program in these second-reading debates –

Members interjecting.

Tim RICHARDSON: I am just putting them on notice. The Nationals are carrying the load. There are nine of them over there, 19 on that side. We have put them on notice. We are taking receipts now of those that are not speaking on behalf of their community on the second reading of bills. You have got four chances, anyone over there; I am just putting it out there. There is the labour hire bill, the Planning Amendment (Better Decisions Made Faster) Bill 2025, the restricting non-disclosure bill and the early childhood bill. It is a call to those Liberals opposite. I will even share my bill notes with you if you are up for it. I will look after those opposite and make sure that they have got a few dot points they can use. Just front up and do something on behalf of your community rather than coming in here and doing nothing, because that is what some are doing on second readings on that side, and they are doing a disservice to their constituents.

Jade BENHAM (Mildura) (12:50): Honestly, how could we support this government business program? If we are going to talk about a functional chamber, this is certainly not an illustration of one. We are going to have an extra sitting week. Wouldn't a bit of foresight –

A member interjected.

Jade BENHAM: Yes, I know. It gets laughs from this side. Instead of having a huge, big break and overseas holidays in the middle of the year, we could have squeezed in an extra week and got some of these bills through that have been recommended. The Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Victorian Early Childhood Regulatory Authority Bill 2025 were recommended by the Ombudsman three years ago. Then there was the rapid review, of course, in October. There has been plenty of time. If you look at this thing to be introduced immediately, we are going to have to reinstate the timber industry down in Gippsland and fire up machine 4 at Opal. Look at this – and not even a day to read it. It is clearly not a sign of a functional chamber. It is clear that the government has lost control. So how on earth could we be expected to support it?

I will tell you what I do support, though, and that is my colleagues in the Nationals, always putting their hands up – like I give them a choice – to speak on the second reading of bills. There is a lot to get through and some really important stuff, as the member for Brighton pointed out before, particularly with the protection of children. This has been waiting for a long, long time. If the

government were to be so polite as to listen to experts outside of their own echo chamber, this could have been done and children could have been kept safe long before this, with only a day to ram this extraordinarily large bill through the Parliament.

Then we get to planning. Honestly, I never thought I would be so passionate about planning schemes, but here we are. This is in no way going to help the regions, I can assure you, because we have a Victorian planning scheme that has been written in Melbourne for Melbourne. No-one is actually coming to the table to make provisions for the regions. It is just for the city, by the city, with no foresight – there is that word again; I might ask the members on the other side to spell it – into how it is going to affect the regions. We have such issues already with the Victorian planning scheme and the inability to develop outside of town borders, to develop rural lifestyle properties or to develop anywhere that is not part of a Legoland-style subdivision, which is a massive problem.

The Planning Amendment (Better Decisions Made Faster) Bill 2025 is one that I am sure we are all going to contribute on, as well as the Labour Hire Legislation Amendment (Licensing) Bill 2025. We know this is some sort of attempt to address the issues within the CFMEU, but it also has unintended consequences for those using labour hire providers or in fact the Labour Hire Authority in any way, shape or form out in the regions, again. And the Nationals know this only too well. We are of course the only party that stands up for regional Victoria, and that is our dedicated job. Our dedicated job as a party is to go in to bat for regional Victorians, and there are unintended consequences with these bills: the Labour Hire Authority bill, the planning bill and the early childhood bill. Again, there have been three years for the government to illustrate that they want to do anything with regulation and child safety. For it to be introduced today at the size that it is and debated immediately is a travesty and goes against all sorts of conventions of the Westminster system of Parliament. It is outrageous, to use a favourite term of the member for Brighton – absolutely outrageous. I know my colleagues from the Nationals are very concerned about it. When it was presented they noted how many acts are within this extraordinarily large document – for example, the Disability Service Safeguards Act 2018. That sort of reform has been on the table for a long, long time, and for it to be rolled into this bill at very short notice is absolutely outrageous. How on earth could we support a government business program like that? I know the member for Mordialloc enjoys talking with all sorts of contradiction to the community. We will see how this one goes on social media perhaps.

Ella GEORGE (Lara) (12:55): It is a pleasure to rise and make a contribution on the government business program this week. I am very proud to support the government business program, even if those opposite do not. It is also great to rise in this place following some rather ostentatious contributions from those opposite, and maybe we will see if we can take down the tone of this debate a little bit.

This is a rather unusual sitting week, starting on a Wednesday and concluding on a Friday, and I am sure we will be feeling all kinds of out of sorts by the end of the week. But we have work to do. On this side of the house we know that there is always more to do, and we are not afraid of an additional sitting week. We are not afraid of a big legislative agenda. We are not afraid of a big bill book. We are not afraid to read through the clauses. As the manager of government business has pointed out, while these are extensive bills and extensive pieces of legislation that have been put to the house this week, a huge amount of work has gone on to ensure that they are correct and that they do address the concerns that have been raised.

With your indulgence, Speaker, I would like to quickly acknowledge that yesterday was Remembrance Day, an important day in all of our communities when we gather and we pause at 11 am to remember the service and sacrifice of Australian service men and women who have bravely served their country and remember those who paid the ultimate sacrifice. Even being in this place today, we owe our veterans a debt of gratitude that we can never repay. They sacrificed their lives for our freedoms and the democracy that we enjoy. Even in this very debate that we are having right now, things could have looked very differently had our veterans not made the sacrifices they made. As we commence another sitting week, I think it is very important that everyone in this place remembers that.

I would like to commend the incredible Lara RSL and vice-president Roy Cook for a very moving Remembrance Day service yesterday, which I had the honour of attending.

We have another busy week here in this place coming off a couple of other busy weeks when we passed treaty legislation to establish treaty in Victoria and we also debated voluntary assisted dying, incredibly important issues in our communities across Victoria. This week we will continue to debate legislation that will have deep, deep impacts in our communities.

This week, as others have mentioned, we will be debating three bills concurrently: the Victorian Early Childhood Regulatory Authority Bill 2025, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025. Can I acknowledge the minister, who has led an incredible amount of work on this and put so much time and effort into this, and all the people who have worked on this incredibly important legislation. They are lengthy bill books, and I know a huge amount of work has gone into them. I do want to commend everyone who has worked on this legislation.

All members in this place know why we are debating this legislation this week. When horrific allegations came to light earlier this year, the state government acted swiftly to protect children. A number of reforms to the childcare sector were immediately introduced, and the legislation that we will be debating this week is the next stage of these important reforms. The bills that are before the house will acquit a number of the 22 recommendations made by the rapid review into child safety in early childhood education and care settings and the working with children check in Victoria as it relates to the early childhood education and care sector, and together these bills will make a number of reforms to strengthen early childhood education. As the manager of government business noted earlier, these three bills work closely together, and that is why it is important that they are debated together this week.

These bills will make a number of important reforms, including consolidating key child-safeguarding functions: the working with children check, an incredibly important way that we protect children in Victoria; the reportable conduct scheme; and the child safe standards. Strengthening the working with children check is incredibly important work that this Parliament should do, and I am so proud that we are doing exactly that this week in this place. These reforms will result in a strengthened independent Social Services Regulator to regulate the safety of children and people accessing social services – incredibly important work. I think we can all agree that this is much-needed reform in Victoria, and I know a number of my colleagues will be making a contribution in this debate throughout the week.

Also this week there is another incredibly important piece of legislation, the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I know so many women who have been sexually harassed at work, and this piece of legislation is so important to give victim-survivors of sexual harassment the freedom to speak up and speak out.

Wayne FARNHAM (Narracan) (13:00): I am pleased to rise today on the government business program – and yes, we oppose it. We oppose it for the very simple reason that when we started the day there were four bills and now there are six with no notice given again. This is a problem with this government: they bring out a 470-something-page document and then expect us to read it, talk to stakeholders, talk to the community and then debate that in the chamber within 24 hours. That is not realistic; it is not realistic on any level. The simple fact of the matter is three years ago the Ombudsman's report came out and the government did nothing until the disgraceful acts this year. Then it said, 'We're going to have a rapid review,' then started a rapid review. This bill was meant to be introduced in October, and now we are here in the middle of November debating this bill. It is not fair to the opposition, or the crossbench for that matter. The fact that, as the member for Ringwood brought up, he did not get that bill until 6:30 or 7:30 last night is pretty disgraceful. The member for Ringwood is a member of Parliament and does deserve the respect to get this bill in due course with the time allotted to actually read it and consult with people. He is on the crossbench but he is a member of this chamber. That is the problem.

The member for Mordialloc actually said more needs to be done, and I agree. I could not agree more with him on that. We have had a government that has been asleep at the wheel for 2½ years, and now it is starting to jam bills through this Parliament with no notice. Next year we only have 36 sitting days, down from 51, so the member for Mordialloc is completely right: we should be sitting more next year. We are not going to sit for 11 weeks in the lead-up to the election. Is it going to be the standard of practice by this government next year on 36 sitting days that we get no notice to debate bills – that they will just put bills in on the day, use the standing orders, and then we have to sit back and decipher something in a 24-hour period? Is that what the government is going to do next year? To be honest, I think the community expects us to sit more than 36 days in a year. What happens in October next year when we are not sitting? Dump day on reports, leaving out all the government scrutiny. Let us not sit, because we had dump day this year and it did not look too good for the government. So next year what are they going to do? They are going to get rid of it altogether so they will not get scrutinised, and it will not happen in a parliamentary sitting week. This is where this government fails; it fails all the time.

I am looking forward to the Labour Hire Legislation Amendment (Licensing) Bill 2025. This bill coming through is on the back end of the Wilson review. But will it address the concerns of the construction industry and the corrupt behaviour of the CFMEU? Will it go far enough? That is what the community is expecting from this bill. I will not pre-empt debate – we will state our position on that bill later and the debate will happen later – but it would be within community expectation that this bill will bring the CFMEU under control and start to get rid of the corruption in our state. In New South Wales it was announced today that the New South Wales division of the CFMEU and John Holland have reached an agreement that they will exclude certain labour hire companies from their sites because of their corrupt behaviour. Does this government have the guts to do the same? Do this government have the guts to bring their little mates into line and get rid of the corruption within the CFMEU? They get about 5 mill a year off the CFMEU, so are they going to risk that to actually stamp out corruption within the CFMEU on Victorian government building sites?

James Newbury interjected.

Wayne FARNHAM: It is part of their DNA, member for Brighton, you are exactly right, and this is the problem. I do not think the government is strong enough to do that, I really do not.

Another bill we have coming in is the Planning Amendment (Better Decisions Made Faster) Bill 2025, a bill that will strip away all rights of community and all rights of neighbouring properties. This government are ramming this through because they are behind on their housing target, a target they have not met since they announced it two years ago. They are 50,000-odd homes behind already. Yes, we oppose the business program; it is rubbish.

Assembly divided on motion:

Ayes (48): Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Eden Foster, Matt Fregon, Ella George, Luba Grigorovitch, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, 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 (28): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Will Fowles, 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

Motion agreed to.

Members statements

Remembrance Day

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (13:11): Firstly, can I just acknowledge my local community in relation to Remembrance Day, in particular at the Heidelberg Repatriation Hospital, where we had our service yesterday. Rob Winther OAM, the veterans liaison officer, hosted that. I understand it was a very well attended event, as it usually is. The hospital has operated since 1941, and the repat remembrance garden is a very central place where we gather for remembrance of the fallen in my electorate. I also acknowledge the Cherry Street memorial service, which was held over the weekend in the lead-up to Remembrance Day. Lest we forget.

Victoria Police deaths

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (13:12): I was also pleased earlier this week to welcome Princess Anne, the Princess Royal, to the Victoria Police memorial to lay a wreath in memory of the fallen officers who lost their lives in the line of duty in Porepunkah in August. There was the opportunity for the Princess Royal to meet with bereaved family members with her husband Sir Timothy Laurence. That was a poignant moment but a great opportunity for the Princess Royal to share her concerns and condolences with those families who have suffered so egregiously in their loss.

Royal Australian Corps of Signals

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (13:12): I also note that the Princess Royal attended the Simpson Barracks in my electorate in her role, for the anniversary of the Royal Australian Corps of Signals.

Road maintenance

Danny O'BRIEN (Gippsland South) (13:12): I am rising again to highlight the roads disaster occurring across this state, and particularly at the weekend at Nar Nar Goon, where the Nar Nar Goon crater sent some two dozen motorists to the side of the road with popped tyres, broken rims, significant damage and significant cost. This was on top of another pothole that police had to go and babysit just a few kilometres away on the Princes Freeway. This is not the result of rain, this is the result of the Labor government's neglect of our roads and the failure to invest particularly in preventative maintenance. I cannot fathom that we had these sorts of massive potholes open up and cause damage to so many cars. The Romans could build roads to last through any conditions for 2000 years, and yet this government cannot actually build roads to put up with 20 millimetres of rain. It is a disgrace, and Victorians are paying the price. Sadly, our regional Victorians are used to it. The government stands condemned. It is missing all its targets, and our roads are in a terrible state.

McHappy Day

Danny O'BRIEN (Gippsland South) (13:14): This weekend is McHappy Day, and I will be looking forward to helping out and raising funds for awareness at the Sale store. There I might bump into 17-year-old Ethan Monk. Sadly, he has been in and out of Ronald McDonald House for most of his life, but he is now a crew member at Sale McDonald's. He is the living embodiment of the good things that happen from McHappy Day. I wish Ethan and his family, the Monks, all the best.

Australian Guangdong Chamber of Commerce

John MULLAHY (Glen Waverley) (13:14): It was a great pleasure to recently welcome representatives from the Australian Guangdong Chamber of Commerce to my office. For more than two decades the chamber has played an important role, strengthening the bridge between Victoria's business community and Guangdong province in China. With over 100 member businesses, it continues to foster mutual understanding, investment and opportunity, helping Victorian businesses

grow while deepening people-to-people ties that benefit both regions. My sincere thanks to Christie Zining Guo, Michelle Guo, Jun Shi and Linda Lin for their outstanding work in connecting people and creating opportunities. I look forward to continuing to support their efforts. Victoria and Melbourne should always be destinations of choice for businesses, investment and innovation, and it is the commitment of groups like the Australian Guangdong Chamber of Commerce that makes that possible.

Multicultural festivals and events

John MULLAHY (Glen Waverley) (13:15): On another note, one of Victoria's greatest strengths is our diversity. It is vital we continue to celebrate and share the many cultures and traditions that enrich our communities. The multicultural festivals and events program does exactly that, helping communities come together in the spirit of learning, understanding and respect. I would like to congratulate the following local leaders for their applications to host events in the Glen Waverley district: Sunny Yang of the Hunan Association of Victoria, Xiao Yin Qi and Sue Shi of the Chinese Seniors Education and Skills Development Association, and Irshard Khan of the Joint Australian Rorwali Grand Association, or JARGA for short, for their ongoing efforts to celebrate language, culture and community. It makes Glen Waverley a truly welcoming place for all.

Croydon electorate community support

David HODGETT (Croydon) (13:15): Today I rise to speak about a meaningful initiative my office is undertaking as we approach the festive season. For many, Christmas is a time of joy, filled with celebration, connection with loved ones, reflection, prayer, gift giving and delicious food. But for others, this time of year can bring stress, sadness and significant financial and emotional pressure. To help ease some of that burden, my office is launching a community Christmas appeal. We will serve as a collection point for donations of non-perishable food items and new toys, which will be given to some of our local community partners for distribution to those who need it most. Hope City Mission, Helping Hand Croydon and Maroondah Community Assist – three incredible community organisations that support residents throughout the year – will be the recipients and distributors of these donations. As Christmas approaches, the demand on their resources increases, and they need extra help to ensure families can enjoy the festive season with dignity and joy. If you would like to contribute, we welcome donations of non-perishable foods such as tinned fruit, soup, tuna, cereal, pasta or festive treats. Donations can be dropped off at my office at 60 Main Street, Croydon, Monday to Friday between 9 am and 5 pm. We are also collecting new toys to bring smiles to children in our community. Every contribution, big or small, will help make a difference. Thank you for your generosity and support. Together we can help make this Christmas a little brighter for those who need it most.

Diwali

Luba GRIGOROVITCH (Kororoit) (13:17): I have to declare that, for me, Diwali feels like Indian Christmas – the festival of lights, a time that symbolises the triumph of light over darkness, knowledge over ignorance and good over evil. For many in our community, Diwali is a chance to gather with family and friends, light diyas, share meals and celebrate the values of hope, renewal and togetherness. This year I had the absolute privilege of attending many Diwali celebrations, and each event was a wonderful reflection of our community's diversity and culture. But my proudest moment by far was our first Kororoit Diwali dinner, which we hosted. Our Kororoit Diwali celebration was organised by proud members of our Indian Australian community. It brought together families, performers, community leaders and friends. It was an evening filled with colour, with culture and with connection, and it was a true reflection of the spirit of Diwali. None of this would have been possible without the dedication and hard work of the committee.

To Niti, to Navpreet, to Manish, to Garry and to Simarjeet, your commitment to making the event a success ensured that our community could come together in joy and celebration. I want to extend my heartfelt thanks to them and to everyone who contributed to this year's Kororoit Diwali. This celebration reminded me of why Diwali is such a powerful tradition. It unites us, it uplifts us and it

reminds us that even in challenging times, light will always prevail. This was the first Kororoit Diwali dinner, but it will not be the last. Look out for next year.

Ringwood and District Cricket Association

Bridget VALLENCE (Evelyn) (13:18): I wish to congratulate and thank Ringwood and District Cricket Association president Michael Finn and the entire association for their commitment to honouring those who courageously served our country in the Great War and wars since and paid the ultimate sacrifice defending our freedoms and our way of life. The RDCA has demonstrated exceptional leadership by introducing a Remembrance Day cricket round on the second Saturday in November, an initiative that has been embraced by all cricket clubs across our region. It was an honour to attend the inaugural RDCA Remembrance Day service with my colleague David Hodgett the member for Croydon, hosted by Croydon Ranges Cricket Club, with Ringwood RSL. It was fantastic to see huge attendances from many local cricket clubs, including Lilydale, Seville, Mount Evelyn and Chirnside Park.

On the same day, Wandin cricket club held its inaugural Remembrance Day round and commemorative service together with Lilydale RSL. It was well attended by the local community, and I pay tribute to president Bryce Edwards and Lilydale RSL president Bill Dobson. It was an honour to address the service and recount the role cricket played, with many test and first-class cricketers having served at Gallipoli, some never to return home. Montrose women's cricket team held a commemorative service on the Sunday before their match, and Mount Evelyn held one before their T20 match Tuesday night. Despite rain washing out games last Saturday, the RDCA and Wandin services were a success, with our local cricket community coming together for this commemoration. Lest we forget.

Footscray Youth Advisory Committee

Katie HALL (Footscray) (13:20): Just because a Victorian might be too young to vote, it does not mean their experience and their voice are not vital to our democracy. When we meet our young people where they are at and listen to what they need, it gives them the best possible chance for a bright future. Luckily for me, my community in Footscray is overflowing with passionate and civic-minded young Victorians. Chief among them are the members of the Footscray Youth Advisory Committee I established, or FYAC. I established the group to give a voice to young people in the inner west and to serve as a forum for them to engage and advocate on the issues that matter most to them. The group quickly turned their keen minds to education and our schooling system, identifying equity, quality and wellbeing as key benchmarks of success. The schools report that they wrote, *Equal Schools*, covers affordability of schooling, wellbeing in schools, curriculum design, school funding, teacher pay and conditions, the design of the school day and preparation for post-school life. The group took a firm view that every student has the right to access a quality education regardless of their background, postcode or beliefs. This week I look forward to presenting their report to the Deputy Premier and Minister for Education Ben Carroll. The group have already met with the Deputy Premier ahead of formulating their report. Congratulations to Rachel, Clara, Kat, Rehan, Taihan, Keanu and Fin.

Latrobe Valley crime

Martin CAMERON (Morwell) (13:21): With Latrobe city feeling unloved and disrespected by the Allan Labor government, the member for Caulfield and I sat down at a crime forum on Thursday night. 120 people were in attendance that night, including the family of Kaiden Morgan-Johnston, who was murdered not so long ago on the streets of Morwell, and the family of Harry Wright, who was murdered in his house in Morwell. It coincided with the family of Dr Ash Gordon giving their victim impact statements in court.

Business leaders are at breaking point down in the valley and all across regional Victoria. Retail offences in the Latrobe Valley have increased 65 per cent in the last year. Our retailers are on their knees and crying out for help. We heard how vehicle theft is happening every 16 minutes in the Latrobe Valley and how serious assault crimes are happening every 29 minutes, and there is a youth offence

every 21 minutes. The community and the people of the Latrobe Valley and regional Victoria have lost faith in the government being able to help keep them safe. We spoke about our thoughts moving forward: bringing in 'break bail, face jail' and bringing in Jack's law so we can actually stop people carrying knives on the streets, which are killing our community members. It was a great night. I do wish to thank the member for Caulfield for coming down and helping out with this forum.

Treaty

Chris COUZENS (Geelong) (13:23): The treaty bill has passed the Legislative Council, and what a momentous and emotional moment it is to celebrate the passing of the treaty with the First Peoples in Victoria. At last Victoria, thanks to the Allan government, will acknowledge the 65,000 years of history and the experiences of First Peoples and work towards progress together. Ensuring the autonomy of First Peoples is the first step in this long process towards bridging the gap. Through entrenching the First Peoples' Assembly the traditional owners of Victoria will be properly represented to government. The First Peoples community have parliamentary representation. Our First Peoples can work towards having a say about secure and equal access to housing, education and health care. Treaty is the beginning of guaranteeing a fair and equitable future for the traditional owners of the lands.

I am incredibly proud and privileged to be part of this historic occasion. All of those who responded, advocated and negotiated towards achieving treaty should be recognised. To the First Peoples' Assembly, the Premier, the Minister for Treaty and First Peoples and her team, to my parliamentary colleagues for their incredible and heartfelt contributions and, importantly, to the First Peoples of Victoria, I acknowledge and thank all of them for being on the right side of history. I cannot wait to see what the future holds for First Peoples in our great state.

Government performance

Wayne FARNHAM (Narracan) (13:24): Hells bells, Victorians are thunderstruck by the government's decision to tax puppies – I know it shook me all night long. There is not a whole lot of Rosie in Victoria at the moment; Victoria feels like it is on a highway to hell. There is no need for jailbreak with our bail laws. We are getting a wild reputation. It is becoming a touch too much, and it feels like we are a badlands. But, guess what, it is safe in New York City. Riff raff and rough stuff are dominating our streets. Smash-and-grabs are common, businesses are being shot down in flames and we are on the razor's edge in Victoria – like TNT, it feels like we are going to explode. The CFMEU's little lover, the government, needs to stand up and stop giving the dog a bone, stop doing dirty deeds and start spoiling for a fight. The government needs to flick the switch and stop beating around the bush. Honestly, it is all screwed up, but the government is scared of rejection. It does not want to create a love bomb. This government is on borrowed time. Victorians, are you ready to be back in business? No more back seat confidential, no more boogie man, no more breaking the rules – it is time for a fresh start. But do not hold me back, because come hell or high water we need to get Victoria back in black. And to Labor: goodbye and good riddance to bad luck.

Richard Robson

Paul HAMER (Box Hill) (13:26): Congratulations to a remarkable and inspiring member of our community, Professor Richard Robson, on receiving the 2025 Nobel Prize in Chemistry. This award recognises his lifelong dedication to research and education and his outstanding contribution to the advancement of knowledge. Professor Robson has devoted many years to his work, earning international recognition and respect for his curiosity and commitment to scientific research and discovery. His contribution and success highlight the incredible innovation taking place right here in Victoria. His achievement brings immense pride to our local community and Victoria, serving as an inspiration to future generations of Australian scientists. Congratulations, Professor Robson, and all the best for the future.

Dilnaz Billimoria

Paul HAMER (Box Hill) (13:27): Congratulations to an outstanding member of our community, Dilnaz Billimoria, on receiving the 2025 Victorian Seniors of the Year Award for promoting multiculturalism. This award recognises her outstanding dedication to empowering older Victorians from all backgrounds to feel heard, welcome and celebrated. For more than 20 years Dilnaz has strengthened community connection through her work with the Whitehorse Interfaith Network, the Communities' Council on Ethnic Issues and Women's Health East. She continues to bring together people of different faiths and cultures to promote understanding, inclusion and respect. Her energy, compassion and leadership have made a lasting difference, helping to create a more inclusive and connected Victoria. Congratulations, Dilnaz, and all the best for the future.

Remembrance Day

Rachel WESTAWAY (Prahran) (13:27): Yesterday on Remembrance Day I had the privilege of visiting two vital community organisations that embody the spirit of service and connection we commemorate on 11 November. First I visited the Australian National Veterans Art Museum, which recently won a $4000 Australia Post community award. ANVAM provides veterans with a powerful space for self-expression – for doing poetry, for painting, for sculptures and much, much more. What makes ANVAM exceptional is their whole-of-life approach, engaging veterans early in their careers and during transition and equipping them with tools that promote validation, identity and purpose. I met with Jo Brown; Kat Baldwin – Kat is actually currently serving in the navy; and Steve Cotterill. Their work is crucial because RSLs represent only 20 per cent of our veteran community. ANVAM fills this gap, supporting veterans who need alternative pathways to wellbeing. I also visited Prahran Place yesterday to receive hundreds of 'Keep our doors open' cards signed by locals. Neighbourhood Houses Victoria is calling for an $11.7 million funding increase to prevent the closure of 200 neighbourhood houses across our state. Nearly half are in deficit after years of underfunding. Each week 185,000 Victorians rely on these centres for technology classes, creative programs and vital NDIS support.

Preston Primary School

Nathan LAMBERT (Preston) (13:29): I would like to recognise everyone involved in Preston Primary School's 150th-anniversary celebrations, including principal Janet Paterson; assistant principal Dale Adams; Paula Sanford, who put together the photo and document displays; Claudia Caputo and Jeremy Murphy, who put together the video; and the whole organising committee, including Nadia Mecoli, Liz McLindon, Keri Spence and school council president Allison Harvey. It was a particular pleasure at that event to chat with former student Jean Neilson, who is 100 years old and shared some of her stories of life at the school in the 1930s. That was obviously a more frugal and tougher time. Jean did share the fun story that she was born Isla Jean Usher but she went by Jean because back then nobody was familiar with the name Isla. She is very pleased to see, some 90 years later, that the name Isla has finally and deservedly come into fashion. I thank also her son Andrew Neilson for helping share her stories with us and the school community.

Farrago

Nathan LAMBERT (Preston) (13:30): I would also like to congratulate *Farrago*, the Melbourne University student newspaper, on its 100th anniversary and thank the current editors for organising that celebration – Sophie He, Marcie Di Bartolomeo, Ibrahim Muan Abdulla and Mathilda Stewart. I also thank Jade Forrester for attending on behalf of Nam Le, Anna Rich and the 1999 team. I think *Farrago* has evolved a lot in the social media era. I think it is better, probably, for the feedback that a lot of young writers get these days. We hope it continues to play a role in the future media landscape.

Home building industry

Will FOWLES (Ringwood) (13:30): I recently attended the Melbourne Build Expo and met with some of the most innovative architects, builders, planners and developers from around the nation. It

was a valuable opportunity to hear directly from those on the front line of housing delivery and to learn more about the practical innovations shaping the homes of the future. The message was clear: if we are serious about tackling the housing shortage, government must work hand in hand with the people who actually build the homes. That means embracing modern construction methods like modular housing, strengthening planning systems to provide more certainty and supporting well-located medium- and high-density housing near transport, services and jobs. The sector stands ready to build more homes – and quickly – provided there is clear direction, streamlined approvals and consistent regulatory settings. The future outlook for housing in Victoria and Australia reinforced the scale of the challenge but also the opportunity in front of us. The strong theme was collaboration – that government, industry and community must work together to unlock supply and deliver housing at scale. I met with Dan McKenna, the CEO of Housing All Australians, to discuss how we build a nation where everyone has a safe place to call home. After the expo I visited a Victorian modular housing manufacturer, Timber Building Systems, to see firsthand how modern construction can speed up delivery and improve housing outcomes. The build expo showed that with collaboration and innovation we can deliver the homes that Victorians want and the homes that Victorians need.

Boronia revitalisation

Jackson TAYLOR (Bayswater) (13:32): All right, Hansard, I title this members statement 'You beauty!' At Boronia station the transformation is underway. The final renders are out, and it is looking fantastic. I have posted about this, and I will keep posting and keep posting till the cows come home. In the last two days alone close to 200,000 people have viewed the final plans for the Boronia station precinct. The better Boronia station precinct is underway, and I am so excited. That could be the subheading of this members statement, Hansard – thank you for your fine work. But it is absolutely thanks to the community for calling time and time again to get this job done, and now the Allan Labor government is getting it underway and getting it done. We have got 200,000 reached. We have got the Instagram reel with King Charles pulling down the reveal. Obviously it was not really King Charles. I do not think anyone really believed that it was, but it engaged them all the same. We have got a new, upgraded station. We have got fantastic new shelters on the platform, a new landscaped plaza and new platform canopies. We have got more CCTV, more lighting, a widened concourse, an upgrade of Lupton Way and an upgraded entrance off Erica Avenue. It is absolutely on for young and old down at Boronia – it is next level – with works starting this year and with major works kicking off in 2026 and delivered by next year. Thank you to the team at the Level Crossing Removal Project.

Surf lifesaving clubs

Darren CHEESEMAN (South Barwon) (13:33): Many tens of thousands of Victorians are actively involved in their surf lifesaving clubs. These important institutions locally not only add to the active sporting lifestyle of many people in our coastal and river-based communities but also play an important role in keeping people on our beaches safe. I encourage people to respect our surf lifesavers and to follow their instructions to swim between the flags. Sadly, over the last few years we have had too many Victorians and international tourists who have lost their lives on our beaches. These surf lifesaving clubs play a valuable role in our community. I support their efforts. I support their volunteerism. They are fantastic people. They help keep us safe, and they add to the sporting lifestyle of many people in South Barwon.

