PROOF

Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 20 November 2025

By authority of the Victorian Government Printer

CONTENTS

COMMITTEES
Public Accounts and Estimates Committee 1
Membership 1
PAPERS
Papers 1
PRODUCTION OF DOCUMENTS
Container deposit scheme 1
Waste and recycling management 2
BUSINESS OF THE HOUSE
Notices 2
COMMITTEES
Public Accounts and Estimates Committee 2
Membership 2
MEMBERS STATEMENTS
Barwon Women's and Children's Hospital 2
William 'Bill' Matthews 2
Wellsprings for Women 3
Knox United Soccer Club 3
When the Army Came to Pakenham 3
Multicultural festivals and events 3
Commonwealth Bank 4
Islamic Council of Victoria 4
Women Economic Forum 4
Gender identity 5
AKD Yarram 5
Health system 5
BUSINESS OF THE HOUSE
Notices of motion 6
BILLS
Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025 6
Second reading 6
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Youth justice system 26
Electricity prices 27
Ministers statements: housing 29
Hunters for the Hungry 30
Country Fire Authority 30
Ministers statements: Victorian Aboriginal Justice Agreement 31
Fire services 32
Kangaroo control 33
Ministers statements: disability services 33
Suburban Rail Loop 34
Housing 34
Ministers statements: TAFE teachers 36
Written responses 37
CONSTITUENCY QUESTIONS
Southern Metropolitan Region 37
Northern Metropolitan Region 37
Western Victoria Region 37
Eastern Victoria Region 38
South-Eastern Metropolitan Region 38
Northern Victoria Region 38
Southern Metropolitan Region 38
Northern Victoria Region 39
North-Eastern Metropolitan Region 39
Western Metropolitan Region 39
Western Metropolitan Region 40
Northern Victoria Region 40
Western Victoria Region 40
Northern Victoria Region 40
Eastern Victoria Region 40
BILLS

CONTENTS

Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025 41
Second reading 41
Committee 51
Third reading 60
Victorian Early Childhood Regulatory Authority Bill 2025 61
Early Childhood Legislation Amendment (Child Safety) Bill 2025 61
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 61
Second reading 61
Victorian Early Childhood Regulatory Authority Bill 2025 102
Second reading 102
Committee 103
Third reading 110
Early Childhood Legislation Amendment (Child Safety) Bill 2025 110
Second reading 110
Committee 110
Third reading 120
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 120
Second reading 120
Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025 120
Council's amendments 120
Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025 120
Introduction and first reading 120
Statement of compatibility 121
Second reading 127
Children, Youth and Families Amendment (Stability) Bill 2025 133
Introduction and first reading 133
Statement of compatibility 134
Second reading 136
Crimes Amendment (Retail, Fast Food, Hospitality, and Transport Worker Harm) Bill 2025 138
Introduction and first reading 138
Statement of compatibility 139
Second reading 143
Justice Legislation Amendment (Police and Other Matters) Bill 2025 145
Introduction and first reading 145
Statement of compatibility 146
Second reading 176

BUSINESS OF THE HOUSE
Adjournment 185

ADJOURNMENT
Women's health 185
Northern Metropolitan Region bus infrastructure 185
Mount Arapiles rock climbing 186
Maroondah Highway–Yarra Road, Croydon 186
Ambulance services 186
Sudan conflict 187
Bendigo early childhood education and care 187
Horseracing 188
Family violence 189
Energy policy 189
Community safety 190
LGBTQIA+ equality 190
Training and skills 192
School bus program 192
Economic policy 193
Responses 194

QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Written responses 194

Thursday 20 November 2025

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Committees

Public Accounts and Estimates Committee

Membership

The PRESIDENT (09:33): I advise the house I have received a letter from Bev McArthur resigning from the Public Accounts and Estimates Committee effective 19 November 2025.

Papers

Papers

Tabled by Clerk:

Climate Action Act 2017 – Victoria's Climate Change Strategy 2026–30, under section 33(1) of the Act.

Commissioner for Environmental Sustainability –

Strategic Audit of the implementation of Melbourne Strategic Assessment Conservation Outcomes 2024 Report.

Victorian State of the Marine and Coastal Environment 2024 Report (Summary Report and Scientific Assessments).

State of the Great Ocean Road Coast and Parks 2025 Report (Summary Report and Scientific Assessments).

Geoffrey Gardiner Dairy Foundation – Report, 2024–25.

Gunaikurnai Traditional Owner Land Management Board – Minister's report of receipt of the 2024–25 report*.

Local Jobs First – Report, 2024–25.

Planning and Environment Act 1987 – Notice of approval of Victoria Planning Provisions – Amendment VC297.

Surveillance Devices Act 1999 – The permanent installation of listening devices in prisons and their use by Victoria Police: An Integrity Oversight Victoria inspection report examining warrants authorising Victoria Police to use listening devices in prisons between 2008 and 2024, under section 30Q of the Act *(Ordered to be published)*.

Victorian Environmental Assessment Council – Assessment of the values of state forests in eastern Victoria: Assessment report, April 2025, under section 26E of the Victorian Environmental Assessment Council Act 2001.

Victorian Institute of Forensic Medicine – Report, 2024–25*.

Victoria State Emergency Service Authority (SES) – Report, 2024–25*, together with an explanation for the delay.

Yarra River Protection (Wilip-gin Birrarung murron) Act 2017 –

Birrarung Council Report, 2025 on the implementation of Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan.

Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan, Report 2024–25 – Reporting on implementation from 1 July 2024 to 30 June 2025.

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

Production of documents

Container deposit scheme

The Clerk: I table a letter from the Attorney-General dated 19 November 2025 in response to a resolution of the Council on 29 October 2025 on the motion of Mrs McArthur relating to the container

deposit scheme. The letter states that the date for production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

Waste and recycling management

The Clerk: I table a further letter from the Attorney-General dated 19 November 2025 in response to a resolution of the Council on 29 October 2025 on the motion of Mr Ettershank relating to waste-to-energy cap licences. The letter states that the date for the production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

Business of the house

Notices

Notices of motion given.

Committees

Public Accounts and Estimates Committee

Membership

Bev McARTHUR (Western Victoria) (09:42): I move, by leave:

That Richard Welch be a member of the Public Accounts and Estimates Committee.

Motion agreed to.

Members statements

Barwon Women's and Children's Hospital

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:43): I rise to celebrate the incredible creativity of young people across Geelong who are helping to bring colour and joy to the biggest health infrastructure investment our region has ever seen: the new $500 million Barwon Women's and Children's Hospital, thanks to the state Labor government. We recently asked local primary school students to draw what makes them happy when they are feeling unwell. From the many entries received, 16 were selected and their beautiful artwork now lines the hospital's entrance, greeting workers and passers-by with warmth, hope and a burst of colour. Recently I joined my Geelong regional MP colleagues Christine Couzens, Alison Marchant and Ella George, along with Barwon Health CEO Frances Diver and chair Lisa Neville, teachers, families and of course our talented young artists to celebrate them at the Geelong Regional Library. Their insights were as special as their drawings. Gracie from Torquay College told us that she was excited because her artwork will be there for years, and Catherine shared that she hoped that her drawing would make others feel good when they see it. These young artists have captivated and captured exactly what this project is all about: care, community and creating a hospital that truly puts children and families at its heart. The Allan Labor government know this, and that is why we continue to heavily invest in what really matters in the Geelong region.

William 'Bill' Matthews

[NAMES AWAITING VERIFICATION]

Melina BATH (Eastern Victoria) (09:44): William 'Bill' Abraham Matthews was laid to rest with a very special plaque in the Wonthaggi Cemetery 100 years late. Nestled under the majestic gums lies the grave of World War I soldier William 'Bill' Matthews. Until recently it was unmarked, but no longer. Through the efforts of a local historian, the Phillip Island RSL and family and friends the resting place of the Wonthaggi man is marked by a special plaque honouring his service. The story is a tragic one. Having survived the 1917 battlefields of Bullecourt in France, wounded in the head with

flying shrapnel, Bill was repatriated home to Australia. Bill married and began a family in Wonthaggi. While working in a coalmine in McBride Tunnel, he was tragically killed by a fall of rock. His father Abraham was first on the scene. Some centuries later his family and the Phillip Island RSL researched, applied for and were provided with a grant to dedicate the plaque on his grave. I and my colleague Tim Bull were delighted to play a small role in advocating to the Commonwealth on their behalf. The plaque stands as a permanent tribute to Bill's contribution to his family, who carry his memory with pride, to his community and to his country he served with honour. Congratulations to Bill's extended relatives, including Ange Matthews, Geoff Lee, Tony Matthews and the Phillip Island RSL president Peter Paul, Bob Woods, Lawrence Buck, Michael Crump and Michael Reardon, who presented in official World War One uniform at the time. Lest we forget.

Wellsprings for Women

Rachel PAYNE (South-Eastern Metropolitan) (09:46): The week before last I had the privilege of attending Wellsprings for Women in my electorate to watch *Story is Connection*, a performance created and performed by migrant and refugee women. Through movement, speech and song these women shared their lived experiences of trying to find meaningful employment in Australia. Their performance highlighted some of the barriers and systemic disadvantage they have come up against throughout their journeys, from racism, harmful gender norms, isolation, violence, civil and human rights violations. Yet within these struggles their story spoke to great strength, resilience and compassion. Community connections made at organisations like Wellsprings for Women ensure migrant women are supported and encouraged to gain the skills and experience to participate, particularly in the workforce. When I was asked to reflect on the performance, the word 'pride' came to mind, pride in their resilience and unwavering commitment to be the best they can be and pride in their achievements and bravery. Storytelling like this allows us all to deepen our understanding of the world, creating connection. I thank Wellsprings for Women for platforming their voices and the fabulous performers for sharing their stories, stories that are too often unheard in our society.

Knox United Soccer Club

Michael GALEA (South-Eastern Metropolitan) (09:47): I was delighted to join Knox United Soccer Club, one of the terrific local community clubs in my electorate, over the weekend for their major event of the year, the annual Vicki Angel Memorial Day event, in honour of a stalwart of the club, a mother of several players there who very sadly passed away several years ago. The day is an intra-club tournament with matches and lots of other entertainment and events, all to raise funds for Peter Mac and Eastern Palliative Care. It was great to be there alongside my federal colleague Mary Doyle and some councillors from Knox City Council. Congratulations to the club for another outstanding event and for raising funds for very important causes.

When the Army Came to Pakenham

Michael GALEA (South-Eastern Metropolitan) (09:48): I also recently had the opportunity to join with a local historian in Cardinia for the launch of a new book acknowledging the role of the Salvation Army in the Pakenham area. Friend and local historian Penny Harris-Jennings has written a new book, *When the Army Came to Pakenham*, detailing the history of the lives of the many different people who came into the area as part of the home that they built just over 100 years ago. It was terrific to have members of local historical societies, councillors and other locals there for the launch event. Congratulations to Penny for the launch of the book. It is a terrific celebration of the outer south-east's local history.

Multicultural festivals and events

Evan MULHOLLAND (Northern Metropolitan) (09:48): It was great to join colleagues over the weekend at Lankan Fest 2025 at Crown Riverwalk. I was joined by the federal shadow for multicultural affairs Senator Paul Scarr and my colleague in the other place the member for Eildon Cindy McLeish. Despite the rain, it was an absolute blast of an event, visiting many stallholders and

many Sri Lankan community members from the northern suburbs. In particular I want to thank president Damitha de Mel on behalf of her wonderful organisation. I also then wandered over the Yarra to the Polish Festival at Federation Square, which was absolutely fantastic and celebrating its 21st year. It is a volunteer, inclusive celebration that highlights Polish art, culture and history. I would like to thank all of the organisers who put it together. It was also great to attend the Islamic Council of Victoria gala dinner on the weekend as well, where I joined Minister Erdogan to celebrate 50 years of the ICV in Victoria. This was a significant occasion and a moment to reflect on the council's enduring contribution to the state's social, cultural and religious fabric. Thank you to my friend president Mohamed Mohideen and the event organisers for their hospitality and friendship.

Commonwealth Bank

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:50): $10.3 billion in cash profit in one year is apparently not enough of a shareholder payout for Commonwealth Bank, so when Commonwealth Bank overcharged their most vulnerable customers they decided to give the shareholders that money too, by their own admission. The regulator, ASIC, found that Commonwealth Bank charged $270 million worth of excessive fees to vulnerable customers, and when questioned, the CEO said they do not want to give it back because that would take money away from their shareholders – the reverse Robin Hood Commonwealth Bank overcharging vulnerable Australians to give to rich American investors. This was money that they have taken from someone's bank account unfairly, and this bank has no remorse. Commonwealth Bank is the most profitable bank in the world. These unfathomable profits are not normal, and I cannot comprehend the sheer greed of not giving that money back to who it belongs to. These banks do not care, but people in this country should. If we taxed these excessive super profits, we could use that money to fund services that benefit people in this state, support our most vulnerable, instead of listening to a CEO justify why that money should collect dust in American billionaires' overflowing bank accounts.

Islamic Council of Victoria

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:51): Last weekend I had the pleasure of attending the Islamic Council of Victoria's 2025 gala dinner. It was a significant milestone for the organisation, which has represented Victoria's Muslim community for half a century. It was a pleasure to also be joined by a strong contingent of government MPs, including my good friend Mr Lee Tarlamis, the Minister for Multicultural Affairs Ingrid Stitt and also the member for Broadmeadows in the other place, as well as the shadow minister Mr Evan Mulholland in this chamber. For 50 years the Islamic Council of Victoria has provided a consistent voice on issues affecting Muslim Victorians, from community engagement and social services to calling out racism and Islamophobia. On the night I also had the honour of officially launching the Council's reconciliation action plan, a practical commitment to truth-telling and respectful partnership with First Nations people in our state. Since 2014 our government has partnered with the ICV on a number of initiatives, including open mosque days, anti-Islamophobia programs and infrastructure improvements to strengthen community facilities. I want to take this opportunity to also acknowledge and thank president Dr Mohideen and the CEO Mr Wahid for their contributions and the many people that have volunteered at this organisation for half a century. Congratulations to the Islamic Council of Victoria on 50 years.

Women Economic Forum

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:53): Today I am honoured to host the delegation from the Women Economic Forum Australia 2025 at Parliament House in Melbourne. Founded by Dr Harbeen Arora Rai, the forum is a premier global gathering of women leaders, innovators and change makers dedicated to fostering empowerment, entrepreneurship and leadership across nations. I particularly acknowledge the distinguished dignitaries in attendance: brigadier general, jail superintendent, attorney and medical doctor Ms Faridah P Ali from the Philippines; deputy head of mission at the Embassy of the State of Qatar Mrs Fatima Al-khulaifi; and the

ambassador's representative from Latvia, serving as delegation contract representative and head of the representative office in Australia for the Investment and Development Agency of Latvia Ms Sabīne Kazaka. Their presence underscores the truly international character of this forum and the shared commitment to advancing women's economic empowerment worldwide. I also extend my thanks to Dr Sarifa Alonto-Younes, global director of Speakers Tribe Women, and Dr Hassan Younes of the Alonto-Younes Foundation Incorporated, for their tireless efforts in ensuring the success of this event. With more than 30 delegates joining us, the Women Economic Forum highlights the extraordinary contributions of women in business, government, academia and civil society. May the conversations held inspire lasting change and strengthen the global movement for women's economic empowerment. Today we have people from Australia, Latvia, Malaysia, Philippines, Qatar, Vietnam, USA and the UAE. I am hosting all of them, and I hope you have a chance to say hello to them.

Gender identity

David LIMBRICK (South-Eastern Metropolitan) (09:54): Today I would like to congratulate our cousins across the ditch in New Zealand for taking the brave step to outlaw the use of puberty blockers for children for the purposes of treating gender dysphoria in minors. They join a long list of jurisdictions throughout the world, such as the United Kingdom, many areas in the United States and many other jurisdictions throughout Europe, and indeed Queensland, in concluding that the evidence here, the science, is not good enough to be giving this sort of medicine to children – to be experimenting on children. In the future there will be royal commissions, there will be apologies and there will be compensation – there will be all sorts of things. I urge the government in Victoria and the Minister for Health to act quickly to outlaw this in Victoria as well. We need to make sure that the record shows, when these apologies are happening in the future and when there are all these royal commissions and when all the harm to children is outlined, that there were some in Parliament that stood against it.

AKD Yarram

Tom McINTOSH (Eastern Victoria) (09:55): I rise to update the house on the difficult news of the closure of the AKD softwood sawmill in Yarram this week: 73 workers, their families and the community are impacted by the immediate closure. Although there are workers across the region, in Sale and Traralgon, obviously Yarram will be the most heavily impacted. I have had discussions with government agencies, including Regional Development Victoria, Wellington shire, unions and industry. Regional Development Victoria are on the ground, as are the shire. In talking with industry, there are other companies that are already interested in taking on workers. Although we know there are also going to be people working in the supply chain that are going to be impacted by the closure of the sawmill, which had been making landscaping timbers and pallets, everyone is working together to get the best possible outcomes, as I said, for the workers, for their families, for the community, for the town and for the region. For anyone who would like to like to reach out to me and my office, we will be here to help over the weeks and months coming. I wish everyone all the best as we go through this process.

Health system

David DAVIS (Southern Metropolitan) (09:57): I think we were all shocked to read in the *Herald Sun* this morning the shocking story of Lois Casboult. She is a 91-year-old woman. She called for an ambulance when she needed it. She had fallen, had fractured her pelvis and had bleeding and probably blood on the brain, yet the ambulance was not able to take her. This is a sign of the failings of our health system. The emergency response is now in deep trouble. The hospitals are in deep trouble. When I was health minister, the last figures showed just over 38,000 on the waiting list. There are now more than 57,000 on the Victorian waiting list. The times for emergency response by ambulance have grown extraordinarily long, and this is putting lives at risk. But on this occasion there was an interplay between the ambulance and the Victorian Virtual Emergency Department. We have to be very careful with these virtual emergency departments that they are not a device to stream people away from the

care that they need. In this case it certainly appears that way. It appears that Lois did not get the care that she needed, tragically, and there have got to be answers on this. There has got to be proper investigation. I say this points directly to this government's failure. They cannot manage money. They cannot manage the big health system, and Victorians are at risk. Their lives are at risk and their health is at risk because of Jacinta Allan's failings.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (09:59): I move:

> That the consideration of notices of motion, government business, 278 to 1173, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Jaclyn Symes:

> That the bill be now read a second time.

Richard WELCH (North-Eastern Metropolitan) (09:59): I am pleased to rise and speak on this important bill. Sexual harassment is a major problem in Victorian workplaces. In its wake are untold stories of trauma, scars, ruined dreams, a burning sense of injustice and ultimately bitterness and, in that probably I would say, rightful anger. It is an obligation of every business to put in place systems and procedures to minimise and address it. Education is important. Any behaviours, positive or negative, can be normalised within a workplace culture. A good culture provides a workplace where hard work, enthusiasm and a sense of role and belonging bring out the best of people's talents and efforts and the best of people's character. Other workplaces do not. It is said that culture means behaviours that do not require rules, and one thing I have observed and learned over 25 years of management is how important organisational leadership is in setting tone and culture. We can and should have robust laws to prevent and address workplace sexual harassment, but where those laws meet their limits, nothing can limit the worst of human behaviour as strongly as culture. In the context of the workplace, it is the CEO, the manager, the directors, the department heads and middle management – they all have an essential role in having zero tolerance for sexual harassment, culturally as much as procedurally.

Sadly, even when the right process is in place and the right culture is in place, sexual harassment still occurs. It is a cold, sad conclusion that we can outlaw any criminal behaviour, but that of itself does not prevent crime. That is where society takes back and seeks to apply consequence as the next level of disincentive to criminal behaviour. As a society, we believe that breaking the law, particularly if that act involves harming others, must have consequences. If not, the law is just a piece of paper, and culture is just one person's sense of right and wrong versus another's. Consequence is where law and the moral authority of culture crystallise and codify each other and give both authority. The greater the harm, the greater the laws to prevent it and the greater the cultural cost to the individual if they breach that law, because the culture defines the degree of shame, but ultimately both become personified in the consequence. That is why it is very true to say that not only does justice need to be done, it needs to be seen to be done.

That is what makes the discussion of sexual harassment, and especially non-disclosure agreements around it, a complicated matter. Sexual harassment is culturally shameful, yet too often it is the victim, not the perpetrator, who experiences the cultural shame. That is not justice. Non-disclosure agreements operate to facilitate and support satisfying the law, especially if the matter is contested, but they prevent

justice from being seen to be done. When you put that up against what I have said previously, it is quite evident how conflicted the use of NDAs can become in the settlement of sexual harassment cases. On the one hand, NDAs have in many, many cases been a valuable legal tool to settle difficult, contested matters relatively amicably – to arrive at terms which may not undo what has been done but provide a sense of personal vindication and redress and, crucially, to do so without public exposure, rancour and cost and without adding to the distress of having to go to court to provide a way to move forward. Faced with a choice between litigation and settlement under an NDA, many victims, for their own benefit and by their own agency and preference, choose the latter. In fact our legal systems are geared to encourage it because the system acknowledges that court is a place of last resort and a negotiated settlement is the preferred resolution. Sometimes an accusation, regardless of truth, cannot meet legal thresholds of evidence. Sometimes even a public accusation itself, regardless of truth, is enough to destroy lives and reputations. In both instances the law falls short, and settlement under an NDA has become a valuable mechanism for a mediated solution to this. Whatever the provisions of this bill and whatever the abuses of NDAs that do occur, it is not the concept of the NDA that is flawed. In fact my single greatest concern with this bill is that it strays too far in that direction – something I will say a bit more about later and perhaps deal with in committee.

But there is clearly and unambiguously a problem with the application of NDAs, especially in sexual harassment matters. It revolves around the weaponisation of NDAs to silence victims, to shame and coerce or even bribe victims into silence, compliance and invisibility. The use of NDAs in this way does not satisfy justice; in fact it hides it. Moreover, it is cruel and damaging to the individual. I pay tribute to a number of people who in the debate in the other place bravely shared their experiences of sexual harassment. I suspect there would not be a person in this chamber who has not either experienced or knows someone close to them who has experienced sexual harassment and the damage it does. It is an enduring trauma that is extremely difficult to move past, and many people carry that with them every single day. It is a courageous thing to talk about.

One of the problems with the fact that NDAs make this matter invisible is that the system then breaks down in another way, because that invisibility is not just a burden for the victim, it also becomes a blind spot for society. We do not know how often this takes place. We do not know the degree, because it is hidden. In that sense the operation of NDAs and sexual harassment matters has been problematic for a long, long time, and I absolutely welcome this bill in the context that this needs to be resolved. It is very good that this bill in a sense brings the issue to a head to be addressed, because we have been living in an ambiguous, unsatisfactory state for many, many years around it. We know that the practice of NDAs, at least anecdotally, is increasing, and therefore the potential for abuse is increasing likewise.

The operation and intent of NDAs in sexual harassment cases has been inconsistent and has led to unsatisfactory outcomes. One of the reasons for that is because we understand that there is a power imbalance. At the point of settlement, at the point in time of signing an NDA, someone who has experienced sexual harassment is almost certainly in a state of considerable distress. It is not the ideal time to be signing contracts or agreements that have will have a profound effect on the rest of your life potentially. That power imbalance in dealing with a company is significant. You are an individual versus in some cases the might of the HR department, the might of the CEO or whoever within that company has done the wrong thing. Therefore looking at the way NDAs are signed and completed at that point in time, and addressing that power imbalance and providing the victim with an opportunity when they are less distressed or have had an opportunity for consultation, have had the opportunity to confide in someone and receive advice in a safe way, is a very sound principle. That is what has led us to have this bill come to the house.

The bill background is that it emanates out of a review of sexual harassment, announced back in March 2021, conducted by a taskforce chaired by Bronwyn Halfpenny MP. It reviewed four pillars: preventing sexual harassment from occurring, supporting workers to report sexual harassment, enforcing compliance when there is a breach of health and safety duties and raising awareness and promoting accountability in workplaces across Victoria. The taskforce made 26 recommendations

over a wide area on the matter. The government accepted quite a number of those and then undertook to put something into legislation.

I think it is also very important to recognise there was wide consultation on how we reform this. We looked around the world to see what other countries are doing, which is always a very sensible thing to do, and we saw solutions, particularly from Ireland. One of the solutions – certainly not the solution but one of the solutions – was to address how NDAs are managed, for all the reasons that I have just explained around how they could be abused. The consultation received a large number of submissions from victim groups, from unions and from support agencies, and they make a very compelling case around much of this. The only observation I would make on that is that in workplace harassment matters there are effectively three parties involved: the victim, the accused and the company. The observation in the consultation is that the consultation with the business part of this, the employer part of this, is arguably a little bit insufficient. It would have been better to have had more specific consultation with those groups, because in seeking solutions, they are going to be absolutely key to the success of it in implementation. In knowing how business generally will react, the practical experience would help ensure the laws not only are just but can survive contact with the real world. There are good and bad actors in business alike, and the problems they face too in dealing with these matters are relevant. Ninety-nine per cent of businesses and business owners and managers have nothing but good intent towards victims and have as much of a vested interest in weeding out those perpetrators from their ranks as anyone does. They do not want those people in their business, people who destroy lives. They do not want them in their businesses any more than anyone else.

In my consultation with them they observed that they do have concerns with some of the aspects of the proposed legislation. That is relative to the lack of consultation or input that they were given opportunity to have. Their concern is primarily around how NDAs now have a diminished value in application, from a business point of view, which I will talk to a little bit now as the main area of concern. The main area of concern is that under the provisions proposed, while it is quite sensible that only the victim can propose an NDA being implemented, the victim has a unilateral right to repudiate the NDA after 12 months. That comes back to the previous point about giving the victim time to have agency in a final decision about the NDA. But the unintended consequences are that it massively ups the risk for the business, because in making the settlement in good faith and putting it under an NDA, they now know that the NDA can be repudiated at any time. So from a practical standpoint, from their perspective, the NDA effectively has no value; it cannot be trusted. They cannot consider it a closed matter, because the right to repudiate the NDA is perpetual. At any time, anywhere into the future, the NDA can be repudiated, but by the victim alone.

The business may have made a settlement, may have made a financial settlement, may have made other accommodations, but for all that, the confidentiality can be removed. What the natural reaction of business will be, as businesses have told us, is there will be no point signing an NDA – in fact there is no point settling. So the unintended consequence here would be the risk – I am not saying it is, I am saying there is the risk of it – that businesses will not settle out of court; they will actually pursue and contest the matter. If it is a matter where it is contested within the company, because a lot of these matters are contested, then the company, with the resources of the company, is much more likely to take it to court and litigate or defend it. The consequence is that that exacerbates the problem for the victim, because the victim actually has less resources and less ability to prosecute their own case and settle their own interests. That is undesirable. I am not saying it is a good thing; it is a very undesirable outcome, but it is a potential unintended consequence of the law. If the NDA has no value, then they will not sign one and they will not settle.

Jaclyn Symes interjected.

Richard WELCH: Not to the business, to settling.

Ryan Batchelor: I think you're wrong on the interpretation of the law, but I will explain why.

Richard WELCH: And I am happy for you to. It is not me saying it, it is business and industries that I am consulting with that are pointing this out.

Ryan Batchelor: The bill on the table – you're wrong.

Richard WELCH: And in the committee of the whole I think we can acquit a lot of that, for sure.

Amongst these other unintended consequences, there is not clarity within the bill of the recourse once the procedures or the thresholds for repudiation of the NDA occur, which creates some procedural issues, particularly if nothing has been proven or if the perpetrator has moved company or if other things have happened after the expiration of a year – a year has gone by in due process and suddenly the matter is open for public discussion again.

Another minor issue – it is not a major issue; it is a minor issue – is the requirement that NDAs are written in plain language. I have no problem with that directly. I think it is quite understandable why you would want an agreement signed in plain language, but I would just simply point out that legal language has evolved for a reason, because it has evolved so that we have legal precision, so it is a technical language for a technical purpose. Whilst using plain language in an agreement may be good for comprehension, it is innately and inherently an act of weakening the legal robustness of the agreement, and it does open a small window to making these agreements more contestable under law as well. A question that we will perhaps prosecute later as well is the definition of plain language: how plain, is it an absolute standard, or is it relative to the knowledge and experience of the victim as well?

That said, there are many other good elements of what we are hoping to achieve through this, particularly on the notion of being able to consult or seek advice or counselling even while under an NDA. Another problem with NDAs has been that it also means the victim is in many ways constrained from seeking help from experts or practitioners or even from receiving counsel of a close friend. What this law does, very helpfully, is expand the range of people that a victim can confide in without breaching the NDA. I think that is a very welcome addition. The only concern in this area is that in the crafting of it it is a little bit on one hand too prescriptive and on the other hand a little bit loose. The prescription is that it provides a list of practitioners that you can confide in, which is good – that gives clarity – but the risk is that there is someone accidentally left off that specific list. Are they then excluded because they were not specifically listed? The other thing is that in confiding with someone else, is that other person themselves bound by any requirement for confidentiality? It seems in some circumstances it is unclear if they are. That has, again, the net effect of undermining the robustness of the NDA to any other party that is signing up to it and therefore acts as a further disincentive to actually agree to an NDA in the first place. I point those out really in an absolutely constructive sense, because we intend to support the bill. We think it is a very necessary and very helpful bill to have brought forward. I think it would be helpful to get some further clarity around how this law will operate in practice – that would be a very good thing.

That is all I really want to say for now, because it is more the devil in the detail. There are a couple of bits of devil in the detail that will I think just be helpful in understanding the application of the law – helpful for businesses. Businesses have had a number of other laws from federal level come in the intervening years on similar – not identical, but similar – and overlapping areas of responsibility and obligation, and they are dealing with a number of changes from different directions. A little bit of clarity in the application here will be helpful for their ability to faithfully implement these laws as well. That is my contribution. I commend the bill.

I have got one amendment. It is a very simple amendment. My chief concern, as I have said in the speech, is the unintended consequences – that is all, and that is really what it amounts to. Therefore in the context of unintended consequences, it reduces the review period from three years to two. We can discuss that a little bit more later. I would like to circulate this now. I will conclude my speech there.

Ryan BATCHELOR (Southern Metropolitan) (10:23): I am very pleased to rise on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I think it is important in the

context of the debate today to understand what the real or original intent of non-disclosure agreements was. When they were first introduced and became common practice they were meant to protect trade secrets. They were used as a legal tool by businesses to protect the secrets they had in trade and commerce, largely related to their commercial dealings. But today, overwhelmingly, the concern about these agreements has moved from them being a tool to protect businesses' commercial and trade secrets to one where complainants against sexual harassment, overwhelmingly women, are being asked – that is one word; probably forced is better – to sign non-disclosure agreements as part of a settlement process. These are complainants who are the victims of sexual assault, and this is not protecting trade secrets. The businesses are not protecting their trade secrets, they are seeking to ensure silence from complainants and silence from victims, legally compelling them under the terms of these binding non-disclosure agreements from telling anyone – including friends, including family, sometimes even their doctor or their psychologist – about the conduct that has occurred.

By silencing victim-survivors, NDAs are being misused to hide serial offending, to protect perpetrators and to protect the reputations of employers, who have an obligation to provide a safe workplace. The Australian Human Rights Commission noted in its 2020 *Respect@Work* report that NDAs are frequently used in settlements for workplace sexual harassment cases in Australia and they are contributing to 'a culture of silence' by protecting the reputation of the business or the harasser.