Metro Tunnel

Eden FOSTER (Mulgrave) (13:34): I would like today to give a shout-out to the Waverley Model Railway Club and their enthusiasm for all things trains, including the Metro Tunnel. Recently the member for Glen Waverley and I took the railway club on a tour of one of the Metro Tunnel's new stations, Arden station in North Melbourne. The Waverley Model Railway Club represent one of the largest and most enthusiastic model rail communities in our state, and so they were keen to get a behind-the-scenes tour of Arden station, with its modern engineering and its striking entrance defined by brick archways, which required over 100,000 locally manufactured bricks to complete it. The

whispering gallery effect had us all intrigued. I hear you asking: what is the whispering gallery effect? It is where two people can whisper to each other from diagonally opposite corners and hear each other clearly, much like that at Grand Central station in New York. The Metro Tunnel and its new stations, including Arden, represent a massive leap forward for Victoria's future, delivering more services and better connections for our growing state. And like me and the Mulgrave community, the members of the Waverley Model Railway Club are excited for the opening of the Metro Tunnel early next month. Just a shout-out to some of those that attended: Alex Shilton, the president, young Archie and his grandmother Julie, Andrew, Greg, Glen, Bob, Jeff, Darryl and Chris.

Remembrance Day

Josh BULL (Sunbury) (13:36): What a project the Metro Tunnel will indeed be. It was lovely to spend yesterday morning with the Sunbury community at the Sunbury RSL at the cenotaph to acknowledge the service and sacrifice of those that have served our country. I want to give a particular shout-out to Salesian College students Jack Montgomery and Elaina Paterakis, who delivered a touching address on behalf of our community. I thank and acknowledge the Sunbury RSL for the incredible work that they do every single year.

Sunbury Aquatic and Leisure Centre

Josh BULL (Sunbury) (13:37): On another matter, it was terrific to join Hume mayor Jarrod Bell at the Sunbury Aquatic and Leisure Centre to open the brand new splash park. You are able to, if you have got the opportunity, Deputy Speaker, come down and have a splash yourself. It is a terrific project, a partnership project between the City of Hume and funding from the Sunbury and Bulla Neighbourhood Fund. Even you, Minister: we would love to see you down there at the splash park, if you get the opportunity in the diary.

Sunbury Seniors Hub

Josh BULL (Sunbury) (13:37): Can I also take the opportunity to thank all of those in the Sunbury Seniors. We had the opportunity to open their brand new facility – again a partnership project with the City of Hume. A massive shout-out and thankyou to Louise and Frank Zambello, two outstanding people, wonderful seniors in our community and absolute champions. And to all of the seniors, a very big shout-out. Enjoy your new facilities.

Energy policy

Tim RICHARDSON (Mordialloc) (13:38): Victorians are asking themselves: where does the Liberal leader, the Leader of the Opposition, stand on net zero? Right now in Canberra we have Liberals and Nationals going to town on each other right this minute. Sussan Ley, the federal Leader of the Liberal Party, is in turmoil as Tim Wilson, the federal Liberal shadow minister, says that they are at risk, if they scrap net zero, of becoming Nationals light. The Leader of the Opposition for two months has evaded questions on whether he would scrap renewable energy or invest in renewable energy if he was leader. We have not been able to find him. On Ali Moore's program on the ABC he refused to answer. We tried to find out just that one question, because those opposite, particularly the member for Kew, the member for Hawthorn and the member for Prahran know that this is a question that will define leadership of the Liberal and National coalition, because those opposite have not ever backed renewable energy and the investment that is needed. They walked away from it when they were in charge in Canberra. We saw the National Energy Guarantee and how destructive that was. So that is the question. We have got a senior leader at the table here, the Shadow Treasurer. Do they back businesses investing in renewable energy, or will they scrap net zero? Where does the member for Kew's colleague the Leader of the Opposition stand on net zero? Just give us a signal – just a wink, a nod. Just let us know with any sort of any sort of reference, because it is destroying confidence in our democracy when it is backroom deals that sort out policy.

Mike 'Mr Basketball' Torres

Anthony CIANFLONE (Pascoe Vale) (13:39): On 13 September and 18 August I had the pleasure to catch up with local 'Mr Basketball' himself Mike Torres. Mike is doing incredible work to grow and support the boom in local basketball participation through his Players First Basketball and High School Basketball Network initiatives. Originally from the US and now a hardworking local dad with a passion and dedication that is unmatched for helping the next generation through basketball, Mike's work, mentorship and pathways are helping more young people get fit, healthy and active. Mike's Players First Basketball hub is based out of 27 Acheson Place in Coburg North. It is running year-round development programs to help young people sharpen their skills, grow their game and build their confidence, discipline and skills. But it is the first-of-a-kind High School Basketball Network that is providing even more opportunities than ever before. Since launching it in 2021 at Coburg High, Mike has grown the program from just 30 students into a major basketball network across the north with over 500 students from Coburg High, Northcote High, Preston High, Brunswick Secondary and Princes Hill Secondary. The network is a thriving hub where young people are supported through a year-round basketball schedule that is woven around the school curriculum, keeping kids engaged, learning and staying active.

Kym Valentine

Anthony CIANFLONE (Pascoe Vale) (13:40): On 12 June and 15 September I was delighted to catch up with long-time Coburg resident and everyone's favourite neighbour Kym Valentine to discuss her incredibly important advocacy work to support better health, wellbeing and family violence prevention outcomes for households across the nation. In her role as a lived experience adviser for FARE Australia, Kym is bringing her powerful voice through lived experience to support national efforts to prevent, deter and mitigate against alcohol-related harm on families, children and local communities in advocating for a range of measures to crack down on alcohol-related harm and prevent family violence.

Men's health

Pauline RICHARDS (Cranbourne) (13:41): I would like to take the opportunity to thank the Casey Warriors football club, Melbourne City and Casey South Melbourne for the work they did for our men's health forum. I would also like to thank Natalia, Stella and Orlando for the generosity in the way that they contributed and told us the story of why men's health is so important. The future is bright with leaders like these.

Bills

Early Childhood Legislation Amendment (Child Safety) Bill 2025

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

Victorian Early Childhood Regulatory Authority Bill 2025

Concurrent debate

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (13:41): I move:

> That this house authorises and requires the Speaker to permit the second-reading and subsequent stages of the Victorian Early Childhood Regulatory Authority Bill 2025, the Early Childhood Legislation Amendment (Child Safety) Bill 2025 and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 to be moved and debated concurrently.

Motion agreed to.

Second reading

Debate resumed on motions of Ben Carroll:

That this bill be now read a second time.

Jess WILSON (Kew) (13:42): I rise to speak on the Victorian Early Childhood Regulatory Authority Bill 2025, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025, which amends the national law. At the outset can I note how frustrating it is to stand here today to speak on bills that less than 24 hours ago we did not have any visibility over. The integrity of the Parliament depends on the ability of its members to properly scrutinise the bills and the laws that are put in front of us to govern our state. These three bills that we will debate together today will bring profound change for hundreds of thousands of childcare workers, childcare operators, families and, most importantly, children right across our state, and rushing this legislation through this chamber without providing the adequate time for members to read, review and understand it undermines the principles of transparency and accountability that our democracy is built upon. Just look at the size of the two bills that were tabled in the Parliament today: hundreds of pages that less than 24 hours ago the opposition and the crossbench did not have any visibility over. Transparency is not optional to the Parliament; it is essential for public trust, and trust in our political institutions is at an all-time low. When parliamentary debate is truncated on something as fundamental as the best regulatory framework to keep our children safe, it is no wonder voters are feeling increasingly disengaged from our political institutions.

The bills before us today are not the consequence of new information. We have known about the problems within our child safety system for years in many cases. The fact that the Allan Labor government has delayed action time and time again should not be the reason why these bills were introduced into the Parliament today and second read on the same day without adequate time for the ability for the opposition, stakeholders, parents, childcare operators and early childhood educators to look at the detail of this legislation to ensure it actually meets the requirements to keep children safe in this state.

Over the last few months we have seen absolutely devastating issues within our childcare system and our child safety standards come to light in this state, and the bills before us today are a consequence of the fact that children in Victoria have been failed. They have been failed by the very system that is meant to keep them safe; failed by a system as a result of the fact we have had a toothless regulator, which is meant to act before harm occurs; and failed as a consequence of a government that has repeatedly chosen to do nothing and to not actually fix the problems that were so, so clear and were raised time and time again in this state. When we are elected to this place our foremost duty is clear: to protect the vulnerable. And there is no-one more vulnerable than a child in the care of an adult. Every parent in Victoria should have the confidence that when they drop their child off at child care, they will be safe – that the system that we as legislators have put in place, that this government oversees, will keep them safe. But unfortunately that confidence has been shattered, because the system is broken.

Unfortunately today we see once again this arrogant government bringing forward legislation without the opportunity for the Parliament to have the time to do its job – the importance of that fundamental requirement of a responsible and democratic government. The hundreds of pages presented to the Parliament today should be gone through in detail. They should be able to be scrutinised, but unfortunately here we are in a cognate debate and putting through legislation that we have not had the time to properly scrutinise. The details within the bills today include significant changes to the child safety standards and the process of keeping children safe in this state. They include the establishment of an entirely new regulatory regime consisting of two new regulators, the Victorian Early Childhood Regulatory Authority and the new Social Services Regulator; the creation of an early childhood worker register; and significant changes to the national law that regulates early childhood education and care

services, including new offences and higher penalties for compliance breaches. Obviously there is a lot to digest here. While we on this side of the house are incredibly frustrated and disappointed by the truncated timeframe we have been given to consider these laws, I do thank the minister's office for how they engaged over the past less than 24 hours to provide as much information to the opposition as possible.

I will start by addressing the first bill in this package, and that is the Victorian Early Childhood Regulatory Authority Bill. This bill establishes an independent regulator for the early childhood education and care sector. We on this side of the chamber have been calling for an independent regulator for months. We have been calling on the government to set up an independent regulator, an independent watchdog, for months now. As we know, the horrific allegations against Joshua Brown, who is facing more than 70 charges of sexual abuse of eight babies and toddlers aged between five months and two years, brought this state to a standstill. The horrific allegations highlighted how the system that is meant to keep children safe has not been doing its job, and how the regulator in particular, a unit that sat inside the Department of Education, was not capable of keeping children safe in this state.

On 24 July, almost four months ago now, the coalition announced its six-point plan to keep kids safe from the start. We called on the government to replace the current regulator, which is the quality assessment and regulation division of the Department of Education, with a fully independent statutory authority. As we said at the time, not only does QARD lack transparency and teeth; it was a conflict of interest, sitting within the Department of Education, to be a regulator as well as an owner and an operator of childcare centres in this state. The government outlined in their briefing a $45 million price tag on these reforms, including 100 new staff and 60 new compliance officers for the new Victorian Early Childhood Regulatory Authority. This just shows how hopelessly understaffed and under-resourced QARD was until now. As we know, since 2018, complaints have risen by 45 per cent with the regulator but enforcement actions have dropped by 67 per cent. Every one of those complaints was a child that was potentially being put at risk in a childcare centre here in Victoria. There are children behind these statistics, and at the time, when it was put to the minister, 'Is the regulator QARD doing its job?' the minister time and time again stood by QARD and said it was effectively doing its job. How could the government say that that body was doing its job when it can look to these statistics and see those enforcement actions falling, when we can see the real-time case studies of children being put at risk?

When those allegations were made against Joshua Brown, the fact that we saw 2000 families having to take their children to get tested for sexually transmitted diseases, children as young as five months old, just shows how the regulator was missing in action. Yet the minister continued to stand with the regulator. 'It was effectively doing its job,' I quote the minister. We see here today the government once again dragged to a position of admitting it was wrong. It was wrong, and it was failing to keep children safe by standing by that regulator. These are not statistics of a regulator that is coping with its case load. This bill at long last is a belated move from a government that has finally recognised its child safety framework is broken and has left Victorian children vulnerable to the most sickening of abuse. I remind the chamber that the Victorian Ombudsman made recommendations back in 2022, three years ago, that clearly laid out how the working with children check system was failing and how it needed to be urgently fixed. What followed that was one of the most deeply disappointing displays of politics that I have witnessed in my short time in this place. We have seen this government ignore the advice of experts, ignore independent advice time and time again, because they would rather play politics with these absolutely important issues than actually take action.

The next major reform that the bills today look at is the key responsibilities of the regulator and the establishment and overseeing of the Victorian early childhood worker register. Again this is something we called for back in July, as part of our six-point plan, as one of the most important ways we can safeguard children against abuse in the early childhood and care setting. As I said back in July, a central register of all childcare workers who have completed a certificate III or diploma in early childhood

education and care and are being employed in an ECEC setting is a vital transparency measure, because what we saw following the allegations and the charging of Joshua Brown was the ability of early childhood workers to move around centres to abuse the system. What we saw were families having to find out that their child might have been put at risk, through seeing this alleged offender in Facebook photos, and that centres were being continuously added to the police list because there was no transparency around where this alleged offender had worked.

The police were scrambling to find this information, and that is why we immediately said that a register was desperately needed – so that we could actually ensure there was transparency around who was working with children in these centres and where they were moving to and so that the system could not be abused. Yet once again the government delayed action. The government delayed action in preference for a so-called rapid review. But what that rapid review was very clear about when it was finally handed down six weeks later – it was a rapid review of reviews that had already been undertaken in previous years and had already outlined the reforms desperately needed in this sector to ensure that children were safe – was that this legislation would be tabled in the Parliament in October. Well, here we are today with it being tabled in November and rushed through the Parliament – delay upon delay by this government. What is the consequence of that? Children being put at risk in childcare settings. Now, it is very important that the information contained in the register is shared appropriately across the two regulators and that they are empowered in this bill to oversee child safety – I will come back to this in more detail shortly – but I am pleased to see this reform finally making its way into the pages of legislation, even if it is belated once again from the government.

Let me now turn to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. This bill transfers significant oversight and authority for child safety measures to the existing independent authority, called the Social Services Regulator. The bill establishes the Social Services Regulator as the single body responsible for overseeing the key early child safety functions: firstly, the working with children check system; secondly, the reportable conduct scheme; and thirdly, the child safe standards. Again, this is a belated reform which we on this side of the chamber suggested back in July in our plan:

> Review the governance arrangements of Working with Children Check Victoria – currently a business unit with the Department of Government Services – with a view to establishing an independent statutory authority …

The current patchwork of department business units and agencies with overlapping mandates, overlapping responsibilities and unclear responsibilities with limited visibility of risk has created a confused, inefficient and too often dangerous system in which child safety has fallen through the cracks and led to unacceptable outcomes. We have seen this through the real-life stories of children being put at risk that have come to light as part of the shocking revelations earlier this year. We have seen the fact that for those who have had prohibition orders issued against them, that has not been communicated through to the working with children check system or the commissioner for children. This is a system that has had too many cracks for too long, and the government has failed to take action.

I also note that the bill merges disability oversight bodies, including the incredibly important disability worker registration and regulation, into the Social Services Regulator as well. Again this is overdue reform. Families have been calling for a consistent approach to worker regulation across disability and social services for many years. One of the most significant elements of the bills before us today is that the two regulators, the SSR and the Victorian Early Childhood Regulatory Authority, will be able to act on unsubstantiated intelligence and cumulative risk information instead of waiting for something to be proven or for harm to occur. This builds on reform in the Worker Screening Amendment (Safety of Children) Bill 2025, which, as I said previously, was another belated move by the government to enact the Ombudsman's recommendations of 2022, which for fullness I will quote here. Back in 2022 the Victorian Ombudsman outlined a series of reforms to the government because the system was

identified as not keeping children safe; in fact the Ombudsman at the time said that Victoria had one of the weakest working with children check systems in the country.

Business interrupted under standing orders.

Members

Minister for Economic Growth and Jobs

Minister for Climate Action

Absence

Jacinta ALLAN (Bendigo East – Premier) (14:01): I wish to advise that for the purposes of question time today and for the rest of the week the Minister for Industry and Advanced Manufacturing will answer questions for the portfolios of finance and economic growth and jobs and that for question time today the Minister for Environment will answer questions for the portfolios of energy and resources, climate action and the SEC.

Questions without notice and ministers statements

Youth crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:01): My question is to the Premier. Can the Premier explain why she prioritised spending taxpayers money on producing a slogan and flashy backdrop to announce a watered-down version of the Queensland LNP's 'adult crime, adult time' policy, a policy that has yet to be drafted with legislation to keep Victorians safe?

Jacinta ALLAN (Bendigo East – Premier) (14:02): I thank the Leader of the Opposition for the opportunity to talk about my government's plan, which has resulted from listening to victims of crime, who have made it very clear there are not enough consequences for young offenders.

James Newbury: On a point of order, Speaker, on relevance, the Premier's poster is not a plan.

The SPEAKER: There is no point of order.

Jacinta ALLAN: Once again I thank the Leader of the Opposition for the opportunity to talk about our plan that has come as a result of listening to victims of crime, hearing their horrifying experiences and having them make it very clear that there are not enough consequences. That is why Victoria will be introducing adult time for violent crime, where the courts will be treating children who commit these crimes as adults.

James Newbury: On a point of order, Speaker, the Premier does need to be truthful in her remarks. The Premier does not even have a bill, so the Premier is speaking about legislation that does not even exist yet.

The SPEAKER: There is no point of order.

Jacinta ALLAN: Again, our plan to introduce adult time for violent crime will see the courts treat as adults the children who commit this brazen and violent offending, which will see an increased likelihood of jail and longer sentences.

Brad BATTIN (Berwick – Leader of the Opposition) (14:04): Can the Premier confirm that her watered-down version of 'adult crime, adult time' does not apply to youth who commit the following offences: causing serious injury intentionally or recklessly, threats to kill, conduct endangering life, kidnapping, common assault, non-aggravated burglary, theft of a motor vehicle, and destroying or damaging property?

Jacinta ALLAN (Bendigo East – Premier) (14:05): I once again thank the Leader of the Opposition for the opportunity to talk about our government's plan to introduce adult time for violent crime. The crimes that we have focused on are those that are not just causing the greatest concern to many victims

and the Victorian community but indeed also, as we know from listening to these victims of crime and hearing their experiences, causing injury and trauma. That is why the list that we have identified today –

James Newbury: On a point of order, Speaker, the Premier is debating the question. The question went to all of the very, very serious crimes that have not been included in this so-called yet-to-be drafted plan, and that is what the question went to.

The SPEAKER: The Premier is answering the question as it was asked.

Jacinta ALLAN: As I was saying in responding to the opportunity to talk about our plan to introduce adult time for violent crime, we have focused on those crimes that are causing the greatest concern to the victims that we have been listening to, and those victims have made it very clear that they want to see consequences for this behaviour.

Ministers statements: youth crime

Jacinta ALLAN (Bendigo East – Premier) (14:07): I have met with and heard from victims of violent crime, and these victims have told me how their experience has changed everything for them – how they sleep, how they move through their homes, how they trust. They tell me how the fear lingers, and they tell me this too: there are too many victims and not enough consequences. And they are right.

Across our state, young people are committing crimes without thought for who they hurt or the communities they shatter. There are the families and children too who are left to live with the trauma of their actions. There are families like Mark and Tenille, who, along with the member for Hawthorn and the Attorney-General, we met here in Parliament recently, who told us about the trauma and fear their family continues to live with. There is the mum who wrote to me about the night her husband and son were attacked, defending their neighbours from a 16-year-old armed intruder. She told me about how her husband still carries the scars, not just the ones you can see but the ones you cannot. He cannot sleep; he cannot go back to work. Her son, once carefree, now lies awake, listening for noises outside. Her words are honest and heartbreaking.

Right now in the Children's Court we know that 34 per cent of offenders sentenced for violent crimes go to jail. In the adult courts, for those same offences, 97 per cent do. That is why in Victoria we are introducing adult time for violent crime to make sure young people who commit violent crimes face adult sentences. It means the courts will treat these children like adults, where the likelihood of jail is higher, sentences are longer and consequences are more serious. The message is unmistakeable: violence comes with consequences. That is how we protect Victoria.

Crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:09): My question is to the Premier. According to Victoria Police, there were 14 deaths from serious collisions involving stolen vehicles last financial year. This was 14 deaths as the Premier continued to say, 'More needs to be done.' Premier, don't Victorians deserve better than this tired, old, slow government that is responsible for the crime crisis in this state?

Jacinta ALLAN (Bendigo East – Premier) (14:09): I once again thank the Leader of the Opposition for the opportunity to talk about the plan we have put in place to introduce adult time for violent crime for those serious, violent and brazen offences that are causing such great concern to our community.

James Newbury: On a point of order, Speaker, can I take you to standing order 58(1)(a). The Premier is required to be factual. The Premier just used the sentence 'a plan she has put in place'. There is no bill drafted. What plan is in place? Posters do not count. The Premier is required to be factual.

The SPEAKER: There is an expectation that all members who contribute to this place will be factual.

Jacinta ALLAN: As I was saying, our plan to introduce adult time for violent crime comes from listening to the experiences of victims who have made it clear that there need to be serious consequences for this brazen and violent offending. It also comes from listening to, working with and supporting the work of Victoria Police, who are out there working hard every single day. Indeed it is about listening to the experiences of Victoria Police, who tell us that this is a new kind of crime that requires new and constant interventions to be made.

The Leader of the Opposition referred to culpable driving causing death. That is already a matter, the Attorney advises, that goes to the County Court, and we will be adding to that list with our plan for adult time for violent crime. It comes as a result of listening to victims of crime; it also comes as a result of working with Victoria Police. It also comes off the work that we have done over the course of this year in understanding that this new type of crime that is causing concern in the community does require constant and new interventions. It is why we have toughened the bail laws, which those opposite of course opposed in this place. Those tougher bail laws are working, and we have seen an increase in the number of people in jail, not out on bail.

We have also introduced electronic monitoring for young offenders and introduced post-and-boast powers. Listening to Victoria Police saw us introduce the ban on machetes and expand our stop-and-search knife powers that have, as a combination, seen us get more than 25,000 of these dangerous weapons off our streets. Again, as I noted that those opposite opposed the bail laws, they have also undermined the good work of Victoria Police by undermining the machete ban.

James Newbury: On a point of order, Speaker, the Premier is clearly debating the question. The question was very specific, and this weak Premier has no place to be lecturing anybody.

The SPEAKER: I remind the Premier not to discuss the opposition.

Jacinta ALLAN: I know it is an uncomfortable fact for the Shadow Attorney-General that he and his colleagues opposed the toughening of bail laws and have not supported the machete ban as well.

James Newbury: On a point of order, Speaker, the Premier is defying your ruling.

The SPEAKER: Premier, come back to the question.

Jacinta ALLAN: That list of actions that I have just gone through over the course of this year has come as a result of listening to Victoria Police, working with Victoria Police and listening too to victims of crime, and we have more laws and more changes that will be coming to this place to keep the community safe and continue to support the work of Victoria Police.

Brad BATTIN (Berwick – Leader of the Opposition) (14:14): Vehicle thefts have increased by 39 per cent year on year. One traffic officer said, 'It's every night. It's mainly the kids thrillseeking.' Premier, why is dangerous driving causing death not considered an adult crime under Labor's watered-down version of 'adult crime, adult time'?

Jacinta ALLAN (Bendigo East – Premier) (14:15): Again, as I said in my answer to the earlier question – and I thank the Leader of the Opposition for again having the opportunity to outline the details that our government is taking to strengthen police powers, to keep Victorians safe and to introduce adult time for violent crime – as was advised earlier, culpable driving causing death is already a matter that goes before the County Court. The Leader of the Opposition –

Brad Battin: On a point of order, Speaker, this was a very direct question around dangerous driving causing death, not culpable driving. If the Attorney-General would like an explanation on it, I am more than happy to send it through.

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

Jacinta ALLAN: Quite frankly, I will take the advice of my Attorney-General over the Leader of the Opposition every day of the week. I will also say this to the Leader of the Opposition: I will take

the advice of the Chief Commissioner of Victoria Police over his every day of the week. Finally, I will also listen and take the views of victims of crime over the Leader of the Opposition.

Members interjecting.

The SPEAKER: The member for Warrandyte and the member for Polwarth are both warned. The member for Evelyn is warned.

Sarah Connolly interjected.

The SPEAKER: Member for Laverton, you can leave the chamber for half an hour.

Member for Laverton withdrew from the chamber.

Ministers statements: community safety

Nick STAIKOS (Bentleigh – Minister for Consumer Affairs, Minister for Local Government) (14:16): I rise to give a final update on the interim machete sales ban and, most importantly, to thank the people who made it work: the machete taskforce and the broader Consumer Affairs Victoria (CAV) team, some of whom I met in Ballarat not long ago.

Members interjecting.

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

Member for Mildura withdrew from the chamber.

Nick STAIKOS: From day one they were the steady hands on the tiller, on the phones, online and out on the shop floor making sure a nation-leading ban translated into safety for Victorians. The taskforce inspected more than 480 retailers statewide. Seven noncompliant outlets were identified in the very first week. Immediate action followed, and every store inspected since was compliant. The taskforce also ran weekend blitzes across eight markets, checking over 2400 stalls and finding just one noncompliant seller, again reinforcing good business compliance across the state. Online the taskforce engaged with over 80 platforms and retailers, securing commitments to preventing sales in Victoria and also fining and issuing official warnings to those who failed to comply. This enforcement was done properly – education, fixing the problem, deterring and, where necessary, issuing a penalty.

Victoria is at its best when we work together, so to retailers across the state and to the CAV team: thank you. Together they have kept these products off the shelves and protected the safety of Victorians. The Leader of the Opposition at the time derided the sales ban as a media stunt and a kneejerk reaction. Meanwhile, we got on with the job and we took machetes off the shelves, and in so doing we dried up supply of machetes in the lead-up to the commencement of their classification as a prohibited weapon. We backed our words with decisive action, and our taskforce delivered. While those opposite obsess over the politics, as we have seen today, the Allan Labor government is taking real action to protect Victorians.

James Newbury: On a point of order, Speaker, ministers statements are not an opportunity for the government to sledge the opposition. Knife crime has not stopped, Minister.

The SPEAKER: Manager of Opposition Business, I ask you to not make statements with your points of order. The minister has concluded his ministers statement.

Community safety

David SOUTHWICK (Caulfield) (14:19): My question is to the Premier. On 17 December last year the Premier said:

> We'll ban the use of face masks and balaclavas at protests.

One of the members of the Premier's own Anti-Hate Taskforce, Jeremy Leibler, has come out and said the government's proposal has fallen well short of this promise. Why has the Premier broken this promise?

The SPEAKER: I remind members about pre-empting legislation that is currently before the house.

Jacinta ALLAN (Bendigo East – Premier) (14:19): I thank the member for Caulfield for the opportunity to talk once again about the additional powers we are giving Victoria Police to keep our community safe, particularly when it comes to strengthening the powers of police around people who clearly in this state have the right to protest and to protest peacefully. But the moment that they become violent or hateful there must be consequences, which is why we did commit to introducing stronger police powers to give them additional tools to deal with the violent extremist behaviour that we have seen associated with some protests here. It is not just in Victoria – I will acknowledge it has been an issue around the nation – but we are responding to the issues here in Victoria. We said we absolutely want to address people who wear masks, and what we are doing, alongside the powers around banning terrorist symbols and flags, the prohibition of the use of dangerous attachment devices –

David Southwick: On a point of order, Speaker, on relevance, I would ask you to bring the Premier back to the question. The Premier has been on her feet for a fair time now, and not one word of banning masks has been mentioned. This is a backflip, and I ask the Premier to come back to answering the question.

The SPEAKER: The Premier will get to the question and answer it.

Jacinta ALLAN: Also of course there are important new offences for obstructing religious worship or intimidating worshippers, which will be punishable by jail. When it comes to giving police the additional powers to unmask protesters, this gives police the tools that they need to ban masks from those who they reasonably believe will be bringing hatred and violence to a protest. The point I make here is of course: why does Victoria Police have additional powers –

James Newbury: On a point of order, Speaker, the Premier is required to be direct. The question was very specific around her broken promise in relation to masks, and I would ask you to bring her to that specific question. It was a very direct question.

The SPEAKER: I cannot direct the Premier how to answer the question, but she was being relevant.

Jacinta ALLAN: I thank the Manager of Opposition Business for the reminder that I reject the premise of the question that was put. I say very clearly that what we have done is give police the powers to ban those wearing masks who come to protests to bring violence and hate.

Brad Battin interjected.

Jacinta ALLAN: Thank you to the Leader of the Opposition for giving me the opportunity, through his interjection, to remind the house: why do police have additional powers to crack down on hate speech? Because we passed in this place anti-vilification legislation that those opposite opposed.

David Southwick: On a point of order, Speaker, the Premier is debating the question. The question was specifically about the Premier's own words about banning face masks at protests. The Premier has backflipped, and I ask you get her to come back to answering the question.

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

Jacinta ALLAN: I absolutely reject that characterisation. We are giving police the powers to ban from protests those who come to attend protests with hate and violence. The member for Caulfield referred to a prominent member of the Jewish community who is a strong leader in the Jewish community. The Jewish community pleaded with the member for Caulfield to pass the anti-hate laws, and he rejected those pleas.

David Southwick: On a point of order, Speaker, the Premier is misleading the house by quoting a prominent member of the Jewish community who said that these laws fall well short of what the Premier promised. I ask you to bring the Premier back to answering the question.

The SPEAKER: Member for Caulfield, that is not a point of order. The Premier has concluded her answer.

David SOUTHWICK (Caulfield) (14:24): The police association secretary has described the government's mask laws as 'pretty please' changes. Why hasn't the Premier given police the powers they need so they can do their job to deal with masked offenders before the violence occurs?

Jacinta ALLAN (Bendigo East – Premier) (14:24): As I said in my answer to the earlier question, the new laws we are bringing to this place give police the tools that they need to ban those who are wearing masks at protests and who bring hate and violence to those protests. I note that the police association have called for workable powers. This bill delivers workable powers, because there is no additional power for Victoria Police with a law that is found unconstitutional. That is not supporting Victoria Police. But of course we know the Leader of the Opposition is all up for reckless behaviour, so that may be consistent with their approach.

David Southwick: On a point of order, Speaker, again the Premier is debating the question. I ask the Premier to come back to answering the question. The police association calls them light laws, 'pretty please' laws, and I ask the Premier to come back to answering the question.

The SPEAKER: Premier, come back to the question.

Jacinta ALLAN: The police association called for workable laws. That is what we are delivering. And of course those laws work in concert with the anti-vilification laws we put to the Parliament that were opposed by those opposite.