That is the exact reason why the Allan Labor government is bringing these nation-leading reforms to restrict the use of NDAs in workplace sexual harassment cases, because NDAs have been weaponised. They have restricted accountability for people in workplaces for far too long, and this government is doing something about it. This bill ensures these laws are people centred and put power back in the hands of those who have been impacted in their workplaces by sexual harassment and other predatory behaviour, and it ensures that we support them to make the decisions into their future. In passing these reforms and by passing this bill today, Victoria will become the first jurisdiction to restrict the use of NDAs in workplace sexual harassment matters. The reforms respond directly to a key recommendation of the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment, a report that sought to develop reforms that could ensure better prevention of and response to the scourge of sexual harassment in the workplace. Following this recommendation the government published a discussion paper and a survey for victim-survivors in 2024. Responses to that survey highlighted the harm and trauma that NDAs can cause and identified the need for reform.

One de-identified contributor to the government's consultation on these reforms described the use of NDAs as a secret weapon for many companies to commit, cover, suppress and manipulate workplace-related sexual violences. We know because we have talked to them on many occasions that the Victorian Trades Hall Council has also done a lot of work campaigning for these reforms for many years. One of the activities they undertook was a survey. They conducted a survey and collected more than 250 responses from people who had been silenced by confidentiality agreements: 95 per cent of the respondents to that Trades Hall survey said that being silenced through an NDA created additional harm to them, and 96 per cent of respondents believed that NDAs should never be used to silence victims in workplace disputes. That is what the victim-survivors are telling us.

We know, however, that turning around entrenched toxic workplace culture is often complicated. It takes time and it takes hard work, and it also takes governments willing to pass laws to keep that reform going and to keep improving the lives of people who are the victims of workplace sexual harassment. This is just another in those steps that we are taking. It on its own will not solve all the problems, but it is an important and critical step forward. These reforms would also see Victoria become the first jurisdiction in Australia to restrict the use of NDAs in sexual harassment matters. We can point to some other jurisdictions around the world who have taken this important step forward. There are jurisdictions, including Ireland and one of the Canadian provinces, who have regulated the use of NDAs by creating a model centred on complainant choice. The United Kingdom has also recently introduced legislative amendments to ban NDAs in certain forms of work-related harassment and discrimination cases. This is seeing Victoria join world-leading jurisdictions in taking action here.

I think it is important, because there appears to be a little bit of confusion about how this bill works, to clarify some of the matters. These reforms obviously do not prohibit the use of NDAs in their entirety in workplace relations matters. But they create strong safeguards about how they are used and provide more agency to complainants in a process that hitherto has been earmarked by an incredible power imbalance, and these laws seek to redress that.

They give victim-survivors, complainants, more agency about how they engage with proposed settlement agreements. The safeguards work by setting out certain preconditions which must be met if a worker requests an NDA as part of a settlement agreement for these cases, ensuring that they are fully informed of their rights and obligations in agreeing to a non-disclosure component of a broader settlement agreement. For one example, one of the requirements in the legislation is that the suggestion of using an NDA clause must come from the complainant and must be their express wish and preference. That is a critical step to break the culture of using NDAs by default – which has become part of the system – and it ensures that they are being initiated by the complainant. In doing so, the complainant must not be unduly pressured or influenced by an employer in relation to their decision to enter into an NDA: zero tolerance on pressure, zero tolerance on respondents seeking to include an NDA by way of intimidation or threats – whether they are direct or implied – and zero tolerance on approaches by respondents seeking to propose lower settlement amounts for agreements that do not have an NDA and higher settlement amounts for agreements that do. The central feature of these issues is the settlement agreement, and this is about ensuring that NDAs are not misused and giving power back to the complainant as to whether confidentiality is a necessary requirement for them in an agreement to settle any further legal action with respect to the behaviours that have been engaged in.

Another requirement is that the worker must be provided with a mandatory information statement and a review period during which they can obtain advice prior to signing an NDA. This helps to ensure that workers have sufficient time and information available to fully consider the implications of entering into an NDA and gives them the time to seek legal advice if they wish. These preconditions are not guidance or recommendations; they are requirements that must be met. If they are not met, the NDA is unenforceable against a complainant to the extent that it prevents a complainant from disclosing any details about the conduct constituting sexual harassment.

I just want to go to the point that Mr Welch identified as being a concern for him and/or the business community about the termination of confidentiality provisions in a settlement agreement. Clause 19 of the bill makes it pretty clear that a complainant may terminate a workplace non-disclosure agreement to the extent that the agreement has the purpose or effect of preventing a party to the agreement from disclosing material information. I think what is at issue here and what might be the source of the confusion for Mr Welch is that the provisions of the bill do not waive the terms of the entire settlement agreement. They waive the confidentiality requirements that are a part of it. They give individual complainants agency in deciding whether the confidentiality provisions that they had previously agreed to continue. What Mr Welch identified as a concern for business was that this ups the risk for business because there is no protection against further action. That is not the case. The settlement agreement, which might include settlement of future liabilities – a bar on further claims – would continue to exist, even if the confidentiality requirements that had existed were chosen to be waived by the complainant. This undermines the argument that there is no point in settling, because the point of a settlement agreement is to settle future liability claims. All we are doing here is saying that the future post-settlement bar on further claims would remain even if the victim-survivor, the complainant, decides after the 12-month period that they wish to remove the confidentiality – that is, the non-disclosure – elements of the agreement. Fundamentally, doing so, exercising this new right to remove the confidentiality requirements, does not repudiate the settlement in its entirety. That is important for businesses who are seeking to understand what their future liability might be.

Hopefully it means that businesses change behaviour in their workplaces. I think that is a more important thing to think about here. What we want to see is some pressure on businesses to make sure that they have safe workplaces, that they have workplaces that are safe and free from sexual

harassment and inappropriate workplace conduct. They have that obligation in law, and they should have it as part of their normal practice. To the extent to which any of this legislation helps to increase the pressure on businesses to do the right thing, I think it should be supported. Hopefully that helps to clarify some of the issues that Mr Welch has raised.

Just briefly in conclusion, we do know that even in 2025 women are still being subject to sexual harassment at work. Four out of five victims of sexual harassment at work are women. This happens through the continued gender inequality and power imbalances between colleagues, managers and bosses, mainly men continuing to sexualise women in the workplace. There is growing evidence internationally that NDAs compound a person's distress and pain, make them feel that their own needs are being trampled on or betrayed, and create a feeling of debilitating shame and burden, including around not warning others that there are predators in the workplace. The bill means we can put pressure on the employer to do the right thing and give relief, particularly to women in the workplace. The bill means that employers cannot intimidate, threaten or financially incentivise an NDA, and it shows that Victoria is leading the nation and the world in what we are doing.

I want to give particular credit to the campaigning by the Victorian Trades Hall Council, particularly the Union Women group, who have been working hard for years to get this issue put on the agenda, the review work done and now legislation before the Parliament. We have met with them several times. We have listened to the stories that have been told. We have read the reports and surveys. The evidence is very clear from the union movement about why this issue is important and why this bill is important. It will help create safer workplaces here in the state of Victoria. It will not achieve everything, but it is an important next step in our ongoing reform efforts to ensure that we have a gender-equal Victoria, gender-equal workplaces and workplaces free from sexual harassment. I commend the bill to the house.

Nick McGOWAN (North-Eastern Metropolitan) (10:37): It is time we got excited in this place. It is time we celebrated the fact that it has been a sensational week for women, full stop. As many in this place will know, or I hope do know, and will appreciate, this is a campaign that has been very many years in the making; in fact I would say way too many years. It should have happened a long time ago, but I congratulate the fact that it is happening today. I remember back in July of this year standing out on the steps with Wil Stracke, the assistant secretary of the Victorian Trades Hall Council, and talking with her about the hope that in this very place here this legislation passes this chamber and the other and becomes law. It is absolutely critical that it does so.

Today is unquestionably a day about making workplaces safer. That is what it is, full stop. What a sensational day: we should have balloons, we should have streamers – we should have all those things out. No-one should underestimate the importance of today for that very reason. No-one should forget for one second that predominantly this affects women. It affects men too. We should not exclude them, because they will also be able to avail themselves of the opportunity to take up the protections that are now offered. As we know, all too frequently in the past these have been largely invisible crimes that have been perpetrated and then covered up. That is what we are talking about today.

This is why this is incredibly important, particularly for women, because for way too long – in fact for as long as I have been alive – it has silenced victims. That is the truth here, and that is why we are passing this legislation today. It left the victims voiceless and it stripped them entirely of their agency, and it did so for their entire lifetime. This claws back that terrible position. It promotes a culture of transparency as opposed to the culture of secrecy and non-accountability which flourished. There is still a great deal to go. We are not there yet in its totality, but this is an excellent starting point. It also means that we have workplaces that are less harmful to employees. Rather than creating a bad workplace, we are now, thank goodness, on the job of helping create healthy workplaces.

It should not escape anyone in this place that one in three – that is, one in three – people have been victims of sexual harassment in the last five years. That is an unbelievably high figure. It is scary. It is outrageous actually. I mean, it is 2025. What are these people doing? How are they behaving in the

workplace? This goes, as I said, some distance – not totally, but it is a step in the right direction – to restoring the balance back in favour of the victims, and that is absolutely critical. We cannot also forget that this is largely, if not wholly, the consequence of victims having to advocate on their own behalf, victims approaching organisations right across our community – volunteer organisations and unions – and seeking their support and then, in turn, them investing in and understanding the importance of this issue – investing time and effort, certainly in respect to the Victorian Trades Hall Council, for over three long years. We have got there too late, but nonetheless we have arrived at the point that we should have arrived at. So it is, as I say, a time and occasion to mark. It is a time to celebrate. I do not think for one second the work in this space is done. Personally I find NDAs, and it is a personal view only, repugnant in the main. They usually serve to hide things. And as I have said from the first day I entered this place, and I hope I to say it to the end, I am a fan of transparency. Let the light shine in. It is the greatest disinfectant any government has. It is the greatest disinfectant a democracy has to ensure that bad behaviour and bad decisions are not covered up and that those responsible for those decisions are held accountable. And that is absolutely critical.

My thanks go not only to all of those brave men and women who over very many years have suffered, and who over very many years have campaigned for change in this space, but also, of course, as I have said already, to both Wil Stracke and to Carolyn Dunbar, who is the Victorian Trades Hall Council women's lead.

I do not want to make a long speech today. I think I have said what I needed to say. I think if the public were to understand what we are doing here today, they too would celebrate the fact. We will continue to watch this space very carefully and very closely. I do wish to finish on a somewhat lighter note, if that would be permissible; I am sure it is permissible. This will appeal to Wil, I hope, but we will see. It goes a little bit like this:

> Isn't it ironic? It's like rain on your wedding day,
> A free ride when you have already paid,
> Being a bad employer when all you want to do is cover up sexual harassment.
> It is like committing a crime, but you do not have to pay.
> When you duck for cover, NDAs will keep the police at bay.
> Who would have thought?
> It figures. There is no more NDA cover after today.

Jacinta ERMACORA (Western Victoria) (10:43): I thank the previous contributors on this topic. This is the kind of legislation that you get when you have got women in the trade union movement leading on an issue important to them. It is also a piece of legislation that you get when you have got a government predominantly run by women – for once. I am very, very proud to be speaking on this issue. I do so as, of course, one of the majority of women who have experienced sexual harassment at work. It was my very first job. I guess many women have experienced sexual harassment in multiple locations and multiple workplaces, but I will just give you one example, and that was my very first job as a professional. The CEO would hold my right upper arm whilst we were interacting, whilst were talking about workplace issues. It was never my choice as to when that conversation had concluded. It was embarrassing, it was intimidating, and it was giving me a message that I did not have any personal rights in my physical space, but also in my professional status. That impacted on my professional confidence, it impacted on my development as a young graduate and it impacted on my perception of myself and my legitimacy as a professional. That is just one very small and minor example, and I am sure this chamber could imagine some of the horrific scenarios that have also occurred in workplaces.

I do want to go on by describing some of what has happened even just recently. It was a conversation, not an incident. I was planning a Christmas catch-up with friends and colleagues, and that led to a discussion about past Christmas functions that we had variously attended. From that group, of mostly women of course, this inevitably led to a conversation about sexual harassment we had experienced or witnessed. One friend talked of a middle executive having to patrol her work Christmas party to

rescue junior employees from the advances of their senior colleagues. She was abused and threatened by one colleague, who was half-carrying a very drunk junior colleague out to his waiting taxi. Another had a drunk client proposition her; when she refused him she was told he knew she was a lezzo. Her manager thought it was hilarious and advised her to never mention it again. 'He was so drunk, he would probably have forgotten it,' was the comment. But she never worked on that client's account again. Yet another spoke about being attacked by her manager, who had followed her into the lift when she was leaving their end-of-year function. She told HR and was told to sign an NDA if she wanted the matter resolved. The manager was quietly let go. She was shunted into a secure but boring job with no prospects of promotion and left the firm a couple of years later. Every one of the women who recounted these events had their careers, their self-confidence and their mental health impacted.

That brief chat reflects the state of our workplaces more broadly. Sexual harassment is endemic, as has been acknowledged in the speeches so far. It is also inherently gendered, and the vast majority of victims are women. The Australian Human Rights Commission in the 2022 national survey on sexual harassment in workplaces found that one in three workers had experienced sexual harassment at work in the five years prior to the survey, so this is still an issue today. Horrifyingly, 3 per cent of respondents had experienced actual attempted rape or sexual assault. Given the historic under-reporting of rape, this figure is likely to be in reality much higher. In fact the statistics on sexual harassment in general are likely to be lower than the actual incidents.

From my own experience working with victims of sexual assault as a Centre Against Sexual Assault counsellor and in the domestic violence space, continued ongoing contact with a perpetrator is the primary risk to their safety. So there is a gap that I would like to pose for all of us to think about in the future. When sexual assault and family violence sector workers are assessing a brand new client, the very first task of the therapist and of the emergency response worker is to ascertain the level of safety of that victim-survivor right now, right there in that agency. Will they be going back home to an abuser? Are they still in contact with that abuser? The first action is to ensure the safety of the victim-survivor. In workplaces there is no acknowledgement of that. Many women who report harassment or bullying or sexual harassment are left to work on a daily basis, collaborating with their abuser right in the same team, in the same office space, within that organisation. There is no acknowledgement that that principle of ensuring the safety of the victim-survivor is the first task of the employer. This is a really fantastic step forward, but I just pose that there are many women who still have to tolerate confronting their abuser, which is abusive during a judicial process or an investigation into whatever has happened in that workspace. I guess I say that from the perspective of a therapist who understands that safety is the first step to recovery, and it certainly is in family violence and sexual assault.

The impacts on victims do not stop when the harassment ceases or the complaint is resolved. More than 50 per cent of women who have experienced sexual harassment report that they have suffered damage to their work, and 26 per cent say it negatively impacted their career progression. Non-disclosure agreements, or NDAs, exacerbate this problem. They act to perpetuate sexual harassment by preventing accountability and creating a culture of shame and secrecy not only for the victims but for their colleagues. NDAs are and have been used as a protection racket for abusive workplaces and abusive employers or work colleagues. One de-identified contributor to the government's consultation on these reforms described the use of NDAs as:

> … a secret weapon for many companies to commit, cover, suppress, manipulate workplace related sexual violences.

The impact of NDAs on workers can be profound and long-lasting. A survey conducted by the UK organisation Speak Out Revolution found that 95 per cent of people who had signed an NDA in cases of sexual harassment experienced negative impacts on their mental health related to the NDA and the inability to speak about their experiences. One victim-survivor said:

> I wasn't able to negotiate. The terms were the terms, everything I raised was ignored. My mental health declined significantly … Most businesses settle out of court to keep their wrongdoings quiet. There is an unfair power imbalance that leaves employees helpless. Either you shut up or you are left with nothing.

Research also found that NDAs can result in long-term issues for complainants who have signed them, including difficulty in moving on and progressing with their career and fear of repercussions if they breach the agreement. So their being used, or the impact of them, really has stopped the therapeutic process – stopped the recovery process for many women who experience this situation. The changes that we are making in this bill are absolutely sensational. I think they are fantastic, and they address the power dynamic that exists between the employer and the employee, the power dynamic between an abusive colleague and their victim.

NDAs are ubiquitous in sexual harassment cases. A survey of 145 sexual harassment legal practitioners across Australia found that approximately 75 per cent of the profession have never resolved a sexual harassment complaint without a strict NDA, and the subsequent report noted that the use of an NDA in sexual harassment cases is considered by many as standard. It is clear that NDAs help and perpetuate toxic workplace cultures and secrecy, and the consequent avoidance of this can no longer be tolerated. The reforms in this bill are a significant step forward in tackling these toxic cultures. They will restrict the use of NDAs in settlement of workplace sexual harassment cases by addressing power imbalances. For an NDA to be used it must be requested by the worker who made the complaint as their express wish and preference and not involve the worker being subjected to undue pressure or influence.

The worker must receive a mandatory information statement and be allowed a review period during which time they can obtain legal advice if they wish. If the preconditions are not met, the NDA will be unenforceable and cannot prevent the worker from disclosing any details of the sexual harassment, including the identity of the alleged harasser. The bill also provides that even when an NDA is entered into, it cannot prevent disclosure to police, doctors, lawyers, family members or friends, with certain conditions – for example, a worker could talk to their partner about it as long as they agreed to keep the information confidential. This is healthy, this is about recovery, and it is also about accountability for organisations who harbour abusive workers. This is important for ensuring that victim-survivors are not isolated or deprived of avenues of support or treatment for dealing with the impact of harassment. The bill also allows the worker to opt to end an NDA at the 12-month mark. This would not affect the settlement payment or agreement made. This is key: sexual harassment matters often involve the worker being in a state of distress or shock; it is entirely reasonable to enable a complainant to reassess whether being bound by an NDA is still appropriate for them after they have had time and space to heal. While some may have concerns that employers would be unwilling to enter into a settlement, there are other incentives than covering up the claim, such as avoiding a costly public trial. Employers are increasingly recognising that it is important to acknowledge and address workplace sexual harassment – rather than being perceived as covering it up, to actually address it properly. Close to a third of cases are already resolved with less restrictive NDAs, meaning maintaining strict confidentiality is not necessarily the primary factor of resolving all matters.

This bill aims to stop the practice of NDAs being proposed as a default in the settlement of workplace sexual harassment. It provides a safer workplace for women. It provides a mechanism that actually requires and demands accountability from employers and workplaces for the behaviour of their managers and colleagues towards women. I absolutely endorse this bill, and I am very proud to say that it is the Allan Labor government that has brought this bill forward.

Moira DEEMING (Western Metropolitan) (10:58): I too would like to congratulate the Allan government for bringing this bill forward. I do think it is only the first step in this conversation, and I do think there are some shortcomings with this bill, but this issue of bullying and sexual harassment – sexual harassment, in particular – in workplaces covered up by NDAs is a massive issue.

We know that bullying is often the environment in which the sexual harassment takes root, that it involves intimidation and exclusion and reputational manipulation. We know that victims are destabilised long before the harassment becomes visible on purpose so that they look like the troublemakers and the unreliable ones. The sexual element adds another layer of shock, shame, fear, emotional injury and trauma. It destroys trust in colleagues. Victims experience hypervigilance,

anxiety and very real fear, not just of retaliation but escalation from sexual harassment to rape. Then while they are going through this trauma, they are mocked by others. We know this happens mostly to women. I have even heard a shock jock on the radio describe women who were being treated in this way as 'weeping women'. 'Why don't these weeping women get out of the kitchen if they can't handle it? A bit of rough and tumble.' Often we know that these predators begin by presenting themselves as protectors or mentors. They rarely start with the misconduct. They position themselves as wise guides and allies and trusted advisers, but then they build dependence and they isolate their target. The extra attention is framed as innocent support. If there is any flattery or anything like that, that is just being friendly. Then there is the gradual isolation from others, creating emotional and professional reliance. Then there is that moment that the mask slips, a sudden breach of boundaries, shocking and disorientating. Predators often pretend that there was a special understanding, but it really only existed in their own minds. The victim realises that actually their protector was a predator the whole entire time.

It is true that for victims, at that lowest point in their life, if they actually pull themselves together enough to complain, that is the moment where they are taken advantage of again. While they are traumatised, ashamed, confused and sleep deprived, their capacity for informed decision making is totally impaired. They feel like they will do anything to make it stop and go away. They do not have all the information they need. They are often invited into meetings with someone else who says that they are going to protect them and is yet another protector, but this time a predator for the business. Often they do not know that this person has done it before, and very often the people in the meetings with them know.

The fact that organisations have got to protect their favourite little boys and put innocent girls and innocent people in the bin is a disgrace. NDAs have absolutely been misused. They are used to protect abusers and protect institutional abuse, and I am really happy that this bill is shining a light on that disgraceful behaviour, which should render businesses unworthy of having a licence to operate, in my opinion. NDAs suppress critical warning signs and they allow perpetrators to move between workplaces undetected and to different departments undetected. In fact they just inflict these disgusting predators on new victims. Then we all know about the second wave of trauma after they complain: the post-complaint retaliation. As was said by my colleague, the victims then bear the shame that actually belongs to the abuser. In almost every workplace harassment case, the victim ends up carrying the stigma, not the predator. Instead of receiving support, victims are met with suspicion, whispers and judgement. 'What a troublemaker. She's not a team player. What a weakling. She's so sensitive.' And if she complains again: 'Oh, you're just going to hurt everybody who supported you last time. How could you do that to everybody who stood by you?'

Victim blaming is absolutely supercharged and embedded by these NDAs, and they contribute massively to these toxic workplace cultures. Of course these victims are demoralised, they are gaslit and they are broken down until they leave themselves. Then nobody knows what really happened. They just look like an unstable, unreliable, emotional, incapable, unintelligent person. 'Good riddance to her.' But good on them, they have still got their boys, haven't they? They have got those abusers, and they are so capable. They are so polished. They are not emotional. This cultural inversion harms everyone. My oldest daughter got her first job this week at the same organisation where I was first sexually harassed. I was so traumatised and afraid to tell my mum that instead of telling my mum – because he was the manager, I did not know there was anyone else I could tell above the manager – I told her that I wanted to go and live with my dad, so I literally moved 2 hours away so that I would not have to work at my first job. I have told my daughter about this experience, and I will not be allowing that to happen to her.

I love that this bill acknowledges the misuse of NDAs, but there is more work to do, as I said, around the cultural shame and about the systemic accountability that must be brought to bear upon these disgusting predators and bullies that always get away with it and get protected. They seem to cluster

in nests and protect each other, in my opinion. So I thank the Allan government for acknowledging the scale of sexual harassment and the harm of NDAs.

I will be supporting this bill, but I really do consider it only the first step. I do think there are going to be some unintended consequences that will harm victims. I hope it does not happen. I hope the review is moved forward so that we can quickly deal with it if it is the case, because good intentions alone are not going to guarantee better outcomes. And I just want to say thank you on behalf of myself and my daughter for everyone supporting this bill.

David LIMBRICK (South-Eastern Metropolitan) (11:07): I also would like to say a few words on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. I will say from the outset that the Libertarian Party will not be opposing this bill. However, I am cautious about this, and I also have some concerns about unintended consequences of this bill which may harm its effectiveness. Regardless of that, I do think that it is addressing a real problem that we have, in that there are many cases of NDAs being used inappropriately to effectively cover up and manipulate instances of sexual harassment in the workplace. This is a real problem. I do not think that anyone is disputing that.

As to my caution around the bill, I am always cautious around the government interfering in contractual relationships, especially when they are of such a serious nature. However, in this particular case I feel that the government has taken a good approach in that they have made the scope of what they are targeting very, very narrow. Also, because of the power imbalance in these situations the complainants find themselves in, I think it is justifiable to call into question whether consent is real or not in these situations. Libertarians, when they see contracts, want to know that everyone that signed the contract had full, free and fair consent. I think it is fair to question that in the sorts of scenarios that we are talking about today in this bill. Therefore I think it is justifiable.

On my concern around unintended consequences, firstly, I am glad that the government has put a provision in here so that the complainant can choose to initiate an NDA, if they choose to do that. It is a good thing that they still have that option if they want it. My real concern about the potential unintended consequences is not a concern about any sort of principle. It is a concern about the consequences, and that is around the 12-month period when the complainant can choose to effectively reveal material that was in the NDA. We do not know what will happen here. I am hoping that the government have got it right, and they need to pay special attention to the review on this legislation to make sure that this does not happen. What I am concerned about is that companies that have NDA agreements at the moment do so because they want to protect their public reputation, but because of this 12-month period they will have no guarantees of that. Therefore my concern is that they will be incentivised to take everything through the legal system rather than through some sort of agreement. I am concerned that this might be more traumatising for the complainant and that they may have a far lower chance of success, because proving these things in court is very different to coming to an agreement. I am concerned that this will have negative consequences for the complainant. I hope that that is not the case, but I would urge the government to pay very careful attention after these laws are implemented. It will be very easy to see if there is a spike in legal cases after this, so the government should be able to monitor it, but I am concerned about that. Regardless of my concerns, I do not see any principled reason to oppose this, and I hope that it works in the manner in which the government intends and is successful in achieving its objectives.

[NAMES AWAITING VERIFICATION]

Sheena WATT (Northern Metropolitan) (11:11): I rise to speak in strong support of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. This is a bill that asks us to confront what too many people already know through lived experience: that the systems built to protect workers from sexual harassment have not always worked in the way they should. For some, those systems have added to the harm; for others, they allowed workplaces to hide behaviour that should never have been excused, let alone concealed. This has been a long time coming. So many advocates

and survivors have been working tirelessly to get this result. When I met with those women their stories of struggle and strength moved me and showed me why policy like this is so important to workers around Victoria. To Laura, April, Ashley, Havinda and Jan I say thank you. Thank you for your strength, your pressure and your unwavering dedication to making this state better. What you all experienced can never be undone, but with this bill we can start a new chapter that protects workers around Victoria and ensures that we will never be silenced again. I would also like to give a very special mention to the women's team at Trades Hall, who have been leading the charge to make this bill happen. Each and every one of you should be forever proud of what you have achieved here today. This is change – real, tangible change – that will affect the lives of working women all around Victoria. So to Wil, Di, Caro, Clare, Lily and everyone else at the hall that had a hand in making this policy a reality, thank you. For all my attempts to be a fellow soldier in getting this bill before us, I found myself too often racked with wanting to reflect on my own lived experience, and I was not quite ready to be a systemic advocate, so I want to say to you all, thank you. Thanks for keeping me at the heart of this bill and the advocacy. Thanks for being there for me when it got a little bit too much and thank you for championing it so that we can be here today. At the heart of this bill there is one very clear idea: that no-one should be silenced about sexual harassment at work, no-one should have to choose between their safety and their livelihood and no-one should be forced into secrecy so an organisation can preserve its brand, protect a perpetrator or avoid accountability.

Those stories that brought us to this point come from people, mostly women, who were simply trying to do their jobs. Women who were cornered, violated, belittled, threatened or intimidated; women who spoke up and then were pushed out; women who were pressured to sign agreements that kept them quiet while their perpetrator moved on, their behaviour unchallenged and unknown in their next workplace. Some of those stories were very difficult to read and very difficult to hear. One victim-survivor said:

> I felt like I didn't have a choice and had to sign the NDA. The worker then went on to get a promotion in another organisation without the impact of their behaviour being acknowledged.

Another described the experience as:

> There is an unfair power imbalance that leaves employees helpless. Either you shut up or you are left with nothing.

It would be remiss of us to debate this bill today without acknowledging the strength and leadership of the Minister for Women Natalie Hutchins. Her contribution during the debate on this bill in the other place was powerful. To stand in this Parliament and speak openly about your own experiences requires a kind of courage and strength that cannot be overstated. Thank you, Natalie. I would also like to thank Minister Ingrid Stitt, who has done a tremendous amount of work on this issue in this place and also from her time in the union movement. This change comes from so many, and Minister Stitt, you are counted among them, and I thank you for your enormous leadership in your time as the Minister for Workplace Safety.

Behind every one of these accounts is someone who deserved better, someone whose courage has shaped this reform. Whether they shared their story publicly, privately, anonymously or only with a trusted friend, their voice has brought us here. These stories show how NDAs have too often been used not to protect privacy but to protect organisations, not to help healing but to help make a problem disappear. Many survivors describe how they felt like they had no choice. Some signed because they needed their pay, some signed because the process had worn them down. Others signed because all they wanted was to leave. Yet after signing many felt more isolated, not less. This bill lifts that burden. Under this bill an NDA can only be used when a victim-survivor actively requests confidentiality. The choice must be theirs alone. Employers will no longer be allowed to propose one or pressure a person into signing one. An NDA cannot stop a person from reporting to police. It cannot stop a person reporting to regulators or support services, nor can it prevent someone from speaking to their own family, their doctor, their psychologist or a trusted colleague. Privacy should never require isolation from support.

These reforms are backed by extensive consultation with legal experts, workplace regulators, union representatives, employer groups, support services and, most importantly, people with lived experiences. Their voices are woven throughout the words of this bill. They have shaped its framework, its safeguards and its purpose, and through their courage they will shape safer workplaces for others for many, many years to come. There is a fundamental truth that sits underneath this legislation. Secrecy allows patterns of behaviour to continue. When a workplace is allowed to silence a survivor, the perpetrator goes on largely unquestioned. They move to another position, another team, another organisation. Their colleagues remain unaware. The cycle repeats itself. In some cases organisations have used NDAs repeatedly, incident after incident, without anyone outside leadership ever learning about what has happened. It is impossible to build safe workplaces in that environment.

We also know that many of these incidents have not been isolated or misunderstood moments – there had been a wider pattern of behaviour that was known but never properly confronted. Women have spoken about colleagues whose conduct was an open secret and behaviour that continued because each complaint was quietly concluded and no-one outside the immediate process was ever told. That silence meant people could move through a workplace or to the next workplace without consequence. The cost of that has overwhelmingly been carried by women, who changed jobs, altered career paths and stepped back altogether.

These reforms help ensure that responsibility for addressing harm sits where it should: with the employer, not the person who reported it. For years, advocates have been calling for change. These changes respond directly to a key recommendation of the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment, which I understand was chaired by Bronwyn Halfpenny, who brought her life experience in and out of Parliament and has been advocating for greater protections against sexual harassment in the workplace. I had the good fortune of speaking to Bronwyn about this last night, and she is enormously excited that we are here at this point.

The recommendations they sought were to develop reforms that could ensure better prevention and response to sexual harassment in the workplace. The work that followed the taskforce recommendations only strengthened the case for reform. When the government released its discussion paper and survey last August, dozens of victim-survivors came forward to describe the real impact of these agreements. Their responses revealed the same pattern: NDAs added to trauma and shut down avenues for support. One in three workers had experienced sexual harassment in the past five years, and that burden overwhelmingly fell upon women. For many, the consequences have been lasting, affecting their confidence, their employment and, in too many cases, their careers. The view was echoed by legal practitioners right across the country, three-quarters of whom reported that they had never resolved a sexual harassment matter without a strict NDA. Taken together, this evidence paints a really stark picture of why these reforms are both necessary and urgent.