Ministers statements: youth crime

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:26): Recently we have seen a new kind of offending: terrifying, violent, repeated offending by children that is having significant and devastating impacts on victims – too many victims and not enough consequences. That is why we will be introducing adult time for violent crime, our plan to reduce youth crime, a new kind of response to a new kind of offending. Under our proposed new laws victims of this new kind of offending and the community will know that this serious violence will be met with serious consequences. Children aged 14 and above who commit these violent crimes will face adult courts and adult sentences for these crimes: aggravated home invasion, home invasion, aggravated carjacking, carjacking, intentionally and recklessly causing serious injury in circumstances of gross violence, serious and repeat armed robbery, and serious and repeat aggravated burglary. The County Court, with a focus on deterrence and punishment, will decide these matters, with children facing adult sentences.

This is a big change. Adult time for violent crime will deliver serious consequences for children committing brazen, violent crimes that hurt victims and hurt the community. It will change the status quo of youth sentencing in Victoria, sending the most violent crimes to a higher court, where jail is more likely and sentences are longer. These changes back in our strengthened bail laws, which are already delivering results: adult remand up 27 per cent and the number of young people on remand up 46 per cent. Courts are refusing bail at record levels; bail refusals are up 108 per cent and bail revocations are up 100 per cent. This is what Victorians expect and deserve, not a foul-mouthed Leader of the Opposition who has got nothing constructive to say.

Youth justice system

Darren CHEESEMAN (South Barwon) (14:28): My question is to the Premier. Will the Premier move to ban PlayStations and other gaming consoles from our juvenile justice centres?

Jacinta ALLAN (Bendigo East – Premier) (14:28): I thank the member for South Barwon for his question. I will seek some advice from the Minister for Corrections around the status of devices that are and are not allowed in youth correctional facilities and provide further information.

Ministers statements: family violence

Natalie HUTCHINS (Sydenham – Minister for Government Services, Minister for Treaty and First Peoples, Minister for Prevention of Family Violence, Minister for Women) (14:29): I rise to update the house on how the Allan Labor government continues to keep women safe and perpetrators held to account. Project Alexis is a family violence response model that has received an extra boost from this government – $1.5 million, to be exact – and this program places specialist family violence workers alongside police out on the job. It is part of our strengthening women's safety package.

I recently visited the Prahran police station, alongside the federal minister, Minister Plibersek, to meet with the team delivering this co-responder model. The program embeds two family violence specialist workers with family violence specialist police officers. What they do is work directly with high-risk perpetrators while supporting victim-survivors, including women, children and young people. The model shows how collaboration between police and specialist practitioners can deliver better outcomes in really complex situations with high-risk perpetrators. It currently operates across Prahran, Bayside, Morwell and Wonthaggi stations and will soon expand to two new locations.

This program builds on Labor's absolute record investment in this state of $4.5 billion for fighting family violence and includes 400 family violence officers, giving Victoria Police the resources they need to tackle family violence at the coalface. Together these initiatives are improving safety, accountability and recovery and are helping to build a Victoria where everyone can live free from violence.

North Richmond medically supervised injecting facility

Emma KEALY (Lowan) (14:31): My question is to the Premier. Last night Yarra City Council formally adopted the position that the medically supervised injecting room must be moved away from the Richmond West Primary School and high-density public housing. There have been countless cases of children from the primary school witnessing drug dealing, drug use, sexual acts, violent crime and even dead bodies near the injecting room. When will the government make children safe and move the injecting room?

Jacinta ALLAN (Bendigo East – Premier) (14:31): I thank the member for Lowan for her question. I want to make it clear that the government has no intention of changing the location of the medically supervised injecting facility that is currently located in Richmond, because it is saving lives. The member for Lowan talks about keeping the community safe by providing a safe environment for people in our community who have serious and challenging addiction issues. Providing them with a safe environment to receive the care and treatment that they need is both saving lives and supporting people with their health needs and their addiction challenges and at the same time strengthening the safety in the local community and indeed for all of us. We make no apologies –

Emma Kealy: On a point of order, Speaker, the Premier has strayed from the question. It was about making children safe. I ask you to bring her back to that point.

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

Jacinta ALLAN: It is no surprise to those of us on this side of the house that those opposite continue to oppose a treatment in our health system that saves lives. This question is of no surprise, and therefore it should come as no surprise to the member for Lowan that the government is going to continue to provide support for people with serious and significant addiction challenges through the medically supervised injecting facility because it saves lives.

Emma Kealy: Speaker, my point of order is that the Premier has strayed from the question, which was about moving the injecting room to make children safe. I ask you to bring her back to that point.

The SPEAKER: The Premier has concluded her answer.

Emma KEALY (Lowan) (14:34): Children have been exposed to things they should not see because of Labor's injecting room and stubborn refusal to move it. Yarra council can see the problem, school parents can see the problem and the Richmond community can see the problem. Why doesn't the Premier see the problem, acknowledge it is harming children and move the injecting room?

Members interjecting.

The SPEAKER: Order! The member for Melbourne and the member for Lowan will both leave the chamber for half an hour.

Members for Melbourne and Lowan withdrew from chamber.

Jacinta ALLAN (Bendigo East – Premier) (14:34): Again, this question comes as no surprise from a member who described the medically safe injecting room in Richmond as a government-sanctioned drug ghetto. This says it all about why Victorians cannot trust the Liberal and National opposition to be focused on what matters to them, and what matters to Victorians is that the community are supported with their significant health issues.

Members interjecting.

The SPEAKER: The member for Brighton is warned.

Jacinta ALLAN: For some Victorians those health issues go to serious addiction, and they need our support. They need our care. They do not need to be treated in this way.

Danny O'Brien: On a point of order, Speaker, this is a question of relevance. The question was about the impact on children, not about the addicts.

The SPEAKER: The Premier was being relevant to the question. I cannot tell the Premier how to answer the question.

Jacinta ALLAN: For the member for Gippsland South to describe people with serious addictions in this way – they are people. They are parents, they have children and they deserve our care and support.

The SPEAKER: Before I call the Minister for Police on a ministers statement, I acknowledge the former MP for Warrandyte and former minister Ryan Smith in the gallery.

Ministers statements: community safety

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (14:36): Can I just start by saying that Victoria Police members are working harder than ever before. We have seen that through a record number of arrests – 77,000 arrests this year alone. That builds on a record number of arrests last year. That hard work needs to be backed by our courts through new laws that ensure that the courts have the power and authority to deliver serious consequences to violent young repeat offenders in our community, and we also want to see the consequences that the community expect. The violent, brazen nature of this new type of offending must be addressed, and too often the consequences do not match the crime. As Minister for Victims, I have heard that message loud and clear from many victims that I have sat with. Adult time for violent crime and tough consequences for repeat young offenders are what the community needs. It needs to be backed by the principles of punishment and deterrence and backed by the hard work of police, who keep us safe.

This builds on work we have done so far with our government's nation-leading machete ban. We have already seen some 7600 edged weapons surrendered by Victorians. That is on top of our expanded

stop-and-search powers for Victoria Police that saw a record number of 12,000 edged weapons seized last year. We have seized over 11,000 this year, and we will beat that record, once again getting those edged weapons off our streets. Thanks to our tough new bail laws we have seen remand up 26 per cent for adults and up 46 per cent for youths. That just shows very clearly that when you breach your rights and your privileges you are going to find yourself back on remand.

We need to make sure that perpetrators of violent crime know they will feel the full force of the law – that consequences matter. We need to make sure that we listen to victims, we listen to police and we ensure that we are acting to make it very clear that those people will see the tough consequences that they deserve when they cause violent crime in our community.

Constituency questions

Eildon electorate

Cindy McLEISH (Eildon) (14:39): (1369) I have a question for the Minister for Environment. Can the minister explain why three major campsites at Lake Eildon National Park will be closed during the peak summer holiday period? On 6 November Parks Victoria announced the closure of Lake Eildon National Park Fraser block campgrounds, including Devil Cove, Candlebark and Lakeside, from 7 January to 3 April 2026. This is during peak summer holiday time. Tens of thousands of visitors attend these campgrounds each summer. Campers at these sites have a significant and important positive impact on the towns of Alexandra, Thornton and Eildon. These regional townships rely heavily on tourism and will surely feel the pinch as their major tourism drawcard is removed. Many local residents and businesses find this decision unbelievable, particularly given last year's debacle of the state government's ghost booking saga – people booking out sites and not turning up. This is important for my electorate.

Bass electorate

Jordan CRUGNALE (Bass) (14:40): (1370) My question is to the Minister for Carers and Volunteers. What are we doing to better support our neighbourhood houses? They are community connectors and deliver a breadth of programs and services – food relief, housing support, L2P, youth activities, mental health, navigating government services, IT, being a safe space to connect, and the list goes on and on. It was wonderful to attend the Gippsland network AGM, a collective of 22 houses, this week and accept 860 'Keep our doors open' campaign postcards to give to you in person – more to come – and also from the Blind Bight and Lang Lang community centres. Thank you, network manager Toni Halloran-Lavelle and committee Alyson Skinner, Jenni Keerie, Michael Glebov, Nathan Brown, Richard Lanham and all the dedicated professional and community-at-heart centre managers across this network and in my electorate: Wonthaggi, Phillip Island Community & Learning Centre, Inverloch, Bass, Corinella, Lang Lang, Blind Bight. I am proud to sign the postcard because, as it says, strong communities start here.

Euroa electorate

Annabelle CLEELAND (Euroa) (14:41): (1371) My question is to the Minister for Environment. What urgent steps will be taken to reduce dangerous fuel loads in my electorate before we face another catastrophic fire season? Fire season is here again, and communities across regional Victoria are feeling vulnerable and exposed. The 2009 Victorian Bushfires Royal Commission set out a clear path to keep Victorians safe, yet less than a quarter of the recommended 5 per cent fuel reduction burns have been completed. Fuel loads have been allowed to build to dangerous levels, and at the same time we have parts of the Department of Energy, Environment and Climate Action firefighting fleet grounded and thousands fewer CFA volunteers than a decade ago. This is exactly what locals in the Euroa electorate have been warning about. Residents in Ruffy, Strathbogie and Boho can see the fuel around them getting heavier while planned burns are postponed or abandoned entirely. They remember 2009; they know what happens when government ignores expert advice. Ignoring the royal

commission's recommendations is ignoring the very communities they were designed to protect. Why has the Allan Labor government failed to meet its fuel – *(Time expired)*

Laverton electorate

Sarah CONNOLLY (Laverton) (14:42): (1372) My question is for the Minister for Health and Minister for Ambulance Services. There is a lot happening when it comes to our health system in Melbourne's west: we are building the $1.5 billion new Footscray Hospital, we are doubling the size of Werribee Mercy's emergency department and major construction has started on the new Melton hospital, and now we are ensuring that our emergency departments are getting the funding support they need. That means $4.5 million for Sunshine Hospital, hiring more doctors, nurses and allied health workers to improve treatment in the emergency department and reduce offloading times for our hardworking ambulance services and paramedics. Werribee Mercy is also receiving $1.5 million to establish the fast-track model of care in its emergency department – an emergency department that I am proud to say is currently under redevelopment as our $110 million ED expansion aims to double the capacity at Werribee to treat over 25,000 patients per year. So my question is this: how will this funding support patients from my electorate of Laverton who seek care at either Sunshine Hospital or Werribee Mercy Hospital?

Sandringham electorate

Brad ROWSWELL (Sandringham) (14:43): (1373) My constituency question is to the Premier. Late last Friday night Mentone residents were woken by an explosion and sirens echoing through the streets as flames tore through yet another tobacco store. This is the third time in just six weeks that this particular business has been targeted. Locals are frightened, traders are distressed and families are anxious about when and where the next attack might occur. Business owners have been forced to close due to the damage, with some being told by their insurers that they may not be open for between three and 12 months. Staff have lost their jobs, stock has spoiled and insurance premiums have gone through the roof. My question to the Premier is this: when will the Premier write to the federal health minister in the strongest possible terms to advocate for an urgent lowering of the federal tobacco taxes to put an end to the tobacco wars once and for all and to end any future innocent victims of these tobacco wars in my community?

Northcote electorate

Kat THEOPHANOUS (Northcote) (14:44): (1374) My question is to the Minister for Energy and Resources. How many households in the Northcote electorate have applied for the Allan Labor government's latest power saving bonus? This $100 bonus is getting tangible support to Victorians who need it most, helping to ease pressure on energy bills for pensioners and people with healthcare or veterans cards. In Northcote my office has made it our mission to get the word out. We have been out at local festivals and seniors clubs, handing out translated flyers for older residents, chatting with people and helping dozens to apply. People have been coming into our office with bills in hand, some after bingo at the seniors club, others before the grocery shop; they leave knowing our Labor government is supporting them with real cost-of-living relief. It is a hugely significant program, and I look forward to hearing about its impact in our local community in Northcote.

Brunswick electorate

Tim READ (Brunswick) (14:45): (1375) My question is for the Minister for Roads and Road Safety. People crossing the state-controlled Brunswick Road via the pedestrian-only crossing next to Ewing Street must squeeze between wire fences on the median strip. The crossing leads to two schools and a child care, but the gap is too tight for prams and bikes coming from opposite directions, so kids on bikes often take the risk of riding around the crossing, adding to the chaos. A crossing supervisor sees a car run a red light there about once a week, yet the Minister for Roads and Road Safety and the Minister for Police have both told me they will not remove or widen the fencing or install a red-light camera. Ewing Street is now part of the proposed Brunswick activity centre, allowing developments

up to 12 storeys, so how will the government improve safety and infrastructure at this intersection to support this increase in population?

Narre Warren South electorate

Gary MAAS (Narre Warren South) (14:46): (1376) My question is for the Minister for Multicultural Affairs in the other place and concerns the naming of Guru Nanak Lake at Berwick Springs wetland reserve in my electorate of Narre Warren South. Minister, how does the naming of the lake support the Sikh and Indian communities as well as multiculturalism in my electorate of Narre Warren South? I was delighted recently to join members of the local Sikh community at the Gurdwara Siri Guru Nanak Darbar Officer for their Guru Nanak Day celebrations. It has just been over one year since the Allan Labor government officially named Guru Nanak Lake in my electorate in honour of the first guru and founder of Sikhism and to recognise the Sikh and Indian communities' significant and ongoing contributions to our local area and to our state. They provide food relief and they help people in emergencies. So I would really like to get the minister's response, and I would love to share that with my community.

Warrandyte electorate

Nicole WERNER (Warrandyte) (14:46): (1377) My question is to the Minister for Roads and Road Safety, and my question is: when will construction commence on the upgrade to Five Ways intersection in Warrandyte South? I have spoken in this Parliament more than 14 times about this intersection, including in my maiden speech just on two years ago to this day. I have submitted 44 separate questions on notice, and I have campaigned and advocated to all levels of government for action. It has taken this work and advocacy across our community, including a petition that was tabled in Parliament five years ago, for the government to finally take this local issue seriously. I am proud to have fought with our community to finally secure funding for Five Ways and commitments from both the state and federal governments, but the fight is not over. As was noted by the *Warrandyte Diary*, this is only half a step forward, and our community deserves a clear answer on when construction will begin.

Lara electorate

Ella GEORGE (Lara) (14:48): (1378) My question is for the Minister for Energy and Resources. Like the member for Northcote, I would also like to know how many people in the Lara electorate have applied for the current round of the power saving bonus. My office has helped hundreds of people with their applications over the past few months, and I know that many local community centres and neighbourhood houses in the Lara electorate have done the same, helping hundreds of people in our community. We have had so much positive feedback about how the power saving bonus is helping with the cost of living. With many families facing cost-of-living pressures, this is a really great way to help and have conversations about changing energy plans at the same time. I look forward to hearing from the minister about how many people in the Lara electorate have applied for the power saving bonus.

Bridget Vallence: On a point of order, Speaker – where would you be without me raising a point of order post question time? – yet again a number of questions remain unanswered and overdue for constituents. A number of questions to the Treasurer are overdue. These are questions on notice 2421, 2512, 2777, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861 and 2862. Overdue questions on notice to the Minister for Government Services are 2763, 2764, 2765 and 2776. I would appreciate responses for my constituents, please.

Bills

Early Childhood Legislation Amendment (Child Safety) Bill 2025

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

Victorian Early Childhood Regulatory Authority Bill 2025

Second reading

Debate resumed.

Jess WILSON (Kew) (14:50): I continue where I left off, which is around one of the more significant reforms in the bills before us today, and that is in relation to the changes to the working with children check system. You would have heard me speak about the desperately needed reforms to the working with children check system many times in this place, and there is a reason for that, because three years ago the Victorian Ombudsman made very clear recommendations to the Labor government that the working with children check screening system needed to be urgently reformed in Victoria. The reason for that was that the Ombudsman at the time identified the fact that the working with children check system in Victoria was among the weakest in the nation and as a consequence predators could slip through the system and have the ability to work with children in Victoria. That would be concerning enough, the fact that the Ombudsman identified the risk, but unfortunately the reality is that we have now seen that happen in real time. We have seen the fact that Victoria's working with children check system was so broken that individuals who had been identified as risks, who had been identified as predators, still had the ability in this state to hold a working with children check and work with children day in, day out, under this Labor government. And why? Because the government failed to take action when the Ombudsman recommended very simple reforms three years ago – not even a response from the government at the time, not even the courtesy of a response about why the government was not prepared to implement the Ombudsman's recommendations.

Let me speak to an absolutely horrific example of where the working with children check system was so broken but, had the government heeded the advice of the Ombudsman, this situation may not have occurred. Ron Marks was arrested in 2021 for possessing almost 1000 child abuse images. Earlier this year he was convicted. But the fact is that he retained an active working with children check for four years after his arrest. That meant that in those years following his arrest, following the fact that his house was raided by police and those thousands of images were found and taken by the police, Marks was permitted to go into childcare centres, to go into kinders, to go into primary schools and to work with children, because he still held an active working with children check despite the fact that he was under active investigation by the police for possession of child abuse images. There could not be a clearer example of the catastrophic breakdown of the working with children check system.

Further to this, the ABC reported earlier this year that a childcare educator maintained a valid working with children check despite being dismissed from a childcare centre in 2020 for sexual misconduct after an internal investigation found that he was grooming and kissing toddlers. Again the system allowed that individual to continue to work in childcare centres, with the government regulator not stepping in to issue a prohibition notice to blacklist that individual until last year. Despite that prohibition, years too late, at the time it took the government weeks to remove that individual's active working with children check. In fact they had to rush legislation into the Parliament that would allow for that to occur. The Premier and the minister could not answer how long that individual, who had been found to be grooming toddlers in child care, who had had a prohibition notice issued against them, would continue to hold an active working with children check, because of the failure of that government to actually implement the Ombudsman's reforms.

Let me be very, very clear about what the Ombudsman recommended in 2022:

> Amend the *Worker Screening Act 2020* … to allow the Secretary to the Department of Justice and Community Safety to:
>
> a. obtain and consider any information that may be relevant to an applicant's suitability to work with children
>
> b. refuse an application for a Working with Children Check if reasonably satisfied that the applicant poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists)
>
> c. reassess a person's suitability to hold a Working with Children clearance on the Secretary's own initiative, and without the need for notification of a criminal charge or disciplinary outcome
>
> d. pending determination of reassessment, suspend a … Working with Children clearance where the Secretary reasonably suspects the person poses an unjustifiable risk to the safety of children
>
> e. revoke a person's Working with Children clearance following reassessment, where reasonably satisfied the person poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists).

These were the recommendations by the Ombudsman at the time. We are finally seeing the government take action, three years later, to implement these reforms. That is despite the fact that when we introduced a private member's bill into this place that would have implemented the Ombudsman's recommendations earlier this year, which would have made sure that we were mandating training when it comes to the application for a working with children check and would have connected the working with children check system to the police database, the government voted it down. In a clear decision to play politics over protecting children in this state, the government voted down legislation that is included, months later, in the bill we are debating today.

It is simply unacceptable that this government did not prioritise children's safety. Three years ago they were warned by the Ombudsman. I just outlined to the house the very simple changes and reforms required to the working with children check system that would have meant that the decision-maker could act on intelligence and make sure that risks to children were stamped out quickly. But what happened? No response – radio silence from the government. Then when the horrific allegations of child sexual abuse, the 70 or more charges, against Joshua Brown came to light and every single family in this state shuddered, what did the government do? Nothing – absolute silence on reforming the working with children check system. For months this government has delayed action, time and time again. So while we finally see these reforms contained in the legislation today, it defies belief that we had to go through the previous months and years of inaction to get to this position. The example of Ron Marks continuing to hold his active working with children check and visit childcare centres – the photos of him sitting with children after his home was raided and thousands of images of child sexual abuse were taken by police – is disgusting. This government could have taken action. If they had taken action and implemented the Ombudsman's reforms three years ago, Ron Marks would not have been able to hold an active working with children check. It is that simple, and that responsibility lies in the hands of the Premier and this government.

Before I turn to the final bill in this package, I want to briefly address some of the measures around information sharing between regulators. As I have spoken to previously, one of the most glaring failures that has been identified as part of the child safety crisis in this state came to light as a result of the lack of information sharing. A teacher could have a reportable conduct investigation in one department and then another regulator might never know. A childcare worker might fail a safety check in one role and be hired in another because the information was not shared. With the reforms before us today, with the new regulator and the Social Services Regulator to share critical decisions – like worker suspensions and prohibitions and like the fact we are seeing working with children checks needing to be rescinded – we need to ensure that that information is shared swiftly and simply between these agencies. Most importantly, the new regulator will be empowered to provide information directly to prospective employers so that prospective employers know and can understand when there are risks when they are considering employing someone to work with children and to have oversight of children. This basic and fundamental oversight should have been in place long ago. The government

knew about the issues when it came to information sharing, and they knew that the regulator was failing to do its job. But once again, what did we see? Delay and inaction and a complete failure to put children's safety first.

Finally, I will speak on the national law bill. This is a significant bill because it strengthens the existing regulatory framework by which early childhood education and care services are measured and assessed. Of note is the creation of the new offence of inappropriate conduct for workers in these services. I understand the new offence has been created in response to the feedback about gaps in the current framework and will assist the service and the regulator to identify and respond to unacceptable behaviour.

The most basic duty of care of any government is to protect the vulnerable. I will finish where I started. It is our foremost duty in this place to protect the most vulnerable, and there can be no-one more vulnerable than a child under the care and protection of an adult. When we are seeing children harmed in the very places we are meant to keep them safe, that is an absolute failure and one this government should be ashamed of. We presented solutions immediately, a six-point plan, and what we are seeing here today is that plan implemented in full but delayed, after three years of inaction from this government. We will support this bill because we will always stand up for child protection in this state.

Nathan LAMBERT (Preston) (15:02): I rise in support of the Early Childhood Legislation Amendment (Child Safety) Bill 2025, the Victorian Early Childhood Regulatory Authority Bill 2025 (VECRA) and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 (SSR bill). I listened very carefully to the lead opposition speaker, and I think I can summarise her contribution in this way. She agreed entirely with the substance of the three bills that we have in front of us and with the comprehensive package that the government and the minister are bringing forward. Whether other opposition MPs agree with it fully remains to be seen, but as a speaker in favour, I can only take it from the lead opposition speaker that the opposition agree entirely with what the government is doing here, and all of the disagreements she set out related to matters of process and timing. I do want to begin by addressing those points of disagreement.

There is a very good reason why these bills come today, under standing order 61(3)(b), and come concurrently, and that goes back of course to the horrific revelations of 1 July, which I have spoken about previously in this place, and the very strong expectation that there will be a comprehensive response. And that is what we have here before us today. I will, for the benefit of opposition speakers, note that it is not uncommon for governments to bring urgent legislative packages in this way in response to events where there is that strong community expectation. Everyone who was around during COVID saw of course that that was done by governments of all persuasions, including the Morrison coalition government. I worked in the federal Parliament during the period in which the Howard government brought, almost every few weeks, another piece of anti-terrorism legislation, including, if I remember correctly, some bills related to Tampa and the Bali bombings that were brought on very short notice. I did look up the Criminal Code Amendment (Offences Against Australians) Bill 2002, for instance, which was introduced to the House of Representatives on 12 November 2002 and received royal assent on 14 November, 48 hours later.

I should note that, as someone who was there, that anti-terrorism legislation was much more complex and difficult for MPs to deal with. Australia was fortunate not to have a long history of political violence. We did not have an established structure for many of those things, and the bills that we have here today are very different. They do not come out of nowhere at all, as some of those anti-terrorism bills did; rather, they come out of a very clear and comprehensive process through the rapid review and through the education ministers meetings that this government has been clear about in its detail for months.

I do want to turn to that detail and firstly deal with the first bill, the one that relates to the national law. I think it is very important to remember that our early childhood education and care sector is very substantially governed by Commonwealth and federal arrangements, and indeed those horrific

revelations that I touched on occurred largely, I believe, in long day care centres, which of course operate under both those frameworks, state and federal, and where the staff working under them are the same people.

The government is implementing all 22 recommendations of the rapid review conducted by Jay Weatherill and Pam White, but I do want in addressing this package to begin with recommendation 1, which makes the safety, rights and best interests of children the paramount consideration for staff right across our early childhood sector. We see in part 4, clause 61 of the bill that it makes that important change of principle by changing the national law. I did notice that the opposition's lead speaker came to this very important principle last, but for those of us in the Labor Party, I think it is something that we would rightfully put first. It is very close to the heart I know of the minister and is very important for the government. I will not repeat all the observations that the review had to make about the evolution of the for-profit part of the sector, particularly under the Howard government, but just say that we very strongly support this recommendation and that we implement it here in exactly the way that the education ministers meeting in August said that we would.

I will not, given the constraints of time, go through all the clauses of that early childhood legislation amendment bill but just point out that they all go back to those communiques of the education ministers meeting, which we have all been able to read for months now on the internet, and indeed the decision regulation impact statement that they put out. A big bulk action of that bill deals with increasing penalties and banning the use of personal devices, which is already in place of course here in Victoria, and then it establishes the national early childhood worker register. Critically, again, that is not something that should come as a surprise to anyone in this place who has been following the debate. Of course it is something that not only is in place in Victoria but is dealt with in the VECRA bill that we have in front of us, which not only implements that exact recommendation as a matter of national law but sets out the details of how it will be implemented here in Victoria.

Dealing with that second bill, it of course also implements recommendation 9 of the review, which relates to establishing the independent early childhood education and care regulator. The government made very clear we would do that through a standalone act, and the second bill we have before us does exactly that.

Finally, the third bill that we have before us, the SSR bill, makes a number of important and concurrent changes to services that come under the disability portfolio. I will leave some other speakers to touch on them. They are of course very important to us as the government. But I do, in terms of making the argument I am making about the substance and the process we have been through here, want to focus on those parts that originated from the rapid review and particularly to highlight recommendations in part 8 of that review, which deal with establishing a new shared intelligence and risk assessment capability. I have had some exposure in my previous life to this sort of work. It is not easy work when we are looking to predict and prevent this sort of behaviour, and it is certainly work where you look to have the widest range of data available to you, but of course you are always conscious of the principles in the Privacy Act 1988 and similar principles in state-based regulation. I think what has been done very well here in the bill in front of us is to ensure that not only are those important data sources integrated, which is very important when you are doing this work, but that, as anyone who has done it knows and as the review makes clear in part 8, that integration of your IT systems and your data goes hand in hand with organisational integration as well. That is why we see of course the worker screening unit, the reportable conduct scheme, the child safe standards and so forth. All of those bits are being moved across in that SSR bill.

I should say a great bulk of the bill deals with those changes to arrangements. Again, coming back to a point I made earlier, those are not things that should surprise anyone who is familiar with the sector. All of those things, whilst they have been brought together under different arrangements, are longstanding processes and organisations here in Victoria. In fact, looking at the list, I think they are all longstanding arrangements that were introduced by Labor governments over a period of many years and indeed decades. The bill also implements those important connections to Victoria Police and the

justice system. As I say, nothing in that should be a surprise conceptually to anyone arriving at the debate here today.

I just want to touch on the fact that once you have done that important job of bringing together the information and the intelligence, you have to give agencies and regulators the ability to move quickly, as per part 6 of the review. Without being disrespectful to the Ombudsman's report or to the bill brought forward by the opposition, they largely just dealt with that component. I really want to stress this. We have here a comprehensive package. We are implementing, yes, parts that were brought forward by the opposition, but there were parts that were not comprehensive and were inadequate in their nature. There are a number of changes that deal with suspensions and the general and important power to act quickly where there is significant risk, but it is probabilistic risk. You do not know something 100 per cent, but you need to act quickly. There are, importantly, provisions that deal with the fact that, in doing that, false allegations are always possible. There are some minor differences with the opposition's bill from July with respect to section 71 of the Worker Screening Act 2020, but I do believe that the versions that we have here in front of us today are better than the opposition's bill in that respect and better in the fact that they are part of a comprehensive package that interlocks in the ways I have set out today.

Finally, coming back full circle to the Early Childhood Legislation Amendment (Child Safety) Bill, there are then all those measures that seek to prosecute people more comprehensively. Again, something the opposition never touched on, perhaps for good reason, is the need to prosecute those large companies with very complex corporate structures that we do see in this area as a result of the Howard-era reforms. I think the fact that those organisations and those complex structures will face more scrutiny and greater penalties if they do act in ways that are inappropriate is one of the real strengths of this bill and shows the strength of the thought that has gone into it.

I have set out, therefore, the reasons why I think that it was important to have this concurrent debate and why we support both the motion to debate things concurrently and the three bills in front of us here to help keep Victorian children safe. I thank the minister, her team and her department for their great work, and I commend the bills to the house.

Emma KEALY (Lowan) (15:12): I rise today to speak on the Victorian Early Childhood Regulatory Authority Bill 2025, which is being debated concurrently with the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025, the national law bill. I will say from the outset that a lot of work has been undertaken in a very short period of time by the Liberals and Nationals and all those on this side of the chamber, because a briefing on the latter two bills was provided to us less than 24 hours ago – in fact at about 4:30 pm yesterday afternoon. This is a substantial amount of legislation to pore over. In fact it is over 1000 pages. It is a lot of information. While I understand that there is an effort to act urgently now – it is on the back of a rapid review, as we heard – it is important that we do have the opportunity to consult broadly with the communities that we represent. This is the whole parliamentary system that we base our democracy upon.