In other jurisdictions – Ireland, parts of Canada and several US states – work has begun to restrict the use of NDAs in these matters. Victoria now continues that work, and it will be the first in the country to do so, bringing a survivor-led model that goes further than many international examples. It is a model grounded in human decency. It does not ban confidentiality – some people want privacy, and that must be respected. This bill sets out strict preconditions that must be met, ensuring that a worker is fully informed of their rights and understands the weight of what they are being asked to agree to. Central to all of this is that the idea must come from the complainant themselves. It makes clear that a worker must not be pressured, that the choice must be genuine. Alongside this sit the requirements for a mandatory information statement and a review period, giving the worker time to seek advice and reflect on whether confidentiality is truly what they want. The government will provide guidance to employers, particularly small businesses, in understanding their obligations. Many small employers have never drafted an NDA and will certainly welcome this clarity. But what this bill does is it removes the risk of inadvertently silencing a survivor, the risk of concealing a wrongdoing and the risk of contributing to harm.

Workplaces that take harassment seriously do not rely on secrecy, they focus on prevention, accountability and cultural change. This bill supports that work by ensuring survivors are not cut out of the conversation, because when survivors speak, patterns come to light. Prevention must sit at the centre of workplace culture. Employers must take reasonable steps to stop sexual harassment, not merely respond once it occurs. Limiting NDAs strengthens that duty by ensuring that organisations cannot hide harm behind paperwork.

This bill will mean something very important to future workers. It will mean that a young woman beginning her first job, a casual employee in hospitality, a trainee in a male-dominated trade or a worker who is simply new and unsure of their rights will have protections that many who came before them did not. They will know that if something happens to them, they cannot be forced into silence. They cannot be pressured to sign away their voice. They cannot be prevented from telling someone they trust. This legislation sends a message about our shared expectation that workplaces must be safe, that harassment will be taken seriously and that employers must confront harm rather than bury it.

This bill is not just about the past; it is about the kind of working future we want in Victoria, one where dignity is upheld, where survivors are met with respect rather than silenced. And when we consider the effect of these reforms, it is important to remember how silence shapes a workplace. These harms are shaped by culture, by power, by a sense of who is protected and who is not. In too many workplaces a person experiencing harassment has looked around and realised those that came before them had signed confidentiality agreements. This bill gives people something they have not always had: the confidence that their experience will not be locked in an agreement they never wanted. It is a reform built from courage – the courage from survivors who told their stories and the courage of advocates who persisted and those who used their lived experience to drive change. With this bill, Victoria takes a significant step towards workplaces where people can speak, be believed and be protected. I offer this bill to Hailey as a deep apology for not being there when she needed me most. I am hoping that this bill is ample apology to you for the harm caused all those years ago, and I commend it to the house.

Renee HEATH (Eastern Victoria) (11:26): I also rise to speak about the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. First of all, I want to thank the people both in the lower house and in this house that have bravely and courageously shared their own experience. It has honestly blown me away, the bravery, from all sides of both houses here – it has been amazing. Secondly, I want to thank Mr Welch, who before there was any bill brief, before there was any Zoom meeting where we all talk about these bills together, called me and said, 'Because of your interest and your work in the space of victims, I want you to go away and do some research. I really want to make sure that what we are carrying forward here and whatever position we take has the protection of victims at the heart.' I want to thank Mr Welch for that, because really, he is one of the really good men that is working to stand up and to protect women – and I know this is not strictly gendered – and I think that is just incredible.

I found this one a difficult one to write a speech about, to be quite frank, because when you start to talk about something like this, you carry with you the stories and the testimonials that you have heard from many others but also experiences.

When you are 14 and nine months, you are allowed to go and get a job. My first job and many of my good friends' first jobs were at fast-food restaurants. I remember going and meeting one of my friends when she was finishing a shift, and she looked so rattled. We were just walking along and I said, 'Are you okay?' She said, 'Yeah, yeah. Great, great.' We walked along. 'Are you okay?' 'Yeah. Yep. Great.' And then finally she said, 'There's kind of something and I'm a bit embarrassed, but I want to tell you.' And I said, 'What is it?' She said that when she asked if she could finish her shift, the manager said, 'Only if I get sexual favours.' She was so embarrassed by this, so ashamed, and I was like, 'You're kidding me!' This was the first time; I still remember it so vividly. We ended up sitting down near the lake at Sale, and she was like, 'What do you think I did wrong?' And I said, 'I don't think you've done anything wrong.' This is the teenage view, the response to sexual harassment in the

workplace. In the end we got up the courage to talk to a male friend about it who said, 'Nah, you certainly didn't do anything wrong. This guy seems like a jerk.' Picture young teenagers having this conversation. We went and we put in a complaint, and it was handled very well. But then fast-forward to after university, where now we are 20-something females, and I remember talking to another friend who came in and said to me, 'Oh, Renee' – basically the same thing happened – 'I kind of want to talk to you about something.' And I said, 'What is it?'

The same sort of system went on and on, where people get sexually abused or assaulted or even harassed, and at any age it seems that the response is very similar: it is the person that is the victim that often goes searching and tries to think, 'How was this my responsibility?' They often feel an incredible sense of shame and guilt. I think then what happens is, if they are asked to then sign a non-disclosure agreement, all of a sudden it solidifies in them the thought, 'Don't talk about it. This probably was partly your fault,' and that does cause harm. There is a classic saying 'A burden shared is a burden halved', and that is something we have to remember. When people go through harassment, when people go through any type of abuse, one of the first steps of their healing is talking about it. I think that this is a fantastic move forward. We are taking a leap forward today, and like many of our colleagues have said, there are some potential unintended consequences in this bill. We have all acknowledged that. As uncomfortable as it is, we are going to have to look at that and we are going to have to review that in a few years. But I think that this is a step forward for women and men as well.

There is something that I have been sitting here thinking about, though, and I am just going to say it – it will make some people very uncomfortable, but women particularly deserve honesty – that is, the fact that we have all seen reports and footage about the construction union culture. I want you to hear this in the spirit that I am saying it. We have literally seen video footage and we have read reports about the intimidation, the silencing, the threats and the violence as women were bashed because they spoke out. I think we have also got to acknowledge that while this is an incredible move forward, somebody has to take responsibility for that culture. I know that is uncomfortable to say, and I know that sometimes when we have very emotive bills like this you think, 'I don't want to be impolite. I don't want to aggravate or anything.' But the reality is that Geoffrey Watson SC, who was appointed by Mr Irving to probe into the wrongdoing of the sector, stated that the Victorian review was hopeless. That is what he said. He said it was hopeless. He accused the state government of a cover-up. I think these are the things – as uncomfortable as they are, we actually have to address. These are not just rumours; these are reality – published, proven facts.

The CFMEU has been disgusting – not everyone in it. There are some fantastic people in it. There are people in union movements – I am not anti union – that stand up and protect the rights of people, but how did this happen? How did it happen? The question becomes, if women within these union-controlled organisations were not able to speak up, how was it that the unions could be key advisers or agency for women's voices?

Ingrid Stitt interjected.

Renee HEATH: I am being told again here that I just do not understand. I am not trying to debate. I am trying to raise something that is very honest, and if this was an honest debate, we would actually face up to this. Sometimes things like that just do not add up to me. They actually distress me. I am not attacking unions. I am thankful for unions. But there has been some rot in those places that we cannot overlook, and it has been concerning to me, what I have read in those reports and what I have seen on the footage. All I am saying is somebody needs to be held accountable for that, in my strong and honest opinion, because it is horrific.

However, this is a step forward. This is a win for women. Nobody that is harassed, nobody who is abused, should have to sign a non-disclosure agreement, because the first step to their healing is speaking to whoever that is – normally it is friends, family, counsellors or health professionals – to give them the very chance to restore what had been lost. The second reason, I believe, is so businesses and organisations can improve, because if the problem is not known, if the problem is not admitted to,

then there can be no restoration in that area. I want to thank everyone for speaking and for sharing, particularly those that shared their experience. I want to thank you again, Mr Welch, and I am going to end my contribution there.

Aiv PUGLIELLI (North-Eastern Metropolitan) (11:35): I rise to make a contribution on behalf of my Greens colleagues on this important bill. We are here today because of the hard work and the dedication of victim-survivors of workplace sexual harassment; the truths shared by union members, particularly union women; and the work of community advocates. This bill and these changes to how non-disclosure agreements can be used in the workplace are a testament to the strength and the tenacity of women and of workers who have said that they have had enough. The Greens wholeheartedly support this bill. Worryingly, one in three workers report being sexually harassed in the workplace over the last five years. I specifically mention women because they are the ones most significantly affected by this type of harassment, which can be compounded by intersections of race, age, disability status, gender identity and sexual orientation. Around 70 per cent of women report having been the victim of gendered violence in the workplace, and I also want to put on record a specific acknowledgement of LGBTQIA+ people who are victim-survivors: you are seen, and you are heard. Victim-survivors of sexual harassment at work should not be forced to stay silent any longer. For too long these agreements have been imposed on them by bosses to maintain a status quo.

Finally we are fixing these laws. We are evening up the power imbalance between workers and employers. As has been noted already in this debate, workplace NDAs were originally meant to be used to protect so-called trade secrets, and instead they have morphed into a tool that is used in sexual harassment cases to silence victim-survivors and to protect employers and perpetrators. But with these laws, victim-survivors of sexual harassment in the workplace will no longer be coerced into signing NDAs that force them to stay silent just to settle their case. As is intended in these provisions, perpetrators will no longer be able to carry on causing these harms without consequence, and NDAs will no longer allow bosses to dodge responsibility for taking real action in the face of sexual harassment.

This bill will prohibit NDAs in workplace sexual harassment cases except when it is at the explicit request of a complainant, and this must occur without any pressure from the employer. There will be clear information, an opportunity to seek legal advice and a review period before the signing of an NDA, and even once signed, the complainant will still be able to tell certain people, like medical and legal professionals, about their case and their experience. Another key element of these changes is that workers will have the choice to end an NDA after a year. This gives victim-survivors the opportunity to change their mind and to have control over their own story and their own experience. This is important because it has been found that many victim-survivors do change their mind, as is their right. They often sign NDAs at a time of heightened stress. Over the passage of time they are then able to process their thoughts and ultimately decide that they would like to share their story.

Forcing a victim-survivor of sexual harassment to sign a non-disclosure agreement can cause further harm and worsen what is the trauma of the initial harassment. Many brave women have shared their stories and their experiences with We Are Union Women as part of their campaign to end these NDAs, and I thank them for their work and for their tireless advocacy and congratulate them on these reforms. All workers should be able to work in a place that is free from sexual harassment and gendered violence. It is the employer's responsibility to provide a safe workplace, and this bill is welcome reform. I commend it to the house.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (11:39): I am very proud to rise to speak on this bill, which will provide victim-survivors of workplace sexual harassment with greater agency and choice by restricting the use of non-disclosure agreements in workplace sexual harassment matters. I do want to acknowledge the contribution of many in the chamber today and also acknowledge that it has not been an easy process for many speakers to go through, and I thank you for your courage in sharing your own lived experience. At the heart of it these reforms are about putting the voices of victim-survivors first and

taking critical steps to break down a culture that entrenches silencing victim-survivors for the sake of protecting the reputation of perpetrators.

In my time as a union official I worked alongside countless members who experienced sexual harassment perpetrated by their colleagues – and by their bosses in many cases. For many of these workers, they never felt confident enough to report the issue, too afraid of the consequences of what might happen if they did, and for those who did speak out, those consequences were very real. Too often these workers, overwhelmingly women – in my personal experience of representing workers, always women – would lose their jobs, or they would face other humiliations, career-limiting demotions, relocations or sideways moves. The perpetrators more often than not faced no consequences at all. They were left to continue in their jobs. In fact many went on to thrive in their careers, free to offend again. In almost all instances, whether they lost their job or not, these women were pressured and coerced into signing a non-disclosure agreement, prevented from talking about the harm they experienced ever again. And it is this silence that enabled perpetrators across corporate Australia to never face repercussions for their offending and for the harm that they caused. I have to say the anger that I feel about these injustices is as white-hot today as it was all those years ago representing those women who had no voice.

And let us be honest, sexual harassment is not an isolated experience. One in three workers have experienced sexual harassment in the last five years alone. We know that workers more likely to be at risk are those who have other intersecting attributes – those who are young; LGBTIQA+ workers; workers with a disability; and women in insecure, low-paid or gig economy work. Migrant workers are also at heightened risk of experiencing sexual harassment. But our understanding is also limited because reporting rates remain alarmingly low. It is estimated that just 18 per cent of offences are actually reported, and the fifth national survey on sexual harassment in Australian workplaces revealed that over half of people harassed identified the same harasser as having offended against another employee in the workplace.

NDAs contribute directly to a culture of silence around the experience of women at work – a culture that allows unsafe systems of work and unlawful behaviour to go unchecked. And they have ramifications beyond the victim-survivor, directly impacting the health and safety of all workers in a workplace by concealing a risk to their health and safety and releasing an employer from addressing the systems of work that allowed the sexual harassment to occur in the first place.

Our government is proud to stand with workers who have experienced sexual harassment and to bring this change about; it is so desperately needed. As I have said before in this place, sexual harassment in the workplace is an occupational health and safety issue and it should be addressed using those frameworks. Under the Occupational Health and Safety Act 2004 employers are responsible for providing and maintaining as far as reasonably practicable a workplace that is safe and without risk to health. I reckon I could recite that in my sleep. This duty under the act includes providing a work environment free from sexual harassment, because let us be real, a workplace that is not free from sexual harassment is not a safe workplace. Our current approach of seeking justice and change through individual complaints in our legal system means that we continue to isolate and silo victim-survivors, and it prevents us from reckoning with the pervasiveness of sexual harassment and recognising it as a collective risk to the health and safety of all workers.

It needs to be treated as a collective problem, and this requires dismantling the systems of work and culture that enable it and leveraging our health and safety frameworks to deliver accountability at every level. It is not enough to urge cultural reform and recommend that businesses do the right thing. Changes to our system of work require clear and deliberate intervention. These reforms respond directly to a key recommendation of the report of the Victorian Ministerial Taskforce on Workplace Sexual Harassment, which sought to develop reforms that could ensure better prevention of and response to the scourge of sexual harassment in our workplaces. As the former Minister for Workplace Safety, I was proud to establish this taskforce and, upon receiving recommendations, commit to starting the work to restrict the use of NDAs for workplace sexual harassment cases. I want to take a

moment to acknowledge the work of the co-chairs of this taskforce, Liberty Sanger and the member for Thomastown in the other place Bronwyn Halfpenny. They, alongside the members of the taskforce, including Victorian unions, undertook this difficult and important work with intelligence and empathy, making sure to centre the very real experiences of workers and make recommendations to the government about how to respond to instances of sexual harassment and violence but also how to better prevent sexual harassment from occurring in the first place.

In addition to restricting the use of NDAs, implementation is well progressed on the recommendations of this taskforce. The 2022–23 state budget provided $6.9 million over three years to WorkSafe to respond to recommendation 4 of the ministerial taskforce and expand the WorkWell program to include a dedicated project stream for preventing sexual harassment. Several priority recommendations are being implemented by WorkSafe. They have now completed or are on track to complete 12 of the 13 recommendations. Some of the notable achievements so far include WorkSafe launching the WorkWell Respect Network on 24 July 2024, which responds directly to recommendation 4. A working women's centre was established in Victoria from 1 August 2024, supported by funding through the Australian government as part of the response to the Respect@Work recommendation. WorkSafe and the Victorian Equal Opportunity and Human Rights Commission published their parallel enforcement strategy for workplace sexual harassment in November last year, and WorkSafe continued its 'It comes in many forms' campaign, which aims to drive awareness and prevention of work-related gendered sexual harassment and violence across the Victorian community, and which in its most recent burst occurred from 3 February to 28 March 2025.

The Department of Education has got a lead role in educating students on sexual harassment and workplace rights through its Respectful Relationships and Safe@work programs. Over 2000 students have now signed on to Respectful Relationships programs, and this work is complemented by the introduction of OH&S programs offered by WorkSafe. In less than two weeks the psychological health regulations will commence, enhancing protection for workers from psychosocial hazards such as gendered violence and sexual harassment and making clear that employers have a responsibility to provide a psychologically safe workplace.

As many in this chamber have identified, while initially intended to protect trade secrets, the use of NDAs has become a weapon to silence workers, suppress details and cover up instances of sexual harassment. By their very nature they are designed to isolate the victim-survivor from their support networks, and in doing so they often exacerbate the trauma that has been experienced, leading to long-term negative impacts on the individual's mental health. Of course, these reforms do not prohibit the use of NDAs in their entirety in workplace sexual harassment matters. Instead, they create a strong safeguard around how they are used, and they better balance the rights of victims in how they engage with these agreements, rectifying a power imbalance that has existed unchecked for too long.

These reforms will centre the choice and agency of victim-survivors by ensuring that any condition of confidentiality will be led or requested by the complainant, and they will implement a zero-tolerance approach on respondents seeking to include an NDA by way of threats or undue influence, such as through offering an increased settlement figure on condition of confidentiality. Importantly, any condition of confidentiality should not preclude a complainant from seeking support from trusted individuals, and I cannot emphasise how important that is. We have heard that this is absolutely critical to recovery. NDAs will not be able to prevent disclosure of information to certain specified persons and organisations for specific purposes. For example, even where a complainant has signed an NDA, they will still be able to disclose the information to a friend or family member who has agreed to keep the information confidential for the purposes of obtaining personal support; to a mental health and wellbeing professional for the purposes of obtaining mental health and wellbeing supports and treatment, something so critical when we understand more and more about the impacts of trauma on individuals in the community; and to an employer or prospective employer for the purposes of obtaining or maintaining work.

I want to take a moment to acknowledge that these reforms would not have happened at all without the involvement of victim-survivors, who have been nothing short of incredibly generous but also courageous in sharing their stories and experiences in the hope that what has happened to them will never again happen to somebody else. We see you and we believe you. It is really years of advocacy that have got us here today, and I want to acknowledge the work of the Victorian trade union movement, in particular the Victorian Trades Hall Council, the women's team and of course the leadership of Wil Stracke. You have been relentless in your advocacy for this change and to keep women workers safe at work, elevating the voices of members at every stage of this process. I also want to acknowledge the leadership and the tireless work of the minister Jaclyn Symes, as both Minister for Industrial Relations but previous to that as Attorney-General. There are some very powerful interests in this state who did not love this reform, and it is a testament to the tenacity and the leadership of Jaclyn Symes that we are here today debating this bill. This legislation provides us with the opportunity to make real, impactful change to the working lives of so many Victorians. I commend this bill to the house.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:53): I also rise to make a contribution on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Just before I commence my remarks I just want to acknowledge and thank the women in this chamber who have contributed to this bill and provided an insight into their personal stories and experiences of experiencing sexual harassment in the workplace. One thing we do know is that often sexual harassment is under-reported for all the reasons which have been spoken about in this chamber today: for fear of reprisals, of recriminations, of losing your job, of losing your economic independence, of reputational damage, of victim blaming, of gaslighting – for all of those things. So I thank the women who have courageously told their stories in the chamber today. I thank them as a former union official, someone who along with Minister Stitt has represented many, many victims of sexual harassment in the workplace. I have also consulted to business about how to address these problems as a consultant. I have been paid to do this work, so I have seen it from both sides.

One of the things that I want to emphasise in this debate is that government needed to implement these reforms, because when there is an imbalance in the market in the power relationship governments can use their power to act and address that imbalance. But one thing that business needs to remember is that where you have these sorts of abuses occurring in the workplace, it costs business. It costs your business in terms of reputation, and it costs business in terms of workers compensation claims, health and safety and also recruitment and retention. There is always a way of looking at whether a business is healthy or not, just by looking at the turnover of staff, and you only need to scratch the surface to find out some of the reasons why.

I want to talk about facts too and look at some of the facts of this debate. In looking at the most recent ABS statistics – the 2025 release has not been fully released as yet – the most recent trends tell us that from 2023 to 2024 there has been a high prevalence of sexual assault and harassment in workplaces. Key findings indicate that sexual assault and victimisation rates are at a 31-year high, with 84 per cent of victims being female and the majority of incidents occurring in residential settings. But when we look at workplaces, what we know is that 53 per cent of workplace sexual harassment victims are likely to be women and 25 per cent men. Both women and men who experience financial hardship are more likely to experience sexual harassment, and in 2023 the 12-month prevalence of sexual harassment for women was 14.4 per cent and for men it was 11.8 per cent.

What we do know is sexual harassment is always about an abuse of power. It is always about power over others. Young women are more likely to experience sexual harassment because they can often experience a power imbalance. I will just reflect back on my experiences as a trade union official. I heard Mrs Deeming speak. I want to commend you and your remarks about what your experiences were, because I think you eloquently and accurately put the experiences of many women who are in a situation where they are faced with speaking up about their experiences. Often whilst the experience of being sexually harassed is traumatic enough, the added trauma of considering how to report

something – whether I might be supported or not and whether I will be victim-blamed or not – adds to that trauma. We also know that sometimes human resources departments are used as a tool to protect reputations of business and to limit reputational damage. We heard Ms Stitt talk about this, and Mrs Deeming, that often the result is that women will leave; they will be victim-blamed, they will be silenced, they will be isolated and they will be forced to leave. So on the one hand this is a very welcome change in legislation to ensure that non-disclosure agreements can be limited, because as I have often said in this chamber before in relation to other matters, often the best disinfectant is sunlight. The more that we silence, the more that we hide and the more that we do not expose the patterns and behaviours of perpetrators, the more poor behaviour will flourish. This is exactly why these reforms are very much needed.

I too want to thank all those many women in the union movement who worked for many, many decades – it is not just the ones that are here now at the forefront of these reforms. I know there are many, many women who have been championing these changes for many years to come through. I want to thank those women who have courageously told their stories. I want to thank the women in the trade union movement who have continued to advocate for these changes, and I also want to thank leaders in the business and community sectors who understand why these changes are necessary and important. It is never easy to make these sorts of changes, but in order to make change and for it to be effective, we have to acknowledge that there is in fact a problem.

I know we are going to crash into question time in a sec, so I might just save the rest of my speech and some of the anecdotes I was going to talk about perhaps until after question time.

The PRESIDENT: Before we start question time I just want to acknowledge in the lower gallery a number of dignitaries from the international Women Economic Forum – from a number of parts of the world. Welcome.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Youth justice system

Nick McGOWAN (North-Eastern Metropolitan) (12:00): (1149) My question is for the Minister for Youth Justice. Minister Erdogan, in the past 12 weeks two violent youth who had committed multiple serious offences, including carjackings and home invasions, were approved by your department for travel together to the Gold Coast on a taxpayer-funded holiday, including sightseeing and visits to multiple theme parks like Sea World, Wet'n'Wild, Dreamworld and Movie World. Minister, how many other clients of your department have been approved for holidays this year?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:00): I thank Mr McGowan for his question and his interest in my youth justice system and in a matter that is of great public interest. The way that decisions are made in the justice system and the way resources are allocated from the justice system – I think these are fair questions. But you would also appreciate, Mr McGowan, that I will not be getting into individual cases or circumstances of young people. You did point to a case that was reported in the papers. I cannot comment about that specific case, but –

Nick McGowan: On a point of order, President, the question was very specific. It was: how many other clients? I did not ask about the identification of clients. How many other clients of your department were approved for holidays this year?

The PRESIDENT: I think the minister was responding in the preamble, and I will call the minister to continue.

Enver ERDOGAN: As I was saying, there are specific provisions about getting into individual cases because of privacy laws. Where there are decisions made about youth justice and young people,

broadly there are privacy provisions, and not just in my system. The NDIS and other systems have provisions that are similar.

But what I will say is that there is an established process for the department to make assessments around people travelling whilst they are on an order. These processes are operational decisions. It is my expectation that community safety is always paramount in these decisions. In relation to this kind of travel and permissions, it is not uncommon for people to get permission to travel interstate. It is not uncommon, because there are quite a few young people who have family and friends interstate and in other jurisdictions where they need to visit. They may need a visit for Christmas, for Easter or for other significant days for them. That is part of running a rehabilitative system. But what I will say is that I expect those decisions to be appropriately balanced, Mr McGowan, and ultimately public confidence in the justice system is vital. I have asked my department, I can confirm, for more information about the protocol for approving these decisions, understanding these are operational decisions made by experts in the field.

Nick McGOWAN (North-Eastern Metropolitan) (12:03): I thank the minister for his answer, notwithstanding the fact that he refused to actually answer the question. Community correction orders are intended for low-risk offenders who have demonstrated significant compliance with existing programs. These individuals have been described – that is, the individuals that travelled to the Gold Coast and visited theme parks – as two of the worst youth offenders in our state. In addition, I understand a 15-year-old who was on bail was approved for a similar trip in 2024, and so I ask the minister: how many youth offenders were approved by your department for this kind of travel in 2024 if you cannot tell me how many were approved in 2025?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:03): Thank you, Mr McGowan, for that supplementary question. As I stated in my substantive, this travel is not uncommon for young people. The supervision is approved. It is an operational decision made by an expert where the activities are deemed necessary. Approvals of this nature are made by operational staff who are satisfied that the decision is sound, but I do expect those decisions to be balanced and reasonable. They also do need to consider common sense and expectations of the community so that we can uphold confidence in the justice system.

Nick McGowan: On a point of order, President, I have now asked two very specific questions – very simple questions about how many of these kinds of trips have been approved by the minister's department. For both my initial question and my supplementary question the minister has gone nowhere near answering the question. While you cannot direct the minister in the nature of the way he answers the question, the fact it is not even answered, such a basic question, undermines the integrity of this place.

The PRESIDENT: I think the minister was being responsive to the question. There are a number of previous rulings from Presidents that were not me around the level of detail a minister is expected to have in questions without notice and relying on questions on notice on the notice paper to be able to respond with that degree of detail. The minister has been responsive to the question, and I will refer the member to those previous rulings.

Nick McGOWAN (North-Eastern Metropolitan) (12:05): I move:

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

Motion agreed to.

Electricity prices

David DAVIS (Southern Metropolitan) (12:05): (1150) My question is to the Treasurer. Treasurer, I refer to the requirement for consultation with the Treasurer where increases in pass-through costs are required to fund new electricity infrastructure. I refer to the revelations that AusNet will need to spend

billions on upgrading the state's network between 2027 and 2032, adding $52 a year to household bills and $129 a year to the bills of small businesses. I ask: Treasurer, have you been consulted on these increases, and if so, did you approve these electricity price hikes?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): Thank you, Mr Davis. I have missed you the last couple of days, so I welcome your question, although you continue to attempt to link your shadow portfolio in any way to the portfolio of Treasury. The simple answer to your question is that I do not approve them. When it comes to power prices, you seem to have a disbelief of the facts. The fact is we consistently have the lowest wholesale prices in the country. You continually try to talk up this false narrative around government policy contributing to these record high prices, but frankly that is just not correct.

David Davis: On a point of order, President, I asked a very simple question: was she consulted, and if so, did she approve it?

The PRESIDENT: I think she answered the question: she does not approve it. I do not like paraphrasing members, but I believe at the start of her answer she said –

Jaclyn Symes interjected.

The PRESIDENT: I will call the Treasurer.

Jaclyn SYMES: You asked if I approved them. I definitely did not approve them.

David DAVIS (Southern Metropolitan) (12:07): No, no. I actually asked whether you had been consulted. And if so: did you approve it? You did not approve it, but were you consulted? That was the question. In any event, in its pricing proposal to the regulators, AusNet said:

> Victoria's transmission network is at a turning point … we now face a period of significant uplift … new operational challenges, and broader system transformation.

The St Vincent de Paul Society has said:

> … there is a wall of capital expenditure coming …

I ask therefore: has the Treasurer been provided with a brief on these increases and the capital expenditure that AusNet has pointed to?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): Mr Davis, I receive a range of advice in a range of formats all the time. Again, you trying to extract information from the energy minister through the Treasurer is really not a good use of question time.

David Davis: On a point of order, President, that is not an answer as to whether the member has had a brief on this matter.

The PRESIDENT: I believe the minister was suggesting that the question could be referred to a different minister with different responsibilities.

David Davis: No, it was about her – whether she had a brief. It can't be referred to a different minister.

The PRESIDENT: I understand that, and I 100 per cent respect every member's right to ask any minister a question, but I also respect the right of the minister to say it is not within their remit.

David Davis: Not in their remit is one point, but if the minister has received a brief, then it is a matter –

Jaclyn Symes: I answered the question. I get lots of information provided about energy prices.

David Davis: Sure. So you have received a brief, have you? Is that what you are saying? Yes? No?

Members interjecting.

The PRESIDENT: Order! Mr Davis, I will review the answer and get back to you.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:10): I am rising to update the house on the Allan Labor government's Small Sites program. As part of Victoria's housing statement we are unlocking surplus government land to deliver around 9000 homes across 45 sites. It might surprise some in this place that most people understand that the key to getting more Victorians into homes is to build more homes, and where better to do that than on government land that is not being used. The latest round of the Small Sites program will deliver around 700 new homes, with at least 10 per cent affordable housing, on 10 sites around Melbourne and regional Victoria. I am pleased to update that expressions of interest closed last Friday, with over 100 bids received across these sites.

It is really fantastic that there is so much excitement around building more homes for more Victorians. It means that more families will be able to live closer to where they grew up. That is more millennials that will be able to live closer to where they grew up. More people will be able to get to their jobs more easily with greater proximity to public transport as well as schools and services, all of which Mr Davis, Ms Crozier and the member for Brighton oppose. On Sunday these three Liberals organised a relatively small, very sedate protest against building more homes in Brighton. It is in Brighton where two small sites are planned to deliver around 50 homes each. Brighton is a really good suburb, and so are Croydon South, Preston, Carlton, Heidelberg West, Baxter, Bendigo, Geelong and Camberwell. That is why we want more Victorians to call these places home.

Unlike those opposite, who talk a big game when it comes to building more housing but then continue to block and oppose it, we do not think the best streets in Brighton should be reserved for those with the latest sneakers and iPhones. We do not believe that the streets should be reserved for those who have always lived there. We do not believe that those who campaign loudly to keep others out –

Members interjecting.

Nick McGowan: On a point of order, President, I am having difficulty hearing the minister. I would like to hear the suburbs the minister is reading out, because I could not quite hear Ringwood or any mention of any in my electorate. I would just like to have the house come to order so we could hear the rest of the minister's question.

The PRESIDENT: I think that there are some interjections that are agreeing with Mr McGowan about not being able to hear the minister, and I uphold the interjection. If the minister would like to start from the start, she can feel free, if she wants to reset the clock.

Harriet SHING: I will actually begin from the top if I may. I am delighted to be able to update the house on the Allan Labor government's Small Sites program. As part of Victoria's housing statement we are unlocking surplus government land to deliver around 9000 homes across 45 sites. It might surprise some in this place that most people understand that the key to getting more Victorians, including millennials, into homes, is to build more homes, and where better to do that than on government land that is not being used? The latest round of the Small Sites program is expected to deliver around 700 new homes, with at least 10 per cent affordable housing, on 10 sites across Melbourne and regional Victoria. Expressions of interest closed last Friday, with over 100 bids received for these sites.

It is really fantastic that there is so much excitement around building more homes. It means that more families will be able to live closer to where they grew up and more people will be able to get to work more easily, closer to public transport, schools and services, all of which Mr Davis, Ms Crozier and the member for Brighton in the other place, James Newbury, oppose. On Sunday these three Liberals organised a relatively small protest against building more homes in Brighton. It is in Brighton where

two small sites are planned to deliver around 50 homes each. Brighton is a really good suburb, as I said and as so many people know. It is a fantastic suburb; so are Croydon South, Preston, Carlton, Heidelberg West, Baxter, Bendigo, Geelong and Camberwell. That is why we want more people to be able to call these places home.