While the Nationals and Liberals will not obstruct this legislation, because we support and want to see improvements in child safety regulation and mechanisms – all of the legislation that provides those aspects that make our children safer in the community – I also understand there will be some additional time to read through this legislation and identify if there are any shortfalls. There may be drafting issues as well. I urge the government to be cooperative if any matters are identified that are flawed or if there is an error or a loophole that would inadvertently allow for somebody to put children at risk – cause harm to children – or that could be exploited by people who are, quite frankly, depraved in their behaviour. As I said, while the Liberals and Nationals have not had a huge opportunity to be briefed appropriately on the other two bills and to consult with our communities, we will be supporting the passage of this legislation through the chamber today.

The matters surrounding child safety, particularly around working with children checks and protection and supports for the good workers and identifying those people who should not ever be allowed to work in childcare, kindergarten or primary school settings, have been a serious issue for my community in Lowan and particularly around the Horsham community. Those in the chamber would be well aware of the serious offending of Ron Marks, somebody who was at the time well respected and trusted in the community. But the failures of the working with children check system and the information-sharing system resulted in Ron being able to access children for a prolonged period of time even after police had seized thousands of depraved images of the sexual abuse of children, including very young children, who appeared that they were dead, who appeared to be covered with mud and even blood. It is something that weighs heavily on my community that somebody who police knew was prone to a sexual appetite of such a depraved nature would still be allowed to provide education sessions within childcare centres, within local kindergartens and within local primary schools.

Police did their utmost, though, to keep our community safe. It is understood that Ron Marks's offending took place between 2012 and 2021, and the reason it stopped in 2021 was because police seized a large number of electronic devices, including hard drives, which contained these horrific images – and they contained thousands of images. I say that police did their best because when police raided Ron Marks's property, when they seized these devices, they also made the effort to seize Ron Marks's physical working with children check card – the card that is I guess the analog way of checking whether somebody is appropriate to work with children. Police also did their job in that they notified the appropriate working with children check unit that somebody had been found with these disgusting images in their possession and that they were known to provide cultural awareness training and education to very young people in our community. That information was never acted upon by the working with children check unit, and his digital working with children check remained approved until he was found guilty only earlier this year. That means for four years, according to Victoria's working with children check system, Ron Marks was appropriate to be entering childcare facilities, entering kindergartens and entering primary schools to sit with children, to share stories and to have unprecedented and open access to children, even though the working with children check unit knew that he was not a fit and proper person to undertake that work.

I know that it is not only the parents of the children who are captured in photos of those early years education systems, whether it is primary schools, kindergartens or childcare areas, that are still grappling with the risk that surrounded that. The operators of these centres are still grappling with their concern that, while it was known to the working with children check unit, they let their families down because they could not act upon information they could not even access. It is very unfair for those childcare operators, it is unfair for the kindergarten operators and it is unfair for the primary school principal and the educators there as well. They did their best, but it is the government system that let them down.

I would also like to make note of Goolum Goolum, which is an Aboriginal community health organisation, who do an incredible job in the community. Understandably, this sent ripples through their community which are quite unique. They do such a good job around that – they really do an outstanding job in the community – and they were not informed about this serious breach, which would have required revocation of a working with children check in any other reasonable government operating system. They have been let down as well.

This legislation does address some of those matters. There will be the opportunity for information sharing and coordination. One of the most glaring failures identified by the rapid review was the lack of information sharing between agencies. A teacher could have a reportable conduct investigation in one department, and another regulator might never, ever know, which is exactly what we saw in the Marks case. A childcare worker might fail a safety check in one role and then be hired in another because the information was not shared. These reforms will finally allow the Victorian Early Childhood Regulatory Authority and the Social Services Regulator to share critical decisions, like

worker suspensions or prohibitions, and provide information directly to prospective employers. That is the basic oversight that should have been in place a long, long time ago. I reiterate my concerns about the delays in this process to put this into place.

Another important feature of the reforms is that regulators will now be able to act on unsubstantiated intelligence and cumulative risk data instead of waiting for something to be proven or for harm to occur. This is a major shift towards prevention rather than reaction. If this had been in place years ago, then potentially our children in Horsham would never have been put at risk and exposed to Mr Marks.

The Nationals and the Liberals support these legislative changes that will make children safer. They are changes which should have happened a very, very long time ago. I acknowledge the workers within our early years system who have been fighting for these changes and have not felt protected in the absence of these changes. I certainly put my heart out to the families who found out through the media that their child was with a worker who should not have been there. I commend this bill to the house.

Mathew HILAKARI (Point Cook) (15:22): I rise to support this concurrent debate and legislation on child safety. Profit and care, in my view, are like oil and water; by themselves they simply do not mix. High-quality regulation can be the emulsifier that brings them together. That is some of what this bill seeks to do. But I should say at the outset, with consideration of how the large-scale for-profit sector has operated nationally, exposed particularly through the ABC and the reporting of Adele Ferguson, I do question whether they are fit and proper to be providing this education and care. In the meantime we will need to regulate. I do question whether the industry, which should have safety as a priority at its heart – the safety of children, rather than profit – has the social capital at all to continue in this sector. I do question that.

The toll on the community that I represent has been extraordinary. We heard from the previous speaker the toll on the community that she represents. The toll on so many communities across this country has been extraordinary. I have spoken with parents, with educators and with doctors from across the community that I represent, so I know the toll that they are undergoing. Actually, I say I know it, but I do not really know it; only they can really know it. That is why I say some of those in the industry should question their continuation in the industry. They should look at themselves and not look at the profit that they seek to make.

Many of the alleged crimes committed in the community that I represent and across Victoria will have an ongoing and lasting consequence for the people in the community that I represent. They will manifest in the years ahead in many different ways, and they will profoundly affect people's futures. Crimes against children, our most vulnerable, are the worst of crimes. I think that is something that we agree on entirely in this place. Crimes against children and crimes that strike at the heart of trust in services that people rely on are also the worst of crimes. Services like child care are relied on. For many in the community that I represent, and in communities that many people in this place represent, their economic circumstances mean that child care must be used. It is not actually a service of choice, it is a service of necessity. Even out of necessity, there are many benefits of child care. Of course there are many benefits of child care, even though it is a necessity for many people. I see this in my own children, both of whom are in child care currently. With them being in child care, I remember the drive to child care after hearing of the alleged crime. Like many that morning, in the following days, weeks and months and even today I continue to feel sick at the idea that those who we place our trust in may well misplace and abuse that trust in such a profound way – people who have so little regard for the welfare of others, the welfare of children. For many who work in this system, in particular men who work in the system, the crimes committed cause unfair distrust and unfair suspicion. For many of the early childhood educators who bring their passion, their effort and their care, I know the hurt that they have been in, being in a system where others are causing abuse. I thank those many wonderful childcare workers who turn up each day, particularly in the wake of these events, and who educate and care for our children and improve their wellbeing in such an important way. I thank also the workers at my children's child care who have cared for and educated, some of them, both of my children. I appreciate the efforts that they go to every day, and I thank them directly.

The system of for-profit, large-scale child care has appropriately been brought into question, and rightly so, and we should continue to question it. We should continue to bring in bills of regulation while that exists. As a government, there is more to do on this legislation, but I will outline some of the immediate action we undertook in the wake of these alleged crimes that came to light in July of this year. We banned the use of personal devices within childcare centres. We set out that failure to comply with this could result in the cancellation of a service and fines of up to $50,000. We established a register of early childhood educators, and the bill before us today of course enhances that register. We commissioned an urgent review into child care and early childhood education, and I thank Jay Weatherill AO and Pamela White PSM for the work that they undertook. This no doubt was extremely difficult work, and they set out that the care settings and the working with children check in Victoria as it relates to early childhood education need to be of course improved. Some of that is in the bill today. In response to the rapid review there were 22 recommendations that were set forward. The government has released a response and an implementation plan to each and every recommendation, as we should. The bills before the house today of course acquit some of those recommendations, and I am expecting that we will see more in front of us. The opposition have indicated their support for these bills, and seemingly their largest critique so far of the bills has been that we did not adopt their media releases in the wake of these horrible allegations. I appreciate that they are supporting these today. I appreciate also that the member for Preston outlined some of the bills in his contribution earlier and how we will continue to engage in this space in improving what has been actually a bit of a failed system. We would not be here discussing these matters if it was not.

I want to just outline a few of the matters related to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and go through some of those matters relating to working with children checks and how they will come under the Social Services Regulator. That is mainly by consolidating those key child safeguard functions that were in the working with children check, the reportable conduct scheme and the child safe standards. Bringing them together is an appropriate thing. We should have our systems always talking to each other. That they were not was a real miss. It was a real miss, and it has had enormous consequences.

Strengthening the working with children check and broadening the range of information that is available is certainly an important thing in terms of the granting, the refusal, the suspension or the cancellation of working with children clearances. Some of the previous speakers have gone through some of the real-world effects of those systems not talking to each other and those systems not being strong enough. Like the first speaker on this bill, the member for Preston, I will go past the elements related to disability entities and the establishment of complaint functions in that space as well. I know that other speakers will be speaking to those matters, importantly, later in their contributions.

The enhancements of the working with children check mean that a number of workers will be excluded from working in childhood settings, and I understand that that is actually a really challenging thing for workers and for the people who represent workers. But we need some of these protections in place because of course the priority clearly needs to be children's safety. I do acknowledge that there will be finessing over time of every bill that we bring to this place, and we should keep looking at the regulations that we put in place to make sure that they are fit for purpose. So I expect that we will continue to look at those over time, to look at those elements related to workers and their ability to have some fair processes in relation to this, but erring on the side of the children and erring on the side of a cautious approach to this is certainly something that I agree with. The risks are just too strong otherwise.

This bill requires mandatory child safety training and testing for people applying for a working with children check to support applicants to have a base level of child safety literacy to equip them to recognise, identify and adequately act to protect children from abuse. Certainly for me, my observation of child care is that child care is best delivered with many workers in the same place, because that is the best protection for children in childcare settings; I observe that in the circumstances of my own childcare situation.

I do not have long, so I want to thank the ministers associated with these bills and also the advisers and everybody who has been working thoroughly on them. They are enormous bills for those reasons. I commend this bill to the house.

Roma BRITNELL (South-West Coast) (15:32): I rise today to speak on a matter that should be a cornerstone of any government's priorities: the safety and wellbeing of our children. Yet the Allan Labor government has shown time and again that when it comes to protecting our youngest and most vulnerable, it is slow to act, chaotic in its response and fundamentally lacking in a child-centred approach. The suite of bills before us today includes the Early Childhood Legislation Amendment (Child Safety) Bill 2025, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Victorian Early Childhood Regulatory Authority Bill 2025. We only received two of these bills a couple of hours ago. The government issued a press release before they even tabled the bills – it just sounds so insincere.

These bills are necessary and they are overdue, and they are a direct response to a crisis that the government was repeatedly warned about and that could have been prevented. Those 2000 babies and their families could have avoided the trauma of the abuse and of having to be sexually transmitted infection tested – absolutely disgraceful. On this side of the chamber, we support these bills. We have called for stronger oversight, we have called for tougher penalties and we have called for the creation of the independent regulator all way before the latest crisis struck. But we do not support the way this government has handled this process with delay, with disregard for proper scrutiny and with a disturbing lack of urgency.

These facts are quite confronting. Earlier this year a childcare worker who had worked across 20 centres in Melbourne was charged with over 70 sickening offences, including sexual assault and the production of child abuse material. There is also the case of Ronald Marks, arrested in 2021 for processing nearly 1000 child abuse images, yet who retained his active working with children check for four years – four years after his arrest. During that time he was allowed to walk into childcare centres and walk into kindergartens. That is not just a bureaucratic error; that is a catastrophic failure of the very system designed to protect our children. It is beyond belief to me that the working with children check was not connected to the police system. That failure meant these individuals were able to move freely between centres even after being arrested.

Rather than act on strong recommendations already presented to the government, the government commissioned a rapid review – a review of a review, a review that unsurprisingly confirmed what many in the sector, including us on this side of the chamber, had been warning of for years: that the Victorian early childhood education and care system is marked by fragmented oversight, weak regulation and uncoordinated workforce tracking. The review on the review made 22 recommendations, and yet, despite the urgency of the findings, the government has dragged its feet.

These bills were meant to be tabled by October – that was the government's own commitment to its response to the rapid review – but instead they were only passed through the cabinet yesterday and available at 12:20. It is now just after 3:30, and we are looking at these in the Parliament today with barely 2 or 3 hours notice. They are being debated concurrently, giving the opposition and the stakeholders, who need to have the time to understand what is in the bills, little time to consult. There are hundreds of pages to scrutinise to ensure that these reforms are strong and effective. It is not possible to do that level of scrutiny. Already we are hearing from the disability sector, who are quickly clearly looking through this and showing disappointment, but the Shadow Minister for Disability, Ageing, Carers and Volunteers, my colleague, will elaborate further on that. It just shows how ill prepared this government is and how it has not succeeded in protecting our children. It is just disgraceful.

This is not how you govern when children's safety is at stake. The Premier is always ready to put on a hard hat and pose for cameras, but when it comes to the hard work of building a system to protect our children, she clearly has not prioritised delivering on her promise and having this bill delivered in

a timely manner. This government has consistently put politics and publicity ahead of policy and protection.

The Early Childhood Legislation Amendment (Child Safety) Bill seeks to strengthen the regulatory environment around the childcare sector. It aims to provide better oversight, stronger penalties and improved protections for children, and these are very welcome changes. But they are reactive, not proactive, and they are the result of the public outcry and the media scrutiny, not of a government that was listening to the sector, implementing the Ombudsman's recommendations or putting children first.

The social services regulation amendment bill is similarly important. It aims to strengthen the working with children check system by removing the silos and giving the Social Services Regulator more power. It allows for better information sharing, something that should have been in place long ago and is a no-brainer to many of us. But again, the timing is deeply concerning, and the government has been coy about what these changes mean for the Commission for Children and Young People (CCYP), an oversight body that is already under pressure and currently led by an acting commissioner. The Allan Labor government's failure to appoint a new commissioner to the Commission for Children and Young People during this time of crisis is a dereliction of duty. It is deeply troubling to me that the government has left this critical leadership role vacant while Victoria's most vulnerable children continue to suffer under a very broken system.

The CCYP has repeatedly exposed horrific failures: children dying under the state's care, rampant sexual exploitation in out-of-home residential care and the ignoring of recommendations that could save lives. Yet instead of acting decisively, Labor have chosen inaction. This is a pivotal moment for reform. Accountability and safeguarding children's futures should be paramount. Leaving the Commission for Children and Young People without a commissioner is a signal that this government is unwilling to confront its own failures. Vulnerable children deserve leadership, not silence. This raises serious questions about independence and resourcing and the government's commitment to transparency.

Perhaps the most significant of the three bills we debate today is the Victorian Early Childhood Regulatory Authority Bill. This bill implements recommendation 9 of the rapid review: the creation of an independent early childhood education and care regulator separate from the Department of Education. This is critical reform, because for too long the department has been both the operator and the regulator, a clear conflict of interest that has been undermining trust and accountability. The government has announced a $45 million investment in these reforms, including 100 new staff and 60 new compliance officers. That has got to be a significant commitment that really does indicate just how under-resourced the system was and an admission of failure of the minister, who stood by the regulator despite the fact that they were clearly failing, and now they are recognising that by putting on 60 compliance officers. It is a tacit admission that the previous regulatory framework was not fit for purpose and that this failure directly contributed to the abuse of children in early education settings.

While we welcome the establishment of an independent regulator, we remain concerned that this government is already missing its own deadlines, with two of the bills not being released until today, the process rushed and the sector and educators, providers and families having been left scrambling to understand what these changes mean, with no time to look at them. This is not good enough. The safety of children should never be an afterthought, it should never be delayed and it should never be compromised by political convenience or bureaucratic inertia. What we needed, and what we still need, is a government that puts children and children's safety at the centre of its decision-making, a government that listens to the sector, a government that acts swiftly and transparently when failures are exposed and recommendations made and a government that understands that child safety is not just a policy issue, it is a moral imperative. Instead we have a government that has failed to meet its own deadlines – a government that has prioritised spin over substance.

Only the Liberal–Nationals are committed to delivering the fresh start for Victorian families that they deserve, and we will continue to fight for a system that is child centred, transparent and accountable.

We will continue to hold this government to account for its failures, and we will continue to advocate for the reforms that our children and our community so desperately need, because nothing is more important than keeping our children safe, and nothing is more damning than a government that has failed to do that for our children.

Lauren KATHAGE (Yan Yean) (15:42): Allegations of harm to children shook us to our absolute core. Our worst fears were realised but also in some cases things were worse than our fears had ever been. When you take your children to child care for the first time as a mum – often the first time you have ever had your child in the care of someone that is not your family – that first walk down the hallway away from your child is really, really difficult. The things that are going through your head at that time are not the grotesque things we have heard about; they are things that are much, much simpler, like: will my child be okay? Will someone care for my child if they cry? Will someone care for them at all?

I have been very lucky in my childcare journey; I have had Kylie, Dakota, Kelly, Harpreet, Rachel, Inderpal, Kira, Emma, Jess, Sonia, Amy, Kathy, Brooke, Amanda, the other Amanda, Gurpreet, Louise, Rhonda – so many fabulous people that have cared for my daughters, putting sunscreen on little noses and teaching the alphabet. They care for our kids and they deserve the best, and we have been very pleased to see additional support for our childcare workers from the federal government and increased funding and pay rises. It is very important. They work in that industry because they love kids, they care for kids, and I have had the privilege of seeing some of them become mothers themselves, which has been really special. My family has relied on them, and my broader community relies on them too. They are a really fundamental part of our communities.

I think of Doreen early learning centre, where in talking to the assistant manager there, she spoke about all the supports they were looking for to wrap around a new mum who was having a hard time with motherhood. I think of Guardian Childcare and Education in Laurimar and the way they have the Nanna's Home Basics crew up there with them. Deb was there leading the strong focus on Remembrance Day and Anzac Day for the children who attend. Rebecca is at the Orchard Road YMCA, and their early intervention work makes sure that kids have wraparound supports before they get to school. We love childcare workers and early learning centre workers, and we rely on them.

From talking to workers and managers in my community, I know that they have been just as gutted as everybody about what has occurred. I think about one of my centres in Donnybrook, where the male worker there offered to step back in the wake of what happened and the families there wrapping around him to demonstrate how much they love and value his work. Other centre managers told me that families had asked for male workers not to care for their children during nappy changes. It has been a really, really difficult time for workers and for parents as well as obviously the children. Everyone is dealing with the shock and grief in different ways.

This government is dealing with it by strengthening and simplifying protections for children, and they have been set out in these three bills which we are discussing concurrently. I want to assure parents that the work that we are doing means that we will have the most rigorous inspection regime in the country, by authorised officers. We will have more unannounced compliance visits – more than double. We will more than double the unannounced compliance visits on centres, and we are doing this work now, we are putting these bills through together now, despite the complaints of those opposite, because we want this system ready and in place for the start of next year. I know in my community families are receiving their second-round offers for kindy places, and we want them to know that when they take their child to kindy for the first time next year, they will have these additional protections there ready for them.

We also reassure parents that we are implementing all 22 recommendations as quickly as possible, and part of that is around the timely tracking and tracing of workers in the sector. That is something I have spoken to childcare centre managers in my community about the need for, and how there had been an assumption that there was automatic updating and following of workers. So I am glad that we

are meeting the expectations of the sector by putting this in place. I think anybody who has been looking around for child care or kinder for their child knows that the centres often spruik their standing in the national quality standards around things like how they are integrated with the community, health and safety, the food and different things like that. But what we are doing is making sure that not just those things are clear to parents but also any compliance or enforcement activity at centres is easily found by parents so that when parents are making a choice about where to place their child, about who to place their child in the care of, they have access to information about that centre.

We also have some improvements around complaints for people with disability and disability oversight bodies as part of this work, including the worker regulation functions into the Social Services Regulator. I know that is certainly something that I welcome. In speaking to disability workers, they have also sought to have that combination and streamlined approach, because we know that workers often move between those sectors. So we want to make sure that there is not a gap there, and I look forward – I hope, in the future – to aged care workers also being part of that, because we have seen that people do seek out the most vulnerable, and they do seek out where there are gaps.

You might be shocked to know that following the 2004 Boxing Day tsunami, Australian Federal Police stopped 20 registered child sex offenders at the airport trying to get to Asia because they knew that people who were vulnerable would be easier victims. It was following instances like that that the then AusAID implemented the child protection policy – that was in 2008 – and Australia's international development program is the world leader in child protection. There is a lot that domestically we can learn from what has happened internationally, because there are very strict standards in place. These predators seek out weaknesses in systems and they seek out the most vulnerable. So it is our duty to strengthen systems, to look for gaps and to make sure that they are filled. I really welcome the changes that we have before us in these three bills that we are discussing concurrently.

The new Victorian Early Childhood Regulatory Authority means that this is not just a one-off improvement that we are making in the sector and to the safety of children but that there will be continual work, continual strengthening and continual support for the sector to make sure that the children who are placed in care receive the best possible care, because when it comes time for you to place your child in child care for the first time, as I set out explaining at the start of my contribution, when you are walking down the hallway back towards your child after that first day away from them, you want to find your child as happy and as well as you left them. We know that in nearly all instances that is the case, and so I want to acknowledge the great work of our early learning sector workers. I want to reassure parents that we are working so hard to make sure that we can strengthen the system to make sure that we can keep predators far, far away and that we are ready to pounce on any cases that need to be fixed.

Nicole WERNER (Warrandyte) (15:52): I rise to speak on the Early Childhood Legislation Amendment (Child Safety) Bill 2025 and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. From the outset, I know that across both sides of the aisle, we would agree that in this place, protecting children is one of the most important things that we can do as legislators. It is our duty as legislators – we would all agree to that. That is why on our side it is so mind-boggling to us that the government has allowed less than a day for the opposition to scrutinise the bill. If we were serious about our democracy and its functions and if we were serious about keeping children safe, then the government would have done its due diligence and allowed the opposition to have the time to look at the bill, read its contents, examine it, go out to stakeholders and undertake the typical democratic process that our children deserve in order to be kept safe.

Instead what the government has done is give us less than a day to go through all of these changes. As the opposition, our job is to scrutinise these bills so that we can have the best outcomes for Victorians, the best outcomes for our children and the best outcomes for those that we in this place have a duty to keep safe. A day's notice to go through all of these details – it is impossible to do. If the government was really serious about working together in a bipartisan way to keep children safe, then there would not have been less than a day to go through all of this. The truth is that we are here debating these three

bills today – three bills, all together – two of which, these that I have held up, we have had less than a day to see because the government has failed to act when it mattered. Our priority as legislators must be putting children first and keeping children safe, something that this government has failed to do. Now they are trying to pick up the pieces and introduce measures that should have been implemented years ago.

No-one disputes the importance of these reforms. Everyone remembers the case of Joshua Brown, the childcare worker who, sickeningly, was charged with over 70 offences, including sexual misconduct and producing child abuse material. Indeed parents across my community and in fact from across the state contacted me in grief and dismay. How could this have happened? Why weren't our children protected? Why weren't they kept safe? And if the government knew, why didn't they act all those years ago? If the government knew, why didn't they do anything to keep our children safe? This is a case of too little too late. The government knew for years that the system was broken, and they did nothing.

In 2022 the Commissioner for Children and Young People warned the government that 'children will be abused, or continue to be abused' by people who should have been stopped from working with children if more funding was not given to the very agency that investigated inappropriate behaviour in childcare centres. The Victorian Ombudsman warned the government in 2022, again, that Victoria had the weakest working with children check system in the nation. The Ombudsman called for reforms, and the government ignored every single recommendation. They have known about these weaknesses and they have known about these issues for three years plus. The government were told exactly what would happen and exactly what they needed to do in order to better protect Victorian children, and they did nothing. They did nothing, and now the children of Victoria have had to pay the price.

Steve Dimopoulos: On a point of order, Acting Speaker, even the member for Warrandyte, despite her TikTok and Instagram following, has to be factual. And on this, everything she has said in the last 2 minutes – literally, I quote, that we have 'done nothing'– is an outrageous lie. I wonder if what I say will make it onto her social media.

The ACTING SPEAKER (Meng Heang Tak): I will rule on the point of order. There is no point of order.

Nicole WERNER: To the point of parents across my community that have contacted me in grief and dismay, can I raise a story from a family that contacted my office and have asked me to raise it in the Parliament. I wonder if Minister Dimopoulos at the table would allow for this to be read, because this is actually a truth from a family that has written to my office. It is a truth from a family who asked me to raise this issue, and I would like to read this in the house:

> Dear Ms Werner,
>
> We saw your Parliament speech about the childcare scandal, and we need your help. We are another family. We are living proof that the government's failure to act in 2020 destroyed more children's lives. If the system had listened to Goodstart's substantiated findings in 2020, if they had done their job when the perpetrator was caught grooming and kissing toddlers, he would have never been able to have touched our children. This is not our fault. This is theirs.

They spoke of their child who was three years old and their other child who was one year old. They said:

> The system made a choice to provide our children to a predator they knew was dangerous. But we did not know. Goodstart knew, the police knew, the department knew, working with children check knew – they all knew in 2020, and they let him keep working with children.

Then they detailed the changes that they saw in their children at the hands of this alleged perpetrator – with a three-year-old becoming terrified of going to the bathroom alone, who then started to make sexual comments about using his mouth, who then tried to kiss with an open mouth, and their one-

year-old, barely walking, waking screaming, becoming clingy, needing to be held constantly, with both children withdrawing into themselves. This family has asked me to raise this in our Parliament on their behalf. As of last week, when they wrote to me in August, they said:

> When the Premier called this unacceptable, this person still had his working with children check. Five years, Ms Werner, 2020 to 25. How many families …
>
> If they had acted on Goodstart's report, none of us would be here – not us, not the 2023 family, not whoever else is out there.

They wrote to me and said:

> We've spent thousands on therapy. We'll need years more. The government's response is not good enough. Ms Werner, you're not our local member, but you're the only one fighting for families like ours that we have seen. When we saw your speech, we felt seen for the first time.

They said:

> Goodstart did their job. They caught him, fired him, reported him. If the system had done its job, our children would be safe. This is not our fault. The Premier says this is unacceptable. That word does not give us back our children's innocence.

I raise it in this place today because again, in 2022, the government was warned that children will be abused or continue to be abused by people who should have been stopped from working with children if more funding was not given to the agency which investigates inappropriate behaviour in child care. We know that to be true. The Victorian Ombudsman, in a publicly tabled report, warned the government in 2022 that Victoria had the weakest working with children check system in the nation.

While we welcome these reforms on this side of the house, what we do not welcome is the delay. What we do not welcome is the lack of transparency, to read through a bill this size in less than a day. What we do not welcome is the failure to act to keep Victoria's children safe. This neglect has allowed child sex offenders to go from child care to child care, to continue abusing children, exactly as the Ombudsman told the government would happen years ago. But the government has delayed action time and time again, and the consequences have been sickening and our children have paid the price.

Today, while the government introduce these bills, I think back to July, when they opposed our policy that we took to the floor of Parliament. We called for – and they voted this down – allowing immediate action on credible information, linking the working with children check system to the Victoria Police database, maintaining suspensions during appeals, reducing working with children check validity from five years to three and mandating training in child safety, reporting obligations and abuse awareness. The government voted these changes down. They voted down this suite of reforms that would keep our children safe – not after a rapid review that did not even get followed when it said it was going to be tabled, in October. Here we are in November, acting rapidly to keep our children safe. They voted that down, and now the government is finally taking action after ignoring warnings from the experts and ignoring cries for help from families like I have raised here today. After initiating this not so rapid review, now they finally come to the floor. We will support these reforms, but they are too little too late.

John LISTER (Werribee) (16:02): As I start, I would just like to recognise the contribution by my neighbour and colleague the member for Point Cook. This issue, and particularly the events that we saw around July, hit quite hard for my community given the majority of the centres involved were across Werribee, Wyndham Vale, Point Cook and Tarneit. Every day hundreds of families across my electorate drop their children off to these early childhood centres and place a huge amount of trust in the workers there to keep their children safe. As someone who has worked with children as a schoolteacher, you always have this responsibility at the front of your mind.

The vast majority of our workers in early childhood settings have the best interests of the children they care for at the heart of what they do. However, we know there is a risk that some people target children in these settings to satisfy their twisted and horrific feelings. In my community we have seen this

manifest in the most horrific way through the alleged offending by a creep who I shall not give the satisfaction of naming here in this place. This is why I thought it was important to speak on this package of bills today that go further to protecting our children. While, yes, they are quite lengthy, and yes, there is a lot of detail in them, it does form part of a whole process that we have been following along the way here in this chamber. I stayed up until very late going through these bills, I was there at the briefings and I read through the notes, and I think it is really important that we do spend that time on such an important issue.

There are two particular parts of this collection of bills that I want to reflect on, particularly the one concerning the national law bill, and some of those concerns the member for Point Cook raised around private for-profit operators in these contexts, as well as looking at the early childhood register. We owe it to families in Werribee and Wyndham Vale who faced that horrific offending to get this right.

What families in my electorate did not want to see was the blatant politicking by an increasingly irrelevant opposition. It was irresponsible to bring a bill to this place that was half-baked and not in line with necessary national approaches, only to then have Liberal staffers, probably in a dank office in Exhibition Street, push out graphics plastering the faces of good people on this side, implying that we did not want to look after children. I got a rise out of that.

Bridget Vallence: On a point of order, Acting Speaker, the member's opportunity is not to attack the opposition but actually to speak to the contents of this bill.

The ACTING SPEAKER (Lauren Kathage): What is your point of order?

Bridget Vallence: I am coming to that. I would ask you to ask the member to come back to the bill package.

The ACTING SPEAKER (Lauren Kathage): There is no point of order.

John LISTER: I think it is particularly important, because there has been a wideranging discussion on the process behind where we get to with these three bills along the way, and unfortunately the process that we have seen from those opposite is to disparage people on this side for voting against a half-baked bill in this place, rather than wait for the review and work with our colleagues across other jurisdictions in Australia to get this right. It is despicable, that kind of behaviour, because we on this side understand –

Bridget Vallence: On a point of order, Acting Speaker, members are required to be factual, and the fact of the matter is the Ombudsman put out these issues three years ago.

The ACTING SPEAKER (Lauren Kathage): That is a matter for debate, not a point of order.

Bridget Vallence: It did not require any rapid review three years ago, and I would suggest that he is being disparaging to members within this chamber in his contribution. I would ask you to get him to come back to the bill.

The ACTING SPEAKER (Lauren Kathage): As I said, there is no point of order, and members are to be seated once they have been told there is no point of order.

John LISTER: It is particularly important every time I look at that little blue card in my pocket that says that I am a registered teacher and that I am held to those high standards of child safety, something that I take seriously not only in my role as a teacher but also in my role as a parliamentarian, because we understand that the work to further strengthen protections and worker screening requires that national approach and methodical approach – an approach that takes into account the complicated regulatory and funding frameworks of this sector, which I will go to. As teachers, we are held to high standards and registration requirements, and it makes sense – and I am getting to the bill here – to ensure other workers who have a child-facing role are also held to a high standard, beyond just the working with children check. What we are looking at with these bills builds on the work we have already done to strengthen our system. We have banned the use of personal devices in childcare

centres. Failure to comply with this can result in the cancellation of service approval. We have established a register of early childhood educators, and we are going, with one of these bills, to enhance the provisions in that register. We have commissioned that urgent review into child safety in early childhood education, and we are also, with these bills, responding to the recommendations. These bills acquit a number of those key recommendations.

I want to talk first about the idea of the Victorian Early Childhood Regulatory Authority Bill 2025. In discussing this with some people in the department and with my colleagues, it is important to remember the regulatory environment that a lot of these early childhood centres sit in and why, although we have already established an early childhood worker register, it is important to have this legislation to set out some provisions to strengthen how that register can operate. We have these foundations that we have already put in place over this year, but recent events, including the events that happened in my electorate, have made it clear we can do more to keep children safe. We have seen that it is particularly critical now to do this, as we have seen an expansion in the early childhood education and care (ECEC) sector. As the member for Point Cook put it, profit and child safety tend to mix like oil and water, and regulation, particularly when it comes to making sure the people working in these for-profit centres are registered and monitored as well, is really important. We have seen, as a result of an increase in funding in the sector, more of these centres, but we have also had the floodgates opened to private operators by the former Liberal–National government, with very little regulatory environment around it.

At the moment these services are regulated by the quality assessment and regulation division, and as I come to understand it, this really goes towards the programs that are offered there and the space that is there and not necessarily to the workers themselves. It is a little bit like saying that the Victorian Registration and Qualifications Authority, which manages schools, needs to also be responsible for the registration of teachers at those schools. We know that having a registration scheme for those employers means that it can be transferred across, and there is more of that insight to it. This particular bill is going to establish a new independent ECEC regulator called the Victorian Early Childhood Regulatory Authority and create the position of the early childhood regulator, which will report directly to the minister, which I think is particularly important when we see these cases where it requires rapid decision-making at that high level. Transferring these functions from a regulator to an independent body led by the early childhood regulator and directly accountable to the minister will ensure effective regulation in this increasingly complex system. It will also make sure that we have that register of workers, we require those private operators to submit information to that register and we create offences and penalties for not doing that.

In the time I have left I want to talk to the idea of a national approach to tackling this issue of registering workers and other issues across the sector. This bill addresses the Australian education ministers' commitment to introduce legislation to implement the recommendations of that child safety review and other national reforms. Having this national law means that we will enhance the safety, health and wellbeing of children in early childhood centres and improve the quality of education. It will lead to improvements and really fill a lot of those gaps in the regulatory environment that we have seen.

Key areas in the reform agreed to by all those ministers across jurisdictions mean that there will be a national application of a statutory duty for the safety, rights and best interests of children to be the paramount consideration for all persons involved, because we know that for-profit centres are run as businesses and there is not necessarily always that principle that the safety, rights and best interests of children are at the heart.

Something that those opposite have missed in this entire discussion is that, yes, government plays a role in this and, yes, the federal government plays a role in this, but the operators and the workers themselves also play a role when it comes to child safety. We always used to go through modules when I was teaching at school around looking at child safety policies. As you clicked through those modules and you had those discussions in your staff meetings, it was made really clear that child safety is a shared responsibility. It is also on these operators to be making sure that they are doing everything

possible, regardless of whether or not it affects their bottom line, to keep children safe. Having that statutory duty across the entire nation makes it very clear, especially as we see increased funding for these services as communities like mine grow and we need to provide more early childhood services. I commend all three lengthy but well-considered bills to the house.

Tim BULL (Gippsland East) (16:12): I want to make some comments in relation to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025, as one of these three bills we are concurrently debating. This bill merges the disability services commissioner, the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria into the new Social Services Regulator. The bill has 455 pages, and we received that bill of 455 pages and have to debate it on the same day. That is an absolute disgrace. Shame on the government for lumping it in with two other bills to be debated concurrently, when it knows we are probably going to support the other bills but have issues with this one. This is appalling and not how this place should work. Given we had no time to read the bill in full, we will consider some amendments potentially in the other place.

The Social Services Regulator, as outlined in this bill, is not what the disability sector wants. They want a standalone complaints service and have made that crystal clear in multiple pieces of correspondence to both the minister and the Premier. The Victorian state disability plan states, as one of the principles at its foundation, 'nothing about us without us'. Well, I ask the Minister for Disability: what happened here? Yes, there were a couple of meetings. The disability sector raised its concerns very clearly but was ignored, and this government has pushed on to put this structure in place without support. How is this possibly listening? How does that align with 'nothing about us without us'? This proves it is simply a slogan and nothing that this minister and government live by.

Disability Advocacy Victoria and Disabled People's Organisations Victoria, which represent a very large cohort of disability groups – over 20, I believe – made their wishes very clear. They said they had not been consulted – so much for 'nothing about us without us'. They made it very clear that they did not want the regulator – the oversight agency – absorbed into the Social Services Regulator.

They wanted a standalone disability complaints service, not something lost in a bigger umbrella group. When the royal commission recommendations were released, this is what the government said:

> The Victorian Government welcomes the opportunity to work closely with people with disability throughout the implementation of our response to the recommendations of the Disability Royal Commission.

You have not worked with them and you have not listened. They are not my words, they are the words of the sector.

This is the second try we have had at this. First off, we had this incompetent minister last year introduce the Disability and Social Services Regulation Amendment Bill 2024. Embarrassingly, having got it so wrong, the minister had it sitting between houses for over a year and then withdrew it just a few sitting weeks ago. However, while it was sitting between houses I got all the correspondence, the minister got all the correspondence and the Premier got all the correspondence pleading with the government to listen – that they did not want an overarching regulator, they wanted a standalone service. Not only that but none of these disability groups were invited to sit in on the government's taskforce – not one. The taskforce looking at restructuring the disability sector oversights contained nobody from the disability sector – incredible. Let us consider for a moment the relevant royal commission recommendation. It is recommendation 11.3, and it is to:

> … establish or maintain an independent 'one-stop shop' complaint reporting, referral and support mechanism to receive reports of violence, abuse, neglect and exploitation of people with disability.

This implies a standalone entity. It does not recommend merging the complaints service into a bigger umbrella entity. The royal commission went on to state, and have a listen to this:

> The mechanism should be co-designed with people with disability …

What the hell happened? This did not occur. We asked in the bill briefing the last time around what disability groups were consulted with. I think the answer we got was the Victorian Council of Social Service. No actual groups representing the disability sector or people with a disability were included on the taskforce, and the vast majority of them were not widely consulted. The royal commission also said:

> The mechanism should be placed … within an existing independent organisation which has appropriate expertise and relationships with services to perform its functions.

This is not occurring. The disability minister is ignoring the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Disability Advocacy Victoria and Disabled People's Organisations Australia have both said in follow-up letters to the minister and the Premier, which I was cc'd into, noting that Disability Advocacy Victoria is the peak body for independent disability advocacy organisations in Victoria:

> We restate once again that what the disability community requires is a stand-alone disability focused regulator led by people with disabilities, in line with the relevant recommendations of the Disability Royal Commission.

That correspondence also said:

> The disability community/disability advocacy community … is united in their perspective … that the proposal to incorporate disability specific regulators into the Social Services Regulator is both destructive and harmful …

Let us just have a think about that. Two overarching umbrella groups that represent more than 20 disability organisations say to the minister and say to the Premier that this structure they are putting in place is destructive and harmful to the disability sector, and the minister does not respond and forges on with that same program but will stand up when we have a disability function in Queen's Hall and say, 'Nothing about us without us.' What a load of rubbish, speaking with a forked tongue.

If you are going to say, 'Nothing about us without us,' consult properly with the disability sector. Twenty groups not spoken to – hopeless. There is no evidence that a super-regulator will be able to effectively protect people with disabilities in Victoria. In the long second-reading speech, which I just read before coming into the chamber, it does not say in any passage that there has been broad consultation with the disability sector. The reason it says there has been no broad consultation with the disability sector is because it did not occur; it is as simple as that. It does not say in the second-reading speech that the structure has the broad support of the disability sector. There is a reason for that: it does not.

The correspondence, co-signed by two organisations that represent more than 20 groups, says they do not want this. They have made it crystal clear over more than 12 months that they do not want this. I met with a number of these groups over the past 12 months, and they said to me that if they could just talk to the minister and get their own specific shopfront, agency or office they could go to that primarily dealt with only complaints to the disability sector, they would be happy. And I said surely the minister would accept that. And they said, 'Well, we can't get in the door to have a discussion – will not talk to us.' Nothing about us without us, but you cannot talk to the minister – go figure how that works.

This bill should not be debated within 24 hours of it coming into this chamber. This bill should not be debated concurrently with two other bills that this government knows we will support because they do make improvements to child protection and childhood safety that all in this chamber, I am sure, would strongly support. But we have being concurrently debated this bill that puts forth a reform the sector does not want and protects a hopeless minister who has not spoken to the disability sector and has not listened to or answered their concerns in relation to this structure that is being put in place. Now, we will be having some discussions with the crossbench between houses to see what avenues are available to us, but the fact that we are having to do this so quickly and in such a rushed situation is just a shame on this government.

Iwan WALTERS (Greenvale) (16:22): That contribution was long on emotion but deeply, deeply short on fact, and to suggest that the Minister for Disability or indeed her office have not been consulting exhaustively with the disability sector in the context of the reforms contained within these bills and particularly the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 is simply untrue and a profound mischaracterisation of the process that has led to this bill coming to this place. One of the reasons I know that is that I have been involved deeply and intimately in those consultations myself. As the former co-chair of the Social Services Regulation Taskforce I worked closely with National Disability Services and other disability stakeholders through that prism as well as a multitude of stakeholders through very regular consultations about the proposals in this form and previous forms but also the effective regulation of disability services in Victoria more broadly.

As the Shadow Minister for Disability, Ageing, Carers and Volunteers said, there has been some concern in the community about the nature of regulation – whether it is fit for purpose and whether people with a disability in this state know where to go if they have a concern or a complaint – and the reality is that the feedback to me through that consultation has been very clear that they do not. That was also the conclusion of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. It was also the conclusion in fact of the rapid review looking at the way in which children engage with government services and regulators. At the moment, we have a circumstance in which we have regulators with the word 'disability' in their name – the Victorian Disability Worker Commission and the disability services commissioner – but the remit of those is very limited. The Victorian Disability Worker Commission regulates disability workers on a voluntary basis, in effect – workers who have voluntarily registered to be within the orbit of that regulator. But the number of workers who have done that in this state is very small as a proportion of all of those who work in the disability space. Therefore, by definition, its capacity to regulate and to respond to complaints is limited. Much of the disability services commissioner's role has been, in effect, superseded and absorbed as a consequence of the growth of the NDIS and services which were formerly within its umbrella having been transplanted to the NDIS, Commonwealth regulation and NDIS regulation, leaving only a very few forms of services – forensic disability and others – within the orbit.

So we have a circumstance where we do have regulators but their remit is limited. It has also changed. It is not, as it stands, fit for purpose. It is not clear for a Victorian with disability where they should go if they have a concern or a complaint. And we know – Acting Speaker Kathage, your own contributions in this place make it very clear – that notwithstanding the work of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, there are too many instances of abuse of Victorians with disability and others with a disability in our country. And there must be no wrong door. There must be no wrong door for those who are at risk of abuse or have experienced harm and abuse in the context of their care. It is imperative that there is clarity for consumers and those involved in service delivery and experiencing service delivery but also for our society more broadly and for a regulator to be empowered to have clarity, to have access to the right information and to be resourced to do the job.

Yes, I understand, and I have heard very loudly and clearly in the consultation that I have had and I know the minister has had, there is some concern in the community about the perceived loss of disability sector specialisation arising from merging disability oversight bodies into a broad-based regulator, but there will remain an enormous focus on disability within the Social Services Regulator (SSR). There will be no diminution of the focus on disability in the context of the system that these bills seek to create. An additional associate regulator role is being established in legislation, and these roles are flexible to enable the regulator and the system to adapt to sector needs.

I will return to these issues later in my contribution, but I did want to take exception to some of the things which the shadow minister put about in his speech at the start to suggest that there had not been consultation, to suggest that there was a uniform position among the disability community about what

the government and what the minister have been proposing. I also do understand that Disability Advocacy Victoria chose not to engage in a consultation process, as is entirely their right, but to suggest that there was not that opportunity I do not think is a correct representation of what occurred.

On that note, the disability dimensions of these bills are incredibly important, specifically the disability dimensions of the social services regulation amendment. Others have spoken at length about why we have got to this place and the need to react rapidly to preserve the safety of children. As you, Acting Speaker Kathage, said and as others have said, nothing is more important in our community and our society. The rapid review made 22 recommendations for improved child safety in response to utterly abhorrent revelations and allegations earlier in the year. We want to see children safer across all settings, and children with a disability are a particularly vulnerable cohort, both in registered social services and in schools and early education. They deserve to be safe. They deserve and their families deserve to know where to go and to whom they should raise complaints and concerns when issues do arise. A fragmented system in which there is a lack of information sharing does them a disservice, and I think it is something that this Parliament needs to correct through the legislative proposals on the table.

I will not dwell upon all of the bills individually. Suffice to say that the social services regulation amendment transfers responsibility for the working with children checks, the reportable conduct scheme that currently is with the Commission for Children and Young People and the child safe standards to the SSR. It makes changes to the working with children check and the reportable conduct scheme as recommended by that Weatherill rapid child safety review, and it merges disability oversight bodies, including worker regulation functions, into the Social Services Regulator. The national law has been well described by others, and I will not dwell upon it here, but it is an important legislative change that gives effect to the things we know need to happen to keep children safe. We also will be establishing the Victorian Early Childhood Regulatory Authority (VECRA).

The ultimate intent of all of this is to improve the focus, efficiency and effectiveness of regulation. Regulator roles, once these bills are enacted, will see the SSR take charge of the regulation of social services, working with children checks, the reportable conduct scheme and overarching child safe standards, as well as disability oversight and worker regulation, making it clear for Victorians with a disability and their families that the SSR is the port of call and that there will be a very strong, specific focus on disability within that regulator. VECRA of course will take charge of regulation of early childhood education and care services, the early childhood worker register and the ECEC sector regulation of child safe standards, crucially with extensive sharing of information between the two. Collectively, the three bills will work together to strengthen information sharing, allowing for immediate action to be taken based on a broader range of information to provide more regulatory tools and actions for regulators.

The SSR amendment bill, as I have said, substantially amends the Disability Service Safeguards Act 2018, with extremely good reason, and seeks to consolidate disability oversight functions in the Social Services Regulator. Similar to the early childhood sector, the location of different responsibilities and different sources of information in the disability oversight area leads to the risk and has led to the reality that no one agency has a holistic focus on consistent protections and safeguards for children and adults in high-risk settings. We know many locations of delivery, such as specialist disability accommodation, day services and all of the breadth of services that Victorians with disability may rely upon, are high-risk. We have seen it through the royal commission, and we have heard about it in the context of Ann Marie Smith in South Australia, who I have spoken about previously. These are not abstract risks, they are real. They require better information sharing and a dedicated focus within a regulator that works and that has an expansive focus. That is what the SSR has. I have been on that taskforce. I have chaired that taskforce. I have seen the deep consultation that this government has had with community, with organisations providing valuable services across our community and with people with disability and their advocates in our society. I know that there are differences of opinion. There are concerns about the risk that the loss of some regulators which

currently exist will mean a diminution of focus on disability. That is not true. I am here to rebut the contribution of the member previously. The focus on disability within the SSR will be paramount. It will be strong, it will be clear and it will provide a resource for Victorians with a disability.

Ellen SANDELL (Melbourne) (16:32): On behalf of the Greens, I rise to speak on the government's legislative response to the rapid child safety review and the bills that it has put forward as an urgent matter. Currently early childhood education and care is in crisis, and we have seen that play out in our communities in the most horrific way with the recent allegations that came to light of childhood abuse in the sector, but we know that the sector had been in crisis for a time before that. These bills come to this Parliament following the really important work by New South Wales Greens MP Abigail Boyd, who uncovered serious regulatory failures and alarming rates of harm in the early childhood care sector in New South Wales, which led to the ABC investigation which blew this whole thing open.

Following her incredible work and those revelations, the Victorian Greens and our spokesperson in the other place Anasina Gray-Barberio acted swiftly, requesting that the Victorian state Labor government produce the same documents here that were provided by the New South Wales government to their Parliament and to the New South Wales Greens. We asked for the same documents – documents that showed the extent of harm and abuse happening in our childcare system. But to date the Victorian state Labor government, nearly six months later, has not produced a single document here in Victoria – not one document. It really beggars belief, and I think it is quite shameful. It means that the state Labor government is leaving tens of thousands of Victorian parents with kids in child care, including me – I have kids in child care right now – completely in the dark about the true scale of the harm that is happening in the early childhood education sector. All we are asking for is the same level of transparency that the people of New South Wales have been afforded.

While the Greens pushed – this was before some of the allegations came out – what the Greens were pushing for was basic transparency for parents. Then these horrific reports of child sexual abuse across Melbourne childcare centres came out in the news. These were every parent's worst nightmares come to bear, and it was exactly the situation that we were warning could happen.

My own kids are in child care. I have had three kids go through child care, and I am so fortunate to have been able to place them in a wonderful little centre in my neighbourhood, a co-op that is overseen by a volunteer parent board, a non-profit centre. There are incredible, incredible educators there, some of whom have been there for many years, if not decades, and I absolutely could not do this job without them. That is very clear. But many parents in my electorate, particularly those in Kensington, were absolutely shocked when the horrific allegations against Joshua Brown came to light because he had worked – for a very short time, thankfully – at a centre in our neighbourhood. That, I think, sent an absolute chill through every single parent who had kids at that centre or other centres where he had worked.

The thing is that this is urgent. This does need to be addressed, but these bills are coming to us after governments have ignored dire warnings for years and years, in particular from the commissioner for children and young people, and there is a lack of resources and holes in the child protection and working with children schemes that have existed that the government has been warned would lead to child abuse. There have been years of these warnings. Almost three years ago to the day the commissioner explicitly warned the government that children would be abused or continue to be abused by a person who would have otherwise been prevented from working with children as a result of the current scheme. So the state Labor government was explicitly and very publicly warned that children would be abused or would continue to be abused in childcare centres if something was not done. That was three years ago. And what did the state Labor government do in response to these repeated and increasingly dire warnings? Very, very little. For three years those warnings were ignored and action was not taken, which begs the question: what has the government been doing for three years? If they say that protecting our children is a highest order priority, why hasn't action been taken in the last three years on these warnings? Labor sat on their hands until it was too late, and

unfortunately the dire warnings of the children's commissioner played out in the most horrific fashion across our news media. It is horrific to think that potentially they could have been prevented. We do not think it is acceptable to wait three years to act on these dire repeated warnings of systemic child abuse.

Once the issue hit a political crisis moment in the media – and I think the state Labor government realised that they were very late to the party and that they were very exposed now, having not acted for three years – there was a political and media crisis. And what did the state Labor government do? They did what they are very good at doing, which was to announce a review – a rapid review, in fact, is what they called it at the time. This urgent legislation that has come before us, we have been told, is responding to some of the recommendations in that so-called rapid review. But the thing is this morning we were given this document with these bills responding to this review and they are a thousand pages long. They are reforms to child safety standards, the working with children check scheme and also to areas of disability regulation and oversight. Labor has waited three years to act, and now we get a 1000-page bill that we are supposed to deal with in one week and that nobody had seen until this morning. It is pretty remarkable, actually. And because the sector has not had time to look at the bill, other members of Parliament have not had time and stakeholders have not had time, we are being asked to rush through a bill that is urgent, in one week, when the government has had three years to act. It just means that this bill will be much less considered and effective than it would be if it had proper scrutiny and oversight. And because we have only had a couple of hours with this bill, it means that I can really only comment generally on the details that I have seen of the bill, because we have not had a chance to read all the thousand pages yet.

The Greens have been calling for a strong, well-funded and independent agency with real power to investigate abuse, audit childcare centres and hold the sector and the government accountable. Instead the changes appear, as far as I have seen, to be quite superficial. This government has simply renamed the quality assessment and regulation division, the current regulatory body, and shifted it from sitting within the Department of Education to sitting outside of it. It appears it will have the same staff and the same workload and will be accountable to the same minister. So we are giving a new name to the regulator, but what good is a new name if the same government will continue to ignore its warnings and the system is not fundamentally changed to put the protection of children at its heart and have effective tools and teeth to do that?

It brings us back to what is really at the heart of the problem here: years of chronic underfunding and underprioritisation by governments of the early childhood education sector. As far as I can see, there are no minimum legislative requirements forcing the government to adequately resource the regulator for it to be effective in monitoring childcare centres or any legislated minimum benchmarks for inspection and compliance checks of centres. It seems that the regulator may proactively release information such as detailed compliance reports and allegations in childcare centres, but it is not mandatory under the act.

Victorian parents do deserve full transparency. This is about the safety of our children. We have the right to know what is happening in centres, what risks exist, what allegations have been made and what steps are being taken to protect children, and without that openness, trust in the system right now is really broken, and we want it to improve. We want that trust to be rebuilt, but that needs to be done properly.

The bill fundamentally also fails to address the true causes of why we are here today, which is that the for-profit model of child care is broken and it fundamentally does not work. Good governance and an emphasis on child safety, all of which cost money, seem to be mutually exclusive with profit-making. Providers can literally profit from cutting corners on child safety and from cutting corners when it comes to sufficiently resourcing educators. And then we have the commercial childcare landlords, where rent for these properties is often calculated per child, meaning that they are trying to jam as many children in as possible, treating each child like a dollar sign, not a person. When we are turning the care of children into a commodity in this way, exploitation and neglect thrive. When profit is the

motive, exploitation and neglect thrive, and when market forces dominate, non-profit and community-run centres that put children first are pushed aside or shut down in favour of these for-profit providers, who try and do things as cheaply as possible to make the most profit.

G8 is the nation's largest ASX-listed early childcare company, operating more than 400 centres across Australia under more than 20 brands. In 2024, last year, G8 reported a net profit of more than $67 million from revenue exceeding $1 billion. I do not think that is okay. I do not know if anyone else in this place thinks that is okay. I do not think it is okay for these huge often overseas corporations to be making these kinds of profits off our children and having a profit motive that is driving down standards of care and putting safety at risk. Some of the G8 centres charge families around $170 a day, or more than $850 a week, yet it appears from all of the reports that we have seen that the most profitable centres – the ones that are for profit, that are giving dividends to their shareholders – are also the ones that are most frequently not meeting national quality standards and where we are seeing repeated reports of neglect and physical and sexual abuse.

This keeps happening, so something is fundamentally wrong with the way that the sector is set up in the first place – not just the way that it is regulated but the way it is fundamentally set up. We need systemic change, not just legislative bandaids to try and make a political problem go away. We actually want to fix the problem, and I hope everyone would agree with me. I think we need a public universal childcare system. We would never accept in this state or this country big overseas for-profit corporations running our primary schools. We just would not. We would not accept that, so why do governments of both stripes accept this for early childhood education? These are the same kids. We know that so much – I think it is 90 per cent – of a child's brain is developed before the age of five, and early childhood care is some of the most important care that our children get, yet we are happy to outsource it to big overseas for-profit corporations. I just do not think that that is right.

I want to talk a little bit about one other provision in the bill that the Greens are worried about. It looks like, from having had a look at the bill, Labor have also taken the opportunity – which they say is the response to the rapid review, which they say is urgent to fix the crisis in our childcare system – to take this bill and put in a section that removes dedicated oversight of disability service providers, including abolishing the disability services commissioner. The Greens have opposed this in similar legislation that has come before us. It looks on the face of it like they are the same reforms which Labor were previously unable to get support for through Parliament – we will take a closer look at that. But I think it is pretty awful form if Labor uses this urgent childcare bill to try and tack on and ram through changes to disability sector regulation and oversight and try and hide that under the guise of acting on the crisis in the childcare sector. I think that would be very cynical and a very disingenuous move from Labor, and I am sure that disability service providers and stakeholders would not appreciate it. I am sure that the disabled community here in Victoria would not appreciate it, and if this is what has happened in this bill, what a disrespectful way to treat the disabled community. We heard a government speaker before me say that the government thinks these changes are very much necessary. But if that is the case and the Labor government actually believe that, why have Labor hidden them in the middle of a bill that they say is about addressing the urgent need in the childcare sector? That just seems very tricky. It seems disingenuous and it seems disrespectful, and it makes me wonder what Labor are playing at and whether they have any intention of actually fixing the problems here or whether they are just using this as a political moment to get through a bill that they could not get through otherwise and sideline the disabled community here in Victoria.

We will be having some talks about that to try and fix what I think is a pretty egregious act, and we will spend some time – the little time we have over the next week – wading through the thousand-page bill. We will continue the conversations with the government. I thank the minister's office for the briefing that we received yesterday, but there are more conversations that will need to be had. We in the Greens will continue to push for reforms that actually strengthen our childcare sector. We want reforms that are fair, that are carefully planned and that are shaped by the people who know the system best and have our kids' education and safety as their top priority, that actually require full transparency

from regulators and governments and centres that place children's safety over company profits. We will continue to push for a free public universal childcare system that actually looks after our kids and sees them as humans, not as objects that they can make profit from.

Daniela DE MARTINO (Monbulk) (16:49): There is much to be said here today about the three bills that have been put before the house and are being dealt with in cognate: the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025, the Early Childhood Legislation Amendment (Child Safety) Bill 2025 and the Victorian Early Childhood Regulatory Authority Bill 2025. These are all very important bills, and they are tackling an issue which is at the heart of all good societies.

The intention of us all, basically, is that we treat and take care of the most vulnerable in our society as well as we can, and as a government that is what we seek to do as well when other systems sometimes fail. Nothing was more upsetting, I do not think, than hearing the allegations, and they have been traversed in here. There has been much said in the media, and I really do not want to go into the details of them, because taking a trauma-informed approach, I would like to avoid going back over and covering that. But suffice to say, and I have said it in here before, we all had a very visceral response when we heard about those allegations, and communities across the state of Victoria felt it very deeply, none more so than the families of the children who had been abused. There were a multitude of parents out there who were in fear that their child had been as well, so there was trauma for those involved. For all of us who have had children or know children or who have loved children, there is nothing more horrendous than the thought of harm being done to them.

As a result we did conduct or instigate the rapid review, and the result of that only a few months later is some significant pieces of legislation which we deal with here today. At the heart of them is trying to ensure that the systems not just here in Victoria but also nationally are bolstered and are enhanced and give power to regulators to ensure that this just simply does not occur again. That rapid child safety review, which was led by Jay Weatherill AO and Pamela White PSM, delivered 22 recommendations to strengthen child safety in early childhood education and care (ECEC) settings. As a government, we accepted every single recommendation and committed to implementing them in full, and these bills deliver the legislative recommendations within the remit of our Victorian government. We are leading the nation with the Education and Care Services National Law Amendment Bill 2017 as well. I am very proud that we are doing that and that we are the host legislature doing that work.

I want to pick up on the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 before I discuss some of the other elements here, and I note 10 minutes is not enough time for all the things I do want to go to and say. But I want to just look at the consolidation of disability entities and the establishment of a complaints function to ensure a more efficient safeguarding framework for children and adults with disability and people accessing social services. There is a real need for this to occur. According to the 2024–25 disability services commission annual report, the commission received a total of 69 new complaints in that year. This is the concerning part: of the 69 new complaints, only seven were assessed as being in scope. Sixty-two were assessed as out of scope, which means 90 per cent of the complaints made to them had to be referred elsewhere, including to the NDIS Quality and Safeguards Commission and the Social Services Regulator. The VDWC, the Victorian Disability Worker Commission, has also reported that a significant number of matters need to be referred elsewhere. That is absolutely indicative of confusion. That is what this bill seeks to remedy. We want to be able to provide disability service users with a straightforward system where issues can be dealt with under one roof. It is hard enough when you are in a situation that you need to make a complaint. When you get to a point that you need to actually raise a complaint about the treatment of someone with disability and things are already difficult for you, to then go down a pathway and be told, 'Sorry, we can't assist you here; you need to go somewhere else' adds and compounds to the trauma for those people in the first instance. So to deal with that, which this bill seeks to do, is incredibly important.

The Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill is generated out of recommendation 8.1 of the review, which also noted that children in out-of-home care settings and with disability may be more vulnerable, and it is incredibly important that we focus on this too. This bill establishes that common foundation across social services so that all children have the same oversight and therefore are afforded all of the protections. That is incredibly important, and I really want to just highlight once again that statistic, that out of 69 new complaints made to the disability services commission only seven were in scope – a sobering one indeed. That in and of itself speaks to the importance of passing this bill here before us today.

On the package, the other two bills, I want to just quickly touch on some of the other elements amongst those, noting that there are only a few minutes left on the clock. The Victorian Early Childhood Regulatory Authority Bill 2025, the VECRA bill, is establishing a new independent regulator to oversee early childhood and education services under the national law and the Children's Services Act 1996. VECRA will also maintain a Victorian early childhood worker register, which is designed to align with the future national register, and that is incredibly important. I was listening to the member for Werribee before talking about his Victorian Institute of Teaching registration. I too am VIT registered, but my card is no longer blue. It is a glaring red, which means I am non-practising. However, I still have my national criminal history record check done on the five-yearly cycle, and that is such a high standard, that check. It is national, and that is important. As the member for Werribee was talking about, we understand the importance of that national overview, so I do think that the more here that we can develop through a national lens, the better for all involved. It is incredibly important, and child care is regulated – it generally sits within the federal domain, but we are doing our bit here in Victoria to ensure that Victorian children are in settings which are safer for them.