Unlike those opposite, who talk a big game when it comes to building more housing but then continue to block and oppose it, we do not think the best streets in Brighton should be reserved for those with the latest sneakers and iPhones. We do not believe that the streets should be reserved for those who have always lived there. We do not believe that those who campaign loudly to keep others out should be able to do so or that those who think they should being the only ones who can call these suburbs home, because the housing shortage is someone else's problem, is the way to address the shortage in housing and supply. Rather than spending 150 bucks at a local Brighton village dinner, I can think that there are better ways that people can donate to the call to arms from the member for Brighton in the other place. Rather than block, why don't you help get on board to build.

Hunters for the Hungry

Jeff BOURMAN (Eastern Victoria) (12:15): (1151) Hopefully this will not elicit so much yelling. My question is for the minister representing the Minister for Environment in the other place. Two years ago this house passed a motion to hold a sensible trial for the Hunters for the Hungry program to leverage tonnes of wild venison that is shot to waste in Victoria, along with surplus from the significant recreational harvest, to help address food insecurity in Victoria. Can the minister update the house on what progress the government is making with this worthy initiative?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:15): I thank Mr Bourman for his question. That will be referred to the Minister for Environment to provide an update on what has occurred.

Jeff BOURMAN (Eastern Victoria) (12:15): At 12:30 pm on the rooftop terrace SSAA Victoria will be hosting a game meat barbecue, proudly sponsored by me. Will the minister and everyone else in the house join me to experience firsthand the delicious and nutritious protein that we could be sharing with those less fortunate, not to mention vegan and vegetarian options?

The PRESIDENT: It is very unique to be asking a question to everyone in the house.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:16): Again, this matter will be referred to the minister. Of course I am sure that those that look after his diary will be interested in whether that can occur.

Country Fire Authority

Georgie CROZIER (Southern Metropolitan) (12:16): (1152) My question is to the Treasurer. Due to this government's budget cutbacks and a shortage of specialist code 1 driving instructors, the CFA has dropped the requirement for the national qualification for driving code 1, lights and sirens, which previously required firefighters to undergo a formal course with exams and practical driving tests. This has now been replaced with a simple short online quiz and verbal tick-off. As the former Minister for Emergency Services, the Treasurer will be aware of the consequences of inadequate training and understand that these budget cuts are dangerous to the support of our frontline CFA firefighters. So I ask: will the Treasurer immediately intervene and see that these dangerous budget cuts are immediately reversed?

The PRESIDENT: I feel that would be a matter for the Minister for Emergency Services.

Georgie Crozier: On a point of order, President, I was trying to explain to the house that as the former minister for this area, she would understand the nature of it. So my question is: will the Treasurer intervene to reverse these dangerous budget cuts?

The PRESIDENT: I think it is irrelevant what portfolio the minister formerly held. I will put the question to the Treasurer, and she will answer as she sees fit.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:18): I thank Ms Crozier for her question and indeed her interest in the CFA. She purports to be a champion of the CFA, and I am sure she would appreciate the facts. There are no cuts to CFA. I can answer that in my capacity as Treasurer. What I can confirm is that due to the ESVF, we are supporting a sustainable funding model for our emergency services. Every single dollar raised from the ESVF goes to emergency services. This is in stark contrast to those that have promised to scrap a levy that will go to our emergency services, in addition to other promises which equate to $11.1 billion, which can only be filled in the event of a change of government by cuts to frontline services. That is when you will see cuts to the CFA.

Melina Bath interjected.

Georgie CROZIER (Southern Metropolitan) (12:19): I agree with Ms Bath: nobody believes that. Treasurer, budget cuts to the CFA means the course and examination required for nationally recognised and mandatory qualifications to drive under lights and sirens have been quietly replaced in Victoria with a simple online video quiz that is not recognised by other states. Will the Treasurer avoid becoming a Lady Macbeth and immediately intervene to ensure that the CFA has the necessary funding to properly train and accredit firefighters, who must undertake the high-risk requirement of driving under lights and sirens? Simple question: will you or won't you?

The PRESIDENT: I am sorry, I am a bit confused about what the question was. I am just going to ask you to rephrase the question.

Members interjecting.

The PRESIDENT: Order! Ms Crozier is going to rephrase the question and we are all going to get on with our lives.

Georgie CROZIER: The minister did not answer my substantive in a very simple way. I am just asking her again: will she guarantee that the necessary funding is there to properly train and accredit firefighters to undertake this high-risk requirement of driving under lights and sirens to prevent any unnecessary, dangerous situations in this for our firefighters.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:20): There are no budget cuts to the CFA. When it comes to operational and training decisions, they are a matter for the CFA and in particular their chief officer. Ms Crozier may like to ask the CFA chief officer.

Ministers statements: Victorian Aboriginal Justice Agreement

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:21): This year marks the 25th anniversary of the Aboriginal justice agreement in Victoria. For a quarter of a century successive governments have worked in partnership with Aboriginal communities to keep Aboriginal people out of contact with the criminal justice system. It is a partnership that will go from strength to strength alongside our treaty, because on this side of the house we believe that the strength of this partnership is key to achieving better outcomes. Over the past 25 years we have seen many Aboriginal organisations and individuals step up for the good of their communities and for all Victorians. Last week it was a pleasure to attend the most recent Aboriginal justice awards alongside the Attorney-General in the other place. This celebration of strength and resilience was held on the same day that the Governor signed treaty into law, making it an even more momentous occasion. A number of awards were presented across a range of categories of excellence. All of the recipients represented the great work that is happening right across the state to improve outcomes for Aboriginal people. One recipient I want to give a special shout-out to who is probably a person known to many in this chamber is Shaun Braybrook, who won

the Uncle Andrew Jackomos Award. Shaun is a long-time member of Corrections Victoria and is responsible for establishing and running Wulgunggo Ngalu Learning Place in Gippsland. Wulgunggo Ngalu is a residential diversion program for Aboriginal men completing community correction orders. During their time there participants connect to culture – for many, it is a reconnection to culture – and engage in education, employment and life skills programs that are proven to reduce the risk of reoffending. Congratulations to Shaun and all of the award recipients. Thank you for your hard work.

Fire services

Melina BATH (Eastern Victoria) (12:23): (1153) My question is to the Treasurer. Treasurer, what discussions have you had or funding requests have you received from the Minister for Environment regarding replacing FFMV's G-Wagons and Unimogs that your government has been forced to write off due to major chassis and subframe faults?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:23): Whilst I appreciate the issue, Ms Bath, it is the third question from the opposition that is really of seeking information from portfolio ministers through the Treasurer.

Bev McArthur: Aren't you in charge of the money?

Jaclyn SYMES: That is a really simplistic view of how the general orders work. I would put to you that your question in relation to discussion –

Melina Bath: On a point of order, President, the minister has it in her power, so it is on relevance. Has she received any funding requests as Treasurer? Either she has or she has not.

The PRESIDENT: The question went to a further level of detail around certain pieces of equipment where the Treasurer is indicating that it is the responsibility of another minister. The Treasurer has only had, if my maths is good, 28 seconds and she was addressing that part of the question. I will call the Treasurer.

Jaclyn SYMES: There have been conversations across government and in a number of forums, particularly cabinet discussions, in relation to this matter, and I am not in a position to disclose what is discussed in cabinet committees.

Melina BATH (Eastern Victoria) (12:25): Minister, we have got a very serious fire season coming up. Even the Premier said it is one of the most dangerous on record. Launched in 2017 under Labor's $32 million state-of-the-art upgrades, these vehicles were touted as being world-class firefighting assets. Treasurer, why should Victorians pay more in emergency services levies when your government cannot deliver safe, reliable firefighting vehicles, noting note that this season is going to be one of the worst?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): It is incredibly important to fund our emergency services, and in contrast to your side, Ms Bath, that is what we are doing.

Melina Bath: On a point of order, President, the Treasurer does not need to attack the opposition on an issue that this government must be responsible for. I ask you to draw the minister back to answering the question, not attacking the opposition.

The PRESIDENT: I think the minister started by answering the question, and I call on her to continue.

Jaclyn SYMES: We are very confident in our government's support, financially and otherwise, of our emergency services, because that is what the Emergency Services and Volunteers Fund is about: making sure we have got the resources to continue to provide the equipment, the training and everything that emergency services need. I am confident that Victoria has the resources it needs this fire season.

Kangaroo control

Georgie PURCELL (Northern Victoria) (12:26): (1154) My question is for the minister representing the Minister for Environment. Since 2017 Dunkeld residents have consistently reported feeling unsafe and intimidated by commercial shooting activities. There have been multiple horrific instances, including a severed kangaroo penis being left on a woman's doorstep. Most recently, the day after what was a successful World Kangaroo Day advocacy event in the town, a commercial shooter came and killed five kangaroos, including a much-loved member of the community, on unfarmed land next to a yoga retreat. A local woman was home alone when kangaroo body parts were dumped approximately 350 metres from her front door. It was the first time in six months that she had felt comfortable staying home alone, only for the shooter to return and frighten her again. Can the minister advise what is being done to protect the wellbeing of Dunkeld residents from these ongoing and traumatic events?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:27): I thank Ms Purcell for the question. I am not quite sure whether it is a question for the Minister for Environment or for the Minister for Police. Regardless, I will refer it to the Minister for Environment for a response, or indeed whether he decides to refer it to the Minister for Police.

Georgie PURCELL (Northern Victoria) (12:28): Thank you, Minister. It is a good point, because we do find that the compliance measures are passed around between the different ministers and we constantly receive no outcomes, so I would be more than happy for either minister to provide a response to that one. Even more disturbing is that the shooter involved in this case is reportedly being paid under the $1.8 million drought assistance program, effectively a bounty-style system offering a $1350 subsidy to farmers to engage commercial shooters. This program was designed to provide genuine relief to farmers, yet it appears to be facilitating kangaroo killing on land that is not used for farming at all. How can a program meant to support struggling farmers be used to pay for kangaroo culling on non-farming land, and what safeguards does the government have to stop this kind of misuse of taxpayer funds?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:29): I thank Ms Purcell for her supplementary question. I will refer that to the Minister for Environment. It does deal with a number of matters that may fall within other portfolio areas, but again that will be determined by the Minister for Environment.

Ministers statements: disability services

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:29): I rise to update the house on how, in recognition of the vital role self-help and peer support groups play for people living with disability, their families and carers, the Allan Labor government is pleased to announce the 2026–28 grant round is now open. Self-help groups create welcoming spaces where people can connect with others who share similar experiences. They are a safe space for offering practical advice, emotional support and friendship. Through grants of up to $14,000 we are supporting community groups to continue their important work. Grants can be used to support everyday operating costs, equipment, minor works and activities that bring people together to share experiences, strengthen community connections, promote positive attitudes and build disability pride. Some examples from the last round include the Stroke A Cord Choir in Ringwood East, which Mr McGowan would be pleased to know received a grant to help cover costs for public performances and support participation for community members who have experienced stroke, and the Sunspec Support Group for Families and Carers of People with Disabilities in Sunbury was supported to deliver a series of workshops about mental health for carers. These examples show some of the ways community groups build social connections and wellbeing and foster inclusion. Through the self-help grant program we are ensuring more Victorians living with disability have access to that vital peer support. Consistent with our goals set out in *Inclusive Victoria*, our state disability plan, I particularly encourage groups representing diverse communities and those in regional areas to apply. Applications are open until the

27 January 2026, and to find out more, people and groups can visit the Department of Families, Fairness and Housing website.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:31): (1155) My question is to the Minister for the Suburban Rail Loop. I refer to the Suburban Rail Loop Authority CEO's $54,000 international trip in March of 2022, of which $11,000 in expenses were classified as 'Other'. Will the minister commit to publishing these expenses in full?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:31): Thank you, Mr Mulholland, for that question and for your interest in the work that the Suburban Rail Loop Authority does. As Australia's largest housing and transport infrastructure project it is really important not only that we are able to deliver good value for money for this project that is on time and on budget but that we are also able to make sure that we are delivering a project which either meets or exceeds the threshold for comparable projects internationally. This is where again, when we look to projects such as the Paris rail work, the work on the Elizabeth line and the work that is happening elsewhere around the world, we know that large-scale tunnelling works make a difference to the way in which they are executed when they are executed. Now, Mr Mulholland, as I would hope that you would understand and appreciate, matters associated with expenditure are reported in the usual way.

Evan MULHOLLAND (Northern Metropolitan) (12:33): The minister did not go near answering that question. Minister, SRL executives spent more than $330,000 on international travel. At the same time, Victorians are struggling with the cost of living and are being slugged with 60 new or increased taxes under this government. Why has it been continued government policy for taxpayers to foot the bill for this luxury international travel?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:33): Thanks, Mr Mulholland. With your preamble, I just want to correct perhaps a couple of the presuppositions in it. We have actually cut or removed more than 65 taxes – probably pretty important to think about incorporating into your narrative. I also want to make it really clear, Mr Mulholland, it is not a feature unique to this government – in fact as I recall it was a feature of the last time that the coalition was in government – again, that travel is a part of the work that is undertaken, whether that is business, investment or development through the Victorian government business offices around global trading partners. Mr McGowan is nodding because he understands the importance of international trade and international business development; in fact it is a key part of the economic prosperity and growth here in the state, which despite the fact you want to talk it down, is happening inevitably because of the investment that we are putting in. Now, Mr McGowan, one of the things that we do is make sure that people are in a position to be able to participate in that travel, and that obviously requires expenditure in accordance with the usual processes.

Housing

Katherine COPSEY (Southern Metropolitan) (12:34): (1156) My question is to the minister for housing. Minister, the Flemington estate is home to two of the first public housing towers slated for demolition. 12 Holland Court on Flemington estate is nearly vacant, with a small number of residents now facing increasing pressure to leave, and it is at 12 Holland Court that Homes Victoria has recently installed security cameras on every floor and around the perimeter of the estate, installed electronic steel gates on every floor and rewired and added sensors to the lighting on every floor. We have also heard that at the Richmond public housing walk-ups, which are almost empty, Homes Victoria has installed multiple security cameras around the building. Minister, how much money has Homes Victoria spent on these cameras, gates and lighting?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:35): Thank you very much, Ms Copsey, for that question. One of the things that we know is of paramount importance, that I would hope everybody in this chamber, including the Greens, knows, is that safety is of primary importance where the residents of any of our social housing homes are concerned. We continue to make safety upgrades to our housing stock not just in the middle of Melbourne and not just in our suburbs. We also want to make sure that across the state we are taking care of the needs, the concerns and the priorities of residents when it comes to access, when it comes to security and when it comes to perceptions of safety, and there is always more work to do.

When it comes to making sure that we are securing the assets, the homes and the stock, we also want to make sure that as we develop our housing towers in accordance with the housing statement – to treble the density across these sites and to make sure that we have an uplift of at least 10 per cent in social housing across those sites – and as we prepare for demolition and do that pre-demolition work, we are securing sites against perhaps efforts to occupy parts of those sites for improper or unlawful reasons.

Katherine Copsey interjected.

Harriet SHING: I will pick you up on that interjection, Ms Copsey: 'Defending public housing'. Well, you know what – one of the things that we are continuing to do is to work with people who have already relocated. We are talking about more than 85 per cent of people who have relocated and who are in many instances looking forward to a right of return – but they do not have a right of return while housing is being blocked from being delivered across these sites. One of the things –

Katherine Copsey: On a point of order, President, the minister is getting up a head of steam, but the question was how much money Homes Victoria has spent on these cameras, gates and lighting.

The PRESIDENT: I have a concern – similar to a question to Mr Erdogan – about the level of detail. There is precedent where a number of other presiding officers have said it is much better that that sort of level of detail be provided via a question on notice. So I will rely on those rulings.

Harriet SHING: One of the things that we are doing within the expenditure that already exists for Homes Victoria for security and maintenance is making sure that we are preventing people from unlawfully squatting when it comes to decommissioned homes. I would really hope, Greens, that you would send a really clear message, unlike some members of your political party, that squatting in and occupying unused homes is in fact getting in the way of people being able to have homes that are bright and modern and energy efficient – homes that they deserve – rather than making cheap political points for the purposes of grandstanding.

Anasina Gray-Barberio: On a point of order, President, this is not an opportunity for the minister to attack the Greens. Stick to the question.

The PRESIDENT: I will uphold the point of order and encourage the minister not to respond to interjections.

Harriet SHING: Well, Ms Gray-Barberio, I recall seeing you at one of the protests calling for people to occupy those particular towers and calling upon people to fight against the development of these sites. Ms Gray-Barberio, how sensitive you are when it comes to a measure of accountability to deliver housing for people who most deserve it. When are you going to stop turning your back on people who deserve better?

Evan Mulholland: On a point of order, the minister is required to speak through you, President, and I ask that the minister do that.

The PRESIDENT: She has finished, but I will also uphold that point of order.

Katherine COPSEY (Southern Metropolitan) (12:39): Minister, thank you for touching on security arrangements at tenanted public homes. There are plenty of reports that demonstrate how public housing residents – current residents – including those who have lived and still live at 12 Holland Court and the Richmond walk-ups, have endured a long history of Homes Victoria failing to respond to their maintenance requests. Residents at the Albert Park tower are concerned that their security cameras have not worked for 12 months. Now we have Homes Victoria spending up big on nearly empty residences – a move to protect an asset, as you have touched on, when they seemingly do not care to spend the time and money to protect actual residents. What do you say to those residents who are concerned that their maintenance and security requests have been unmet in the face of this expenditure?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:40): Thank you very much, Ms Copsey. The supplementary question appears to go perhaps a little to a point that is beyond what you talked about in the substantive question, but what I will say is that making sure that people in public housing are made and kept safe includes making sure that strangers who do not live in those estates are not looking to occupy them unlawfully through a squatting exercise that seeks to circumnavigate the process of demolition and building new homes.

On the question of maintenance more broadly, what I would say to you, Ms Copsey, is that this is a priority of the work that we have been doing, and we have done checks to more than 64,000 dwellings at a cost of $245.6 million across 2024–25. We undertake more than 350,000 maintenance checks every year, including requests from renters and essential safety checks as required under the Residential Tenancies Act.

Katherine COPSEY: On a point of order, President, in relation to my substantive question, you were pondering whether the minister had sufficient detail available to answer that specific question. She does seem to have quite a level of detail available about the figures on security expenditure. I am wondering if it would be possible for my substantive to be reinstated and perhaps for the minister to provide an answer to that.

The PRESIDENT: I pondered at the time whether the supplementary was in line with the substantive or a separate topic. The minister is responding to the separate topic compared to a quantum at one particular housing estate. I will call the minister, with 7 seconds to continue.

Harriet SHING: You complain if we have maintenance and you complain if we do not have maintenance, but I keep getting letters from you talking about the fact that the towers and the housing stock need to be upgraded, while you continue to oppose their development.

Katherine COPSEY (Southern Metropolitan) (12:43): I move:

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

Motion agreed to.

Ministers statements: TAFE teachers

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:43): I rise today to say thank you to Victoria's TAFE teachers. TAFE is at the heart of our world-class training system, and TAFE teachers are the backbone. It was a pleasure to meet all of the TAFE teacher and TAFE trainer of the year recipients here at Parliament House yesterday, along with their families and colleagues, and I was pleased to see so many of my fellow MPs taking the time to meet and celebrate their local TAFE teachers. Well done to every winner – you do us so proud. The TAFE teachers I met started in every corner of the economy, whether it be construction, agriculture, IT, community services, allied health, mental health or hair and beauty. They have taken their real-world experience and turned it into something powerful: training the next generation of skilled workers. Their stories are inspiring. We have teachers like Chisholm TAFE teacher of the year Nelly Mohibi.

Nelly is an Afghan refugee who moved to Australia when she was nine years old. In 2019 she began a teaching community services course at Chisholm, focusing on how to identify and respond to family violence risks. As Nelly's story shows, our TAFEs are a beacon for inclusion and opportunity. The Allan Labor government is backing our TAFE teachers, with this year's budget delivering more than $9 million for TAFE teacher scholarships. This three-year package will enable 300 TAFE teachers to access free training to further their professional development. Our government will always back TAFE, and we will always support our teachers, unlike those opposite.

Written responses

The PRESIDENT (12:45): Minister Tierney will get from the Minister for Environment, in line with the standing orders, the two questions, the substantive and the supplementary, for Mr Bourman, and similarly for Ms Purcell within the standing orders, and the environment minister may, outside the standing orders, seek some extra advice from the Minister for Police. I committed to Mr Davis to review the supplementary question he delivered to the Treasurer, and I will get back to him on that.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:46): (2011) My question is to the Minister for Education, and I ask if the minister can outline how the government is supporting families in relation to the purchase and use of digital devices at school. Over the last couple of weeks – probably the last month – I have had a chat to some of the parents at a couple of schools in the Southern Metropolitan Region who want to talk further about the changes the government has announced to the way that digital devices are used in classrooms, both the cost of purchasing some of those devices for their students but also, and significantly for some of the parents, how much time, particularly kids in younger years in primary school, have been spending on devices as part of their learning. The government, through the Minister for Education, has announced some policy changes with respect to providing devices to students and also limiting the amount of time that students in the younger year levels in particular are spending on devices. I am seeking some further information about that policy for some of these parents in my electorate.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:47): (2012) My constituency question is for the Minister for Planning, and it is to cease with proposed amendments to the Growth Areas Infrastructure Contribution Fund. Several councils across my electorate, including Hume City Council, including Mitchell shire, including the City of Whittlesea and the City of Wyndham and others, are very concerned about the government's planned changes that are about to come before this house, whereby the government will be able to dip into that fund for projects completely unrelated to the council area it is collected from, which provides the revenue for that fund through the growth area infrastructure taxes. We already know that this state government is siphoning hundreds of millions of dollars to prop up the state budget from this GAIC fund, not willing to spend it but collecting it and waiting two years for construction costs to increase by 20 per cent before spending it. Cease with this.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:48): (2013) My constituency question is for the Minister for Transport Infrastructure. I understand that more than one-third of regional Victorian platforms are currently too short to accommodate V/Line six-carriage VLocity trains, including six stations on the Warrnambool line. Local constituents have raised concerns about overcrowding on this service, particularly following the recent transition from five-carriage rolling stock to newer three-carriage VLocity sets. Stations on the Warrnambool line would only require modest extensions to safely host six-carriage trains, and the Public Transport Users Association has noted that doing so would futureproof the network and relieve pressure on overcrowded three-carriage services. Minister,

will you commit to extending platforms on the Warrnambool to Melbourne line to enable safe and accessible operation of six-carriage VLocity trains?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:49): (2014) My question is for the Minister for Health. Minister, how is the Allan Labor government investing in our health system to ensure the best care for residents in Eastern Victoria? This government is focused on what matters most, easing cost-of-living pressures by investing in our health systems and backing our doctors, nurses, midwives, paramedics and all other frontline health workers so Victorians can get the best care they need when and where they need it. The Allan Labor government is making care cheaper and more accessible through our urgent care clinics; investing to make the community pharmacy program permanent and even bigger; delivering better, faster care in emergency to support our paramedics; helping emergency departments see patients sooner by increasing the capacity of short-stay units; and tripling the capacity of Victoria's virtual emergency department.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:49): (2015) My question is to the Minister for Police. Why has the government spent $30 million constructing a new police station in Clyde North – announced as part of a $78 million investment in the south-east – yet the station will not be open to the public? I remember that in 2018 it was promised as a police station to the public in an election promise. Now, the government's own media release promised interview rooms, consultation facilities and high security, but Victoria Police has now confirmed the reception counter will remain closed. This means residents needing assistance must travel to Cranbourne police station, and they are asking why their needs have been again overlooked. Clyde North is one of the fastest growing communities in Victoria, with tens of thousands of new families moving in, yet they are being told their brand new state-of-the-art station is essentially off limits. It is simply not good enough.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:50): (2016) My constituency question is for the Minister for Environment. Yet another kangaroo has been found alive with her its jaw blown off in my electorate. Killing kangaroos remains completely legal in Victoria under commercial shooting programs and permit systems. This is despite the mounting evidence of many kangaroos being wounded but not killed, which is in fact illegal but not monitored. The most recent example that has come to light occurred in Kinglake. Kate from Murrindindi Ranges Wildlife Shelter found a live kangaroo with her lower jaw blown off and infested with maggots from the days that she had been suffering before she was euthanised. There is clearly an issue with a number of kangaroos being shot and illegally left to suffer in northern Victoria, so I ask: how many times have compliance measures been deployed in my electorate this year?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:51): (2017) My matter today is to the tertiary education minister, the Minister for Skills and TAFE, and it relates to Monash University in my electorate and its extraordinary decision, I think, to cut out its arrangements with Woodside. Woodside has had a 43- year arrangement with Monash. They put in millions and millions of dollars in support for buildings, sponsorship of programs and internships for engineering and environmental science students across a wide front. The decision of the university to step away from that arrangement with Woodside is of concern, and I ask the minister to investigate this unfortunate and thoughtless decision, a decision that I think ought to be reversed. I think the relationship ought to continue. It is a major company that has now taken on the management of the Bass Strait gas fields.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:53): (2018) My constituency question is for the Minister for Health. On behalf of my constituents I seek a funding commitment ,of $90 million to deliver a fully completed integrated cancer centre at Goulburn Valley Health in Shepparton. GV Health is the main health provider of the Goulburn Valley with a patient catchment population of approximately 150,000 people, yet it is the only regional public health service in Victoria that does not have a fully integrated cancer centre offering comprehensive cancer treatment facilities. It was recently announced that stage 1 of the centre will commence in 2026 thanks to $30 million in funding from the federal government. Only the completion of stage 2 of the ICC will deliver the full range of services local patients deserve, including radiotherapy, which currently is unavailable at the hospital. The integrated cancer centre is a priority project of the Greater Shepparton City Council, and it is estimated that the completed project will require an additional funding commitment of $90 million. Will the minister give a commitment to providing funding of $90 million to deliver a fully integrated cancer centre at GV Health?

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:54): (2019) My constituents are very fond of koalas, it would not surprise you, and so my question is for the Minister for Environment. In particular what I am keen to understand on behalf of my constituents is the status of the Victorian koala population report and surveys. If the minister is able to tell me whether he has received that report and, if he has received that report – I believe it was submitted to DEECA in June – what he intends to do with it. In addition to that, I am very keen to understand what assessments have been made of the koalas on French Island and what the government intends to do with that situation. We are all koala lovers, and I am not feeling the love from you right now, but I am sure it is coming.

A member: Are the koalas voting for you in Ringwood?

Members interjecting.

Nick McGOWAN: Wombat Bend? I am just interested in koalas. There is a koala in our electorate. There is a great big turtle at Ringwood East train station, but that is an entirely different matter. I will not raise it in association with this issue, but I would welcome the minister's response on behalf of our beloved koalas.

Harriet Shing: We just get better and better here in this house, don't we.

The PRESIDENT: We do not really. I might review that, because it is like, 'My constituent's worried about something,' and it sets a precedent. But I am confident there are parks in the north of our electorate that have koalas.

Nick McGOWAN: I will get the name of that park to you.

The PRESIDENT: If you send that to me, we will square that off. Sorry to take everyone into that conversation.

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:55): (2020) My question is for the Minister for Planning. On Sunday I spoke with many constituents at the first meeting of the community campaign against the proposed Sunbury waste incinerator. St Anne's parish hall was packed to the rafters, with standing room only as hundreds attended to learn what this monstrosity means for their beautiful town. We heard from concerned locals as well as Jane Bremmer from Toxics Free Australia, who challenged claims made by the waste-to-energy industry. Many locals are rightly worried that their town will yet again be a dumping ground as a cheap way to reduce waste rather than considering appropriate alternatives. My constituents ask: will the minister provide assurances that no applications

for the incinerator will be considered until the Economy and Infrastructure Committee has tabled its final report on waste-to-energy infrastructure?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:56): (2021) My constituency question is for the Minister for Water. The 2022 Maribyrnong River floods exposed a systemic planning failure that left residents in my electorate, especially at Rivervue Retirement Village and in surrounding Avondale Heights and Maribyrnong, facing severe financial loss. With the Ombudsman's report *When the Water Rises* confirming this failure, can the minister please update my constituents: will the Labor government commit to compensating all affected residents?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:57): (2022) My question is for the Minister for Environment. Will the minister guarantee that ski patrols at Mount Stirling alpine resort will not be cut? In early October two women sadly died on a freezing Victorian mountain, and just last week two separate hikers were caught in blizzards and had to be rescued by police. These incidents are a reminder of how dangerous mountain weather can be, changing in an instant from blue skies to a deathtrap. They are also a reminder about why ski patrols are so important for rescuing those who find themselves in trouble. But the ski patrol at Mount Stirling is now in danger of being cut to save money after Alpine Resorts Victoria revealed that Mount Stirling resort has been operating in financial deficits for several years. Cutting ski patrols would seriously jeopardise public safety on the mountain and deter the many Victorian school groups who visit Mount Stirling to experience the snow. I urge the minister to guarantee future funding for ski patrol volunteers at Mount Stirling.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:58): (2023) My question is to the Minister for Police. In 2017 Daniel Andrews personally promised the Floyd family that the government would continue funding the search for their tragically murdered son, Maryborough schoolboy Terry Floyd, so that the family could focus on finding Terry and not on finding the money. The ABC now reports that the family's letters and emails have been ignored, handballed between departments and stonewalled for more than a year, leaving the search for Terry's remains stalled entirely. Minister, is your government honouring the former Premier's commitment to this grieving Victorian family? If not, why has the government walked away from a categorical promise made in good faith to support the search for Terry Floyd and help finally bring his loved ones the understanding and closure they deserve?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:59): (2024) My question is to the Minister for Housing and Building. I know that there are over 65,000 people that are waiting for a home in Victoria, but I have just spoken to a dad today who is in a situation where he has been living in a car with his three children: a six-year-old, a three-year-old and a two-year-old. He is on the priority housing waitlist but I am concerned at the lack of houses available, and I would appreciate the minister's assistance in helping this family find a home. I would be happy to pass the details on.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:59): (2025) My question is to the Minister for Health, and it relates to a request from many constituents in my electorate for a timeline on the delivery of the West Gippsland Hospital. I join wholeheartedly with my colleague the member for Narracan Wayne Farnham, who has raised this issue almost weekly for the last many years. The government promised $675 million in 2022 for the new West Gippsland Hospital, matching – but not quite matching – the Liberals and Nationals previous commitment to build it. Construction was supposed to start in 2024 and finish in 2028, but recent budgets have not allocated the construction funds, and the opening timeline of 2029 looks in very serious jeopardy. In 2023–24 the budget included $320 million for the

Hospital Infrastructure Delivery Fund, with seven projects, including a sliver for West Gippsland Hospital. I call on the minister to come forward, provide this timeline and get this hospital moving.

Sitting suspended 1:01 pm until 2:02 pm.

Bills

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

Second reading

Resumed.

Sonja TERPSTRA (North-Eastern Metropolitan) (14:02): I will continue my contribution on this bill, the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. Just before the break I was commenting on the many women who have experienced sexual harassment in the workplace, and I thanked women in this chamber for recounting their stories, not only some of their own but on behalf of others and their experiences with sexual harassment. I was remarking upon the fact that I have been a legal practitioner, and I have not only worked in the union movement but represented people as a consultant and also as someone who has run their own legal practice and given advice on these matters particularly.