I do want to say, though – and I should have mentioned this earlier – I want to express my thanks to the early childhood educators who work so hard to take care of our children. My children were in early childhood education settings too, when I was working and they were younger, and those educators there were fantastic. They did so much good work with my children, and we were so thrilled that we had them as an option and I was able to get back into the workforce too. I do want to just acknowledge that, because I know that everything that occurred really affected the wonderful workers in that sector too. So I just want to thank them for the work that they do, because they are the vast majority out there.

The VECRA bill, which I was just touching on, responds directly to recommendation 9 of the rapid review, and that is the establishment of an independent ECEC regulator. Up until now ECEC services have been regulated by the quality assessment and regulation division within the Department of Education, and that arrangement has actually created potential conflicts of interest, as the department has been both regulator and operator of services. That is what VECRA will change. It will be a standalone authority, led by an early childhood regulator, reporting directly to the Minister for Children. VECRA will regulate ECEC services under the national law and Children's Services Act and act as the integrated sector regulator for the child safe standards, and it will maintain the Victorian early childhood worker register, requiring providers to submit worker information and creating offences for noncompliance or misuse of data. I think that is critical. The register is absolutely critical. It will allow VECRA to track where individuals have worked. It is going to close dangerous loopholes, and it is going to share information with the Social Services Regulator to join up all those breadcrumbs of risk intelligence.

I think strengthening the working with children check is also a very important element of the Social Services Regulator bill. It needs a major overhaul, and this is what this will do. It is going to allow a broader range of information, including unsubstantiated allegations and Victoria Police intelligence, to inform working with children check decisions.

I just want to quickly note, with the few seconds on the clock, that the opposition's bill was most concerned with giving regulators the ability to move quickly where there is a suspicion of risk, but critically, our work here in this bill has introduced the sharing of information for those decisions to be made. You cannot make a rapid decision in a vacuum of information. That information has to be at

your fingertips in order for you to then make a rapid decision, and that is what this legislation does – the legislation put up earlier by the opposition had not actually gone to that. So that is a key difference, and I commend the bills to the house.

Brad ROWSWELL (Sandringham) (16:59): I also rise to address a suite of three bills which are being debated concurrently principally related to the safety of some of our most vulnerable Victorians. I know that there have been for some time serious concerns about child safety and workforce matters within the early childhood education and care sector in Victoria. I further note that this came to a head in the middle of this year when a childcare worker in Victoria who had worked across 20 childcare centres around Melbourne was charged with more than 70 offences related to sexual assault and producing child abuse material.

I would like to commence by thanking those Victorians who are darn dedicated – those early childhood workers and educators who give of their selves and their expertise and who nurture our most vulnerable, who assist children to be their very best to learn and to grow in, not arguably but factually, the most formative time of their lives and who help parents to have an assurance that their children are being looked after while those parents are, given the economic state that we face at the minute, most often off at work earning a crust and providing for themselves and for their families. I want to say at the outset just how grateful I am, and I believe the alternative government here in Victoria is, for the work of early childhood workers and educators.

The second thing I would like to note is, frankly, the size of the bills. It is unparliamentary to draw attention to props, which I most certainly will not do. But I do hold those bills in my hands at the minute, and there are a lot of pages; there are a lot of words. There are a lot of reforms being proposed by the government in these bills, some of which the opposition – the alternative government – and some of the crossbench only received yesterday afternoon or yesterday evening. I think that that is a very unfortunate circumstance, and the contribution from the member for Gippsland East in this matter is noteworthy. The member for Gippsland East drew attention to the fact that he has concerns with the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 specifically in relation to the disability sector, specifically in relation to the consultation, or the lack of consultation, that the member for Gippsland East, who is also the Shadow Minister for Disability, Ageing, Carers and Volunteers, has had with the government's efforts in that regard. I also note the response in the contribution from the member for Greenvale, who provided an alternative view to the member for Gippsland East. But I also think that when the government rushes such detailed legislation to this place – late, I might add, because this was promised to be delivered last month in October and it is now November 2025. Specifically in relation to this bill, the social services regulation amendment bill, it goes to quite literally hundreds of pages. I would propose recycling this bill by using it as a weight to keep a door open – a very heavy door, for that matter – at some point in the future, such is the weight of the pages of that bill and no doubt the complexity of the nature of that bill as well.

I think it is also important to draw the house's attention to just some of the timeline that has led us here. In 2018 complaints to the quality and regulatory division about childcare provisions began to increase. Indeed from 2018 to 2023 complaints rose by some 45 per cent, while enforcement actions declined by 67 per cent. In 2018 there was one enforcement action for every 20 complaints. In 2020 a childcare educator was dismissed from a childcare centre for sexual misconduct after an internal investigation found he had been grooming and kissing toddlers. Despite this, the educator's working with children check remained active, allowing him to continue working in child care. The government's own regulator did not issue a prohibition notice to prevent him from working until 2024. In 2021 Ronald Marks was arrested for possessing nearly 1000 child abuse images. Despite the arrest, he retained a valid working with children check for four years after he was arrested. This allowed him to continue entering childcare centres and kindergartens. In 2022 the Victorian Ombudsman released findings warning the government that Victoria's working with children check system was among the weakest in the nation.

The Ombudsman recommended several reforms, including allowing the regulator to act on credible risk information without requiring a conviction or charge, permitting the secretary of the department to access and consider any relevant information to determine suitability and ensuring suspensions remain in force until appeals are resolved. The government did not respond to these recommendations in 2023. By this year enforcement actions by the regulator had dropped to one per 88 complaints, indicating a severe decline in regulatory response compared to 2018. In 2024 the regulator finally issued a prohibition notice against an educator dismissed in 2020 for sexual misconduct. However, the individual's working with children check remained active until at least August 2025.

In July 2025 childcare worker Joshua Brown was charged with more than 70 offences, including sexual assault and producing child abuse material relating to allegations involving eight alleged victims. The government introduced new regulations in response to these shocking allegations. In early August 2025 the Australian Broadcasting Corporation, a journalistic organisation, reported that the educator dismissed in 2020 still held a valid working with children check despite being prohibited from working with children.

In mid-2025, before August, the government launched their rapid review into child safety following public and media pressure. In August 2025 the Liberals and the Nationals, Victoria's alternative government, introduced their own Worker Screening Amendment (Safety of Children) Bill 2025. This bill proposed reforms based on the Ombudsman's 2022 recommendations, including allowing immediate action on credible information, linking the working with children check system to the Victoria Police database, maintaining suspensions during appeals, reducing working with children check validity from five years to three and mandating training in child safety, reporting obligations and abuse awareness. The Allan Labor government and members of the government in this house on the occasion of the introduction of the coalition's bill voted that bill down. In October 2025 the government missed its own deadline in response to the rapid review, which identified, for example, the provision of this legislation that we are discussing now to the Parliament. And here we are in November 2025 considering the government's bill.

Throughout this process, throughout these many years, where there have been issues uncovered and exposed, whether it be through the interrogation of government ministers, whether it be through the FOI process, whether it be through committee reports or whether it be through the Ombudsman's consideration of these very, very important matters, the government have maintained that they have full confidence in the regulator. The government have maintained throughout that entire process that they have full confidence in the regulator. Riddle me this: why have the government outlined in their briefing to the opposition a $45 million investment in these reforms, including 100 new staff and including 60 new compliance officers for the new Victorian Early Childhood Regulatory Authority? If everything is so hunky-dory, if everything is just going so swimmingly well, if everything is pointed in the direction of doing what this government should have been bloody doing for as long as this has been an issue and has been identified as an issue, why have the government been backing in their regulator? And now, after media pressure, after report after report, after pressure from the opposition, the government finally acknowledges that the system is stuffed and that it needs serious reform and serious investment. Why has it taken children to be vulnerable, children to be put in positions where they are vulnerable, children to be put in positions not just where they are vulnerable but where they are abused and where they are exploited? Why has it come to that? Shame on this government. Shame on this government for not doing more earlier. If there is one obligation of any government, it is to protect our most vulnerable. By all accounts, up until this point, this government has well and truly failed, and Victorians know it.

The ACTING SPEAKER (Wayne Farnham): Before I call the next speaker I would like to acknowledge a former member for Narracan in the gallery, Ian Maxfield. And I remind members not to punch up the furniture. The furniture has not done anything to you.

Tim RICHARDSON (Mordialloc) (17:09): If only you could measure the weight of bill books or the theatrics in actually getting law reform through; if only that was the measure of success. I am still

trying to figure out what the narrative was there, other than 'Government bad. We're good. Politicisation again,' because, as the member for Werribee said, at a crisis point that united the federal parliamentary system in reform, the national laws into urgency and the mostly collaborative response in the national law reform that we saw in Canberra, we have not seen that kind of approach here. We saw an evening where members were accused of being complicit in child sex offences on the social media of the Leader of the Opposition's political party. That was played out and is something that should be substantially above the gutter and trawling nature of the politics that we see of those opposite.

When we think about shame in crises that we have, Victorians are dealt a disservice when that kind of politicisation, an approach that is unbecoming of this Parliament, is the approach that we see, particularly when we see the trauma of those who will now carry the visceral impact of being victims and victim-survivors of child sex offences into the future. Their families, those that love and care for those children, will live with this forever. We see this all the time in the prevention of family violence – and the Minister for Prevention of Family Violence is at the table – and the intersection with sexual violence: attempts to go down that horrific path of politicisation. As the member for Sandringham said, remember the bill they brought forward was very rushed and half-baked. Those opposite are now criticising the level and weight, literally, of the bill that undernotes the substantial complexity of law reform in this space. So I just caution people; the way that they approach such serious content in this house requires sensitivity because we are speaking about the most vulnerable Victorians, who are victim-survivors now, and we should do them a service in elevating our approach and our response.

People will viscerally go back to the moment when this first burst into the media. I think we were in Parliament at the time. There was a response from the federal minister at the time, because this was cross-jurisdictional and across states and territories. There was the vulnerability of anyone that has got a child or been a mentor to or guardian of a child, not knowing in that moment whether their children might have been impacted. There were childcare services some members of Parliament in this place knew were are under the same management and operation as those organisations. You go to that moment and the vulnerability that you feel when you hand over your little one for the day and you hope that everything will be all right.

We have to confront that there are some of the worst elements of humanity that live amongst us in Victoria. We got close to this when we saw the apology to people impacted by child sex offences and reforms. It is mind-blowing, the scale of people who are a risk to our children. The scale of it is overwhelming, and it is incidental that we found this out through police investigation. And so the primary prevention and intervention here have to be through the regulations and agencies, to have eyes and ears on people and to make sure that we have the most stringent protections available. This is what the rapid review does. It provides a significant blueprint for reform and the overhaul of the working with children check.

I acknowledge the substantial amount of work that has been done by ministers, and the leadership of the Premier, to bring this legislation here today and to get it to this point. We acknowledge those that have been impacted and hope that, in processing their trauma and impact in the future, this provides some level of reassurance of prevention of these instances in the future and assurance that we will support those families going forward as well.

It is important as well in the context of the conversations around disability support, and we know the streamlining of this is really important. Rapid review recommendation 8.1 goes to the proposals related to disability safeguards and creating common foundations across social services and disability settings. We have seen some of the most horrific things uncovered in the treatment of people with disability and then also in the aged care reforms.

There are horrific people in our community who will do anything to exploit the vulnerabilities of systems and impact on people who are vulnerable in our community. The rapid review acknowledged that perpetrators exploit system loopholes and administrative gaps to target vulnerable people. We

must acknowledge the system changes that we need to make and the commonality that we find in vulnerability across other sectors, and equally as vulnerable and concerning is the disability sector. We have seen some of the common foundations: alignment of worker prohibition schemes, prohibiting of workers through the regulator, complaints alignment of management and NDIS worker screening moving into the Social Services Regulator space. This is a critical alignment. It goes to the rapid review. It needs to be acknowledged, and it needs to be responded to. We cannot waste a moment when vulnerable Victorians and their families, the people that they care about and love, and their communities rely heavily on government and the regulators to be in that space going forward.

I really want to also call out the establishment of the Victorian Early Childhood Regulatory Authority. Establishing that new independent regulator is really critical as well. We need to ensure that there is trust and confidence across the sector, because there is still a significant amount of vulnerability and trepidation from families and communities right now. We want to be assured that when there are concerns in the early childhood sector or in the disability sector that people are held to account, there is a prompt response and there is always a cautious and caring approach to that that has the interests of our kids at the forefront of everything we do. There is nothing more paramount than that.

Across the nation we see the national law reforms, and I want to touch on that as well. It is a significant effort in such a crisis setting to then unify six states and two territories in a response like that. I want to also call out the national response that has been led by the federal minister Jason Clare and his team and department as well. To deploy this within this year is a substantial response. It requires a lot of effort and a lot of coordination across ministers and departments to get this right and make sure that it lands and is fit for purpose into the future as well. These reforms across these multiple bills and the national law reform rules that have been put forward are critical as well.

This is a substantial piece of legislative work that you cannot really grind into 10 minutes of a contribution, but it goes back to some of the fundamental tenets here of service sector industries that have a for-profit basis and the impacts on ratios and the impacts on engagement in our settings. I have met with early childhood educators who have detailed their lived experience of what they need to get through in a day and how some of those vulnerabilities can impact on the safety of kids. We need to be at the forefront of listening to the workers who are supporting our kids each and every day. We have a significant amount of resourcing to allow for that collaboration and to make sure that where someone is deemed to be acting inappropriately or is at risk or where there are instances of impact on our kids, those situations are met with urgency and critically responded to all the time. It is a harsh tension that we see in the national disability sector, in aged care and in early childhood where there is a profit component. I think everyone in government on this side feels that tension point and what that looks like, so how do we balance that into the future? The analogy from the member for Point Cook was outstanding. When organisations and providers breach regulations, they will be impacted into the future and may not hold those licences. This is a critical element of this as well. This is critical work. We commend the work that has been done by ministers and the bills to the house.

John PESUTTO (Hawthorn) (17:19): I rise to speak on these three bills – the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025, the Victorian Early Childhood Regulatory Authority Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025 – which I will call the Social Services Regulator bill, the VECRA bill and the child safety bill. It would be nice to be able to congratulate the government for bringing these bills, but they do not deserve any credit for this. This has been a sorry saga from no later than 2021. It is a record of failure, an unwillingness to address the urgency of the trauma that eventually was visited on young kids, the most vulnerable in our community. To see from the earliest of moments when the Ombudsman took the matter on in 2021 and then reported in 2022 the government sit on that report, as others have pointed out, for three years, then rush into this Parliament nearly a thousand pages of changes which not even those on the opposite side appear to have had a chance to really digest – no-one could in the short period, given that the rapid review reported only in mid-August. We want urgent action, but it is important to point out to the Victorian people and parents in particular that the Allan

Labor government has failed them. It has failed parents and their children by not acting urgently when it could have and should have acted.

Many speakers have addressed the bills before the house. I want to talk about a few things, four points in particular. First of all, I want to point out that as urgent as the matter is, it does not appear that the government, whilst bringing these three bills before this house, feels any urgency to commence these schemes. The child safety bill, if not proclaimed earlier, will commence in February. The VECRA bill, which establishes the so-called independent regulator, and I will come to that in a moment, is to commence, if not proclaimed earlier, in October of next year. So much for alacrity, so much for urgency. The government gives us no time to digest that bill but is prepared to see it commence in nearly a year's time. The Social Services Regulator bill, which is a nearly 500-page bill when you add in the statement of compatibility and the second-reading speech with the text of the bill, does not commence, if not proclaimed earlier, until January 2028.

We are talking about a system that is under siege, that has not been managed at all well, that has seen serious trauma visited on young kids and their families, and yet this government is prepared to defer the commencement of this so-called urgent legislation. Not only is that a problem but the question may well be asked, if you're going to push off the commencement, particularly of the VECRA bill and the Social Services Regulator bill, for a year or more than two years, then why are we given only a day to digest the bill? Why couldn't we have been given at least a couple of weeks to work through this? Because I doubt the government has got it right. History shows that when you introduce changes of this scale and enormity, it pays to have scrutiny, to have debate that is meaningful. We are all going to do the best we can. But I think it is fair to say it is hard to acquit that obligation when we have got a thousand pages or more of bills that involve very serious matters and we are given effectively no time to address them.

There are a couple of other points that I want to make, because a lot of points have been made. In particular I want to acknowledge the member for Kew and the then shadow minister, who did a great deal of work on this subject, as we all know. The first point I want to make is about the Social Services Regulator changes, which certainly make sense in terms of consolidation of functions. That is not the end of the game, though, as we know, in public sector governance. You have got to make sure the functions are actually discharged. It is important to rationalise those services, but the point I really want to make in this respect is that I hope and trust that the government is not going to use the transfer of those functions from the Commission for Children and Young People to the Social Services Regulator as a means of hindering the ability of the CCYP to do its job. It has a very important role to play in our system when it comes to child protection, kids in out-of-home care and kids who need support in the system and the ability of that office and the staff of that office to be able to hold the government to account when we have seen even more traumatic instances where young kids have lost their lives in out-of-home care and in the childcare system. We have asked questions about that in question time.

It is vital that the government does not use this opportunity to then nickel-and-dime the CCYP under the pretext that things have been shifted to the Social Services Regulator. That is the first thing. The second point I want to make is in relation to the early childhood regulator. The rapid review recommended that that be set up as an independent body and, yes, independent of the department. But I want to sound this note of caution. VECRA, according to the second-reading speech, is to report directly to the minister. The minister, under the bill, has powers to require reporting and investigations by VECRA. In my view, there is cause for concern about whether independence is actually being achieved here, because whilst the line of answerability from the regulator to the department might have been broken, it is still to the minister. The minister, it may be said, has interests that are very much aligned with the department. If you look at the relationship, say, in another context, between the Minister for Police and the Chief Commissioner of Police, it is very clear that the chief commissioner has, under the Victoria Police Act 2013, functional autonomy. There are some general directions that the minister can issue, but the role of the chief commissioner and the prerogatives of that office to be

able to manage the police force are very safely guarded. Given what we have seen in the early education and childcare sector, with all manner of abuses, I think the idea of independence is best achieved when there is more functional autonomy than what this bill will provide. We are calling for that independence, and we have called for it – the member for Kew did that very well. But this bill leaves me concerned that the VECRA will still be potentially beholden and subject to, if not influenced by, the interests of the government, and that is a real concern to me.

The final point I want to address is funding for this, and staffing. The government talks of a $45 million commitment and 100 staff, and you have to look at other instances and other parts of the Victorian public sector where the government has hopelessly and miserably failed to staff those areas of government and public service delivery. Victoria Police – is it well staffed? No. We have 2000 vacancies. Its Best Start, Best Life program is hundreds of childcare workers short, with no hope in the foreseeable future that the government can find the staff for this. So I only hope that the government can find the staff that will be necessary to actually discharge the functions of oversight, accountability, compliance and enforcement that have been so far lacking and that have been highlighted in so many scathing ways by the Ombudsman, by the rapid review and by others, including the CCYP.

As for overall funding, it is hard to see how the government is going to fund this. It has had to play catch-up on childcare and early childhood funding. It was $1.7 billion in the 2024–25 year. The government says it is spending over $2 billion on the whole sector this financial year. You have to think. These are quite substantial changes, including many extensive machinery-of-government changes. I am tipping that $45 million is not going to address all of that, particularly with 100 staff. So in a budget that is already exceeding $2 billion, they have got to find even more. You have to ask: if they have gone basically from $1.7 billion in the 2024–25 year to over $2 billion, what are they actually addressing with that extra money if not safety concerns?

I finish on this note. As others have said, we will not be opposing this. But let me make it clear to Victorian families and in particular parents of young kids in our early learning and education system: this government has failed you.

Alison MARCHANT (Bellarine) (17:30): It is a pleasure to rise and speak on several bills on childcare safety and reforms, and I will speak to some of the reforms that are part of the various bills – the Victorian Early Childhood Regulatory Authority Bill 2025, the Early Childhood Legislation Amendment (Child Safety) Bill 2025 and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 – which we are debating today. This is about overhauling and improving our child safety regulation in this state, and it is part of our commitment that we made earlier this year that we would accept all 22 recommendations of that rapid child safety review, which was handed down by Mr Weatherill AO and Ms Pam White PSM in August.

I have heard lots of contributions today, and all of us agree that the safety of our children is paramount, especially in our early childhood education settings, and that they are and should be our highest priority. Every parent who drops off their child at school or at an early childhood centre, or with others, with adults who are caring for them, need and deserve the confidence of knowing that when they do drop their child off they are leaving them in a place which is safe, caring and built around looking after their wellbeing. These bills certainly are there to strengthen that foundation of trust, because we must have trust in our educators, trust in our system and trust that this government is particularly doing the work to make sure that the welfare of every child comes first.

I have the pleasure of visiting kindergartens and childcare centres across the Bellarine fairly regularly, and I always admire the care and dedication of our educators that are working in these settings. They deal with small children. I used to be a primary school teacher; I had grade 6 students, and that was about as young as I would like to go. I could not be a prep teacher, and I do not know whether I could do early childhood myself. But these educators are just incredible at looking after our youngest little Victorians, and I thank them for all the work that they do. They certainly play a really vital role in

children's lives. They are in places where children go to explore the world; they grow, they learn, they play, they build friendships and they have really great connections with their educators. They are part of your family many times, and they guide these young people with their emotions and their social development every single day. But as I have said, we have to have confidence that those settings are safe, and it is within the system of regulation, oversight and accountability that we have a role to play here in this place.

One of these bills is the social services regulation bill, and that is about consolidating those key child safeguard functions – the working with children check, the reportable conduct scheme and the child safety standards – under one strengthened independent regulator. This is going to bring all those protections together and create a more streamlined and powerful framework to safeguard children. Under this bill, instead of appealing to something like a VCAT tribunal, decisions will now be able to be made subject to an internal review with advice from an independent expert panel, ensuring that greater expertise in matters of child safety and disability.

This bill also introduces mandatory child safety training and testing for all applicants for a working with children check, and this is to ensure a base level of child safety literacy. All employers engaging people in child-related work will be required to also verify participation in the working with children system. This builds a record of where people are working and allows the regulator to notify employers if a person's clearance is suspended or cancelled and/or to track their work over time. This is about strengthening the integrity of our system. It is not just a compliance matter; this is about embedding in every decision that we make in every workplace and every interaction that families can have that confidence that the people who care for their children are not only qualified but appropriately vetted, trained and monitored as well. This is about a culture. It is more than compliance; it is about culture and a culture that puts children first. Recognising that trust between families and educators is sacred, and ensuring that safety is never negotiable, this is about reforms that families can have confidence in.

The Victorian Early Childhood Regulatory Authority Bill 2025 is a landmark step in our government's commitment to ensure that every child in early childhood education and care in Victoria is safe, protected and given the best start. This part of this bill responds directly to the recommendations of the rapid child safety review that we initiated, and it is talking to recommendation 9 in full. This is about establishing an independent early childhood education and care regulator and creating a Victorian early childhood worker register. Both of these are really important, critical parts of the system. The children that go to care, as I have said, have that right to be safe wherever they learn, play and grow. This bill ensures that we look at this sector that is rapidly growing and growing in complexity. I think I remember the minister explaining at the start of the year that if we were going to design a system, we would not design it as it is right now; we would design it in a different way. But we are trying to deal with a system that the private sector has gone into, and so now we are trying to reform a system that has already been in place for many, many years.

Currently the services are regulated by the quality assessment and regulation division within the Department of Education, but the department also operates services, which can create a bit of a conflict of duty. So this bill transfers a regulatory power from the department to a new, independent Victorian Early Childhood Regulatory Authority, and others have spoken about that and have called it VECRA. VECRA will be led by the early childhood regulator and report directly to the Minister for Children. This independent structure will ensure effective oversight, as I have talked about, in an ever-increasingly complex sector. VECRA will also be integrated into a regulator for the child safety standards, consolidating oversight and ensuring children's welfare is in focus. By consolidating information across all the providers, VECRA will be able to quickly identify which services a person has worked for, should it arise, and the register is also able to share information across the Social Services Regulator. It is about joining up those critical data from multiple sources to better protect children. This will make sure that the functions of each – VECRA and the Social Services Regulator – support each other. As I have said, this is about more than compliance; it is about building a culture that puts children first. It eliminates conflict of interest and ensures that in every corner of the state in

Victoria's early childhood sector children can learn, they can grow and they can thrive in environments that are safe, nurturing and fully accountable.

Just in conclusion, when I speak with parents across the Bellarine community, a message comes through every time, and it is something that I feel as a parent as well: we just want the best for our kids. We want our kids to be safe, we want our kids to be happy and we want our kids to be surrounded by people who genuinely care for them. So many families and childcare centres and kindergartens become an extension of your family. They care for our children, and we rely on and trust them deeply every day. That is why these reforms really matter, because they are about strengthening that trust, giving parents' confidence back into places where they know that their children will be safe but also grow into wonderful human beings, with wonderful memories of their time in child care. Again, I thank the workers for their care of our youngest children.

Annabelle CLEELAND (Euroa) (17:40): I also rise today to speak on three bills at once: the Victorian Early Childhood Regulatory Authority Bill 2025, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025. Like you have heard from so many people before me, this is a day when people are running around desperately trying to do their jobs as legislators, look at the detail and understand the impact on Victorians and Victorian families. We are put under immense pressure with the lack of transparency from this government. Some of my comments are cautious given the allowed time that we have actually received to go through thousands and thousands of pages of words – this is extraordinary. I have been in this place for three years, and I think that every Victorian should be concerned about this sort of behaviour from the government, because it is frustrating to stand here and debate three major pieces of legislation, only having received them yesterday afternoon. When we received the bill briefing from the department, I think we had about 45 minutes notice. For something of this magnitude and which will have this extraordinary impact on families, it is shameful. The integrity of this Parliament – we have heard it from so many people on this side – is about our ability to properly scrutinise the laws that govern Victorians, because there are far too many unintended consequences otherwise that we have seen from this government.

The three bills will bring profound change to hundreds of thousands of childcare workers, providers and families and, most importantly, to the safety of children right across this state. Rushing this legislation through – something of this magnitude – and not allowing members time to read, digest, review and speak to our community, those that it will impact, undermines our democracy and our trust. Transparency is not courtesy; it is essential for trust. When the debate is truncated on something as fundamental as the framework that protects our kids and our children it is little wonder that Victorians have lost trust in this government. The handling of this is shameful. I have got to repeat that, because this is a disgrace.

We need to remember why we are here: the bills before us. This government's own rapid child safety review identified the shocking failings – a fragmented system, poor information sharing and regulators without the tools to act on risk. The review called for urgent reform – urgent. Apparently three years after the Ombudsman warned about this is urgent enough. This government missed its own deadline to introduce this legislation by more than a month. During that time children remained in environments where risks were known but not addressed.

I will start with the Victorian early childhood regulatory bill first. It finally establishes an independent regulator for the early childhood education and care sector – something that the opposition has been calling for since July. This is a long time in the lives of our children. The Liberals and Nationals released our Safe from the Start plan, which calls for the replacement of the current regulator, the quality and regulatory division of the Department of Education, with a fully independent statutory authority. It was warned back then that it was a clear conflict of interest for the department to regulate childcare centres while also operating its own. The government ignored that advice until it could no longer look away, until the polls reflected that Victorians had had enough. The government says that this new regulator, the Victorian Early Childhood Regulatory Authority (VECRA), will come with

$45 million funding and 100 new staff, including 60 compliance officers, which I think tells you a lot, everything you need to know, about how badly and under-resourced the old system was.

I am going to share some figures with you, and I want you to know that those figures are people – families and children – and process that. That is why we get angry on our side about this delay, because lives are at risk – children's wellbeing, mental wellbeing and our families' trust in the system. Since 2018 complaints have risen by 45 per cent, with parents calling and saying, 'Something's not right. My instincts tell me or evidence says something is not right.' Enforcement actions have dropped by 67 per cent. That is out of balance. These are not the numbers of a regulator coping with its case load. It is a hallmark of a system that is failing, and the red flags should have been seen years ago because they were there. The Ombudsman warned the government three years ago that the working with children check system was among the weakest in the country. Instead of acting, Labor voted down a private members bill from the member for Malvern and the member for Kew at the table and failed to act on those reforms immediately.

This could have been done months and months ago. Imagine the lives that would have been protected months ago. While we welcome the Victorian Early Childhood Regulatory Authority, it is hard to applaud a government that is, again, years too late with such significant reform. VECRA is going to establish an early childhood register in Victoria. This is something we did propose months ago. A central register for all qualified childcare workers is a vital transparency tool. It helps ensure that employers, parents and regulators can access up-to-date information about who is working with children, their qualifications and any disciplinary action. It is a basic measure of accountability and, again, it should have been implemented months ago.

On to the social services regulation bill: I have got to say this one I have to process still, get some understanding about it and check it with those that are going to be impacted. By initial reports it sounds like this has been pushed. It will transfer the significant powers of the existing Social Services Regulator into a single body responsible for overseeing the working with children check, the reportable conduct scheme and child safety standards. The current system, we know, is patchwork, and there are gaps. The business units with overlapping mandates, unclear responsibilities and no visibility of risk do create confusion and danger. The idea is to see the disability oversight bodies merged under the SSR, and families have been calling for a consistent approach to worker regulation across disability and social services for years. But I just do not understand the magnitude of this work and the impact on the disability sector. If we have seen the Ombudsman and the regulator in this area already underfunded, the enormous amount of work that is going to sit with this regulator does concern me.

One of the most significant changes in the bill is that the regulator will now be empowered to act on risk before harm occurs – a shift from reaction to prevention. As a mum I say it is about damn time. Both VECRA and the SSR will be able to act on credible intelligence, even when allegations have not been proven, and suspend or supervise workers who present an unacceptable risk. The Ombudsman's report – again, back in 2022 the report was explicit – said regulators should be able to refuse or suspend a working with children check where there is an unjustifiable risk, even without a criminal record or disciplinary finding. The reform is welcome, but I just find it heartbreaking that it took years and years, media exposés and criminal charges for this government to finally act. I have got to say there is something similar with the bail reform happening right now – so many victims before this government is forced to act, and only when the polling shifts. One of the most glaring failures of the old system was the lack of information sharing. Under the reforms VECRA and the SSR will finally be able to share critical information about worker suspensions, prohibitions and risk assessments. It is wild that that does not already exist.