What I was saying before the break was that when we make a decision around wanting to introduce reforms around sexual harassment and the use of NDAs, as we have done, it is really important for employers to make sure they fully buy into and support enacting cultural change, and that means cultural change in the workplace to support anybody who has suffered sexual harassment to come forward and to ensure that they are supported and that they are given the appropriate supports as well.

As I remarked upon before, not only can being sexually harassed be something that is very traumatising but it is often the aftermath and even the leading up to about 'Do I report? How do I report it? What's likely to happen to me? Am I going to lose my job as a consequence of this?' This has been spoken about in this chamber: quite often women who do report end up losing their jobs or they move on because it is just easier to do that.

It will come as no surprise, I think, and I was talking about statistics earlier, that a number of women in this room will have experienced sexual harassment. I have been sexually harassed. I have signed an NDA as well. It is something that I witnessed as a legal practitioner. Working for the union movement, it was pretty de rigueur for the use of NDAs to be signed to resolve any workplace dispute that resulted in litigation, whether it was sexual harassment or anything else.

What has been spotlighted or highlighted is the fact that it basically hides what is going on, and that is why I go back to my earlier remarks that employers must look at their workplace culture; they must continue to make efforts to reform and support workers. Things change; workplace behaviours change. We have got a lot more use of digital things and platforms these days than we ever had, and things change all the time. Some things will not change, some things will remain the same, but in looking at some of the statistics, what I did note was that some of the sorts of behaviours that are reported that people – and women in particular – are experiencing are the same. So stupid comments, inappropriate comments, being touched or groped and also being sent inappropriate images – those sorts of things unfortunately have not changed. But as we know, women are being harassed online through other platforms as well, so those sorts of things have changed. I guess the thing is that people who want to abuse their power and position always find new ways to do it, so it is about catching up with that – how do we keep up with that and how do employers keep up with that? As Minister Stitt said earlier, this is about providing a healthy and safe working environment, so there are occupational health and safety considerations for employers to consider.

I have about 4 or 5 minutes left, but I might finish my remarks by just reminding the chamber and anyone who might be listening at home about one of the really serious examples of sexual harassment

that hit the headlines and was remarked about. This example which I am going to talk about certainly highlighted the power imbalance between a senior colleague, a senior person, and women. The example I am talking about is the investigation into High Court judge Dyson Heydon, who was found to have sexually harassed six female associates while he was a member of the court. What we saw in the reporting of that over many months and once there was an investigation into that incident was that there was a history of it. It was almost – or was – known as an open secret within the legal profession. Now, ultimately the chief justice of the court at that time Susan Kiefel apologised to the women who had experienced harassment on behalf of the court and announced new measures to protect judges' personal staff and to improve the handling of complaints. So they were really significant and important reforms, and of course they went some way to addressing the power imbalance and helping women come forward and disclose what they may have experienced. There were also then subsequent reports in the *Sydney Morning Herald* that other women had come forward and said they had been also sexually harassed. So again, this was seen as an open secret in the legal and judicial profession. Sometimes cultures are built around secrecy, preventing women from coming forward or anyone from coming forward. We also talk about the bystander effect when we talk about these things: people may be aware of someone who is being sexually harassed but they may feel unable to come forward and report it on behalf of somebody, or the victim themselves may say, 'I don't want you to report this, because I'm scared' – or 'terrified' – 'of the consequences that might happen.'

So we still have a big problem in regard to these things. Introducing these reforms around NDAs is obviously important, but we still have lots and lots and lots of work to do when we talk about workplace culture. As I said, there are still some cultures that develop, through whatever reason, that prevent people from coming forward, but it is also something that should be driven from the top and from leaders of any organisation, whether they be a corporation or a court, for example. We really need to start to expect leaders from wherever they are to set behavioural standards and examples and ensure that messages are obvious to those who work for them or in those circles or in and around them and that if they feel the need to report something they will be seen, heard and believed and action will be taken. In the last few weeks we have heard a lot of discussion around consequences. Well, this is no different. Some of these behaviours are covert, they are hidden, but they all are designed to do the same thing, which is to threaten and intimidate. It is about an exercise and abuse of power over someone else. So that is when governments need to step in and make changes, so I am really pleased to see that our government is acting.

I did note from looking at the notes before that we were the first jurisdiction in the world to introduce some of these reforms. There is always more work to do in this space, and I want to thank the union movement as well. It is something I have been a part of for 20-something-odd years, and I know the movement always tries to chip away at power imbalances between workers and employers. That is what they do and that is what they are there for, and this is no different. That work will continue, and I know the union movement will continue to advocate for reforms in other areas as well. I note that these reforms have been welcomed by people in the legal profession as well, because again, it is all about providing daylight. As I said before, often sunlight is the best antidote to some of these practices. And as I said before too, from working in consulting roles, I am never shocked or surprised about the lengths that some people will go to to hide their behaviour and not acknowledge their behaviour and not take responsibility for their behaviour. I do not think that will ever change, but nevertheless we can certainly put protections in place for workers. I commend the bill to the house.

Rachel PAYNE (South-Eastern Metropolitan) (14:11): I rise to speak on the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. These important reforms are designed to address non-disclosure agreements being used in the settlement of workplace sexual harassment in a way that protects perpetrators and silences victims. Very few make the difficult decision to report workplace sexual harassment in a legal system that often works against victims to leave them with little faith that they will receive justice. This lack of faith is not unfounded; half of people harassed identify the same harasser as having sexually harassed another employee in the workplace – half. The prevalence of NDAs allows these patterns of sexual harassment to continue unchecked. Often the

complainants subject to these NDAs are women. Sexual harassment is compounded by gender but also by race, age, disability and sexual orientation. Women in insecure, low-paid or gig work and migrant women are even more at risk of experiencing sexual harassment. It is within this immense power imbalance that NDAs exist to enable perpetrators and silence victims.

To understand why this legislation is so important, I would like to begin by sharing the story of someone who was silenced by an NDA. Margaret – not her real name – was the subject of persistent and degrading workplace sexual harassment. Months of harassment that was amplifying meant that Margaret had no choice but to officially report her colleague to her employer. When I asked Margaret about how the employer responded, she said they did not do anything to curb his behaviour. He was not disciplined, and they said they just could not do anything. Margaret ended up on stress leave – understandably – while trying to resolve the situation with her employer. She said during this time they refused to pay some of her entitlements. Basically they made it very difficult for her to resolve the situation and forced her out with a modest settlement and a non-disclosure agreement. Margaret was left with no income and found that because of what she had experienced she could not engage in finding employment. She was left in a situation where she struggled to pay her bills and her mental health deteriorated. She ended up not being able to work for two years.

The worst part for Margaret after signing the NDA was that she could not talk to anybody: not her partner, not her family, not her psychiatrist. As she told me, 'I was silenced. It was dehumanising, as you can't process or validate what you've been through.' This experience of harassment in the workplace had a major impact on Margaret's career. She told me that she had studied at uni to enter that field of work. She had worked hard and she had a lot of pride in the job that she did. She now feels like she has missed out on a lot of opportunity. Not only is this a loss of a skilled worker but it also removes women from participating in the workforce and contributing to the economy. It is not good for business and it is not good for productivity. It is for people like Margaret that I have called for reforms to NDAs to be treated with the urgency it deserves. I have called for this numerous times since I was elected to Parliament, and I want to acknowledge the former Attorney-General for always responding to my questions on this. Also in her role as the Minister for Industrial Relations I want to acknowledge how complex the legislation is and what a process that has been. After all these years, it is great to see this legislation before us today, legislation that puts complainants front and centre.

The calls to reform NDAs in cases of workplace sexual harassment started well before I was elected. The Me Too movement highlighted the disturbing prevalence of sexual harassment and sexual abuse of women. We are all familiar with the actions of American film producer Harvey Weinstein, who regularly used NDAs to silence victim-survivors, allowing his disgusting behaviour to go unchecked for decades. This movement, alongside the Australian Human Rights Commission's *Respect@Work* report, started a conversation about sexual harassment and the use of NDAs. We now have a much better idea of the scale of the problem, and it is massive. The Australian Human Rights Commission's fifth national survey into sexual harassment in Australian workplaces found that one in three workers had experienced sexual harassment in the last five years. At the same time it is commonplace for employers to respond to reports of workplace sexual harassment with an NDA. Seventy-five per cent of the legal profession has never reached a sexual harassment settlement without strict NDA terms. There is no uniform approach to how these are drafted, with only 22 per cent of legal practitioners having ever used the Australian Human Rights Commission's guidelines on NDAs. The law is clearly lagging behind the expectations of society.

In light of this, the Victorian government set up a ministerial taskforce on workplace sexual harassment to develop reforms that will prevent and respond to sexual harassment in workplaces. The taskforce recommended that the Victorian government introduce legislation to restrict the use of NDAs in relation to workplace sexual harassment, recognising that NDAs were often misused to silence victims, protect employer reputations and avoid accountability. As a brief aside, the recommendations specifically suggested a model of reform based on an Irish private members bill. This is yet another

example of a private members bill leading progressive policy reform. You can add that to the list of the private members bills I outlined in last week's debate.

While it has taken a while, we finally have legislation before us today that implements the taskforce's recommendations. This bill centres non-disclosure agreements around the complainant, ensuring that they are only used when requested and that the employer, respondent and any other person on their behalf cannot pressure the complainant into entering an NDA. The bill also enables permitted disclosures. This is where a complainant can disclose material information, including the identity of the respondent and the conduct constituting the sexual harassment, to certain persons or bodies. Some of these might include lawyers, unions, family, medical and mental health practitioners and financial advisers. I take great comfort in knowing that, particularly for Margaret, who I referred to before.

Sexual harassment is an isolating experience in and of itself. It often damages the complainant's work and negatively impacts progression in their career. To have, on top of that, an NDA that limits your access to essential services and forces you not to tell those closest to you about what has happened would add an unimaginable additional layer of isolation to this. The inclusion of permitted disclosures in this bill is a welcome response to addressing this issue. This bill also provides that a complainant may terminate an NDA with written notice at any time 12 months after it was entered into and to the extent it prevents them from disclosing material information about workplace sexual harassment.

When consultation was done on NDAs via Engage Victoria, it showed that 93 per cent of respondents who signed an NDA later wanted to end it. This bill now gives them that option. When signing an NDA, people are pressured to agree quickly and are still in the midst of dealing with the psychological harms that come with sexual harassment. It is not surprising that when complainants have the chance to reflect that they are living a life of forced silence they wish they had not signed an NDA. As one person put it, no amount of money will ever be worth the ongoing trauma, fear and anxiety experienced regularly with no avenue to ever get that closure. The chance to change your mind is an important one, and this bill provides that the termination will not affect any settlement agreement or require payment of money – it simply lifts the weight of silence if the complainant chooses to do so.

Before wrapping up, I would like to recognise the work of Trades Hall and particularly Wil Stracke in helping secure these changes and ensure that they were informed by the lived experience of many workers who suffered and were silenced by NDAs. The current systems protect perpetrators of workplace sexual harassment and harm victims, and that needs to change. This bill goes the right way about doing that. These are important reforms, and I commend the bill to the house.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (14:20): Today is a really significant opportunity for us to talk about something which does not get the amount of attention that it deserves. Amidst front-page headlines and discussion about everything from sport through to international affairs and a leader who sees fit to be able to refer to women journalists as 'piggies', we know that all too often women are on the receiving end of some of the most disgraceful behaviour imaginable. Now, in some instances – many instances, hundreds of thousands of instances – this occurs very, very publicly. Something that underpins all that is the desire to humiliate and to shame, the desire to disempower or indeed a complete, wilful or often malicious disregard for the rights that women have and should have to dignity, to autonomy and to independence.

But there is a whole other side to the idea of disempowerment for women, particularly when it comes to workplace rights and entitlements. That is where the cloak of confidentiality and of secrecy has done so much damage to further erode the measure of trust, the measure of confidence and the measure of autonomy that women deserve to have in workplace environments and in the relationships that they have with colleagues, with friends and with family and the relationship that they have to their desires and aspirations for a trajectory in their career. When we think also about women and the power asymmetry that exists, often in vulnerable industries such as retail and hospitality we can see that that power imbalance is further augmented. We can see that, in exchange for the idea of further casual

shifts, women will all too often put up with behaviour of an increasingly reprehensible nature simply because the take-it-or-leave-it proposition, which underpins so much of the environment in our workplace relations system, gives women little or no choice: endure disgraceful behaviour or go and find another job. At the heart of this sit the same humiliation and shame. The gaslighting, the denials, the secrecy and the lies in the aggregate all amount to a terrible burden of exhaustion, of trauma and of injury for women that persists not just for the duration of one particular job, but often for an entire life, and not just a working life.

These are situations that women all too often find themselves in over and over again. And when we compound that with the use of non-disclosure agreements – agreements, NDAs, that were originally developed for entirely separate purposes around the retention of trade secrets, for example – where the trade secret becomes one of protection of a perpetrator of acts that often have a lifelong impact of trauma, we can see that the system is no longer serving the purposes for which it was originally intended. This is where NDAs, which in and of themselves are created, negotiated and executed in order to give closure to a matter, in fact do far from that. They have the opposite impact. They entrench a situation of disempowerment that often means that healing, moving on and closure are not achieved, but rather ongoing injury, ongoing humiliation and ongoing disempowerment – and so it goes on. In addition to that, NDAs have traditionally enabled workplaces to turn a blind eye to cultures of permissiveness, to cultures that have perpetuated the capacity and indeed sometimes the opportunity for people, overwhelmingly men, to behave disgracefully and indeed behave disgracefully in turning a blind eye to what too many know is occurring and fail to do anything about. So this is important legislation. This is legislation which sends a very clear message that a cloak of secrecy is not a shield for bad behaviour, and nor should it ever be presumed to enable, to facilitate or to conceal behaviour – that it should not be an opportunity to weaponise an asymmetry of power, because there is too much of that already.

These NDA reforms are about making sure that the way in which NDAs are used is something which rests more squarely and more appropriately with a complainant and that they retain rights, they retain power and they retain autonomy when it comes to being able to determine the terms by which an NDA will operate. It is also important that somebody who signs an NDA as part of a settlement is able then to access information and process to enable them to make an informed decision – a decision guided by advice and by assistance. It also preserves the importance of being able to talk to somebody about the impact of what has occurred, because again, when we talk about what happens under the cover of confidentiality – behind closed doors – we fail to recognise the ongoing impact. Silence can be an enduring source of injury, and as a counterpoint, sunlight can in fact be the best disinfectant. These strict requirements as part of NDAs and the way in which they can be used are important. They are meaningful and they have work to do, but they also drive a clear point about the importance of cultural change within organisations, workplaces and specific sectors and industries.

This is the culmination of years and years of work. I remember having been on the receiving end of some pretty awful behaviour. I have written about that before – about behaviour that included sexual harassment, physical harassment, gendered abuse and the idea of being cleaved off and treated in a special way in order to get special benefits by an employer who wanted to see me succeed and others perhaps not in exchange for certain things. This is the power asymmetry that is attendant in so many workplaces, including those areas with a lack of security of employment or high levels of casualisation or where duration of employment is not guaranteed, particularly where family and caring responsibilities are taken into account. This is all too familiar. As so many people around this chamber know, as so many stakeholders know and as so many people who have signed an NDA know, this is something which, again, has continued unchecked until now.

There is a lot of work to do to make sure that we are listening to the experiences of people who have endured and continue to endure the impact of work-related harassment, in particular behaviour that causes trauma, distress or injury – behaviour that is unsafe. The failure of workplaces, employers and indeed workers to comply with their obligations around safe systems of work is something that we can

never and should never turn our backs on. This sits alongside a suite of work-related reforms to make and keep people safe, from industrial manslaughter through to the way in which we have driven wholesale reforms to workplace safety, whether they are nurse-to-patient ratios or other entitlements about the preservation of benefits and compensation. This is another part of that puzzle.

I want to thank those advocates who for so many years – in fact decades in some instances – have been at the heart of discussion and negotiation on correcting those power imbalances. Worker by worker, the trade union movement has been at the heart of advocacy – not just advocacy around the negotiation of the terms of individual NDAs, because that is the system which until now has operated in Victoria, but in searching for broader systemic reform. In particular the Australian Services Union has driven so much of the work in this space. Alongside family violence leave, which was incorporated in the first instance into enterprise agreements through that union, this is something which, again, has been driven by that union and also by the Trades Hall Council work and Wil Stracke, who has been instrumental in advocating for these changes alongside so many others. This is work, however, that does not sit on one pair of shoulders. It does not – and nor should it – sit with one level of government. It does not – and nor should it – sit with one account from one victim-survivor of one instance of appalling behaviour. This is something which we all need to own. This is something that we cannot afford and do not have the opportunity – and nor should we have the right – to turn our backs on, because for too long we have seen systems in place that have been created with the intent of confidentiality but which have had the effect of allowing secrecy and silence to persist.

This is good legislative reform. This is going to be uncomfortable legislative reform, but it is going to be uncomfortable for those who have perhaps been able to operate in a situation or in circumstances where it has not been necessary to change the status quo, where it has not been seen to be a priority to improve workplace culture. Mandatory information and a review period is as important to the way in which this legislation will operate in substance as anything else. The power that is to be delivered through access to information is hard to underestimate. What I would suggest to anybody who has endured or survived or continues to be subject to an NDA relates as much to accuracy and information and to access to supports and services as anything else. I know from the work that I have done previously in negotiation of settlements and separations that one of the things that sits most squarely at the heart of the idea of closure and of healing is an apology. It is an acknowledgement of wrongdoing. It is an acknowledgement of harm and of hurt caused and distress. What I know, having sat around so many tables negotiating outcomes and separations and settlements as part of NDAs, is that just about the hardest thing to extract is an apology. And it should not be that way. It does not need to be that way. If, as part of moving to a process and to a set of outcomes that enable victim-survivors, complainants and people on the receiving end of terrible behaviour to be able to move toward a measure of closure, then in the absence of those apologies – those holy grails of statements of regret or contrition, of acknowledgement of pain – this actually goes a significant way toward perhaps closing that gap and that power asymmetry.

This legislation – and we are clear eyed about it – does not fix the problem, it responds to it. This legislation will enable us, perhaps, to ensure that complainants are not isolated or deprived of avenues of support. This legislation needs to sit alongside a range of other supports and services and programs which are available and accessible to them without fear of retribution or of breach. Again, we are talking about people often from migrant backgrounds, young women, people living with disabilities, people in rural and regional Victoria, who are presented with a document five, 10, 12, often 14 pages in length, expressed in terms like deed, due consideration, non-disparagement, confidentiality, non-disclosure, recitals and appendices. These are terms which we here in this chamber are used to, which people in the legal sector are used to and which people in the union movement are used to. But put yourself in the shoes of a young retail worker in a rural and regional centre where employment opportunities are perhaps not nearly as available as they might be the next town over and everyone talks to each other, and you will see why it is that correcting that power asymmetry is so important.

So I want to commend this bill to the house. I want to acknowledge the work that so many people have done to bring it to this point. But I also want to make sure that we take this as an opportunity not for a full stop but rather for a comma. The work needs to go on, because too many of us know exactly how it feels – that sting of shame and of humiliation and of distress about something for which we are not to blame – and too many of us know what needs to be done. We are here as elected representatives with that responsibility. And here as elected representatives with that responsibility we have an opportunity to make sure that this work goes on. We have an opportunity to make sure that sunlight, as the best disinfectant, can be part of the systems that we design, deliver and support. Thank you to everybody who has been involved in developing this legislation. I commend the bill to the house.

Georgie PURCELL (Northern Victoria) (14:35): I am really pleased to rise to speak in support of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, a bill that we have all waited a really long time for and a bill which will make Victoria the first state in Australia and one of the first jurisdictions in the world to restrict the use of non-disclosure agreements in sexual harassment settlements. Through this bill, in fact through the very objectives of the act it will create, Victoria will legislatively recognise the vulnerability of workers who are subject to workplace sexual harassment and the psychological and social impact caused by it. The bill will ensure that an NDA can only be entered into at the express wish of the victim-survivor – a decision that must be reached without coercion and without pressure. If someone wishes to enter into an NDA, the bill provides a long list of persons or bodies they are permitted to make disclosures to. Importantly, this includes a lawyer, mental health and medical practitioners and even close friends and family in order to gain support. Most crucially, if after 12 months they no longer wish to be bound by the NDA, they can choose to end it. What is key to all of this is that power will now be firmly in the hands of those affected by sexual harassment rather than their bosses. Non-disclosure agreements will no longer be able to be used to control.

This bill is the direct outcome of significant advocacy, particularly from the Victorian Trades Hall Council and the wider union movement, and I too want to particularly acknowledge the work of Wil Stracke in this important piece of legislation before us today. It is also acquitting one of the 26 recommendations from the Ministerial Taskforce on Workplace Sexual Harassment. The government accepted 21 of the 26 recommendations, and I would like to encourage them not to abandon the other five recommendations identified as needing further consideration after we move away from this debate today. The taskforce made other strong legislative proposals to strengthen protections against workplace sexual harassment. For far too long NDAs have been used to silence workers who have been subjected to sexual harassment in the workplace. Today, one in three Australian workers report having been sexually harassed at work in the last five years, and I can guarantee you that that number in reality would actually be far, far higher. Currently the bill places responsibility of acknowledging that preconditions have been met solely on the victim-survivor through the form set out in clause 8. I will be moving an amendment, which I ask to be circulated now.

This amendment would require the employer and other parties to also sign a form declaring that they have met the preconditions outlined in the bill and to provide a copy of the form to the complainant. It is hoped that this will add an extra layer of accountability to ensure employers meet the required preconditions. I want to thank and acknowledge the Working Women's Centre Victoria for putting this suggestion forward, and I do thank Minister Symes and her office for their cooperation on this amendment. There have been concerns raised by community legal centres and sexual assault support organisations about the kind of support they will be able to provide under the permitted disclosures section, and I have received good assurances from the government and look forward to helping to provide some clarity during the committee-of-the-whole stage of this bill.

So many members throughout the course of this debate have raised and shared their own stories and experiences, but I particularly want to acknowledge the words of Natalie Hutchins in the other place and Bridget Vallence, also in the other place, for their contributions. I knew from as soon as I started working at 14 years and nine months of age that sexual harassment would be a feature of my working

life. I started working in fast food, where I actively avoided roles where I had to interact with members of the public and would try to stay behind the counter and at the back of house because of the ongoing comments, the leering and the nature of that job. When I moved on to working in a pub when I was 18 years old, I dreaded clearing the glasses during happy hour, knowing that I would be groped, pulled onto laps and receive demeaning and sexualised comments. Once I was even followed out to my car by a customer who threatened me after I turned down his advances. In that workplace I was powerless because we could not upset the regulars in a small country town. I know that for so many women this experience is shared among all of us, that we are silenced because we do not want to offend people. We do not want to affect business because sexual harassment is not good for business, and ultimately it is the women who suffer the consequences and the repercussions of that.

I first reported sexual harassment in the workplace by a colleague when I was 20. I was then working in the legal profession adjacent to the courts. When I reported this sexual harassment, despite it being alongside many other women who were enduring the same thing and it was proven and that colleague lost his job, the all-too-common story happened where the narrative was flipped. It was December, right before Christmas, and we were quickly soon demonised with commentary and narratives asking us how he was going to buy presents for his children and how he was going to support his family. Most of us left that workplace because of the repercussions of reporting our mistreatment and the sexual harassment that we endured.

In my seven years working in this building, that has not changed. I have been sexually harassed in the Parliament on multiple occasions as well. It was in my very first year as a staffer, when I was just 26 years old, and I had taken on a job that I thought was going to be my dream job and I was going to be, you know, doing great things for animals and advocating for animals. I will never forget in those early months when someone came into my office for a discussion and I bent over to get something from the fridge and he remarked to me, in my member of Parliament's office, 'If you do that again, I won't be responsible for what happens next.' This is just one in a litany of examples that have occurred while working in this building.

It really has made me reflect, perhaps naively, ahead of this debate today that I thought I would be safe from this treatment when I became a member of Parliament as well, but that just has not been the reality and that has not been the case. There are consequences. There are real consequences. Anyone can be a victim of sexual harassment, but when you bring your whole true self into this building and your whole story, your experiences, I think particularly for young people and stories like my own, there are immediate questions when you speak about the mistreatment and the sexual harassment that you endure.

I reported sexual harassment in this building as a member of Parliament. Like most things in this place, nothing is ever secret for long, and the immediate questions were: 'What did she expect? Look how she dresses. Look at the tattoos. Look at her past. You can't sexually harass the stripper.' I heard the whispers when I walked past in the hallway. I have heard all of the rumours. I know the slut shaming far too well. Members of this place are not beyond it, and we need to reflect on that today as well as we move forward and do this important piece of legislation. There is an ongoing commentary for many women in this building that implies things would be different for us if we conducted ourselves in a different way.

I think we saw that with Minister Hutchins's commentary, where she shared her experience and people questioned if it could even be possible that she could be sexually harassed, and then when someone else speaks from their experience it is 'What did she expect would happen to her?' It creates this false narrative of a perfect victim – that you can only experience or endure this behaviour and, importantly, you can only speak out about this behaviour if you meet a certain impossible criteria. I think that in making these changes we need to reflect on the fact that it is all well and good to remove the gag on survivors of sexual harassment, but we need to start listening when people speak. We need to start hearing their stories and, importantly, we need to stop questioning them, because there have been far too many examples in this country and in this state where when women do speak out, which is rare,

we see the way that they are treated, we see their experiences and we see the way in which their lives are destroyed and the perpetrators of their treatment are untouchable.

Ms Terpstra reflected on this in her comments. Certainly in my experience and certainly in this job sexual harassment in the workplace, it is important for us to recognise, just does not look the way that it used to. We are not safe when we go home at night or when we leave a building. It extends beyond the physical precinct or office or place of work, and it extends past 5 pm. For me, in my experience with someone else in this place, it was the late-night messages, the harassing phone calls, the harassing texts, the bombardment of digital contact, the knocks on our doors when we cannot see who is on the other side and the demands to meet us under the guise of work. It really does not matter how senior or successful you become. One thing that I have learned is that men will always see us as up for grabs, and women, we know, are coming up with ways to protect ourselves from what we know is bound to happen. In my experience I relied very, very heavily on a support network of colleagues who not only could I confide in but who actually directly saw my experience. I had to put my own measures in place, such as having an emergency message to send someone when I was alone in my office with someone I did not want to be with or making a phone call to come up with an excuse to come and get me.

As Minister Shing touched on, this will not change that behaviour. This will not end that behaviour. This will only bring it to light and allow us to speak about it – and speaking about it is really, really hard. I was hesitant to speak about it myself today because the immediate questioning and the vulnerability that comes with it is really, really difficult. We need to create a space in order to allow these conversations to happen and to be willing to be active listeners without the stigma and without the shame and without the questioning.

I also wanted to reflect on the ways in which sexual harassment, when it is coupled with a workplace, particularly like this one, where it is our job to have relationships with people and to work together, there is a real sense, I think, among many working women and professionals about the reputational damage that will come with speaking out against behaviours like this. I feel really, really lucky and really, really blessed to be friends with many women who have publicly shared their stories about the assaults or harassments that they have experienced in Australian politics. We often reflect, I think, despite having very, very different stories, on this shared suffrage of knowing that in speaking out about our experiences our biggest fear was the repercussions for that and what would come with it and for the people who have done this to us to continue to walk the hallways of parliaments around the country, only for their careers to not only be not destroyed but often be elevated, while ours are left in tatters.

Even with my seemingly strong convictions and my very outspoken gender politics, when I have experienced this treatment in the workplace, whether it be when I was 14 and nine months old working in fast food or working at a pub or working here in the Parliament, I have never been willing to advocate for myself in the way that I do for others. It is only with the constant encouragement of the people around me that I have been able to, so for anyone who is listening to this debate today and hearing the stories of so many women of so many different ages about their experiences across the workplace throughout their working life – whether it be in this building or when they were younger – please do give them the space to feel comfortable to share how they have felt being on the receiving end of this. If they do confide in you and share their story, please do offer them that support.

If we are going to legislate so that sexual harassment survivors can speak out, then we need to be willing to do that without question, without bias, without stigma and without assumption. I do not feel comfortable ever speaking from this perspective, but I am about to become a parent to a little girl, and it worries me deeply knowing the experiences that I have encountered in my adult working life. I hope that this piece of legislation is only just the beginning to making Australian workplaces better for young women and girls as they grow up and start their professional careers.

I really want to thank every single person who has contributed to this piece of legislation for their bravery and for sharing their story. I remember when I first got elected. In my first year I had a

delegation of women from Trades Hall come and meet me from across a range of different unions and a range of different workplaces but all with the same story to share: they had been sexually harassed in the workplace and forced to sign an NDA. They wanted to speak about their experiences, perhaps not even publicly like I have today, but even just with their psychologist or their mum or a mental health professional. I feel really proud that we have been able to be part of this today. I thank the government for listening and for bringing this bill to the house, and I look forward to seeing its passage this afternoon.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:53): Thank you to the speakers today; I will touch on some people's contributions throughout my summing up. I will not take too long. Obviously the second reading speech has gone through the detail of the bill, but I do want to reflect that this is landmark legislation. We are tackling the toxic culture that can exist in workplaces, and we are saying 'enough' to a system that acts to silence victims of sexual harassment and prevent them from speaking about their experiences.

Throughout this debate we have heard accounts and details of the trauma and damage that sexual harassment within workplaces inflicts on victims. The stories are harrowing, and these are only the ones that we are able to hear. So many stories have been locked away as a result of common HR and often default legal practices that too easily allow perpetrators of workplace sexual harassment – or indeed their bosses – to buy the silence of victims. It is openly called hush money, and today we are saying no more. The core premise of this bill is empowerment for victims. It is not about banning the use of non-disclosure agreements altogether. It is about limiting their use to when a worker expressly wants to enter into one. In that respect, this bill is about choice. It is also about providing safeguards where NDAs are used. This includes ensuring that complainants are not unnecessarily restricted from disclosing to their support networks and allowing complainants to waive the NDAs after 12 months, recognising that in time a complainant may indeed find that confidentiality is causing them unexpected harm. I know that many of the reforms proposed in the bill are bold for some. They will be closely monitored. Their implementation will be watched to ensure that any unintended consequences can be identified and addressed. Ultimately though, I have confidence that we have landed in the right place with these reforms and that they will have a significant impact on improving workplace safety, and I am given that confidence because of the amount of work that went into the development of this bill and the reflection on lived experience.

I want to acknowledge the tenor of the debate, particularly from many female colleagues, and the openness and vulnerability of so many of those in both chambers across parties. I particularly want to acknowledge those who shared their own personal stories of sexual harassment. I would call out the member for Evelyn; the member for Monbulk; Mrs Deeming; Ms Purcell, whom we have just heard from; and particularly the Minister for Women, my friend Natalie Hutchins. There are others that have also drawn on their own experiences and talked about things that have happened to their friends, but what we know is that there are plenty of untold stories. The emotion, respect and passion with which members have spoken has been deeply moving and I hope thought provoking for many, but fundamentally it has been illustrative of exactly the problem that we are trying to address. It has, sadly, highlighted just how much more work there is to do. I will steal from my good friend Ms Shing, where she hopes that this is a comma and not a full stop. I give that commitment from my position as Minister for Industrial Relations that when it comes to workplaces that is right, but I think as a government we are all on board with the comma, Ms Shing.

There are many contributors to the reforms and probably not enough time to call them out. However, there are some critical people to acknowledge without whom we would not be able to implement the changes in the form that we have got before us. I thank every stakeholder who contributed to the consultation on the bill. The fact that there was such consensus on the need to do better for victims has been deeply encouraging, and your feedback on how we could deliver this reform was clearly invaluable. I thank the hardworking staff of Industrial Relations Victoria who have crafted these

reforms over years – Lissa Zass, Kate Bugeja and Dannii Spiteri – and my hardworking senior industrial relations adviser Sam Towler. I thank the members of the Ministerial Taskforce on Workplace Sexual Harassment, co-chaired by Liberty Sanger and member for Thomastown Bronwyn Halfpenny. I thank the many employment and industrial lawyers who contributed to this bill, particularly Jessica Dawson-Field from Maurice Blackburn, who shared her experiences of the clients that she has dealt with, for the purposes of crafting the bill but also for announcing and being part of the media. Most of all I give my profound thanks to and acknowledge the absolute power of work from the union movement. In particular I want to acknowledge Wil Stracke. Wil, I do not think you have been mentioned in *Hansard* this many times, but I am going to add to it – Wil Stracke, Wil Stracke, Wil Stracke, you are amazing. Danae Bosler, Tiarne Crowther, Caro Dunbar and all the sisters in Trades Hall – many of you are up there in the gallery – thank you so much for being here today.

It is my absolute privilege to be the vessel to bring this hard work to the Parliament. I am delivering on years of thought, research, conversation, advocacy, ink and tears, and this bill – again, as I will finish on – is ultimately about the victims. That is what motivates the people in the gallery to do what they do. They hear their stories; they want to make it better. I want to call out the victims, your stories, and acknowledge your pain, but importantly, your strength. I hope that this bill gives some acknowledgement of that. I am going to steal another reflection, because I like the way he summed up this legislation. The member for Narre Warren South spoke of the honour and power that we have in this Parliament and the labour movement. This is something that all MPs should reflect on and remind themselves of, and what better use of this power could there be than to make the working lives of Victorians safer and to help get back the voices of those who have been silenced? I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:01)

Richard WELCH: Minister, congratulations on bringing this bill to the table. I just want to say from the outset that even if I get a bit forensic in examining the bill, it is from a place of good faith and for clarity, not for any other reason or to disparage the bill itself. I want to start with some items on some definitional clarifications and some legal clarifications. There have been a number of other pieces of legislation in the vicinity of this. The Australian Human Rights Commission in 2022 published some guidance on confidentiality, and since 2023 there is a positive duty; there are the federal Sex Discrimination Act 1984 and some other items. In that vein, did the government seek legal advice on whether it had the power under OH&S laws as opposed to employment and industrial relations laws – sorry, I am trying to get my words out – which have been referred to the Commonwealth? Are you sure that you have got the power to do this?

Jaclyn SYMES: I am not in a position to disclose legal advice, but I reckon if I tell you the journey of this bill, it will answer your question without answering your question directly. The first time that this proposal was brought to my attention in terms of 'We should legislate,' I was the Attorney-General. I said, 'I think it's probably best placed with the Minister for Industrial Relations.' That was based off some conversations and some advice, and hence it has come back to me in this role.

Richard WELCH: Has the government received any advice about whether this bill can be legally applied to employees covered by federal agreements and/or awards?

Jaclyn SYMES: Mr Welch, the legislation will apply to workplaces in Victoria.

Richard WELCH: Has the government considered if the ability of a complainant to end the NDA after 12 months is contrary to any other contract law?

Jaclyn SYMES: Mr Welch, with the information provided and the choice you make in relation to the waiver, you know that that would be a risk.

Richard WELCH: Many businesses cover their risks and liabilities with insurance, and certainly settlement of harassment cases does fall under some of that. Has there been any consideration of the impact of this law on the behaviour or the policies of insurers and the cost of insurance?

Jaclyn SYMES: Mr Welch, we have not received any indication that that would be a consequence of this bill, but that would be a matter for individual businesses.

Richard WELCH: The definition of 'work' and 'worker' that these provisions apply to is quite broad and seems to include workers employed under contract, voluntary and commission-based work, workers covered by federal agreements if they are in Victoria and workers employed under the Public Administration Act 2004. Are there any workers, I guess by exception, this bill does not apply to, in any category?

Jaclyn SYMES: We have not provided any exceptions.

Richard WELCH: Has the government considered which employer is the responsible employer when labour hire is concerned – the host or the labour hire licence holder – and might this change on account of the separate labour hire bill?

Jaclyn SYMES: There is nothing in this bill that changes the employment relationships or the employer relationships that currently exist in relation to the applicability of contracts, agreements and existing NDAs. This is not making any changes to that framework.

Richard WELCH: Do you think the labour hire bill may? Is there any anticipation that may change relationships?

Jaclyn SYMES: That is not the purpose of this legislation, no.

Richard WELCH: I will leave that there. I am going to get into the more forensic parts of it, and again I just want to emphasise that this is just for clarity.

Jaclyn SYMES: You don't oppose it – I get it. All good.

Richard WELCH: Yes. Is one of the purposes of the bill to exclude financial settlement based on confidentiality alone? And I am curious: what if there are no admissions, only agreement to settle and maintain confidence and/or non-disparagement?

Jaclyn SYMES: Can you ask the first part of your question again?

Richard WELCH: Is one of the purposes or effects of the bill – I do not know the purposes – to exclude financial settlement based on confidentiality alone? What if within the NDA there are no admissions, only agreement to settle and maintain confidence and/or non-disparagement? Does it fall under the purview of the bill if there are no admissions?

Jaclyn SYMES: This is about ensuring that there is confidence for the understanding of when an NDA might be chosen by a victim and ultimately the ability for victims to speak about sexual harassment within the workplace. I do not accept the interaction as you have described it.

Richard WELCH: I will give a case example perhaps. I might come back to that. How are the concepts and clauses that might relate to non-disparagement considered in the repudiation of the NDA? What if the disclosure of certain settlement details amounts to disparagement or the manner of disclosure is considered defamatory?

Jaclyn SYMES: When we are talking about settlement terms and amounts, they can remain confidential.

Richard WELCH: But the victim would have the discretion to disclose it?

Jaclyn SYMES: No, not unless the agreement was specifically to provide for that.

Richard WELCH: Just so I am clear: in waiving or passing away the confidentiality, the victim is not entitled to disclose the terms of it, just the fact that it was a sexual harassment case?

Jaclyn SYMES: No.

Richard WELCH: I think I know the answer, but in the repudiation of the NDA, does that allow for the victim to disclose the perpetrator's and/or accused's identity?

Jaclyn SYMES: Sorry. I will get you to ask again.

Richard WELCH: Does the repudiation of the NDA include or allow for the disclosure of the perpetrator's or accused's identity?

Jaclyn SYMES: Yes. They can speak to the identity.

Richard WELCH: Upon the victim's or complainant's repudiation of the NDA, is the employer also relieved of their confidentiality commitments? Does the entire confidentiality fall away? And if not, does that leave the employer unable to defend reputationally or explain or qualify themselves?

Jaclyn SYMES: The answer to your question is yes, unless it is otherwise agreed not to.

Richard WELCH: What if in the settlement of a contested matter the employer considers the separation is driven by misconduct or some other justified reasons but the employee considers it driven by sexual harassment and there is agreement to disagree within the settlement. Does it qualify as a sexual harassment settlement under which the NDA can be repudiated?

Jaclyn SYMES: It would have to depend on the terms of the termination.

Richard WELCH: But it is agreeing to disagree.

Jaclyn SYMES: This is only to apply for matters of sexual harassment.

Richard WELCH: Where both parties agree that it was.

Jaclyn SYMES: You can agree and not admit. You could have a range of matters that are subject to an NDA or a termination agreement. It is only the sexual harassment component that would be subject to the NDA laws that we are creating today. You can have an NDA that cannot be waived about other matters.

Richard WELCH: So is the suggestion then that there would be multiple NDAs? If it was a complicated matter with many components, which some are, would that then be the recommendation to have multiple NDAs? Because if the parties do not agree there was sexual harassment, which view takes pre-eminence in determining if this is a sexual harassment settlement?

Jaclyn SYMES: I fail to see how you would get an agreement to sign something that is not agreed.

Richard WELCH: You can, Minister. You could agree to disagree.

Jaclyn SYMES: Therefore it would come down to what is written in the agreement as to whether the sexual harassment is a component of the agreement, and then that is the only part of the agreement that would be captured by this. I would not anticipate that you would require separate NDAs, because even if an NDA is confined to a sexual harassment matter there are other components of the NDA that do not relate to that confidentiality that still could remain part of the non-disclosure agreement.

Richard WELCH: I will not labour it, but I think the point is that NDAs often come about because the matter is contested, and it is a way to resolve something that is maybe unresolvable between the two parties. One may maintain that sexual harassment has taken place, one may maintain it did not, and the NDA aims to resolve that without resolving it.

Jaclyn SYMES: Yes, but the agreement part comes at the point of settlement, so you do not have to agree to the terms. You negotiate the terms before you agree; that is how they work. The parties will negotiate an outcome, and part of it may involve a range of separate clauses relating to different types of reasons that they are signing an NDA. Are you concerned that if it is written into a contract, there are no admissions? They are the matters that would be part of the agreement and the negotiation of the outcome, so these would be resolved. No-one is forced to sign. These are the matters that could be resolved through the negotiation.

Richard WELCH: They absolutely could be resolved. I am not trying to work through that, because that is right. There will be cases where it can and will be resolved through the negotiation. But there are absolutely cases where no admission is made, the settlement is based on no admission and is confidential. Is it still a sexual harassment settlement?

Jaclyn SYMES: Mr Welch, I am often reluctant to apply the laws to examples, but I think it might be useful in this situation, because your line of questioning is about after the 12 months and the waiver. If there is a complaint about sexual harassment and you go through the process of making sure the victim has requested the NDA, in response to that the language would be that the respondent or the employer does not admit to the allegations. If in 12 months or beyond, the complainant wishes to waive the NDA and disclose details of the sexual harassment, they are free to do so, and so is anybody who would be free to speak in response to anything that was disclosed. You could see it quite practically working as an employee and a workplace signing an agreement, and 12 months down the track or two years down the track the victim comes out and says something. The employer can say, 'There was a complaint, there was an agreement. We didn't admit guilt.' That is how it would work.

Richard WELCH: That is actually exactly the clarification I was seeking, so that is great, thank you. There is one potential maladaption of it. The working assumption in the law is that the NDA is between the employer and the victim. What role under this legislation does the accused or the perpetrator have within this framework?

Jaclyn SYMES: There is nothing to prevent them being a party.

Richard WELCH: But they may not be a party, obviously, as well.

Jaclyn SYMES: It would depend on who the complainant wished to pursue.

Richard WELCH: Is there any implied obligation on the employer to require the perpetrator to be a party?

Jaclyn SYMES: No.

Richard WELCH: Given that the bill specifically seeks to address the lack of victim agency and the power imbalance at the time of initial settlement of the NDA, can the victim who made the settlement based on matters and terms that do not include sexual harassment subsequently determine that sexual harassment was indeed involved and therefore invoke the right under this bill to repudiate the NDA?

Jaclyn SYMES: Not unless you created a new NDA, because it only applies to the sexual harassment.

Richard WELCH: Has the government considered the matter of some potential procedural unfairness – there are a few questions sort of around that – of a victim or complainant signing an NDA, receiving a financial payment under a settlement that includes confidentiality and then subsequently

terminating the NDA with no recourse to the employer to either relitigate or to claim back the compensation paid?

Jaclyn SYMES: No, because that will be well known, because that has been provided for through the legislation specifically. Not to mention that there will be some education and materials available after the bill passes, but it is also in recognition that settlement moneys are also for sexual harassment, not just for confidentiality.

Richard WELCH: How does the ability of a complainant or a victim to terminate the NDA impact upon the employer's duty of care to other employees under OH&S laws, including the alleged perpetrator and others in the company that may be colleagues of the complainant or the alleged perpetrator?

Jaclyn SYMES: Sorry, Mr Welch, you are concerned about the feelings of non-victims if the victim says, 'This happened in your workplace'?

Richard WELCH: No, no. I am not concerned about that. I am concerned about clarifying the business's obligations, that is all.

Jaclyn SYMES: There is nothing in this bill that diminishes obligations under OH&S laws to ensure that their workplaces are safe.

Richard WELCH: Minister, what incentive is there for a business or employer to sign an NDA after the passage of this bill? What incentive is left for them in this?

Jaclyn SYMES: Sorry, Mr Welch. Incentive for what?

Richard WELCH: I guess it is worth some preamble, and I mentioned it in the speech as well. The key concern expressed is that because the NDA can be repudiated after a year, businesses may be less inclined to enter into a settlement at all, let alone an NDA, because they do not feel the protection is reciprocal. Given that they cannot protect themselves, is there any incentive left for them to do so?

Jaclyn SYMES: At the outset, Mr Welch, settlement agreements stand. The NDA component is a component of the agreement. I listened to your question through the debate, and of course I have had many conversations with people who express a view that there could be a consequence of less settlements happening. A lot of people in the legal world in particular have raised this, and I can draw on my own experiences. As a young lawyer I did a lot of NDAs for clients that felt as though you were doing the right thing by your clients because it resolved a matter and in effect people could move on. When it comes to sexual harassment matters – this is why we are so narrow in this bill – it is not all about a range of other workplace disputes that could be subject to agreements and NDAs, this is about sexual harassment. This is a point in time where the world is waking up to the fact that hush money and contracts are damaging. Not only are they damaging for the victim – and that is at the centre of this – but they are damaging to toxic workplace cultures that I do not think we should accept in 2025.

There are a range of reasons that employers would choose to settle that are outside just the ability to keep matters confidential. It is about acknowledgement of the event. It is about avoiding going to court. It is about ensuring that you can talk about the matter and have it resolved from the employer's perspective. A lot of employers do not want to be perceived as covering up matters. In fact it is good for their reputation to be at the forefront of workplace safety, particularly women's safety in workplaces against sexual harassment. NDA restrictions and prohibitions are relatively new internationally, so there is not a lot of data around in relation to the impact of settlements. But some of the information that I do have is that there was an analysis of US data indicating that after NDA legislation was introduced in six states, the settlement rate for sexual harassment cases did not decline but actually increased. There is also recent research by the Human Rights Law Centre and Redfern Legal Centre that while strict NDAs remain standard practice, close to a third of applicant lawyers resolve matters with less restrictive NDAs. Maintaining strict confidentiality is not necessarily a primary factor in resolving these matters.

The proposition from some is that this could be bad for victims because it will draw out a process. I thought long and hard about this and whether it would be a consequence. I have been convinced that we are going the right way and that it will be better for the state, better for victims, better for employers. That is where I have landed. I acknowledge that there is this concern. I do not think it is going to come to light, but that is why we will continue to monitor it. It is why we have got a review. I would put on the record too – we are having a bit of a discussion about whether the review should be two years or three years, and I will give some reasons why it should be three – but just because you have a legislated formal review does not mean that we cannot keep an eye on these laws and react to feedback that we get from people that enact the legislation. So I acknowledge those concerns; I have been persuaded that this is the right way to go.

Richard WELCH: That is exactly right. I mean, I think that is exactly the logical pathway through that. The concern is there: is it a material risk? We do not know. That is the point. This is talked about purely from a perspective of the welfare of the victim, not for the welfare of the business, but we would know that there would be, let us say for want of a better word, maladaptive responses from certain businesspeople. Not in the best cases, you know – we are not really solving for the best case; we are solving for the worst-case scenario where we know that perhaps less ethical employers would say, 'Well, it's an NDA or you go to court: what are you going to do?' Or it is no settlement at all, and you go to court. I think you have acknowledged that; that is all we need to say about that.

I will move on to the disclosure rights and the very helpful provision that the victim can speak to people. The only question I have around this is: in some ways the disclosure provisions are quite prescriptive, because it is a specific list, and in other ways it is quite loose, because it is sort of loose definitions of family and things. On the specificity where there is a list of people, entities, organisations you can speak to, is there a risk that because it is not exhaustive, it may be too prescriptive? So, for example, it includes a GP mental health professional and a union, but it does not explicitly include a sexual assault counselling service.

Jaclyn SYMES: Mr Welch, at the outset, we can prescribe more people by regulation or additional classes, but in terms of the definition of being able to disclose for the purposes of support, that would pick up most counsellors.

Richard WELCH: Sorry, Minister, could you just repeat the last bit of that?

Jaclyn SYMES: So you can disclose for the purposes of mental health and wellbeing, and you can disclose to those professionals, so that would pick up most counsellors, particularly what you referenced.

Richard Welch:

Richard WELCH: That's the way in which you could capture them?

Jaclyn SYMES: Yes.

Richard WELCH: I will not labour this any longer than past this question: it can include GPs, but it does not include nurses?

Jaclyn SYMES: I would put nurses in the category of health and wellbeing professionals.

Richard WELCH: We have permitted disclosure to a friend or family member who has agreed to keep the information confidential for purposes of obtaining personal support. That is fine. It is deliberately broad; that is fine. We also say that it specifies a person or a member of a class of person prescribed by the regulations for a prescribed purpose may be included in the permitted disclosures list; that is sort of what we have just discussed. Does this mean that the list of people to whom a permitted disclosure can be made can change after an NDA has been signed, and what would be the impact on the NDA of that? In a sense, it is just saying that if you sign the NDA under this law, you

are signing it under a prescribed list, so they are the terms and conditions. So if you change the prescribed list, you are actually changing the terms and conditions, effectively.

Jaclyn SYMES: Mr Welch, whilst I appreciate your question, and in theory you can have a list and because it is going to be prescribed in regulations and you can add to it, yes, the list could expand, that would be an expansion if it was picked up that there was an appropriate person that could provide support while being one that we have not envisaged. First of all, we think that is probably pretty low and the impact would be materially small, because it is not intended that we are going to open up a floodgate of people that you can speak to. It is really about who victims need to speak to for the purposes of their own health, wellbeing and mental health in particular. So it is not a concern that I have, even though technically, yes, you could have a larger list.

Richard WELCH: And you are right, but I am just solving for the bad actor, in the case of a bad actor who may try to exploit a legal loophole to invalidate something; that is all. But that is fine; it is not the biggest issue. Under the disclosure to what includes family and friends, what redress will an employer have if a family member or friend subsequently breaks confidentiality to another party?

Jaclyn SYMES: Mr Welch, there is no specific redress, which is the current case now, so there may be other courses of legal action that people could take.

Richard WELCH: I am going to move on to the plain language part of it. The idea of plain language is sensible, but what advice has the government received on the use of the term 'plain language' to describe how an NDA may be composed? Is plain language an absolute standard, or is it a relative standard relative to the experience and abilities of the victim?

Jaclyn SYMES: Yes, it is relative and a matter for interpretation and not a new concept introduced by this bill.

Richard WELCH: Okay. So it is relative. I think that is an important point for people to understand. And again, just to confirm the answer to this: can the settlement be invalidated if the language is deemed not plain enough or is too legal? Who would determine this? Who is eligible to bring this?

Jaclyn SYMES: The advice is that it can be potentially, and it could be cause for a breach notice.

Richard WELCH: But who would determine that it was insufficiently plain language relative to the experience and abilities of the victim?

Jaclyn SYMES: Similarly to other contracts, it could be breach of contract that would be determined through court.

Richard WELCH: Okay. Last question. Under the terms of the law, the right to repudiate an NDA is perpetual. This does imply that no matter is ever truly closed. Is that your understanding as well?

Jaclyn SYMES: I disagree with the way you have phrased that. A settlement is finalisation of a matter. This is about the ability to share your story.

Richard WELCH: That was not my last question now. Yes, but given the sensitivity of these matters and the high reputational risk involved, the fact that maybe the terms of a settlement are not disclosed is almost secondary to the reputational risk of it because it is such a serious matter. In that sense the reputational risk is never settled.

Jaclyn SYMES: At the outset, I do not have a lot of sympathy for the reputation of perpetrators, Mr Welch. As I said, settlements are finalisations of matters in a legal sense, but the whole reason we are here is that NDAs do not end the pain and trauma of victims, so there is no finalisation for victims. Being able to talk about your story and getting acceptance of what happened to you is generally a better way of closure than signing anything.

Richard WELCH: I will leave it there.

Rachel PAYNE: Treasurer, my first question is just in relation to the 21-day review period. It often takes weeks to get a booking at a community legal centre. I am so sorry about my voice; I think I had too much fun last night. We are concerned that the 21-day review period for the complainant could be too short. What protections are in place to ensure that they will have adequate time to seek legal assistance?

Jaclyn SYMES: I am advised that it is a minimum and can be extended.

Rachel PAYNE: I have only got two more questions, both relating to data collection. In relation to the public reporting, will there be public data reported on NDA use following these changes?

Jaclyn SYMES: Thank you for your question, and it is an important question, because there will be no formal requirement to register NDAs, much in the same way as there is not now. That again goes to the importance of having the conversation and making sure that we get those stories, because they are going to inform the review – they are going to inform whether we need to make refinements. There is not an easy way to collect this data. I hope that through this legislation, through the conversations and through the advocacy we will start to hear more about it, which will be the best form of data. But there will be no formal requirement to log, for instance.

Rachel PAYNE: Speaking of the statutory review, will the findings of the review be made public?

Jaclyn SYMES: I was nodding and just got confirmation from the boss. Yes. All good.

Georgie PURCELL: I just have a few questions as well. Minister, could you please provide some insight into what will be examined as part of the legislative review and what information is intended to be made public as a result of the review?

Jaclyn SYMES: The review will examine, obviously, how the act is operating in practice. Some of the matters that we envisage being considered include whether NDA use is decreasing, whether workers are still being pressured into entering into NDAs, whether workplace sexual harassment matters are being resolved and whether NDAs entered into are being ended after the 12 months and the impact of this. Given, as I said, there is no requirement for employers to report NDA use, it will be based on consultations with a lot of the people that have been calling for this, whether it is the union movement, employment lawyers or community legal centres. There will be consultation and surveys. We want to hear from those on the ground about how it is working, and obviously employers and workers will be part of that discussion. It will mean some sensitivities in what can be published around particular matters, but that would be usually pretty accepted in terms of what can be disclosed and what cannot. You would want the review to be able to be given as much information as possible. Obviously as we are dealing with potentially NDAs we will have some confidential issues to contend with, but the review will need to be tabled six months after the report has been given to the minister.

Georgie PURCELL: Are there explicit protections in this legislation so that there are no costs consequences for victim-survivors bringing breach notices?

Jaclyn SYMES: Yes, there are. Clause 24 provides that a term in a contract or other agreement to which the act applies is unenforceable to the extent that it requires a complainant to pay an amount to another party on the basis that the NDA is unenforceable. So, yes, the explicit protection is there.

Georgie PURCELL: Does the legislation ensure only the NDA is rendered void where there is noncompliance, not the broader settlement agreement, and victim-survivors retain all settlement payments?

Jaclyn SYMES: That is a matter that Mr Welch and I covered. That is correct, Ms Purcell. If the NDA is rendered void due to noncompliance, the broader settlement agreement is not impacted and the complainant would retain their settlement moneys.

Georgie PURCELL: My final question. There have been some queries from some agencies around whether their work would be captured by permitted disclosures under item 9 in schedule 1 of

the bill. For example, services that provide support to victim-survivors via specialist sexual assault counsellor advocates may not be psychologists, but they are still offering important treatment. Under schedule 1 of the bill item 9 enables permitted disclosure to:

> A mental health and wellbeing professional within the meaning of section 3(1) of the Mental Health and Wellbeing Act 2022 for the purposes of obtaining mental health or psychological support or treatment.

This is quite prescriptive, so could you clarify if these other services are intended to be included as a permitted disclosure?

Jaclyn SYMES: Sexual Assault Services Victoria do amazing work. These are the exact type of people that we want victims to be able to confide in and seek support from. I would expect that, based on SASVic's functions, their services should still be covered under item 9 of the permitted disclosures, as you indicated, a similar response to which I gave to Mr Welch. The support we want victim-survivors to be able to access and the support and treatment that we want to them to be able to get should not be prohibited by an NDA.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8 (15:49)

The DEPUTY PRESIDENT: Ms Purcell, I invite you to move your amendment 1, which tests all of your remaining amendments.

Georgie PURCELL: I move:

1. Clause 8, lines 21 to 22, omit "before the complainant enters into the agreement, the complainant acknowledges" and insert "before entering into the agreement, each party to the agreement acknowledges".

I covered this off pretty extensively in my second-reading contribution. This is a further protection that was raised to my office by the Working Women's Centre Victoria.

Richard WELCH: The Liberals and Nationals will be supporting this amendment.

Jaclyn SYMES: I thank Ms Purcell for the amendments, and indeed I thank the Working Women's Centre Victoria for their engagement. We support the amendment. Its aim is to ensure that respondents are aware and formally acknowledge that an NDA will not be valid unless the preconditions have been met. We would suggest that is the intention of the legislation, so the clarification is welcome.

Amendment agreed to; amended clause agreed to; clause 9 agreed to.

Clause 10 (15:50)

Georgie PURCELL: I move:

2. Clause 10, line 15, after "**agreement**" insert "**and acknowledgment**".
3. Clause 10, line 19, omit all words and expressions on that line and insert "of –
   (a) the signed agreement; and
   (b) the acknowledgement referred to in section 8(1)(e).".

Amendments agreed to; amended clause agreed to; clauses 11 to 15 agreed to.

Clause 16 (15:51)

Georgie PURCELL: I move:

4. Clause 16, line 26, omit "complainant" and insert "parties to the agreement".

Amendment agreed to; amended clause agreed to; clauses 17 to 24 agreed to.

Clause 25 (15:52)

Georgie PURCELL: I move:

5. Clause 25, lines 28 to 31, omit "a complainant acknowledges that the following preconditions of a workplace non-disclosure agreement have been met" and insert "each party to a workplace non-disclosure agreement acknowledges that the following preconditions have been met".

Amendment agreed to; amended clause agreed to; clauses 26 and 27 agreed to.

Clause 28 (15:52)

Richard WELCH: Minister, this is the review period. I think you wanted to provide some explanation. This bill does not operationalise for a year – is that right? Or does it come into immediate effect?

Jaclyn SYMES: What I was referring to in particular, Mr Welch, was that the waiver cannot be enacted until 12 months after the bill commences. The bill commences in six months is my advice. I will address your amendment now, if you like. The review clause would not start until the commencement of the bill, so it is not the actual enactment of the legislation that my concern with shortening the review period is. My concern with shortening the review period is you are really only getting 12 months of potential information, because that is the first opportunity for somebody to waive it. As I was explaining to Ms Payne, the ability to obtain data is going to be from surveys, conversations and trying to get as much information as we can. There is no formal mechanism to lodge and talk about every NDA. I know why you would like two years, and if I was confident that we would have the data, then that would not bother me. I think we are even going to struggle at three, to be honest. But again, my commitment would be to respond to ongoing feedback of how this is working. You do not need a formal outcome of a review to recognise that you might have to tweak some legislation. But this is a review in three years time because we think that is the earliest that it is going to be meaningful.

Richard WELCH: I am happy with that. On that basis we will withdraw the amendment.

Clause agreed to; clause 29 agreed to; schedule 1 agreed to.

Reported to house with amendments.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (15:56): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (15:56): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The DEPUTY PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council has agreed to the bill with amendments.

David Ettershank interjected.

The DEPUTY PRESIDENT: Order! Mr Ettershank, 15 minutes. You know that it is inappropriate, and you know that it is not appropriate also to acknowledge people in the gallery.

David Ettershank withdrew from chamber.

Victorian Early Childhood Regulatory Authority Bill 2025

Early Childhood Legislation Amendment (Child Safety) Bill 2025

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

Second reading

Debate resumed on motions of Jaclyn Symes:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (15:57): I am pleased to rise to speak on this this cognate debate of extremely important bills: 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. These bills are being debated together. They represent some of the most significant changes to childhood regulation that this Parliament has considered in many, many years. They will shape how hundreds of families, early childhood educators, operators and most importantly children experience the early childhood system in our state. That alone should compel the government to provide this Parliament with proper time for scrutiny, yet once again this government has rushed them through both in this chamber and the other place without giving parliamentarians the proper opportunity to read, review and carefully understand the detail. I think this practice undermines transparency, it undermines accountability and it undermines the very idea that parliamentary scrutiny matters. It contributes to the growing belief that governments make decisions behind closed doors without a level of openness that Victorians expect.

I would like to thank the minister's office in particular for the proper briefing on the Victorian Early Childhood Regulatory Authority Bill 2025, which was tabled in the usual manner. It met its deadline by October tabling, it was held over and we were given a significant amount of time on three of these bills to be able to review these bills properly, to be able to reach out to stakeholders properly and to be able to form a decision and position on these bills. The same cannot be said of the other two bills. We saw with the national law bill and the social services regulation bill – and again I would say these are bills which contain reforms, things like the reportable conduct scheme, working with children check, child safe standards – that these are reforms which we have called for, and the crossbench have too. These are reforms that we support. But when you give us less than 12 hours to form a position on 1159 pages of legislation on the most serious and complex legislation that affects every child in our state, reforms that are required to address some of the most horrific abuses in our childcare system, that is not being fair dinkum, that is not being serious – it is not. It is because of the government's shambolic, crunched legislative agenda that our children will continue to remain at risk – because this government cannot manage its legislative agenda and it is not being serious. I will come to the elements of the SSR bill later in my contribution, but I think it is incredibly disappointing. It is treating the opposition and the crossbench with absolute contempt. We want to support and pass these bills, by and large, except for one part, as quickly as possible. In fact we introduced our own bill, which the government blocked, down in the other place. We want to pass this as quickly as possible, because while these are not passed our children remain at risk.

Now, I know members of the government – we are too – are tearing their hair out trying to find a pathway to pass these bills as soon as possible. But it is the government that failed to meet its promised timeline of October in the so-called rapid review into our childcare settings here in this state. It is the government that missed the October timeline for reforms to the reportable conduct scheme, to the

working with children check and for information standards and sharing for child safe standards. It did not meet those deadlines. And while it does not meet deadlines and while it rushes and skips through proper democratic legislative process, that is failing our kids. When the government crunches its legislative program and puts ramming through bills over proper scrutiny of very serious bills, that is a problem, and it exemplifies the problem with this government.

The bills before us today are not sudden responses to new information. They are not emergency measures prompted by a discovery of fresh risks. We have known for years that the child safety system in Victoria is fractured, slow to act and lacking in proper oversight. The government have had countless opportunities to intervene and update the framework, but at every turn they have delayed, ignored advice or sought to downplay problems, even when experts, families and workers have sounded the alarm. Over recent months we have seen the shocking failures within our childcare centres and within the child safety system more broadly. The public has become aware of horrifying case after case that reveals deep structural problems in how risk is identified, how regulators respond and how agencies share information. These bills only reached the Parliament because children have been failed. They have been failed by systems that should have protected them. Warnings, like the Ombudsman report warnings, have been ignored year after year after year, and the government has failed to act; it only acts when there is a crisis to respond to. They have been failed by a regulator that lacked the independence and authority needed to act decisively, and they have been failed by a government that has for years resisted reforms that might have prevented these harms.

When we are elected to this place, it is our foremost duty to protect those who cannot help themselves, and no group is more vulnerable than children in the care of adults. Every parent in Victoria should be able to take their child to a childcare centre or a kinder with complete confidence that the system overseeing those environments is robust and is capable. They should be able to trust that the government has ensured strong safeguards and that the regulator responsible for enforcement has the independence, the resources and the powers required to take action before the harm occurs. That trust has been severely damaged. As a parent, I took this fundamental truth, so what we have learned over the past few months has shaken me and many other parents that I know. Instead of careful, considered reform, the Parliament is once again being asked to pass hundreds of pages of legislation with limited opportunity for detailed examination.