The final bill, the early childhood legislation amendment bill, strengthens the national framework under which early childhood services are regulated. I am trying to have self-control right now, because I am fuming as a mother representing Victorian parents who have had to complain about the safety of some of their childcare providers. The most basic duty of any government is to protect the vulnerable. That is our job. When children are harmed in the very places meant to keep them safe, that is a failure

of the government from both a policy perspective and a moral one. The solutions were there years ago. The Ombudsman told the government what it needed to do. The opposition, months ago, handed it to them on a platter to protect our children. The opposition will support these bills because child safety must never be a partisan issue. Child safety cannot wait, and it should never depend on whether Labor finds it politically convenient to act.

Chris COUZENS (Geelong) (17:50): I am pleased to rise to contribute to the debate on the three child safety bills, the Early Childhood Legislation Amendment (Child Safety) Bill 2025, the Victorian Early Childhood Regulatory Authority Bill 2025 and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. I do want to start by acknowledging the impact on the children and their families of hearing the allegations of child sexual abuse not so long ago. I know that my community, as with every community across this state, were shocked and horrified at what they were hearing had occurred in those childcare centres and how sickened they were to hear that. I know for many parents it was a pretty frightening time not knowing whether their children had been victims of that sexual abuse. It was a very difficult and challenging time for many people across our state.

I do also want to take a moment to acknowledge the early learning teachers and staff and acknowledge that they have suffered as well. It has been very difficult for them. They have also been shocked and horrified at what has occurred and the fact that it is their industry that has come under extreme scrutiny now – not that they have an issue with that, but I think many of the male workers in child care and in kindergartens became punching bags. I heard quite a few stories about that and parents saying they did not want their children in centres where there were male workers. To some degree I understand that, but I think there are many male childcare workers – well not that many, actually – that are out there who are good, honourable people and have been subject to some abuse, and that abuse has not been justified because they are good workers in what they do. We do not have a lot of male childcare workers in Victoria, so I would like to think that they could stick it out and continue the great work that they do.

We know that perpetrators prey on vulnerable people in our community, and those little children were impacted under just horrific circumstances. The fact that they were able to do that clearly indicates that we need to change things and make it safer for our community and make it safer for those children in child care or kindergartens, where they are vulnerable. We know that for parents here in Victoria dropping your child off at kindergarten or child care can be tough on the first couple of days when their kids start. As parents, we want to feel confident. We want to know that our children are safe and that we, as the lawmakers, are continuing to look at what needs to change over time, not just for those there now but for generations to come, so that they are safe and cared for in the best possible way. These perpetrators, as I said, focus on the most vulnerable, so we have to strengthen the laws to protect the vulnerable children and reassure families, teachers, staff and the broader community that we will continue to keep their children safe.

As soon as these allegations came to light we took immediate action. We banned the use of personal devices in childcare centres, and failure to comply could result in a cancellation of service approval and a fine of over $50,000; we established a register of early childhood educators, and one of the bills before us today enhances that register; and we commissioned an urgent review into child safety in early childhood education and care settings and the working with children check in Victoria as it relates to the early childhood education and care sector, led by Jay Weatherill AO and Pamela White PSM.

In response to the rapid review's 22 recommendations, we released a government response and implementation plan for each and every recommendation, and these bills before the house acquit a number of the key recommendations. The package of reforms before the house today establishes the Victorian Early Childhood Regulatory Authority as an independent body, and our new Social Services Regulator bill brings child information out of silos and consolidates the working with children check, reportable conduct scheme and child safe standards into the one independent entity.

In terms of the Social Services Regulator, the bill will consolidate key child-safeguarding functions – the working with children check, the reportable conduct scheme and the child safe standards – into the Social Services Regulator. It will strengthen working with children checks to allow a broader range of information to flow to the Social Services Regulator to consider when deciding whether to grant, refuse, suspend or cancel a working with children clearance. It will consolidate disability entities and establish a complaints function to ensure a more efficient safeguarding framework for children and adults with a disability and people accessing social services. These reforms will result in a strengthened, independent Social Services Regulator to regulate the safety of children and people accessing social services. In terms of the area of disability, when we did the inquiry into people with disabilities in residential care and abuse, we made some significant recommendations about protecting those children and young people in residential care from abuse, so I am very familiar with the work that we did there and the importance of that work.

The bill also enhances the working with children check by enabling the regulator to consider a broader range of information, including unsubstantiated allegations, and to exclude workers from receiving clearance on the basis of a lower threshold. In line with the rapid review recommendations, the bill will also change appeal pathways so that working with children and worker prohibition decisions made by the regulator cannot be appealed to the Victorian Civil and Administrative Tribunal. Instead these decisions will be subject to internal review, with advice from the independent expert panel providing greater expertise in matters of child safety and disability.

The bill requires mandatory child safety training and testing for people applying for working with children checks to support applicants to have a base level of child safety literacy to equip them to recognise, identify and adequately act to protect children from abuse. The bill will require all those who engage people in child-related work to verify that engagement with the working with children check system to build up a record of where people are working. That is one of the obvious things that has come out of the review – that people were moving around not only Victoria but interstate when there were questions about the appropriateness of them working with children and there were no checks and balances in place – so this is a really important one for us. This will enable the regulator to notify employers if a person's clearance has been suspended or cancelled, and it will allow the regulator to track where a person has been working over time.

The NDIS review and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability both found that the current disability safeguarding landscape is often inaccessible for people with disability seeking to complain. As I said, part of that committee inquiry that I was involved in really identified that. In fact at the time when we did the inquiry the evidence presented was that nobody had ever really been charged with sexual abuse in disability settings, which was pretty concerning given the evidence that we had heard.

In addition, the rapid review recommended that the new intelligence and risk assessment function work together with other regulatory systems so there is a common foundation across social services, including disability, to better protect vulnerable people. This bill also proposes a reintroduction of an out-of-home care worker and carer register, covering the same scope of workers and carers as the previous Victorian register. I commend the bill to the house.

Will FOWLES (Ringwood) (18:00): It is my pleasure to make a contribution on these three bills that have been sort of concatenated for the purposes of this debate and are being debated concurrently. I start by outlining, on first principles, that I think the chamber is in absolute agreement that nothing matters more than keeping children safe. I have heard the member for Sandringham, I have heard the member for Euroa and I am sure there have been other members speak about the primary role of this government, and any government, being to keep the most vulnerable people in our community safe. I share that goal, and the goals of this bill – goals around stronger safeguards, better information sharing and clearer oversight – are the right goals; the goals are good. Parents and schools and communities rely on the regulatory framework. They rely on those systems, and they need to know that there are rigour and integrity in those systems. But good intentions are nowhere near enough when it comes to

child safety; the laws themselves must be tightly drafted. They must be practical, but they must also be fair, and our responsibility as legislators is, yes, to support the principles but also to scrutinise the detail. We must get this right in here before it fails out there. I want to thank the department for the work they have done in pulling all of this together in a very, very short period of time. It is a shame, though, that that work has ultimately been devalued, I think, by the government's appalling process, and I will speak to the process deficiency.

This is the 1100 pages of bill we were given less than 24 hours ago. There is no way any ordinary person can even read the thing, in all likelihood, let alone develop a nuanced understanding of what it is that this bill is trying to do. I have heard the member for Preston and the member for Broadmeadows complain in recent weeks that 13 days was not enough time to scrutinise a bill. I heard the minister responsible for this bill in the other place just minutes ago complain about having three weeks to deal with the Voluntary Assisted Dying Amendment Bill 2025 – three weeks. Try less than 24 hours. The hypocrisy is absolutely extraordinary. And it is hypocrisy of course that extends to the ordinary business of government and opposition. Had the roles been reversed, I have no doubt that Labor members would be making the same passionate case for the lack of ability to scrutinise this bill, and I have no doubt that LNP members would be making, if they were the government, the same case: that it is urgent and it needs to just get done. But it just speaks to the naked politics that is actually at play here in the attempt to ram this thing through the Parliament without nearly enough scrutiny.

It is because of the deficiencies in the scrutiny and it is because we do not get a chance to really hoof our way through all of this in less than 24 hours that I will be moving some amendments. Under standing orders, I advise the house of amendments to two of these bills and request that they be circulated. Those amendments simply amend the review timeframe, so rather than having a five-year review or a review that kicks in five years after some various steps in the act, these amendments make sure that the review happens earlier, and it reflects the lived reality that this chamber has not scrutinised this bill. It simply has not; it cannot in the period of time it has been asked to do it. It has not scrutinised this bill and has not had a proper look at the bill, so let us bring the review period significantly forward so that we can have a proper look at this bill and see if we can surface some of the difficulties with it. That is the reason one of the amendments is adding a clause to introduce a review mechanism. One of the amendments simply amends the existing review mechanism clause and shortens the timeframe. But the effect of both amendments is to make sure that the two bills that were introduced and second-read today are in fact formally reviewed by the minister in a six-month timeframe rather than a five-year timeframe to pick up the errors that no doubt will be contained within.

There is a structural flaw I want to go to in the bill, which is about the conduct of internal review under the changes that the government proposes. The government proposes that VCAT is out, and if you have got a difficulty with a decision that the Social Services Regulator has made you need to make application to the Social Services Regulator to review its own decision. It is commonly referred to as marking your own homework.

The reality is that that is a flawed process. Do not take my word for whether marking your own homework is a flawed process, just have a flick through the various bills that the government has introduced in this and other parliaments over the life of the government. The Casino and Gambling Legislation Amendment Act 2025 was all about getting rid of the Victorian Commission for Gambling and Liquor Regulation and replacing it with the Victorian Gambling and Casino Control Commission to eliminate reliance on internal compliance. Human source management – again, do not rely on the police reviewing these matters internally. PWSIA, the Parliamentary Workplace Standards and Integrity Act 2024 – we are not going to rely on an internal review mechanism; we need external review. The Local Government Act 2020 and the Local Government Amendment (Governance and Integrity) Act 2024 replaced councils' internal disciplinary panels with independent arbiters and councillor conduct panels. So everywhere you look there is evidence of government accepting the very basic premise that reviews of decisions ought to not be conducted by the decision-maker.

Reviews of decisions should not be conducted by colleagues of the decision-maker – people who share desks with the decision-maker. What you have here is an absolute nonsense, where the regulator must ensure that an internal review of the decision is made by a person who did not make the original decision, sure, and to the extent practicable was not substantially involved in the process of making the original decision. So it is a colleague, they need to be at or about the same level or higher and they have got to be suitably qualified. But here is the catch: under 92D(2), and I am at line 30 of page 83 of the bill, these subsections, these rules about who gets to determine the review, do not apply if the original decision was made by the regulator personally. So there you go – if the regulator personally makes a decision, you appeal that decision to the same person, and that person is asked to review her or his own decision. What a nonsense. We are throwing VCAT out, and the only way to get around this, well, you are off to the Supreme Court.

Let us talk a bit about that. If I am a junior childcare worker I am earning – and we have pulled the numbers from the most recent table – as little as $45,770 as a baseline salary. To file for the Supreme Court – just to file – is 850 bucks. So that is 2 per cent of my annual salary gone just on the filing fee. If I have to retain counsel or actually get some research done or anything, that is going to escalate astronomically. So if I have been the victim of industrial or workplace malice, if someone is just running against me – or they just want my shifts and they have just made up some rubbish about me – they throw in this thing and the regulator makes a decision. My only avenue to get it reviewed is not VCAT, a no-cost jurisdiction with pretty gentle application fees. No, my only avenue is off to the Supreme Court. That is but one example that we have been able to surface in a very, very preliminary review of this monstrous, monstrous tome of material. That is an example of the government asking the regulator to mark its own homework.

And who, in fact, are we talking about when we say the regulator? Members in this place in various commissions around the government would be very familiar with the terms 'commissioner' and 'commission'. I think we all intuitively understand what the difference is between a commissioner and a commission. Well, under the Social Services Regulation Act 2021, the regulator is both the statutory authority – the body – and the individual appointed to run that regulator is also the regulator. It is inherently confusing, and you do not have to take my word for it – on the vic.gov.au website about the Social Services Regulator there are two sentences: one, 'The Social Services Regulator is an independent statutory authority' – I get that. I think we are all following along at this point. Jonathan Kaplan is the Social Services Regulator. Which is it? Is it the person or is it the independent statutory authority? This confusion permeates the totality of this bill and the totality of the act it is trying to amend. We have powers of the commission being granted to the regulator and powers of the commissioner being granted to the regulator. But there is no distinction drawn in the substantive act that we are amending between the regulator the person and the regulator the statutory authority. A lawyer is going to eat that up for breakfast, that you have all these powers that are in some senses exercisable by a person and in some senses exercisable by an authority. It is an absolute nonsense. That is but one in this vast tome of legislation that we have not been given enough time to read. I commend my amendments, particularly, to the house. We ought to have a proper review of the act.

Paul EDBROOKE (Frankston) (18:10): I rise today to speak on this very, very important suite of bills on behalf of the children in our care. I think these bills are a statement that we will not tolerate substandard early childhood education provision in Victoria. You will see me make some pretty big calls today, because there are some definite misunderstandings about the legislation before us.

What I do want to put across to the house very early on is that we cannot let children wait and we cannot allow systems to suffer neglect and for complacency to fester, and that is why we are here today. I want to be really clear: the early childhood sector is foundational. The hours and the days in the early years matter, and so do the early years workers. As a former teacher – I was primary- and secondary-trained and did work in both those sectors as well as special schools – I have got to admit, as well as being very angry about what happened this year, I was particularly sensitive to some male

former colleagues that are in schools and are under a lot of pressure. They worked in primary school settings, which I will go into a little bit in my contribution.

The reforms that these bills put before us are really reinforcing oversight, and that is what is needed here. Whether it is about the premises themselves, whether it is about the viability of the provider or whether it is about the educator standards or about how they are dealing with risk management, mitigation and transparency and overall how they enforce the rules that are already there, this bill is about ensuring that children are safe in all those aspects, that all those aspects which are part of our acts and laws already are being enforced and that our regulatory authority has teeth.

I am thoroughly gobsmacked today. I have only had the pleasure of listening to probably the last hour of this debate, because I have been in meetings, but it seems to me that some opposition members are acting like there are no laws in place at the moment to keep children safe – no laws in place to stop children being sexually abused while in care or in education facilities, no mandatory reporting and no regulation – and that that must be what we are legislating today. Well, I just want to let the opposition know that we have had the basic tenets of what we are talking about here today in this house for decades – and some of them would be aware of a little inquiry called the Betrayal of Trust inquiry, which was in 2016. Out of that inquiry were born 11 child safe standards, and those child safe standards are the backbone, the bible, of primary and secondary schools – state or private or Catholic, whatever. They are the bible of how you run a school and how it is child-centred and child-safe and children are the priority.

What we are talking about today is not so much about the rules, it is about a lack of compliance culture that was alive and well in some of these institutions. This is not about laws on paper. This is about making sure we regulate to make sure those laws are put into practice. It is about a child-first culture. The teaching industry is not impervious to what happened this year. We have seen what happened in Beaumaris. We have seen various vicarious liability issues at the moment for various schools; Geelong Grammar would be one. I would say that this would most likely be a lot rarer or perhaps never has occurred in a state school in Victoria. I want to go through the differences here, because it is not so much about the law, it is about the culture. It is about the fact that schools are not usually run for profit. Schools are not run by the CEOs of Affinity Education, who quit. Schools are not run so that they make a profit for investors. Schools are run with children at their heart. What I have read about this year would not have been tolerated in any school that I visited or worked in in my career – and I started teaching around 2001.

Hearing issues like someone with a mobile phone in a school would be cause for mandatory reporting – it just would be. Hearing that a teacher was behind a closed door one on one with a student would be a case for a report and a mandatory reporting system. Because schools operate under strict and stringent mandatory child safe standards, they have got greater supervision, clearer staff governance, stronger reporting and complaints and escalation systems and fewer settings where staff can move around untracked as well. But most of all, there is a culture of institutional accountability, there is a culture of safety for children, there is a culture of putting the child first, and what this comes down to is schools are not strictly run for profit. While they have to be run as a business, they are not run so much as a company.

The case of Joshua Brown exposed systemic failure points in the sector. It is not good enough for us to sit here today and not have an understanding of what happened there. This person has form. One thing I would like to speak about briefly is a key feature of one of these bills, which is to amend the national law as it applies to all states and territories, and it is in the Early Childhood Legislation Amendment (Child Safety) Bill 2025. The predator in question was sacked from one centre within 18 days of working at that centre, and I believe it was about maybe a bureaucratic error – maybe he did not report something right; I stand to be corrected on that. But he was moved between centres, and I guarantee you there were workers in these centres and there was management that had their doubts about him, whose ears pricked up, whose hair stood up on the back of their neck, but they were not clear about how to report that, they were not clear about what to do next, and this bill assists in that.

We have to explore the notion that because of their inability to do that he was managed out of a centre and put in another centre innocently. This key feature of this bill, which is to expand the information-sharing powers of the regulatory authority to proactively share information about individuals with their current approved provider and gather and share information with recruitment agencies, goes a long way to ensuring things like this do not happen again.

I caution people not to rely too much on the argument of a working with children check, which the media did. A working with children check only tells us that somebody has done something wrong when they have done it wrong. What we want to do, and what these bills together do across the nation but also here in Victoria of course, is ensure that the rules that we have already got in place through inquiries like the *Betrayal of Trust*, with all the frameworks and strategies that are there already, are complied with, and we are keeping children safe because of that. Someone might call me out on this – they might say I am one-eyed – but interestingly, working in education settings, what I have seen in the childcare settings shocked me. But it is not about the fact that the laws are not in place, it is about a culture that is about the dollar and cuts corners, and children suffer.

What I would also say to the opposition is: this is not about sides. Yes, we all saw the stupidity of putting people's faces on social media and saying, 'They don't support more protections for children; they're allowing potentially children to suffer.' This is not about sides; this is about children. Let us not debate in abstract while we know what happens when we actually do not enforce these things. Children cannot wait, families cannot wait, educators cannot wait. We need a constant vigil against predators, and that only comes from a good culture, because predators will always find the gaps in the system. And we need to constantly review our culture. We need to constantly ensure we have a good regulator to make sure people are adhering to the rules. It is fine to have rules, but we have seen where, because of I think the structure of these systems, being private child care, that has failed. It is all about culture, and these bills go a long way to ensuring we build that culture up. I commend the bill to the house.

Kim O'KEEFFE (Shepparton) (18:20): I rise to stand and make a contribution to the Victorian Early Childhood Regulatory Authority Bill 2025. This is a bill for an act to establish the Victorian Early Childhood Regulatory Authority, to provide for the Victorian early childhood worker register, to make related consequential amendments to other acts and for other purposes. We also have two other bills before us: the Early Childhood Legislation Amendment (Child Safety) Bill 2025 and the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. It does astound me that the house only received these bills 24 hours ago, the additional two bills. Yes, we need to act on these important pieces of legislation, but we also need to be provided adequate time for what is before us today. And when you look at this stack of papers that we have beside us here, how on earth we are expected to get through that? I do not think you would expect any other workplace to have to do that and do their job well. So we have all been scrambling to try and summarise the highest and most significant priorities of these bills. Everyone in this place owes it to every Victorian family to make the changes needed to ensure that the most vulnerable people in our community are protected from the horrific incidents that have occurred and we hope will never happen again. Everyone in this place, I know, wants to keep our children safe, and we have had many contributions today.

It has been horrific and traumatic what some families have gone through and will continue to be affected by, and I think we need to be mindful of that today. This is exactly why we are here. This is one of the strongest reasons we are here, discussing much-needed changes to legislation that need to occur to protect, as I said, the most vulnerable people in our communities and to support families. Families have to have confidence that their children will be safe and protected, not let down by a flawed system. We must see real transformation and reform that regains faith, trust and confidence. I choose not to use any names of those that have actually done the horrific things to these children. I think when we all look back at that time, we feel sick and we feel so saddened for those families. And as I said, they will continue to suffer. I had my children in child care, as many have in this place. My

children are adults now, and my oldest daughter is actually a teacher. I was chatting to her just last week about this legislation coming through this place. There is no doubt that schools want a safe workplace. As the member for Frankston alluded to, we know teachers want to keep their children safe. Sometimes there are flaws and there are ways that perpetrators just do it – they get through those loopholes – and there will be schools and families facing significant issues. But as my daughter said, they constantly put safety as the top priority. With every meeting, conversation, school policy and thing that they work through, front and centre is the care of their children.

I have a friend who works in child care; she is a very close friend of mine. She worked in child care for over 20 years and now she is an educator at TAFE, and she is doing a wonderful job. But she said when these really awful incidents happened, it affected her students, her families, the whole education sector as well as childcare centres in the region. At that time families started to question if their children were safe: was that childcare facility providing protections and making sure to care for their children? People started to really question, which was really hard, as I said, on the workers and also the families. So I think it is really important that we are really strong in this place and that we let families and educators and schools know that we are doing all that we can to make improvements in this space. We know the government should have perhaps acted sooner and we have been lagging behind for a long time. The government is now playing catch-up, and it begs the question: why has it taken so long? We know that the working with children check has been a significant failing, and I know the member for Frankston also alluded to that. But I think when there are weaknesses there, we have to strengthen it, we have to revisit it and we have to make sure – it is all very well saying that this is someone that has had an offence in the past, but we need to make sure that there are also significant processes when we put people into these places. I agree with that.

It is hoped, though, that through the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill we seek to strengthen the working with children check system by removing silos and giving the Social Services Regulator more powers as well as also fixing the siloing issue by allowing better information sharing. In addition, the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill moves the reportable conduct scheme and child safe standards from the commissioner for children and young people to the Social Services Regulator. We do hold some concern that the government has been coy on what this means for the funding for the Commission for Children and Young People, which has currently been occupied by an acting commissioner from the department, creating a conflict with this critical government oversight body.

The Early Childhood Legislation Amendment (Child Safety) Bill seeks to strengthen laws regulating early childhood providers to make sure that the safety, rights and best interests of children are paramount by issuing suspension and supervision orders to workers who present an unacceptable risk, creating a new appropriate conduct offence, banning personal devices in services by law and establishing the national early childhood worker register.

Largely, the amendments that are contained in this bill and the others before the house follow the rapid child safety review, as previous speakers before me have mentioned, which was commissioned by the government back in July and conducted by Mr Jay Weatherill AM, former Premier of South Australia, and Ms Pam White PSM, an experienced public servant, who delivered the final report of their findings to the government on 15 August. The review itself made a total of 22 recommendations to the government to improve the regulation of early childhood services. The bill today directly addresses recommendation 9, which calls for the establishment of an independent regulator for the early childhood education and care sector, which in the current system is under the quality assessment and regulation division of the Department of Education. As the review highlights, the current regulatory framework is insufficient, is not independent from the government and needs significant reform. We know that early childhood education and care is vital in providing children with the best possible start in life. It gives young learners access to critical development experiences that shape their futures. But

with that access comes the added responsibility of ensuring that the environments are safe and, secondly, well regulated and staffed by qualified and competent individuals.

I have a niece who has a family day care – she cares for children in her home – and she was telling me that to set up her business she had to go through really strict regulations. I was interested in some of her surroundings in chatting to her. She does work alone with four children, and she is so well suited. The families love her. She moved out of the town of Benalla, and the families moved with her. They basically said, 'We will drive out to be with you,' because they knew their children felt safe. But it is an interesting model when you think that there is one person working in their home caring for four children, as she is. She is 21, so quite young, and I think these are the times when we are starting to see where things work really well on the one hand and then where the flaws happen on the other. It is this side where we start to really think: how can that be made safer, and how do we know that things are safe for a child?

These bills do go some way in achieving some of the improvements in accountability and transparency, something that we on this side of the house absolutely support. We need to make sure of timeframes – that when we bring things to this place they are perhaps managed in a more timely manner. We also need to know whether, when we have reviews, they need to be reviewed in a shorter timeframe. We need to make sure that things are working so that there is proof when we make these changes as part of legislation that they are working and that children are kept safe.

I just also want to talk about some of the things that happen across my community when it comes to child care. We have a very large shortage. I want to acknowledge the amazing childcare workers, who do a great job. We know there are so many that will always do the right thing. It is unfortunate, as I have said, that at times they have felt vulnerable in their workplace. I also want to acknowledge the hard work that is happening in the kindergartens and the early childcare centres; they are doing such great work. We have significant shortages in my electorate when it comes to staffing. We need to make sure that we also have mechanisms in place so that we can fill these important roles, because we do need to have facilities that can accommodate the needs for our younger people.

But overall I think it is great to see change is happening. As I said, we have some concerns, but we need to just continue to make sure that the things we do put in place are working, even if that does mean we review sooner. How do we support those organisations? If it is not us, who is it that can make their workplaces better and make sure that families do not feel as vulnerable? I think there is some work to be done there. I think there needs to be some form of health and wellbeing support, because I do know that at times it is a tough job when you have got a person in charge of other people's children and they have got staff that they have to also make sure are meeting expectations. We know that there are some things that are not being met. What does that look like when it also comes to providing the framework to meet those requirements? Because there are some changes in here, and we need to make sure that they are achievable.

Anthony CIANFLONE (Pascoe Vale) (18:30): I rise to support these early childhood safety and working with children reform bills that are currently before the house. As the state member representing Pascoe Vale, Coburg and Brunswick West, but also as a local parent, I remain absolutely committed, as we all do in this place, to helping to keep our children safe. When hardworking local parents do the morning drop-off at a local childcare centre, they rightly expect their children will be placed in a safe, caring and nurturing environment – because nothing is more important than the safety, welfare and wellbeing of children in our homes, our neighbourhoods, our streets and of course our early childhood education settings. From the outset I also want to acknowledge the outstanding work of the vast majority of early childhood educators and care workers, who are skilled, hardworking and professional and absolutely committed to protecting and caring for our youngest Victorians.

Educators of course are our greatest asset in keeping children safe in these education and care settings. However, following the absolutely distressing, horrific and disturbing allegations of several serious alleged incidents of child sexual assault, abuse and mistreatment in the early childhood education and

care settings, including across Victoria, New South Wales and also Queensland over the course of 2023, 2024 and 2025, these vile allegations highlighted the urgent need for further action by governments at the federal and state levels and the education care sector to further improve the safety and quality of education and care standards and checks and balances across the country and in this state. As a state member of Parliament, and again as a local parent, I was absolutely sickened and horrified by these allegations of abuse. They are shocking and painful for the families that are directly impacted, who are living every parent's worst nightmare, and also upsetting to many Victorians more broadly. I also acknowledge the overwhelming number of well-intentioned and hardworking early childhood staff again, who feel betrayed also by these events. Those accused of these horrific crimes, if found guilty, should only face the very toughest of consequences.

That is why the Victorian Labor government commissioned the rapid child safety review, led by former South Australian Premier Jay Weatherill AO and Pam White PSM. The review made 22 recommendations to drive urgent improvements in child safety, which the Victorian government has accepted and committed to implementing. The review found, and I draw the house's attention to page 4, that over the past decade the early childhood system has undergone rapid growth:

> This growth has occurred without a coherent plan. Rather, the market has been left to respond to financial incentives that do not drive investment in quality, safety, or in a stable and well-supported workforce.
>
> Since 2015 in Victoria, the number of long day care services has grown from 1,280 to 2,049, a 60 per cent increase …

in services in 10 years.

> Of the 769 new long day care services in Victoria since 2015, 726 (94 per cent) are operated by for-profit providers.

The report found that:

> For-profit long day care services in Victoria are more likely to be rated as 'Working Towards the National Quality Standard' than not-for-profit long day care services, and less likely to exceed the National Quality Standard. They are also more likely to be working towards Quality Area 2 (child health and safety) and less likely to exceed Quality Area 2 than not-for-profit long day care services. There are now thousands of –

early childhood –

> … services in Australia run by providers with a complex array of business structures and priorities.
>
> The sector faces significant workforce challenges including shortages, casualisation and the use of labour hire, and high turnover rates. In Victoria, 66.8 per cent of long day care and standalone kindergarten service staff have worked at their service for 3 or fewer years, including 22.7 per cent for less than one year. Analysis of large providers nationally by the Australian Competition and Consumer Commission showed not-for-profit long day care services had a 27 per cent turnover rate, and for-profit services had a 41 per cent turnover rate …

Double the rate. Essentially, far too many for-profit providers have been responsible for putting profits before children; putting profits before the safety of children; putting profits before staff recruitment, training and retention; putting profits before good centre governance, oversight and fostering a safe culture of children, families and staff alike; and putting business interests first ahead of the safety and wellbeing of children. When combined, the review sought to respond to these and other varying organisational, staffing, care and oversight issues experienced across the sector. The review's recommendations were directed at taking the steps necessary to ensure that predators do not get into the early childhood care system; that if they do, they are quickly detected and excluded; and finally, that we make sure that, if detected, such predators never work with children again.

On 27 August 2025 the first tranche of urgent reforms, as recommended by the review, were introduced by our Victorian government to strengthen Victoria's working with children laws and enacted. Key changes included ensuring that anyone banned from child-related work interstate will be banned in Victoria and requiring a working with children clearance to be immediately suspended while it is under reassessment for intended revocation, with no exceptions. We also banned mobile phones and personal devices in early childhood settings.

The additional reforms contained within these bills before us will further strengthen these safeguards and standards for children, staff and centre operators. When combined, they will expand the Social Services Regulator, establish a new Victorian Early Childhood Regulatory Authority and support changes to national law and a national approach, amongst many other reforms. In terms of expanding the Social Services Regulator, it will bring the working with children check, reportable conduct scheme and child safety standards under the one roof of this regulator by 2026. The regulator will have the authority to act swiftly and decisively and have the power to immediately reassess, refuse, suspend or revoke working with children checks when credible information is received. This will be backed by a new intelligence and risk assessment unit, giving the regulator access to evidence-based tools to assess risk and ensure consistent and robust decision-making. Mandatory child safety training and testing will also be introduced for all working with children check applications, and employers and volunteer organisations will be required to notify the regulator when they engage a working with children check holder, ensuring real-time oversight and accountability.