The government has presented major structural changes, including the creation of two new regulators, the establishment of a statewide early childhood register and amendments to the national law that introduced new offences and increased penalties. These changes deserve thorough debate. They deserve proper line-by-line consideration, and they deserve the full attention of this Parliament. So I will begin with the Victorian Early Childhood Regulatory Authority Bill 2025. This bill creates a new independent regulator for the early childhood education and care sector. On this side of the chamber, we have long argued that Victoria needs an independent statutory authority focused entirely on early childhood regulation. For months, we have called for the replacement of the existing quality assessment and regulation division within the Department of Education. It was never an appropriate structure. It was never transparent, it was never independent, and it was compromised by an obvious conflict because the Department of Education is both a regulator and an operator of childcare services.

The allegations against Joshua Brown, relating to the sexual abuse of babies and toddlers, demonstrated in the clearest way possible that the system is not working, and it is a case that shocked the entire state and the entire country. Families were terrified and devastated, and thousands were told to have their infants tested for sexually transmitted diseases. The public asked a simple question: how did this happen? How did a regulator within a major government department miss the signs, miss the warning indicators and miss the risk that this individual posed? On the 24 July, four months ago, the Liberals and Nationals released the *Safe from the Start* plan to strengthen child safety from the earliest stages. I want to acknowledge the tremendous body of work done by my friend the member for Kew, now Leader of the Opposition, who as shadow minister led our policy development in this space.

One of the central elements of the plan was the creation of a fully independent early childhood regulatory authority. We also argued that the new regulator must be properly resourced. The government has now confirmed that the new authority will require 100 new staff and 60 new compliance officers at a cost of $45 million. The size of that investment is important, because it highlights how under-resourced the old regulator was. Even as complaints increased by 45 per cent in 2018, enforcement actions fell by 67 per cent. That is not a regulator keeping pace with rising risks; that is a regulator overwhelmed, ineffective and unable to carry out its basic responsibilities. Because of this, the minister repeatedly insisted that the regulator was doing its job. The government stood by a structure that was not fit for purpose. With this bill we finally see the government concede what we have been saying from the start: the regulator needed to be independent, it needed stronger powers, it needed more resources and it needed to exist outside of the Department of Education.

The next significant change in this legislative package is the Victorian early childhood worker register. This register will finally create a central source of information about anyone working in an early childhood setting who holds a relevant qualification. Again, this is a reform we called for months ago; it is essential because the absence of a proper register has allowed individuals to move between centres without clear visibility of their history. In the aftermath of the Brown allegations, families learned that police had had to painstakingly piece together his employment history from photographs, from scattered records – there was no centralised source of information. That gap created confusion and delayed communication. It increased risk, and it should have never existed. The government delayed establishing the register while conducting its so-called rapid review, yet when that review was released it was clear that it largely restated recommendations that had already been made in previous reports. The review was not new research; it was a consolidation of known issues. Despite promising the legislation would be introduced in October, the government is now pushing it through in November and demanding the Parliament approve it immediately. Every delay has consequence, and in this case the consequences are that children remained in environments that lacked proper oversight.

I now turn to the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. This bill shifts important child safety oversight functions to the Social Services Regulator. In doing so it creates a single independent body responsible for the working with children check system, the reportable conduct scheme and child safe standards. This mirrors another part of the coalition's Safe from the Start plan. For years the child safety landscape in Victoria has been cluttered with overlapping responsibilities and unclear lines of accountability. Business units in separate departments held different pieces of the puzzle, and no agency accepted full visibility of risk. That fragmentation allowed serious breaches to slip through the cracks.

The Victorian Ombudsman warned in 2022 that the working with children check system was amongst the weakest in Australia. The Ombudsman recommended straightforward changes that would allow authorities to act on risk information even when no formal conviction had occurred, yet the government just did not respond. It was a clear recommendation, and the government just did not respond – not even a basic acknowledgement – and while the recommendations sat idle, real harm occurred in our state's childcare settings. One of the most disturbing examples is the case of Ron Marks. He was arrested in 2021 for possessing almost 1000 child abuse images. Police raided his home, they seized his devices and they began a significant investigation. Yet for four years after that arrest Marks continued to hold a valid working with children check. That means he continued to enter childcare centres, kindergartens and primary schools. He continued to interact with children even though he was under active police investigation for offences that should have triggered immediate suspension of his clearance. The fact that this could happen in Victoria in the 21st century is nothing short of a catastrophic system failure that this government is responsible for.

Another case revealed that a childcare educator dismissed for grooming and kissing toddlers was able to retain a valid working with children check and move through other centres for years. The regulator failed to see a prohibition notice until long after the conduct had been substantiated. Even when the prohibition was issued the government had no mechanism to quickly cancel the working with children

check. It had to rush separate legislation into Parliament simply to give itself the power to remove the clearance.

The Ombudsman's recommendations in 2022 were clear: the secretary should be able to use intelligence, the secretary should be able to act on risk assessments and the secretary should be able to suspend or revoke clearances when a person poses danger even without a criminal conviction. These recommendations were simple, reasonable and practical. But the government did nothing for three years. When the Liberals and Nationals introduced a private member's bill earlier this year to implement these reforms, the government voted it down. Now those reforms are in the very bill before us today. That is the clearest evidence the government chose politics over safety. Only after widespread outrage did they shift their position.

One crucial part of this legislative package involves information sharing. The failures of the last year have shown that child safety cannot be guaranteed if regulators do not share information. A teacher might face a reportable conduct investigation in one department while another department remains completely unaware. A worker might be prohibited in one field yet hired in another because information never reached the employer or relevant regulator. These breakdowns were predictable, they were preventable and they were repeatedly raised by experts. With the changes in these bills the regulators will be required to share decisions, suspensions, prohibitions and clearance revocations, and they must do so quickly. Prospective employers will finally be able to access the information they need to make informed decisions. This should have been the standard practice,

I do want to raise concern that we have in the opposition about one aspect of this bill that the government is trying to rush through. The 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 merger of the disability complaints services into the SSR is not what the disability sector wants. While they support reform, they want a standalone complaint service, and they have made their views crystal clear to both the minister and the Premier.

The opposition, as I said, received the bill with about 12 hours notice before having to make a decision on our position. Usually we would get one week or two held over, which would enable us to engage with stakeholders. From the Tuesday of the last sitting week we have received a deluge, as have crossbench colleagues, of emails and phone calls from the disability community. Again, 1159 pages of legislation, 12 hours notice. And what the government has done with its disability mergers is copy and paste a bill that was sitting between chambers for 18 months and copy and paste it into a bill almost 500 pages long, and it thought we would not notice. But we have noticed, and as I believe my colleague our Shadow Minister for Disability, Ageing, Carers and Volunteers has said, these changes are about as popular as a fart in an elevator.

The disability community is up in arms. Several stakeholders have expressed their concern about these changes, particularly to my colleague Tim Bull in the other place. What the government has done is completely fail to consult with stakeholders. Their mission statement for their disability portfolio – it is on the website – is 'Nothing about us without us', yet they completely failed to consult with the disability community. They knew this did not have support. They knew it did not have social licence. It is true. And then the government – I assume the Premier and the cabinet – sought to slip it into this very important bill. That is what they did, and now they are stuck. So we have drafted an amendment to split the bill so that we can get rid of this shocking element and immediately pass the rest of the bill. I call on the government to support that amendment or find a process and find a way through. We are willing to work with you to fix the government's stuff-up, fix the government's homework and immediately pass this today. Not next week – today. So I have tabled that amendment. I am not sure if I have asked for it to be circulated, but I think it already has been. Yes, all good.

This just goes to show the chaos of this government's legislative agenda – absolute chaos. Maybe if this government had met the deadline for its rapid review by tabling it in October, we might not be in this situation. We might not be in the situation now where a bill is in the upper house that does not

have the support of the chamber – a section of the bill – and the government is scrambling to fix it. These include very important reforms. The government should have known, the Premier should have known and the minister should have known it was too important to slip in a bill that had failed and mix it with important reforms that are supported by everyone for the sake of politics, hoping no-one would notice this very sneaky attempt to slip in mergers of disability regulators, which do not have support.

Michael Galea interjected.

Evan MULHOLLAND: I note the interjection, and I note we were talking about the Labor state conference yesterday and about different groups within the Labor Party. I note that the Labor Enabled Victoria group of people with a disability in the Labor Party absolutely oppose this section of the bill – absolutely oppose it. The unions absolutely oppose this section of the bill and have condemned the minister and have condemned the government. Again, the government's own legislative agenda is keeping children at risk. Its rushed legislative program is keeping children at risk. The longer we delay in passing these bills – which the government will probably have to do now – the longer we are keeping children at risk and the longer the authorities do not have the powers to suspend the working with children checks of people that are putting our children at risk, and for that the government should be condemned.

The Early Childhood Legislation Amendment (Child Safety) Bill strengthens the national law framework, updates assessment processes and introduces a new offence of inappropriate conduct within early childhood settings. It addresses gaps that have existed for far too long. Workers who behave in ways that are unacceptable but not covered by existing offences have been able to continue working without sufficient consequence. This new offence gives the regulator and services a clearer basis to act.

I close by returning to what should have been a guiding principle for this government: it is the most basic duty of the government to protect the vulnerable. There is no group more vulnerable than children, who rely on adults for safety, care and protection. When a system designed to keep them safe fails, the responsibility rests with the government that ignored warnings, delayed actions and dismissed expert advice. We will support these bills again on the proviso that the sneaky disability mergers are taken out. We will support these bills because children cannot afford another postponement. Let the record show that these reforms have come far later than they should have. They have arrived only after profound failures came to light and only after families across Victoria learned that the system had not protected their children. As a parent of two kids in child care, and knowing many other parents my age, I do not know any parent that did not check those websites for the childcare centres where there was abuse. I think every Victorian, every Australian, was completely and utterly floored by the failures that led to this systemic abuse – the failures of government authorities to share information such that when an accusation is made at one childcare centre it should follow that person. This is too important to get ignored like the 2022 Ombudsman's report was ignored. It is the failures of information sharing and it is the failures of bureaucratic processes that have failed our children. This Parliament has a responsibility to learn from these failures. It has a responsibility to ensure that the protections created today are strong and enforceable and will be implemented without delay. Most importantly, it has a responsibility to remember that every statistic in these debates represents a child. Children must always come first, and it is our duty in this place to ensure that they are never again left exposed by the systems that are meant to protect them.

Anasina GRAY-BARBERIO (Northern Metropolitan) (16:27): I want to begin by honouring the children who have survived harm. I want to acknowledge the violation of their innocence and vulnerability and recognise their right to healing, safety and justice. I also want to honour and thank the families and parents of these children. Their advocacy and their response to this crisis have been nothing short of admirable. Supporting a child through trauma is a heavy, painful and ongoing responsibility, and I want to assure them that the Greens will continue to stand with them not through

one-off, reactive measures but by advocating for sustained long-term support for them and their children as survivors of systemic and policy failures by this government.

I speak today on the cognate debate encompassing the three child safety bills introduced to this place by the government: 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. As legislators we hold significant power – power that comes with an obligation and responsibility to scrutinise legislation with integrity. Recent horrific events in child care have made it difficult to trust this Labor government at face value, especially with child safety. This government have failed to heed the many reports and inquiries telling them and other successive governments before to take urgent action to protect children now. They failed to bolster their child safety laws to be fit for purpose and meet the changing needs in the community and in the early childhood education and care sector. We are here because no government has made it their moral and political imperative to prioritise safety of children from harm. While this Labor government may be eager and motivated to move on and tick off its rapid review recommendations, it is important to remember how we arrived here after previous inquiries repeatedly urged governments to take urgent action on child safety.

Let us go back to 2011 and the Protecting Victoria's Vulnerable Children Inquiry. It gave 90 recommendations to address the safety, protection and wellbeing of children, including the need for reforms and a strengthening of the regulatory and oversight framework. In 2013 the inquiry into the handling of child abuse by religious and other organisations revealed institutional abuse by trusted adults. In 2013 we also saw the Royal Commission into Institutional Responses to Child Sexual Abuse. In 2024 we had a board of inquiry into historical child sexual abuse at Beaumaris Primary and other government schools – historical abuse in public schools. Now we have the select committee inquiry into early childhood and care settings, which I am chairing. According to the national commissioner for children, there are 3000 recommendations – repeated in inquiries here and across the country between 2010 and 2022 – that are gathering dust on shelves. And we wonder why systemic failures continue to persist. The fact of the matter is we know what needs to be done. We are here as a Parliament to make sure that we get it right. The early childhood education and care sector is integral to any society's wellbeing and prosperity, a view that we know has been backed by consistent research and evidence that when children access early learning they gain the foundations for academic achievement and social success later in life. Access to quality early childhood education is a key foundation of a child's social, emotional and cognitive development. This is further backed by the United Nations sustainable development goal 4.1, which emphasises that children should have equal access to quality early childhood development and care. So it is clear even at the global scale that the benefits and value of investing in early childhood are critical. But I will tell you what also is critical alongside quality care: explicit child safety policies, standards, benchmarks and legislation that protect children at their core, and also giving essential resources to our early childhood educators.

Speaking of our early childhood educators, I want to acknowledge the many educators and professionals in the sector who are doing the right thing every day and putting the wellbeing and safety of children at the centre of their work. We all recognise that it takes a village to raise a child, and early childhood educators face challenging and uncertain times. We appreciate their dedication to working in partnership with parents to nurture and create strong building blocks. We hope that this government ensures the sector has ongoing resources to provide quality care and safety mechanisms to protect children, because we know that this sector right now is in crisis. It has been stretched to its limits for quite some time with chronic underfunding, a shortage of skilled educators and a model that focuses on profits over the wellbeing of children. And let us talk about how this government has been politically reluctant to intervene and ensure the early childhood sector is not ruled by for-profit model centres – the same centres that we see on the stock exchange market making millions of dollars while families try to budget between paying bills and accessing quality education for their little ones. If profit is allowed to outweigh safety, well, of course we are going to create blind spots – blind spots that predators are waiting to exploit. Right now they are seeing early childhood settings as hunting grounds,

and we simply cannot let that happen or continue. We have seen it already happen in Victoria this year.

The Greens recognise the need for free, secular, high-quality and well-funded early childhood education. We have long been fighting for better salaries and conditions for educators and support staff, the expansion of government-run early childhood education services, the elimination of waitlists and an early childhood education sector that is culturally safe and supports all children. This Labor government has failed to deliver this. They have failed to deliver important services that build the foundations for success for every child in Victoria, and now we find ourselves rushing through legislation without the time to appropriately scrutinise it or have meaningful consultation. I would like to note that they have missed their deadline of October to present to the Parliament the legislation that we are debating right now. We need the time for proper scrutiny to ensure that we are making good laws, that we are not creating blind spots – that we are getting rid of that – and that we take the time to fully understand the impacts on communities, fix mistakes and make sure legislation does what it is intended to do. In the current systemic crisis that we find ourselves in, which is absolutely shameful, parents in Victoria have had enough. They want their governments to take action – but considered action, not rushing through. It is not the role of this Parliament to pile failure on top of failure when it comes to scrutiny of legislation. We are committed to shaping legislation that genuinely gets it right. We owe it to Victorian families and children to push for laws that will address the root and systemic causes of harm. The Greens do have concerns that these bills are not strong enough to address these issues. We are concerned this Labor government is papering over cracks in a system that puts profit over children's safety.

I am now going to talk about the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. This bill is almost 500 pages long. It is a bill that this Labor government knows is controversial and which they received mixed feedback from stakeholders on, in particular very strong opposition from the disability sector. I am going to firstly speak on the child safety aspects of this bill. I want to make it clear I welcome and support the child safety aspects of this bill. Bringing the working with children check scheme, the reportable conduct scheme and the child safe standards under one entity will allow for consistency and stronger oversight, and we hope that this will lead to faster response to risks and quicker protective action for children, an element that had gaping holes for predators to exploit.

The Greens recognise the need for a panel with specialist child safety expertise to review the working with children check decisions, and we recognise the importance of balancing protection of children and risk for educators against vexatious claims. The Greens support the clauses in this bill related to the rapid child safety review. However, we do have concerns that establishing a super-regulator that is not strictly all child focused and instead extends across disability worker regulation and complaints across social services might dilute its child safety focus and not be as effective.

The rapid child safety review also did not mention incorporating the Disability Services Commission, the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria into the Social Services Regulator. To bring this bill in and abolish all these statutory bodies representing disability-led organisations without meaningful consultation is absolutely shameful of this government. It is hard enough for people with disabilities to navigate ableist societies and ableist government policies, but now this government wants to diminish their lived experiences, which is both reckless and self-serving, all the while trying to do it under the guise of urgent child safety reforms. This bill is a 'Trojan Horse', as Deaf Victoria describes it, sneaking in destructive and unwanted changes to disability regulation inside what should be incredibly important child safety legislation.

I would like to take this opportunity to thank the disability advocacy groups, unions and legal centres whose clear, repeated advice to strongly oppose this shift has grounded our position. We have heard from so many disability-led organisations, such as the Victorian Mental Illness Awareness Council, Disability Discrimination Legal Service, People & Culture, Equality Australia, Women with Disabilities Victoria, Inclusive Rainbow Voices, Deaf Victoria, Brain Injury Matters, Disability

Justice Australia, Disability Rights and Culture and the Health Services Union and many more on top of this – all in chorus, appalled and genuinely terrified by this government's move to abolish representation that represents them. They have highlighted that this bill misreads the disability royal commission's recommendation 11.3, which calls for an independent, accessible, co-designed, one-stop shop for complaints, referrals and support for people with disability. The social services regulation bill before us today consolidates regulation into a monolithic body rather than establishing a specialist mechanism designed with people with disability. There is no clear guarantee that complaints will be handled independently, safely and inclusively. Without oversight, specialist knowledge and meaningful consultation to co-design the regulator, how can this government ensure the rights and safety of vulnerable Victorians? The changes proposed in this bill could increase the risk of abuse and neglect, undermine trust, accessibility, cultural safety and accountability and ultimately leave vulnerable people with disabilities exposed.

In a joint letter from the Disabled People's Organisations Victoria, a collective of disability-led organisations and groups, the disability community are urging against the abolition of disability specific regulators. Here is some of the stuff that they said. They think that the merging of these disability regulators does not reflect the wishes of the disability community, who have not been consulted with on this decision. They say it is the right of people with disabilities that they have representations and are involved in matters that impact on their lives. The closure of disability-specific regulators is supported only by bureaucrats and some service providers, which for them they say there is a clear conflict of interest which leads to less specialism and less scrutiny. They also say that the current Social Services Regulator is currently failing, saying that the *Community Visitors Annual Report 2024–2025* has shown that the six standards currently used under the Social Services Regulator are already struggling to protect vulnerable people, that the regulator is strained, and rather than addressing its failures it is forcing more people onto its plate, which will only further strain it and come at the expense of the specific needs of people with disabilities. They also say that the Victorian Disability Worker Commission and Disability Workers Registration Board are already effective, so there would not be any need to merge them. It has the trust and confidence of the disability community. Eighty per cent of the sector agreed that their work protects vulnerable people from harm and neglect, and 81 per cent of the sector agreed that the worker registration scheme improves the standard of services provided by disability workers.

The disability community in Victoria needs our support. They deserve strong, disability-specific, independent regulation and need to be afforded respect – the respect of being meaningfully consulted and actively involved in the process of building and maintaining the systems meant to protect them. We know that improving disability rights and services should be a priority for all governments but that too often people with a disability are denied the same rights as non-disabled people and continue to experience higher rates of discrimination, violence, abuse, neglect and exploitation. The Greens share the goal of preventing abuse and neglect, and we are concerned that bringing disability services into the SSR risks undermining the very protections that it seeks to strengthen. With the risk being so high, the Victorian Greens cannot support the disability aspects of this bill.

I would now like to talk about the Victorian Early Childhood Regulatory Authority Bill 2025. The new Victorian Early Childhood Regulatory Authority, to be known as VECRA, replaces the quality assessment and regulation division (QARD), which sat within the Department of Education. We all know this conflict of interest could not be clearer. When the regulator sits inside the very department overseen by the minister, its independence is inevitably compromised and so is its freedom from political influence. The Greens have been calling on this government to establish a truly independent body, one that can properly carry out its core responsibilities of compliance, enforcement, investigation, sector improvement and, most importantly, protecting the safety and wellbeing of our children. The rapid review recommended that a new early childhood education and care (ECEC) regulator had to be made a priority in the government's urgent childcare reforms and 'be made independent from government', with powers to monitor, audit and investigate how the Department of Education regulates safety standards in childcare. We all can agree that this is important for real

scrutiny over how our centres are operating and whether children are safe. While we welcome the introduction of VECRA and moving the regulator outside of the department, we do not feel it has enough teeth to fully address the systemic structural issues that have led to this crisis. Instead, Labor seems to be just giving the regulator a new name with no new powers – the same staff, the same workload. We need to make sure that it does not have the same problems.

Overall, this bill is a step in the right direction, but the Greens would like to see it strengthened with greater independence and oversight, greater transparency and accountability and a legislative mandate for resourcing so child safety standards cannot slide. The bill also establishes the early childhood worker register. This will allow for appropriate vetting and accountability and will build public confidence in the sector again. The Greens welcome this bill's role in tightening up the system, but we remain steadfast in our commitment and belief that further work needs to continue and that it does not end with this legislation. The Greens support this bill and commend it to the house.

The final bill I will discuss is the Early Childhood Legislation Amendment (Child Safety) Bill 2025. The Greens support the introduction of a requirement that paramount consideration be given to the safety, rights and best interests of children by those who work in early childhood education. The change is long overdue and should always have been legislated. We also welcome new rules around the use of personal devices. It is so important that as technology advances, legislation keeps up to prioritise wellbeing and safety. Limiting the use of phones to take images of children is a sensible safeguard. We also welcome mandatory training. We know that most of the reportable conduct scheme reports in the early childhood sector involve people who were not registered teachers with the Victorian Institute of Teaching. Upskilling and training educators will only seek to further professionalise the sector and is a sensible step toward harm reduction.

While the Greens are supportive of the regulator having strong powers to take action against providers, we have had some stakeholders raise concerns around penalties being proportionate to the crime. Penalties imposed on educators in early childhood settings generally should be similar to penalties imposed on teachers and educators in primary and secondary schools. We must also recognise that penalties do not disincentivise malpractice, abuse or serious offences related to child safety. This bill is good and sensible, and the Greens are happy to support it and commend it to the house.

Before I finish up, I just want to speak to my amendments. Now that I have outlined our position on these three bills, I will be moving a number of amendments that seek to strengthen them. I ask that these please be circulated.

Regarding the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025, the Greens amendment seeks to remove all parts of the bill that relate to disability, along with the associated consequential amendments. It is clear we need more time to consider this on its own merits, and considering the serious concerns from the disability community, we cannot in good faith pass this bill as it stands without having sufficient time to review the disability section of the bill in detail.

Regarding the Victorian Early Childhood Regulatory Authority Bill 2025, we have two amendments. The first amendment seeks to provide Parliament, through the Integrity and Oversight Committee, with veto powers over the early childhood regulator. The intention around this is to allow for an additional layer of oversight. The amendment proposes the requirement of the minister to first tell the Integrity and Oversight Committee who they want to appoint and why. The committee will then have 30 days to block or allow this appointment.

The second amendment that we have seeks to legislate the proportionality of authorised officers. The safety, wellbeing and education quality of children in early childhood settings depends on effective oversight and regulation. Authorised officers are essential to ensuring early childhood education and care settings are compliant with the national quality framework and the Children's Services Act 1996. The bill in its current form does not legislate a minimum requirement for the number of authorised

officers employed or appointed by VECRA, so we feel without a mandated baseline of resourcing and proportional oversight there is a risk of inadequate monitoring, delayed investigations and reduced support for services, particularly as the number of approved providers continues to grow. A minimum threshold and proportional approach will help ensure that VECRA remains adequately resourced to uphold quality and safety standards across all early childhood education and care services. Our amendment requires VECRA to employ or appoint no fewer than 60 authorised officers and to maintain an appropriate ratio of authorised officers to approved ECEC service providers, ensuring regulatory oversight remains effective and responsive to sector growth. It also requires the minister to publicly report annually to Parliament on (1) the number of authorised officers employed or appointed by VECRA, (2) the ratio of authorised officers to approved ECEC services and (3) the actions taken to maintain adequate regulatory coverage. I think they are in the process of circulating those amendments.

My next amendment is in relation to the Early Childhood Legislation Amendment (Child Safety) Bill 2025. We have one amendment in relation to this bill, and this is to strengthen public reporting. We believe that transparency is essential to protecting children and restoring public trust. By requiring detailed, regular public reporting we can make sure that families, educators and the wider community have clear information about what is happening in early childhood education and care. We have seen in Victoria and New South Wales that allowing only internal reporting or government discretion can lead to delays, cover-ups and a lack of action until it is too late. Clause 120 in the bill amends subsection 270(5) of the Education and Care Services National Law Act 2010 to provide that the regulatory authority may publish information about a range of enforcement actions taken. But the regulatory authority is not required to publish this information, and there is no requirement that the information is published in a way that is timely, particularly for parents who are thinking of sending their children to a childcare provider. The Greens amendment changes clause 120 to make specific, proactive and timely reporting of information on enforcement actions mandatory. Parents deserve full transparency, and we have the right to know what is happening in childcare centres, what risks exist, what allegations have been made and what steps are being taken to protect our children. Without openness, trust is broken and the system will not improve until it is too late.

These bills and their intention to solve child safety are a step in the right direction. I just want to conclude by recognising everybody contributing to this really important piece of legislation before us, recognising the urgency but also healthy debate around it. It is important that we continue to have proper scrutiny and for due process to be followed so that we can have the time to ensure that we are not here in a couple of years trying to fix it again. Taking the time to get this right ensures that we are putting children at the heart of our work and that we are using Parliament well to ensure that children's wellbeing and safety are centred and that the work of early childhood educators and professionals in the sector that are doing the right thing continues to be supported. It has been a horrific time for so many in our community, who will be traumatised for a very long time following these horrific abuse incidents. I think it is very clear to see that this is not isolated to Victoria. We have seen a sharp, accelerated rise in abuse of children. What has transpired in Victoria in the last few months is only what we do know. There is a lot that is unknown in this sector, and my hope is that the reforms that we are debating in the house today will uncover and close the gaps and the gaping holes in the sector that allow for-profit providers to exploit families and prioritise profit over the safety of children. Our hope is that at the very core of the legislation that has been put forth before us today is the safety and wellbeing of children. We owe it to Victorian children to get this right – this is so important – and to ensure that we are representing their experiences in the process.

We are at a crossroads right now. I listed the inquiries in my speech at the very beginning – too many inquiries, 3000 recommendations, sitting on a shelf for governments that have chosen not to do the right thing. It is important now more than ever that we centre, we prioritise and we make it our paramount priority that we do get all parts of the legislation before us right. Before I finish up, I want to once again honour the children and their families that are trying to overcome what has happened.

Jacinta ERMACORA (Western Victoria) (16:57): I am pleased to speak on these bills, these child safety bills, and I would like to acknowledge the contributions that we have heard so far, which have been very interesting to listen to. I thought I would start with a bit of context of the history around child care and the role of women and caring in our society. Historically and traditionally, the daily care and upbringing of babies and children has been women's work. This role has tied women to the home and excluded them from full participation in the broader workforce and, in many regards, from the social life of our society. The work that women do in the home has also been undervalued – those caring roles of catering, administering, cleaning and parenting. To be frank, those parenting roles, whoever does them, male or female, are still not paid roles in our society. Ironically the same occurs for women in the workforce. Occupations taken up predominantly by women have historically been less valued: cleaning, catering, administration and the caring industries – aged care, child care et cetera. Their lower value is expressed in lower rates of pay in these sectors but also culturally lower value as well. Although we are seeing changes in some sectors, how we value certain roles in our society still says a lot about our biases.

It says a lot about our perceptions and experiences of women and the undervaluing of their contributions – who it is acceptable to exploit and who is more likely to be overvalued. There are more Andrews who are CEOs than there are women in some sectors. No-one would argue that by choosing the name Andrew, the talent, merit and capacity of a worker become so extraordinary that they reach the highest position and are the highest paid in an organisation. That is an incredible coincidence. Conversely, roles like cleaning, home help, child care and aged care are mostly still occupied by women and undervalued and have historically some of the lowest paid workers in our economy and lowest valued in our society. It is unsurprising that child care has long been undervalued, because it has historically been seen as women's work. That is why workers in the sector have traditionally been underpaid compared to those in male-dominated sectors. They are often treated as lower skilled despite requiring training, patience and empathy and fulfilling a critically responsible role. As a consequence, the childcare sector has not been funded or professionalised in line with its social importance. One example is that early childhood workers have always been paid less than schoolteachers despite similar qualifications, and they often work part-time or casually. This is a direct hangover from that perception that child care was not seen as a real profession at all but as a mother's job done by just another woman.

In Australia our childcare systems are originally designed on the assumption that women would stay at home. Our childcare systems were not originally built for two-income households, single parents, women working full-time or women in careers. Instead child care has been patchy, privatised, often delivered through faith groups and charities and treated as a backup or not an essential service. Today we still see limited hours – closing at 5 or 6 pm – a lack of oversight or weekend options and systems still built around historically the 9-to-5 workday. Even long day care often assumes a parent, usually mum but not always, can do pick-ups and drop-offs, manage illness and take time off work – that there is always one of the parents that is available to do that. This gendering of domestic roles has not just shaped who works in child care, it has shaped how governments fund child care, how societies value care work, how childcare systems are structured and how families, especially mothers, balance work and care. It has also shaped how child care has been regulated. That is why it is so important that the childcare workers receive the pay rise they were recently provided by the Albanese Labor government which was much appreciated, I believe.

Parents should be able to feel confident in the quality of care their children receive in child care. They want healthy food, qualified and safe educators and safe and fun spaces in which to play and learn. They want to be confident that the systems in place are there to check the care that is being provided, that it meets all the standards, that the carers are qualified and accredited to provide that care and that there is somewhere to lodge a complaint if there is a need for improvement. We know that the first five years is very influential in a child's development. That is why this government is undertaking the Best Start, Best Life reforms. The Allan Labor government is building 50 early learning centres on government primary school sites to provide kinder, childcare and maternal and health services. We want all children in Victoria to be able to access the best possible learning opportunities in their first

five years, and we are establishing a Victorian department that will oversee the government's new childcare system – not in question in this bill.

This leads me to the childcare safety bills before us today. Due to the horrific allegations of abuse in our childcare system revealed this year, the Allan Labor government has acted swiftly and concisely to reform child care in our state. We have already banned personal devices in childcare centres with non-compliance risking approval cancellation and fines exceeding $50,000. We have established a register of early childhood educators, and the bill before us today enhances this register. We commissioned an urgent independent review led by Jay Weatherill AO and Pamela White PSM into child safety and the working with children check. The government has accepted all 22 of the rapid review recommendations, and the bills before us deliver on key reforms to strengthen protections and restore public confidence in early childhood settings. They represent a suite of reforms that together strengthen our safeguarding systems. They protect our most vulnerable Victorians and build public confidence in services that families rely on every day. This marks a significant change in the trajectory of childcare services from its historic origins, as I mentioned earlier. It represents a major step forward of professionalising this work. I think that word perhaps understates it. It is valuing the work that women do; valuing mothering, valuing caring for children and educating children, and doing so by investing in it, regulating it and giving weight to the kind of care that children receive in childcare centres and in early learning environments. There has been a lot going on in the early childhood space under the Allan Labor government, and this forms another step in the journey towards respecting what has historically – but is not now – been seen as 'women's work.' There is no doubt it is women who give birth to children, but it is now so much more often that men and women, mothers and fathers and parents – non-binary included – play a parenting role with their children.