In line with recommendation 6.2 of the rapid review, VCAT will no longer review working with children check decisions. Instead, an expert panel with specialist skills will ensure decisions are made by those with the knowledge and experience to protect children. The legislation builds on urgent reforms already delivered, as I said, including automatic bans for individuals prohibited from child-related work in other states and territories and immediate suspension for working with children clearances that are under review, again, with no exceptions. The rapid review highlighted that children with disability may be at higher risk of abuse, so in addition to these reforms we are bringing the disability services commissioner, Victorian disability worker commissioner and disability worker registration board into the expanded regulator. I draw the house's attention to the contribution of the member for Greenvale in that regard.

When it comes to the Victorian Early Childhood Regulatory Authority, we introduced the legislation to create VECRA, which will replace the quality assessment and regulation division, QARD, operating independently from the Department of Education, as recommended by the review. VECRA will be a nation-leading statutory authority that will begin operations in January 2026, led by a dedicated early childhood regulator. It will more than double compliance checks across services, giving parents confidence that their children will be safe and well cared for. The new regulator will oversee the early childhood worker register established in July this year, which already includes more than 68,000 staff working in services that receive kindergarten funding.

We are changing national law of course too. All states and territories have agreed to reforms to national law that ensure the safety and quality of early childhood education across the country. This bill will facilitate these changes to national law, and we are also including additional powers that will apply only in Victoria, going further than the national agreement. These changes to national law include introducing a statutory duty to make the safety, rights and best interests of children the paramount considerations of those who work in early childhood; mandatory child protection and safety training in all services; enhancing the regulatory tools available to address individual worker conduct and increasing penalties and extra powers for regulators to take action against these providers.

I also want to draw the house's attention to some feedback that I received from locals at the time of these allegations being aired earlier this year. I had an email from a lady, Renu. She wrote:

> As a grandparent of two young granddaughters, I am writing with deep concern following the recent and distressing news … and the serious charges brought against …

an early childhood worker.

> It is deeply unsettling to hear, time and again, of individuals in positions of trust within our communities who pose significant threats – particularly in spaces meant to nurture and protect our children.

She called for action. I got an email from a man by the name of Luke. I have spoken to all these people too, by the way. He said:

> I am writing to you today as a concerned constituent and a parent of a young child in our local community. The recent harrowing news of the alleged sexual assaults in a Melbourne daycare centre … has left my family shaken.
>
> …
>
> The trust that families place in our early childhood education system is paramount. When this trust is so horrifically violated, it sends a shockwave of fear and distress through the entire community, leaving parents questioning the safety of their children in environments that should be nurturing and secure. The ripple effect on the mental and emotional wellbeing of families is immense.

Maxine also sent me an email, and I had an extensive conversation with her as well. But essentially her email to me says:

> Thank you for the call earlier today …
>
> As per our conversation … I would like to see:
>
> - Government invest in more government run and owned or not for profit centres
>
> …
>
> - Prioritising child safety over workers rights when there is a substantiated claim, allegation or investigation. During any investigation, a worker should be stood down …

Suspension of working with children checks should take place as well. It goes on to say:

> - Parents must be notified immediately if an investigation is taking place AND … PARENTS should be able to prioritise their child's safety and not be worried about the financial impact of keeping them at home.

I say to Renu, Luke, Maxine and so many other residents who contacted me at the time: that is why this bill is before the house, to help make safety for your children, and all of our children in Merri-bek, Pascoe Vale, Coburg, Brunswick West and across the entire state, the first priority when it comes to child care, early childhood education and learning centres. This of course also builds on the investments we have been making to improve early kinders across our community.

Jade BENHAM (Mildura) (18:40): It is always wonderful to be the last speaker on a bill last thing in the evening.

Anthony Cianflone interjected.

Jade BENHAM: Second last. I am more than happy to contribute on this bill, because it is an important one and it is about three years too late. As a working mother, I used child care for years with my two boys. Fortunately for me, I had a spot at the Murray Valley Aboriginal Co-operative Early Learning Centre and then the preschool after that, thank goodness. But Robinvale, where I live, has been in the news regarding the very broken system around child care over the past two to three years. We have had illegal childcare homes or family establishments in the news. We have had a fatality because of that, so I know this only too well.

As a mother, you know how much trust you place in those early childhood educators, centres and services. When you drop your child off, whether it is to day care, to kinder or preschool or to school – and you are often rushing between work and school runs and everything else that you have to manage as a parent – you are not just handing them to a carer or an educator. You have to have full trust in that person, and you have to have full trust in that centre. So ultimately you have to have full trust in the system that regulates that person with the most precious thing to you in the world – that is, your children. If that trust is not there, then that system does not work and parents and families will find it hard to work, and that system has been illustrated to be flawed and broken.

The Ombudsman recommended changes three years ago. This is three years late, and because of that, children have unnecessarily been put in danger. The most precious things in the world to parents have

been placed in danger, have been violated and, in the case of my town of Robinvale, have died. That is not okay. That is simply not okay. So when I hear members on the other side stand up and talk about how much work and how much investment has gone in – children have died in a broken system that was identified three years ago. That is unforgivable – unforgivable. I was going to cut this short – I say that all the time – but I probably will not, because there are a few other things I want to get to. I will not spend all of my time just on the most important aspect that any government of the day has as its biggest remit: to protect the community, protect our kids and make sure the systems are fail-safe. This government has failed at that, and children have died because of it.

Can I pause for a moment and talk about the dysfunction with which we are debating all of these bills. Even the member for Shepparton, who is usually the utmost professional – she just does her job; you never hear her say a bad word about anybody – was frustrated today at the fact of having to debate three bills concurrently and not spend enough time on each one of them. I am sure everybody in this place could have easily dedicated 10 minutes to each of these bills. So the manner in which this is being done, as I said in the government business program debate earlier today, just contradicts and makes a mockery of the Westminster system of Parliament and the conventions that we uphold in this place, and it shows that this chamber is out of control, but we know that.

I do want to spend a little bit of time on the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. It is a big one, but as I was flicking through this earlier today, I did notice that this is the bill that deals with the Disability Service Safeguards Act 2018 and also the Disability Act 2006. The member for Gippsland East earlier spoke about this. When I picked this up, this seems to be because the changes to the disability sector have been on the cards for quite some time and now have been shoved into this social services regulation amendment bill to abolish the commission and the commissioner and put them into the super Social Services Regulator, which is exactly what the sector did not want. The Premier can get up in Queen's Hall and say 'Nothing about us without us' – which is what the sector wanted. That is what the disability sector wanted; they wanted a say. Guess how many stakeholders were consulted with this part of the reform? Zero. There are 20 that the shadow minister has spoken with and speaks with often, but zero have been consulted. So we end up with the super Social Services Regulator and with this one being just shoved in there like it does not matter. It does matter; it matters a lot. I just think the way that this has all been gone about is, again, an illustration of the lack of transparency, the hypocrisy and the utter delusion that we continually see from this government. Is it any wonder Victorians are frustrated right now? If you actually get out and talk to Victorians, you will hear that they are incredibly frustrated. They feel like they are being gaslit and they feel like they are not being listened to, and they are right. There is a reason they feel like that. So to have another example of that today is, again, incredibly frustrating, and those 20 stakeholders that were not consulted are incredibly, incredibly frustrated. They will no doubt be writing letters to the shadow minister, the member for Gippsland East, because he has consulted with them and does on a regular occasion.

For parents in regional Victoria, as far as early childhood and early childhood learning go, affordability remains the biggest barrier. Black markets and illegal operators only pop up through necessity and when there is a market there or a gap to be filled, which is why we have had illegal operators in the past. Affordability and access are huge issues still, even though we have had several new early learning and childhood centres. One of these, which is yet to be built, is, I might add, across the road from a backpackers – which is actually code for an establishment which houses itinerant workers – which has just applied for another 90 beds to be added to their establishment. It is just the most inappropriate place to put an early childhood centre in Red Cliffs. It is ridiculous. Is there any wonder that the community there is screaming for someone to listen to them? But the council have approved it, which is bizarre to me. Sometimes the lack of logic and common sense are just baffling to me. But we do need them, when the government announces more early childhood centres, childcare places and access, particularly in the regions. Our region has been noted plenty of times before. The Mitchell report identified it as a childcare desert, which it is. In towns like Hopetoun there is still no child care for parents within an hour or an hour and a half. It is insane. Private providers are pulling out because

it is just not feasible. So whilst many families in Mildura, Robinvale and Hopetoun are struggling to find places in early childhood, this is three years too late.

Josh BULL (Sunbury) (18:50): I rise to make the last contribution before we go to adjournment tonight. I want to thank the house for the opportunity to make a contribution on these very important matters. I want to start by thanking every single childcare worker who works incredibly hard in our state, who turns up each and every day to support our youngest Victorians and who conducts themselves in the most appropriate and professional manner – both those within my electorate and those right across the state. Acting Speaker Mullahy, as I am sure you know and many members in the house know, the vast majority of our childcare workers, our early educators, do an outstanding job in helping our little ones to be their best and in helping our little ones as they grow and develop and learn, particularly for those most important first thousand days of their lives.

What we have seen this year – the matters that are contained in this bill and others that we have spoken about previously in the house, those matters have been really well canvassed – is of course that we have these most devastating, most traumatic and horrible circumstances where we find somebody doing the worst of things in the community. What we need to do is deal with these matters in a robust, effective way. These matters need to be dealt with by a range of agencies, and I will go to some of those shortly. But also, as has been canvassed by the minister and others, we need to be able to provide for the best possible framework within our country, to provide for that support and service and, most importantly, the protection of children in our local community.

As a parent I have heard a number of parents, members and others speak about the issue of trust, and they are absolutely right – this is about trust. There is nothing more important than your little one. I certainly know, as a parent, doing that drop-off, particularly when they start, can be really challenging for them and for parents and grandparents and the like. It can be a very challenging experience. What we need to make sure these bills do is provide for the very best possible framework and system. What we saw through the work of Victoria Police and the subsequent investigations – and they continue as we go forward – were the most vicious of acts. The government took steps then and continues to take steps to make sure that we are providing for a new framework, in terms of both regulation and a national framework that goes to these very serious matters.

What we will have is the expansion of the Social Services Regulator; the work around the working with children check, the reportable conduct scheme and the child safety standards, bringing them under one roof by early 2026; and of course the regulator's determination to have the authority to act swiftly and decisively and the power to immediately reassess, refuse, suspend or revoke a working with children check when credible information is received. And of course we will have that important backing from the new intelligence and risk assessment unit, giving the regulator access to evidence-based tools to assess risk and ensure consistent and robust decision-making.

The recommendations and the work of the report, which have been well canvassed in a number of members contributions – and I am looking now at the outstanding member for Pascoe Vale, who referenced these matters as well – was important work and of course was commissioned by the government after those horrific incidents came to light. Recommendation 6.2 of the rapid review includes the Victorian Civil and Administrative Tribunal no longer being able to review working with children check decisions, and instead there is the replacement of this by the expert panel with specialist skills to ensure the decisions are made by those with knowledge and experience to protect children. And the legislation, as others have mentioned, goes on to build the urgent reforms already being delivered, or adds to, I should say, the measures that have been already announced and well canvassed.

There are of course a comprehensive range of functions that are contained within the legislation and the bills that are before the house. What this goes to is making sure that we are providing for a system that is, it must be said, highly dynamic. We know that having that interaction – both as parents and members of a local community, speaking to constituents within our own electorates and knowing that these are dynamic settings and are settings in which we place a profound sense of trust in those early

educators and those people who care for young ones within our community – and making for a robust and comprehensive framework, not just for this state but for the entire country, is something that is incredibly important. There should be no difference – there should be no change to the importance of caring for young people in these settings, whether you are in WA, the Northern Territory, Tassie, Victoria, anywhere in our country, and arguably you could expand that to anywhere in the entire world. We here in Victoria are tasked with creating legislation that goes to protecting young people within our own state, and I want to commend the work that has been done at a national level to provide for these matters.

As we change from the Acting Speaker to the Deputy Speaker, I will just straighten up a little bit further. We of course know the importance of these matters. Making sure that these provisions are in place, making sure that these provisions do go to addressing the most horrible of circumstances, the cruellest of acts, is something that we remain committed to. Listening to local communities and hearing from parents, from family, from friends and from those that have been affected by what has occurred, I think everybody in this house, no matter which side of the chamber they are on, was absolutely devastated to learn of those reports. The work that has been done since is incredibly important, but the work is certainly by no stretch finished nor concluded.

Vigilance, best practice, listening to the experts, doing all of the things that we know good governments do is of course something that we remain committed to. Making sure that there is a comprehensive and robust framework in place is the priority of the government, because there can be nothing more important than protecting our little ones, there can be nothing more important than helping them grow and learn and develop and there can be nothing more important than keeping evil, despicable people out of the system and never having the opportunity to prey. That is what it is – preying on and targeting the most vulnerable people. It absolutely makes you sick, and for people to commit these acts is horrendous. We remain focused on making sure we are supporting all parents, all young people and of course, as I mentioned at the start of this contribution, the vast majority of early educators, who do the right thing. With those comments and given the time, I commend the bills, not the bill, to the house.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Budj Bim bushfire recovery

Roma BRITNELL (South-West Coast) (19:00): (1389) My adjournment matter is to the Minister for Environment, and the action I seek is for the minister to provide the promised funding for Budj Bim National Park's fire recovery. As we brace for another bushfire season, Victoria's south-west coast, home to some of the most treasured national parks, remains dangerously exposed. Budj Bim National Park, a World Heritage-listed site of immense cultural and ecological value, stands as a damning symbol of government neglect. Earlier this year Budj Bim was devastated by fire, burning over 2200 hectares. The aftermath was horrific. Koalas were left to suffer, inaccessible terrain forced a controversial aerial shooting of koalas and a recovery plan remains completely unfunded. The government dumped 250 annual reports a couple of weeks ago in an attempt to hide their gross mismanagement and wasteful record. One of those reports, the national parks annual report, says that a recovery plan for the major bushfire at Budj Bim World Heritage site 'has been developed, although was unfunded at the time of writing'. This inaction sends a terrible message to our communities, our conservationists, our wildlife rescuers and the international visitors who travel to experience this unique landscape.

Victoria has just endured its driest season in decades. The bush is a tinderbox. Farmers, park managers and locals are sounding the alarm. The fuel load is immense, and the Allan Labor government's

inaction is not just negligent, it is dangerous. Despite boasting of multimillion-dollar investments, the government has not allocated a single dollar to Budj Bim's recovery. Tourism is already suffering, visitors are wary, operators are frustrated and communities are left wondering if their safety and prosperity matter to this government at all. I recently met with the timber industry, leaders who warned of the economic threat that bushfire poses to Victoria's plantation sector and wood supply, which are critical to our housing industry and regional jobs. We can act to protect these assets, but it requires real leadership, not political convenience spending.

Meanwhile firefighters' infrastructure is crumbling, much of the equipment is outdated and many Forest Fire Management Victoria vehicles are offline. The CFA is pleading for upgrades, and while AI-enabled fire detection technology exists, the government refuses to invest. We are relying on obsolete systems while frontline communities are left vulnerable. Victoria has failed to meet even a third of the planned burn targets recommended by the 2009 Victorian Bushfires Royal Commission. The Allan Labor government has obviously not learned from Black Saturday, when 173 lives and over 1 million animals were lost. Fire mitigation and prevention is vital. This is not a bureaucratic oversight, it is a failure of leadership – a failure that threatens lives, livelihoods and our natural heritage.

Footscray Rugby Club

Katie HALL (Footscray) (19:03): (1390) My adjournment matter this evening is for the Minister for Community Sport, and the action I seek is for the minister to join me at Melbourne's premier community rugby club, the Footscray Rugby Club. The club has a proud history and a deep focus on community across its women's and men's teams. It has a fantastic Rugby Sevens competition. It was established in the 1920s and based at Footscray Park. This year was a spectacular one for the Footscray Rugby Club, with a 23 per cent growth in players. The Footscray rugby union club has players from across metropolitan Melbourne and even regional areas, drawn to the club for the high-quality coaching and sense of community. This year the club achieved an outstanding result: minor premiers in the first, second and third divisions. The club is so innovative it has started partnering with Victoria University's elite sports science faculty. The clubrooms at Henry Turner reserve were upgraded with the support of the Allan Labor government in partnership with the council. Council have approved plans to upgrade lighting, but those plans have been stagnant within council since 2010. I hope this is remedied, because this is a club that is professional, it is grounded and it is growing. I look forward to introducing the minister to Mark, Charlie and the team at Footscray's other Bulldogs, the Footscray Rugby Club.

Timber industry

Danny O'BRIEN (Gippsland South) (19:05): (1391) My adjournment matter this evening is for the Minister for Environment, and the action I seek is for the minister to intervene to stop what I think is a wasteful situation happening in Gippsland with respect to timber. I am advised that Forest Fire Management Victoria or Department of Energy, Environment and Climate Action (DEECA) crews are undertaking various activities over a period of time and have been for some time now, including clearing roadsides and creating firebreaks in various parts of East Gippsland. This is I think also happening across the state, but the issue I am raising is specifically in East Gippsland. The trees that are being cleared to create these firebreaks or roadsides are often quite good timber. At one level some of it should be made available for firewood, and at another level I am advised that quite a bit of the timber is actually good-quality timber and could be used by timber mills. Surprise, surprise, we actually do still have some timber mills trying to survive in the post–Dan Andrews timber shutdown world that is Victoria, but they are surviving with different sources of timber, including some private sources.

I have a small timber mill in my electorate – very small, only three or four employees, but a really good local small business that takes timber off farms, from introduced species like cypress and the like, and turns it into all sorts of products. They would love – they would be desperate indeed – to get hold of some of this timber that is currently being loaded up on the side of the road and left there. As

I said, it could be and should be used for firewood when it is not applicable for anything else. But I am told that this timber mill has actually seen the logs, and it is very clear that it actually could be good for milling, for use. Not only would this be good for the timber mill in my electorate and the jobs that it creates, it would be good for forest fire management. It would be good for the environment because we would not be leaving a whole lot of wood piled up and causing a potential future fire hazard, and more importantly, it would be sold. We are not talking about giving this away for free. It could be sold by the government to small timber mills and the proceeds reinvested back into DEECA and forest fire management to ensure that we can continue to protect our forests and protect our communities with firebreaks and the like, making sure that roads are open for people who want to use our beautiful native forests. For whatever reason – I do not know if it is illegal; I do not believe it is and I think it is a policy decision – at the moment this wood is being left alone. I am calling on the minister to step in and ensure that a sensible decision is taken, that this wood that is cleared anyway, that has fallen to the ground, is utilised properly and for good benefit for all Victorians.

Retail workplace safety

Gary MAAS (Narre Warren South) (19:08): (1392) The adjournment matter I wish to raise is for the Minister for Industrial Relations in the other place and concerns the safety of retail workers. The action that I seek is that the minister provides an update on how the Allan Labor government will protect retail workers in my electorate of Narre Warren South. I know that our government is working hard on legislation to support retail and customer service employees as data has shown a rise in abuse. As a former union leader, worker safety is something that I care deeply about, and public abuse of retail workers has always been an issue but has reached a new level of disrespect. I understand that the SDA found that 87 per cent of workers had experienced abuse from customers in the previous year, and that is compared to a 2021 survey where reports of physical violence against workers had increased by 56 per cent. This data, along with anecdotal evidence that has been received from unions and employers, has shown that there is a need for stronger protections against harassment, discrimination and intimidation of retail, hospitality and customer service workers. Many of us know or in fact have been a retail or hospitality worker at some stage in our lives. We all know that workers in these industries can experience the worst of society in their public-facing roles, but no-one should have to experience threatening, unsafe or intimidating behaviour while simply doing their job. I would like to acknowledge the terrific work of delegates and members at the SDA, at the TWU and indeed at the United Workers Union, who are at the front line of advocating for and protecting our workers in this retail space. I look forward to the state government introducing legislation that will protect workers each and every single day.

Mornington electorate bus services

Chris CREWTHER (Mornington) (19:10): (1393) My adjournment matter is for the Minister for Public and Active Transport. The action I seek is for the minister to update me on the rollout and timeframes for the new 886 Mornington to Hastings bus service and the 784 and 785 route upgrades, including services to Beleura and Peninsula Grange retirement villages, and on whether she will listen to the significant concerns of Prince Street residents, who have overwhelmingly indicated that they support buses but not on their street for a whole range of reasons.

First, I have called for a number of years for the bus between Mornington and Hastings. During the 2022 election campaign the Liberals and Nationals committed to that bus service. That was not matched by Labor at the time, but with significant pressure on them since, they have now committed to delivering and to funding the Mornington to Hastings bus service. We have indications now that they will roll that out in July or August next year, so I am asking this Labor government to keep to their promise to deliver this service.

In addition to this, for 10 years or more retirement village residents at Peninsula Grange and Beleura retirement villages have called for a bus – any bus – to come to unused bus stops outside of their retirement villages. There are also unused bus stops outside of St Macartan's Parish Primary School,

Mornington holiday park, Racecourse Grange Aged Care and Mornington Racecourse. It is not good at all that we have a community of over 2000 residents with bus stops but no buses. So after much advocacy this government have actually confirmed that as part of the Mornington to Hastings bus route they will now realign services 784 and 785 to service these unused bus stops. This is a great thing for our community, but I am calling for the government to do this properly, and to do this properly they need to get the route right.

I have been contacted by many, many residents along Prince Street in Mornington who will be impacted by the new route for the 784 going down their street. It is a street that has little to no disability access. It has no footpaths. It has a proposed bus stop that would be right outside a fire mains and fire pit. They received zero consultation. They received no direct mail. The first they found out about this was in the last couple of weeks. There are nearby alternative routes that the buses can go down. These residents support buses. They support the 784 and 785 route upgrades and the Mornington to Hastings bus route, but these routes must be done properly. I call on the minister to confirm these upgrades, to confirm these timeframes and to consult properly with Prince Street residents.

Women's health

Tim RICHARDSON (Mordialloc) (19:13): (1394) My adjournment this evening is to the Minister for Health, and the action I seek is for the minister to join me and leading advocates in the women's health sector for a forum and round table on the next stages of the women's pain inquiry. *Bridging the Gender Pain Gap* is a landmark report that comes on the back of the Allan Labor government putting women's pain on the agenda. We know that so many women in our community have been disenfranchised in their health care and outcomes, and we had over 13,000 Victorians share their lived experience of how seeking help and support for their health care has been invalidated and has been impacted by people that they should have been able to trust. Recently we had the most amazing women's health forum with the member for Carrum, the former Attorney-General Jill Hennessy and the Minister for Health, and Helen Cooper I give a shout-out to, the Peninsula Health CEO. This was a really important discussion with people in our community and young women in our community around their experiences and understanding women's health and navigating that. There were 27 recommendations across seven key areas. This is nation-leading work that was put on the agenda by the Allan Labor government.

We had the most amazing women's pain forum in Mordialloc, one of the first ones, with the Premier and the Minister for Health only a little while ago, last year. It was a great discussion with a really important understanding of the critical work that we have to do and what we need to do into the future. With 27 recommendations across seven key areas, it is a chance for constituents in the Mordialloc electorate to reflect on what they want to see happen as part of that. What do we prioritise in those key areas? What are the first things that we do?

Like we have done in this space, we will go directly to people with the lived and living experience and those organisations that have supported us. A big shout-out to Kit McMahon from Women's Health in the South East – I know the member for Narre Warren South is a good friend as well, as are so many in this Parliament. She is an absolute superstar. She facilitated that, and hopefully we get her back alongside the Minister for Health for this important inquiry.

North East Link

Will FOWLES (Ringwood) (19:15): (1395) My adjournment matter this evening is directed to the Minister for Transport Infrastructure, and the action I seek is for the minister to release the traffic modelling and estimates for vehicle usage for the North East Link, particularly for the route connecting the eastern suburbs to Tullamarine Airport. We know that lots and lots of people in the eastern suburbs are going to be using North East Link to get to the airport. It is a very good thing.

According to appendix K of the North East Link transport assessment project case report, the project is expected to reduce travel times from Doncaster to Melbourne Airport by 25 to 30 per cent. That is

at page K-62. That is a very significant reduction, and we have had a pretty good go at trying to extract some information about the data supporting this reduction without any success to date. It is crucial the minister release the modelling and the estimates behind these figures to give the public a clearer picture of the impacts on traffic flow and of course on local infrastructure.

I think the North East Link project is a very good project. I think it is part of the reason why the Labor government is going to be returned in November 2026. But it is information that is essential for us and my community to understand about how the North East link is going to help ease congestion on major routes like the Eastern Freeway and M2 and improve access to key locations for my constituents, especially to Melbourne Airport. I am a regular traveller to Melbourne Airport, as I am sure many members of this chamber are, and the route at the moment is being chopped up considerably as you travel from Ringwood because of all the works establishing the North East Link project. I am particularly concerned about parts of the route, and I am keen to understand on behalf of my constituents exactly what it all entails.

So identifying the changes, how they are going to affect surrounding communities, how they are going to affect our local road networks – considering the scale of this project it is just vital we have access to the data so we can make sure the benefits of reduced travel time are fully realised and that any challenges, like potential traffic increases in nearby areas, are addressed early. By understanding the detail of the modelling we can potentially pick up any problems in what the government has modelled. So release the modelling and my community will be properly informed, and it will help ensure that North East Link delivers on its promise, not just for my constituency but indeed for all Victorians.

Werribee electorate community safety

John LISTER (Werribee) (19:17): (1396) My adjournment matter is for the Minister for Police, and the action I seek is an update on the programs police are working on in Wyndham to reduce serious offending and crimes committed by children and how the Allan Labor government is supporting police in these programs. Community safety is our priority. Last week we opened the Wyndham law courts, the largest courts outside of the CBD. They sit right next to the police complex, also the largest of its kind outside of Melbourne. But it is not what police do in the station that counts, but in the air and on the road. Many people in my community were pleased to read about Operation Shows, a targeted operation across Wyndham seeing our local police team up with specialist units like the air wing to target high-harm offending like aggravated burglaries, car thefts and dangerous driving. It runs regularly out in our new estates, showing criminals that you can run but you cannot hide from our police. As Detective Senior Sergeant Matt Lewis observed:

> These arrests show that while you might not always see us, we are always there.

Community safety is about supporting the people who actually go out and do the job. This does not always need to be broadcast, however, seeing the small snapshot of Operation Shows can give our community confidence in our police out on the road and in our new estates. As part of our record investment in policing we have seen more police on the beat in Wyndham, and just like other public services, there have been staffing challenges. But I know that the local area command are doing everything they can to target this high-harm crime in our community and to fill those positions while they are doing it.

I do welcome the reforms announced by the Chief Commissioner of Police to get more police out of the station and onto the streets. I hope that these initiatives are rolled out to extremely busy stations like Werribee so that they can continue to get out into our growing community to deter and drive down crime. I really value the productive conversations I have with our local inspector, Rachel Van Someren, who is quite familiar with not only the community of Wyndham but also Melton, and who along with her team is so dedicated to not only responding to crime but also getting out and trying to prevent it in the first place. Thank you to Rachel and the team across the Wyndham police service area. We cannot thank you enough for your work, and I look forward to hearing from the Minister for Police about how we are supporting them.

West Gippsland Hospital

Wayne FARNHAM (Narracan) (19:20): (1397) My adjournment this evening is to the Minister for Health, and the action I seek is that the minister get on to the department and tell them what is going on and what services are required for the new West Gippsland Hospital. It was 12 months ago today that I raised the issue of the West Gippsland Hospital. I asked the government for an update on that hospital after my father died. After 12 months today I finally had a meeting with the Minister for Health Infrastructure to get an idea of what is going on with this project. After talking to the Minister for Health Infrastructure it was very plain to me that the department is the hold-up in this process. The department have not done the work for this project to progress, so it is very hard for me to ask the Minister for Health Infrastructure for an update when the work has not been done. I have pointed out time and time again the need for this hospital in Victoria is probably the greatest need. Having sat down with the Minister for Health Infrastructure today, I actually have empathy with her, because it must be just as frustrating for her as it is for my community when the department is the hold-up and the department is not doing the job.

I do not get how this works. We have an election commitment. It says, 'We're going to have X amount of beds. We're going to have an aged care facility. We're going to have this, we're going to have that.' Why has it taken the department – where are we now – nearly three years? We are three years on from that election commitment. How come it takes that long? What are they getting paid for? For goodness sake, the community needs this hospital. If the department heads or the Department of Health cannot figure it out, I have got a word of advice for the minister: sack them and get people that are competent at their job and can get the job done so this hospital can be built. Twelve months is way too long for any community to wait for an answer on an update. Twelve months is too long. Get the department to get their act together and do their job so the minister for infrastructure at least has a chance to give me an update on when the hospital will be started.

Footscray Hospital

Luba GRIGOROVITCH (Kororoit) (19:22): (1398) The action I seek from the Minister for Health is to provide an update on the progress of our transition to the new Footscray Hospital and the benefits that this will bring to our wider community in the west. This new hospital is not just an upgrade, it is a transformation of health care for families across Melbourne's west. It is a $1.5 billion investment. Once fully operational it will have more than 500 beds, which is an increase of 200 beds, enabling treatment for approximately 15,000 additional patients and supporting an extra 20,000 emergency department presentations every year. For communities in the west that means shorter waits, expanded services and care closer to home.

Preparations for opening are already underway on an unprecedented scale: 4500 staff are undertaking 22,000 hours of training, there are 200 specialised clinicians and a coordinated process will transfer over 4000 pieces of clinical and operational equipment. The hospital includes a 12-storey main building, four additional building precincts and 16 operating theatres across a site the size of nine MCGs. It will also house Victoria's first – and I am very proud of this – fully funded public pathology service, enabling faster, fairer diagnostic care for patients across the Western Health network. I know that all of my western suburbs colleagues are incredibly thrilled about Footscray Hospital. This hospital is an absolute game changer for Melbourne's west, delivering world-class care, local jobs and services for our growing community that desperately needs them.

Responses

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (19:24): A number of members raised matters for ministers. I will make sure that these matters are referred to the relevant ministers.

The DEPUTY SPEAKER: The house stands adjourned till tomorrow morning.

House adjourned 7:25 pm.