The significant changes going on in this state are not just about the 50 early learning centres and the Best Start, Best Life reforms, but also, as I have just said, the reforms subject here in these bills are tightening up the accountability, the working with children check and the regulatory environment under which these systems will operate. I believe there will be some challenges in the private sector. I do feel sad that over recent decades the previous federal government allowed child care to be privatised. I do not see that child care is an area for profit, but alas, that is what we have got, so we need to work with the federal government to make sure that we are playing our role at the state level to regulate what we need to regulate in partnership with the federal government for them to regulate what they need to regulate. I do think that there will be some challenges for the private sector, but I really hope that they can meet that so that there are not massive waiting lists for community- run and government- run childcare centres and smaller lists for private centres, which is essentially what happens in some areas in the community.

By consolidating key regulatory functions, including working with children checks, the reportable conduct scheme and the Child Safe Standards, the reforms create a clearer, more consistent framework for safeguarding. This means organisations and workers are supported by a single specialised social services regulator that sets expectations, monitors compliance and provides a stronger oversight across the sector. Critically for workers, the reforms elevate child-related roles from being seen as informal, low-value care work to being recognised as professional practice. Stronger screening, training expectations and accountability standards ensure that the workforce is skilled, trustworthy and respected with professional safeguards in place, just like in teaching and nursing. For families, this system provides confidence that any person working with their children has been rigorously assessed, including through access to wider information about risks and misconduct.

A clear, stable regulator makes it easier to raise concerns and ensure organisations respond swiftly and appropriately. Most importantly, children and families will be all the better for this. With the stronger protections, the quicker action on risks and a system that prioritises wellbeing, education, safety and accountability, these reforms will build a safer, more valued early learning system in Victoria. This will benefit children, parents and the educators.

I just want to close by saying a great big acknowledgement of all the early learning educators across Victoria, especially the ones that I have met in the community at childcare centres. Many of them are undertaking the next step from certificates III or IV to the diploma in childcare and then moving on to early childhood, and some of the grants that we have been able to provide from the Allan government for these workers have been greatly appreciated by those childcare workers. I think it all bodes well for the future of our Victorian early childhood sector that these reforms will tidy up and strengthen the integrity and accountability of the childcare system in Victoria. I commend this to the house.

Trung LUU (Western Metropolitan) (17:12): I too 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. While the opposition is not opposing these bills, I want to reiterate that we cannot afford to have a child at risk for a minute longer. On this side of the chamber we want to make sure we prevent and eliminate all the risks when a child is under the care of an adult. I want to say that we are very disappointed in this government for providing such a short, small window of opportunity to properly scrutinise the biggest fundamental change to the sector for many decades. It will bring about profound change for hundreds of childcare workers, the operators of centres, the families who send their kids to these centres and of course the children who these bills are designed to protect. We know how important it is to get this legislation right. In fact we have been calling for this reform for months now. We have done a lot of consultation, but we want to ensure that what we are debating will provide the best possible early childhood system, free from the issues and free from the risks which have plagued the system for many, many years. As parliamentarians we should be allowed to scrutinise legislation and have ample opportunity to question what is about to be put in place.

I am particularly frustrated for the families and residents in my electorate who have felt this issue personally, given what has come to light this year in many childcare centres in Melbourne's west, in my electorate. These dreadful alleged crimes have shaken my community to its core, and it is why they are looking to us in Parliament to fix this mess and make childcare centres safer for young Victorians. These children, who we want to protect and keep safe, have been failed – failed by definition in so many ways, failed by the system that is supposed to keep them safe. I am a father of five beautiful children, and like many parents in my electorate and in this chamber and the other chamber, I am sure I can speak confidently when I say the report of alleged child abuse in these centres in recent months sickened me to the core. These are places where we leave our children to be cared for every day, a place to which we as parents entrust our most vulnerable things in life, our children, only to be informed that trust has been broken and then later learn that the system that is supposed to oversee, govern and regulate these deeply troubling centres did not communicate between departments and that regulators lacked the authority and power.

We will not be standing in the way of these bills. Like I said, we cannot afford to have children at risk any longer. We know that there are some good things in these bills to better the system. But before we put a solution, we must identify, recognise and acknowledge what has happened, and then it is possible good solutions will come out of it. I do not like pointing fingers at government, but I thought I would read out the failures, basically to outline and acknowledge what has happened, so we can address the problem, we can move forward positively and we can cover all possibilities and all angles to make sure risks are minimised or risks are eliminated to protect our vulnerable.

The failure we mentioned was about complaints to the quality assessment and regulation division about childcare providers that began to significantly increase from 2018 to 2019. The complaints rose 45 per cent, while enforcements declined 67 per cent. In 2020 a childcare educator was dismissed from a childcare centre for sexual misconduct after an internal investigation found that he was grooming and kissing toddlers. Despite this, dedicated working with children checks remained active and allowed him to continue working in child care. This should have sent alarms. Alarm bells should have been ringing, and yet the Victorian Ombudsman released findings two years later warning government the Victorian working with children check system was among the weakest in the nation, outlining

certain areas and recommending several reforms, including allowing the regulator to act on credible risk information without requiring a conviction or charge and ensuring a suspension remains in force until an appeal is resolved. The government did not respond to these recommendations.

It festered and it continued in recent years until July 2025, when everything blew up in our face. Childcare centre worker Mr Brown was charged with over 70 offences. I believe my colleague Mr Mulholland outlined the various incidents regarding what happened with sexual assault on these children. Over 200 children were the victims of this dreadful crime – vulnerable children. Most of them were in my electorate. This is why we have come to where we are. On this side of the chamber we realised the risks going on for children. We put amendments forward, we put a bill forward based on recommendations of the Ombudsman, and yet they were voted down by those opposite. We are at the stage now where we need to get this bill and address all the issues which this has put in front of us.

The first measure, which is something we on this side have been calling for, is the establishment of a new regulatory regime of two new regulators, the Victorian Early Childhood Regulatory Authority and the Social Services Regulator. The creation of an early childhood worker register is another sensible new initiative, and of course there are changes to the national law that regulates early childhood education and care services. The bill we debate today affords new offences and brings in higher penalties for compliance breaches, which should provide some more peace of mind for those parents, those Victorians, who want the system to improve and justice to be served for people failing to comply.

I will quickly speak on the establishment of a new independent regulator for the early childhood and care sector, because it really is a measure that should and could have been implemented straightaway, and it has had bipartisan support. My colleague in the other place Ms Wilson, now the Leader of the Opposition, called for a new independent regulator for months when she served in the education portfolio – to establish a new regulator and watchdog. The previous regulator, which sat inside the Department of Education, was failing. It failed to keep children safe, and for that reason alone we support this regulator and watchdog, which will be independently governed. We believed then and do now that a fully independent statutory regulator and one free from conflict of interest is vital.

What alarms me – and this has been noted by many in this chamber – is the evidence that in 2018, as I mentioned earlier, there was a 45 per cent rise in complaints while enforcement declined by 67 per cent. We must remember that there is a child and a family behind each of these alarming statistics. When I quote 45 per cent and 67 per cent, there are children and families behind those numbers. That should send shivers down the spine of every Victorian, and it is a reminder that a regulator is necessary. So I just want to say we fully support the establishment of a register which oversees the workers in these sectors – again, something my colleague Ms Wilson called for back in July. This element of the bill is essential because it creates a central base that will keep track of all registered childhood workers and track worker movements and their ability to move around various places. It is so important. It also gives police the power to access information promptly and act immediately to prevent any further incidents that could occur.

Finally, the changes to the Social Services Regulation Amendment Bill transfer significant oversight for children's safety measures to an existing independent authority, the Social Services Authority. This change makes sense. It establishes a regulator in a single body responsible for all functions, including the working with children check system, the reportable conduct scheme and the child safe standards.

I will keep it short. I want to thank the government for finally coming to the table. Of course, there are a few amendments we need to address before we finally let this bill go through. Although somewhat delayed, these measures are important to minimise the risk when our children are in the care of adults. We are ready to support the government on this. My thanks to those in this chamber involved in taking part in this bill. It is a priority that we address this bill urgently and we make sure every box is ticked, because children are our future. They are our most vulnerable, and we need to protect them.

Michael GALEA (South-Eastern Metropolitan) (17:23): I rise to speak on three important bills this evening in cognate which will implement reforms to Victoria's early childhood education sector, those bills being 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. The bills before us represent a power of work which has been undertaken by the Minister for Children to respond to some extremely challenging and disturbing events that were uncovered and revealed to have occurred in Melbourne childcare centres earlier this year.

It would be improper to comment on the ongoing legal proceedings of that particular matter, and in any case, any comments that I would make on that individual would no doubt be ruled unparliamentary. However, I will make note of the fact that swift action was taken by government in response to this horrific alleged offending. This included the immediate banning of personal mobile devices in early childhood education centres, the establishment of a register of workers and the commissioning of the rapid child safety review, which was undertaken by Jay Weatherill and Pamela White. The bills before us today will acquit the legislative changes proposed by the Weatherill–White rapid review, including the establishment of a truly independent watchdog to regulate the industry.

As was the case with many contributions on the other bill which this chamber dealt with earlier today, I am struck by the fiendish difficulty that is presented to us when we try to adequately legislate against what can only be described as pure evil in any context in which it arises. Nevertheless I am confident that with the legislative changes in these three bills before us today we will be significantly strengthening the protections for children in this state to the maximum reasonable extent. It will foster a culture in early childhood settings that Victorian families will be able to place their confidence in. Noting of course the compressed timeframes in which this bill has been prepared in order to respond to the rapid review's recommendations in that timely manner, I am also conscious of the extensive consultation which has been undertaken by the minister and her office with all manner of stakeholders to ensure that this bill is as robust and strong as it can be. I further note that the measures within these bills have drawn wide support, with the majority of children stakeholders expressing emphatic support for the measures within them.

Taking each bill in turn, I will start with the Social Services Regulator bill, which will effectively coalesce two of our most valuable child safeguarding functions into the Social Services Regulator, those being the reportable conduct scheme and the working with children check. Under these reforms the SSR will be empowered to both consider a wider range of factors, including unsubstantiated allegations, and also apply a more stringent threshold on who may be granted a working with children check. As well, the new interim barring provision will enable the SSR to respond in a rapid manner to new information that comes to light. It will also include mandatory child safety training as a requirement of all applications for working with children checks as well as consolidating those appeal pathways to within the SSR to ensure that that agency has singular responsibility for child safety through the working with children check system. These measures will meet recommendations 6 and 7 of the Weatherill–White review. In rebalancing child safety with procedural fairness principles the government has, quite rightly, taken the view that the safety of vulnerable children in Victoria must be absolutely paramount.

This bill will also incorporate disability oversight functions into the Social Services Regulator, which responds to both the NDIS review and the disability royal commission, which found the current safeguarding systems to be far too often too inaccessible for people to access. This also meets recommendation 8 of the rapid review, which advocates for a shared intelligence and risk assessment capacity. I know that is something that also many advocates have been calling for for a long time. It means that the protections that cover children in out-of-home care will also apply to Victorians who make use of a disability support worker. Indeed I also note the strong words of support for this measure, that of incorporating the disability oversight functions into the SSR, by the now Leader of

the Opposition in her contribution on these bills in the other place just last week when she spoke glowingly of this reform, saying:

> … this is overdue reform. Families have been calling for a consistent approach to worker regulation across disability and social services for many years.

So I was surprised to hear Mr Mulholland oppose this measure, but I do trust that members opposite will support this part of the bill in accordance with the remarks from the new leader of their party which were made just last Tuesday.

Moving to the early childhood regulatory bill, this is a bill that will establish a new early childhood education and care regulator as well as a register of early childhood workers. The rapid review was very clear on the need for these reforms, and they are indeed perhaps the most central and key reforms of this package. This bill acquits the measures within recommendation 9 of the Weatherill–White review. The need for a robust, independent regulator has also been made clear by many stakeholders in this debate and has been the topic of much conversation in this chamber in the lead-up to these reforms.

This bill will create a new independent regulator, the Victorian Early Childhood Regulatory Authority – or VECRA, as it will be known – with the role of early childhood regulator reporting directly to the Minister for Children. VECRA will assume the regulatory functions from the existing unit, which is the quality assessment and regulation division, otherwise known as QARD, which is currently a unit of the Department of Education. As has been raised by other speakers in this debate, this change, this new authority, will effectively address the potential conflicts of having a single department both operate and regulate early childhood education services. But it also responds to the reality that we now have a significantly changing landscape in the sector. Many legislative bases for childhood regulation – not just in Victoria but in other states and federally as well – in many cases are based off systems which had seen much greater public involvement. However, we know that the liberalised reforms that started with the Howard government in the 1990s federally have seen the private sector play an ever greater role in the provision of Australia's early childhood education. It is important that VECRA will be resourced to effectively regulate and monitor this industry to ensure that child safety is the paramount consideration in this sector, and that is something that should be paramount whether it is public or private. Where there is that profit motive, it must never be allowed to come at the expense of child safety.

As I indicated, this new authority, VECRA, will also manage the new register of workers, with several and various new offences and penalties included within this bill for those providers that fail to meet the obligations to update their register or whose employees misuse the register in any way. This register is already in effect. It was one of the first reforms undertaken as a result of those early actions that were announced by the Minister for Children and the Premier. This register has been in effect since late July. However, what the VECRA and the SSR bills will do is give this new agency more powers to effectively and robustly administer the register, including with regard to the timely sharing of critical information from VECRA to the Social Services Regulator. I note that the existing legislative framework already provides the SSR with the ability to share information with VECRA, but in terms of that information sharing from VECRA to the SSR, those reforms are achieved both through this particular bill, through the early childhood regulatory authority bill and the social services regulation bill, underscoring the importance of all these bills as a collective package.

Finally, I turn to the Early Childhood Legislation Amendment (Child Safety) Bill 2025, which is otherwise known as the national law bill, largely for the reason that it acquits legislative changes that were agreed to by all Australian education ministers at the state and federal levels at a meeting on 7 November, which I note was 13 days ago. This bill makes a number of enhancements to the regulatory tools and information-sharing powers for regulators, as well as enhancements for the statutory duties imposing those higher standards of duties on childcare workers. Importantly, these new measures, which are nationwide and are being implemented in each and every state and territory of the Commonwealth, will also provide more powers for regulators to deal with these offences,

including a threefold increase in penalties that regulators can apply to providers that do the wrong thing, which will apply under the act.

In saying that this is the national part of the bill, there are other aspects of this bill which will apply only to Victoria. These acquit further recommendations of the rapid review, including giving regulators additional enforcement powers, the ability to impose higher penalties across a wider range of areas and an enhanced ability to keep bad providers out of the sector. It also provides for enhanced transparency of all of these actions, which will help to give the Victorian public the confidence that they are entitled to have in our state's early childhood education sector.

We have seen, as I have said, some very, very disturbing things come to light in the media, indeed both in this state this year but in other states of the nation previously as well. It is, as I said at the start of my remarks, in so many ways a fiendishly difficult thing to adequately legislate against the actions of those who are pure evil, but it is important that the systems that we have in place are as strong and as robust as they can be. I know in responding to these it is really important to note, as other speakers have already noted, that this in no way, shape or form should be seen as any sort of attack on or undermining of our childcare workforce, because we know that the vast, vast majority of early childhood educators in this state are dedicated, passionate people who want to see the best for our children, no matter their own background, their gender or what drove them to be in childcare and childhood education. These are people that go to work every day, if I may quote my colleague Ms Gray-Barberio, to fulfil the words 'It takes a village'. These are people that go and do this every day and take great pride in their work. Nothing in these reforms should be seen as any sort of indictment of them.

But this is the response that we have crafted in response to that very, very narrow worst of the worst group, the people that can inflict such intolerable damage on our children and on our society – damage that we will not accept, and we will not give them any possible opportunity to do that. That is why we have taken these rapid measures right at the outset, including the new register, the ban on phones in these settings, as well as that rapid review, and it is why we are implementing each of those recommendations of the rapid review in full where they pertain to state responsibility. A number of those recommendations extend to the federal space and to the Commonwealth level for action, and this government has been absolutely determined and forthright in pursuing action from other states through those forums, such as what I mentioned before, but also direct reforms and legislative reforms from the Commonwealth where they are needed as well. This is something that we need to work together on. It is also a very important thing to note that the industry has a major role to play in ensuring that it is not just meeting minimum standards but exceeding them as well.

These bills represent a thorough and considered response to the distressing issues that we have seen. They acquit the recommendations of the Weatherill–White review, and most importantly, they will make vulnerable Victorian children safer. I commend these three bills to the house.

Gaelle BROAD (Northern Victoria) (17:38): I am pleased to be able to speak today about these three bills, the Victorian Early Childhood Regulatory Authority Bill 2025, Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025. At the government's request we are considering these three bills at the same time, but I do want to make note that we have really got an avalanche of legislation as we approach the end of the year. We have had an extra sitting week put in. I am on the Scrutiny of Acts and Regulations Committee, and our meeting this week took twice as long because of the volume of legislation that is coming through. This is very important legislation that has been put forward today, and we acknowledge that. That is why the Liberals and Nationals back in July put forward a bill that was blocked by Labor, and it was to address many of the issues that we are looking at today.

Parts of this legislation introduce reforms that should have been introduced years ago. Through these bills there are over 1000 – actually 1159 – pages of legislation, and our side was given 12 hours to

make a decision on this legislation. We acknowledge that, as I mentioned, some of this legislation should have been addressed a long time ago. In 2022 the Victorian Ombudsman released findings warning the government that Victoria's working with children check system was amongst 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, and the government did not respond to those recommendations.

Now, the government did a review, and as I said, this legislation is overdue. We are aware, and it has been referenced in this chamber today, of a worker that was found to have impacted 20 different childcare centres, and he was charged with more than 70 offences. What we heard sickened families across the state and across the nation, but I will not speak further to that, for the reasons that have already been referenced. The legislation that we are reviewing today was due in October – parts of it – but it has certainly been rushed in now. The government has known for years that the system was fragmented, that information was not being shared between regulators and that serious incidents were slipping through the cracks. The result has been a system where red flags could be raised in one corner of the government and completely missed in another. Together, these bills will – finally – consolidate the working with children check, the reportable conduct scheme and the child safe standards under the Social Services Regulator, give regulators better power to act on risk, even before harm occurs, strengthen penalties for providers that fail to meet their obligations and improve transparency and information sharing between agencies.

These are very important and sensible measures. They were all recommended by the rapid child safety review months ago, and we are only now seeing legislation to bring those into force, as I said. So the government has had the recommendations, it has had the evidence and it has certainly had the public support to see the change, and we are concerned that child safety has remained unaddressed for too long. I know from my own experience as a parent just how important it is to have places and child care that you trust, because your children are just so precious and you are leaving them in someone else's care. There needs to be such strong oversight, and we cannot afford to wait for basic safeguards that protect our children. Reports of child sexual abuse in Victoria's child care have revealed serious problems in the state's child protection system, and as I said, we need urgent change to rebuild that trust in the system.

Since 2018 complaints to the regulator, the quality assessment and regulation division (QARD), have increased by 45 per cent, while enforcement actions have dropped by 67 per cent. We know the government in their briefing talked about the new Victorian Early Childhood Regulatory Authority. They talked about 100 new staff, including 60 new compliance officers, and another $45 million investment in these reforms. It just shows how understaffed and under-resourced the Department of Education has been, and that should be a concern to us all.

I think it is important to highlight one of the big issues that have been brought to my attention. The minister's second-reading speech for the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 says:

> 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.

That has set off alarm bells for many in the sector. Of course this is the minister's second attempt to introduce such changes. Last year the minister introduced the Disability and Social Services Regulation Amendment Bill 2024, but it was wrong and had to be withdrawn just a few sitting weeks ago. It sat between the houses for 12 months, and the minister received considerable correspondence urging her to listen to the disability sector and retain a standalone disability regulator, not an overarching one. Disability Advocacy Victoria and Disabled People's Organisations Victoria, the peak

bodies for advocacy organisations in Victoria, have both stated in letters to the minister and the Premier:

> The disability community and advocacy community, led by DPO Victoria and Disability Advocacy Victoria, are united in their perspective that the proposal to incorporate disability-specific regulators into the Social Services Regulator is both destructive and harmful.

It is a big concern that this proposal has been put forward without co-design with the Victorian disability community, and we have certainly received a lot of correspondence on this. The Rights Information and Advocacy Centre say:

> The Government has claimed it has "consulted" with the disability community, but Dr Ross said the claims do not satisfy the pub test: "There has been some limited communication but no meaningful consultation, and that was only *after* the Government developed and announced the model as decided. People with disability through their representative organisations have been clear and consistent that they do not support the changes. What we're seeing is not the product of consultation, but a predetermined outcome pushed through despite strong opposition."

They have raised concerns about the impact of these proposals on people in regional Victoria, where fewer service providers increase vulnerability for people with disability to a poorly regulated service sector.

I have also received correspondence from the Mental Health Legal Centre. It says:

> The Disability Workers Commission and Disability Services Commissioner have played a vital role in championing the rights of people with disabilities, ensuring that their voices are heard and that their unique needs are met with tailored solutions. The proposed takeover risks diluting the focus of disability regulation and undermining its ability to provide dedicated advocacy and oversight. The Social Services Regulator, while important in its own right, does not possess the same depth of specialised knowledge nor the direct connection to disability communities that the current regulators have carefully built over the years.

That correspondence goes on to highlight the short turnaround time for Parliament:

> … to consider the Bill, and the inclusion of the reforms in an extensive Bill that is aimed primarily at ensuring the safety of children. People with disabilities deserve protections that are the subject of careful and specific consideration, and they should not just be an afterthought or footnote to other matters.

I also received correspondence from Disability Rights and Culture. They say:

> … the government are making the case that some demographics eg children with disabilities may fall through the cracks whilst separate regulatory bodies exist. As we all know, there are many intersections in government and there are other models for information sharing and collaboration that increase scrutiny and offer better service. Scooping up all specialisms under one roof is the least effective of them all.

They also said that they are:

> … extremely concerned about the proposed amendments to disability regulation … to be voted upon … These have been tabled as part of the Child Safety Amendments, which are non controversial, but wrapping the regulatory amendments up in child safety is very poor indeed.

So yes, I guess they are very keen for us to vote against these amendments.

It is interesting, that concept of not being consulted, because I sit on a parliamentary inquiry that has looked into community consultation. Disability Advocacy Victoria chairperson Julie Phillips was a witness before our inquiry. I want to quote what she said from the transcript, which was taken from her appearance in front of the inquiry:

> I just want to refer quickly to the state disability plan, in which the government has included terms such as 'Nothing about us without us' and talks about co-design. We do not find any evidence of that. We find a few advisory committees here and there where people have to sign non-disclosure agreements. They do not represent the disability community, and that is a constant source of frustration which is building within the disability movement with these decisions being made about us without our input, except at the end. And then having to read claims such as in the response to the disability royal commission recommendations, where it says we are going to be worked with closely – we have not been, and indeed the first recommendation that

> we know of which has been considered by government is to do with the social services regulator and contradicts the recommendations of the disability royal commission on that point. So we are struggling to see how the word 'consultation' applies to our sector at all. It is frustrating and it must change …

It is interesting. I was listening to contributions on the previous bill that was debated in this house today, and a Labor minister said that non-disclosure agreements can silence people and disempower people and that they erode trust and transparency, yet in the government's consultation with stakeholders they used non-disclosure agreements.

When we look at the social services regulation amendment bill, there are several elements to this bill that relate to improvements to the working with children screening and clearance, improving child safety safeguards and improving the rights of people with disabilities in disability accommodation. But as I said, it merges the disability worker commissioner, the disability worker registration board and the disability services commissioner into the Social Services Regulator. In short, the opposition supports the elements covered in those first few points but certainly has issues with the merging of the disability complaints sector into the Social Services Regulator. We have put forward amendments, and we appreciate their consideration by the chamber.

Georgie PURCELL (Northern Victoria) (17:51): I rise to contribute to this debate. We have had the enormous task of simultaneously considering three bills in a pretty short timeframe. Those bills are 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. I will do my best to speak to each of them. I know we have quite a bit to get through so I will try to keep my remarks brief.

Collectively these bills make important and desperately needed changes. Recent cases have shown that Victoria's ability to keep children safe is not up to scratch. That is completely unacceptable. Although these changes are squarely based off the government's recent rapid review, many of them are not new. Changes to child safety laws were raised in the 2015 Royal Commission into Institutional Responses to Child Sexual Abuse. The Ombudsman also recommended changes to Victoria's working with children check scheme in 2022. It is great that the government is acting on its rapid review, but they never should have needed it in the first place. I am really glad that we are here today. The review and the actions taken since are the same things that advocates have been calling for for years. These bills will strengthen information sharing and allow for stronger, faster actions to be taken to address child abuse concerns. They also propose significant changes to the Victorian regulation and oversight ecosystem. Some of these changes are positive and some less so, and I will go into detail on those in a little bit.

I did want to reflect on the fact that well over a year ago I joined with my wonderful friend and former staff member Emma Hakansson, who represents the Australian Childhood Foundation as well. Together we called for mandatory education and training on child sexual abuse prevention within the working with children check program. Emma is a wonderful friend of mine and a survivor of childhood sexual abuse herself. It has been her mission over many, many years to get mandatory training in the check system, so we are really, really glad to see it happening. The change found in the social services regulation bill is particularly welcome. When it does happen, I do remind the government and the minister of the importance of ensuring that that training is co-designed alongside survivors and that their voices and stories are heard in that process to ensure that it is as effective as it can possibly be to work in practice. It is absolutely essential that adults who work around children are trained to recognise and respond to risk in order to protect children, and I implore the government to listen to those experiences and to the Australian Childhood Foundation moving forward from today, and to anyone else with lived experience to share.

The Victorian Early Childhood Regulatory Authority Bill, as it states in the title, establishes the Victorian Early Childhood Regulatory Authority. This new independent statutory authority will be directly accountable to the Minister for Children. The bill will also establish the Victorian early childhood worker register in law, to be maintained by VECRA. This too is something advocates both

inside and out of this place have been calling for for quite some time now. For the early childhood regulatory authority to really succeed, it needs to be independent and well resourced. As such, I will be supporting the Greens amendments to help do just this. I really want to extend my thankyou to Ms Gray-Barberio and her office for their work and engagement with my office on this piece of work and helping us understand and consider a lot of these changes, given our significantly less resourcing on the crossbench and having to get across these issues really quickly.

On the less positive changes, the government at the same time as establishing a new independent regulatory authority proposes to abolish two of them. The social services regulation amendment as it is currently drafted includes the abolition of the disability services commissioner and the Victorian Disability Worker Commission, with their functions to be merged into the already large Social Services Regulator (SSR). The government have argued that this is in response to the rapid review, which recommended greater coordination and information sharing between regulatory bodies. It is a move which they have argued is intended to recognise the intersectionality between issues of abuse within the disability and childcare sectors. These things are not untrue. It is clear there is a need to improve coordination between regulatory bodies. It is clear that abusers move between the childcare and disability sectors, and often those two sectors can be intertwined. But what is less clear is whether this is the best move that still ensures the safety of Victorians with a disability – I mean this authentically, and I have communicated this to the government; it truly is unclear. The government's rationale for this move is sound, but in the short timeframe and with the lack of ability to consider it, it has been really difficult to make a decision before today.

There has been a lack of consultation and engagement with the disability sector, who have unanimously said a move like this will do considerably more harm to people with a disability than it will do good. For those of us in the chamber who have voiced these concerns to the government, it has felt like we have been made out to be delaying essential changes to protect children, and I cannot help but feel like this is wrong. We as parliamentarians receive a lot of correspondence and feedback, and particularly for us on the crossbench it can be very hard to consider them in a short timeframe and in good conscience make a decision of such significant magnitude without ample time to engage, to consult and to consider the repercussions, especially considering the alarming things and differing opinions in such a short time period. If the government want to make sound improvements to the structure of the disability regulatory authorities, they should do so in a way which is centred on the experiences of the disability community and bring Parliament on the journey based on the evidence. I think this is something that many of us on the crossbench can relate to. This is not the first bill where we have felt this has happened, where a decision has been made first and the community notified second, and perhaps we would not be in the situation that we are in today had that communication and consultation work gone on with the sector in the first place. It would have been a much smoother process for all of us in here on the crossbench and in the opposition to make this decision. There have been many in the disability community who have advocated for the merging of the disability regulators to create one single, independent disability regulator, just as the royal commission recommended. This crucially, though, would ensure there is a body whose focus remains solely on protecting those with a disability. I do understand that this bill is likely to be adjourned, and I implore the government in doing this to make these considerations before they return it to this place.

As well as the changes to disability regulators, the bill will also bring a range of functions from other government authorities into the Social Services Regulator. This bill includes the regulatory functions of the Commission for Children and Young People, the worker screening unit in the Department of Government Services and the decisions under the working with children check. Although these changes are important in ensuring broad access to information and holistic risk assessments, there have been concerns raised by the community about the current functioning of the SSR, which has only been described at best as already strained. I obviously understand the need to swiftly pass this legislation, and I think everybody in this place does, in light of recent events and the crisis that has occurred in Victoria. I know that many in this place have worked with the government as much as possible in order to do so this week, and sadly, we have often found those conversations difficult.

The early childhood legislation amendment bill will update the national law and create new offences. Victoria will go further than the rest of the nation in this and create new infringements and protections, which should have been made long ago, and I reiterate that I am really glad that that is happening. These changes are important, because we have an obligation to protect children in this state. I have spoken about this already today, but I am soon to be a mother myself, and I deeply understand the want to feel trust that children will feel safe in childcare settings and for all parents to feel the same way. So in doing that, I commend the bill to the house, and I am really hopeful that we can learn from the difficulties that we have had along the way with this legislation and do everything we possibly can to work collaboratively and proactively to get the best possible outcomes to address all of the concerns that have come from the rapid review and the issues that have arisen within child care in this state.

Sheena WATT (Northern Metropolitan) (18:01): Thank you very much for the opportunity to rise and speak on the cognate debate on the Victorian Early Childhood Regulatory Authority Bill 2025 and the Early Childhood Legislation Amendment (Child Safety) Bill 2025. The Victorian Early Childhood Regulatory Authority Bill 2025 establishes the new Victorian Early Childhood Regulatory Authority. Until now, early childhood services have been regulated by a division within the Department of Education under the delegation of the secretary. With more children in care, a wider range of service types and increasing expectations around child safety, the system needs a regulator built for this purpose alone. VECRA will take on that responsibility. It will be an independent early childhood regulator and accountable directly to the Minister for Children. It will oversee the full suite of regulatory functions. It will monitor patterns of concern and step in when risks emerge. This is the kind of regulator the sector needs to identify issues and respond in a way that centres the safety and wellbeing of children.

This bill also establishes a statewide register of early childhood workers. The register currently in place only captures those working in state-funded kindergarten programs. The new register will cover workers across long day care, sessional kindergarten, outside school hours care, family day care and occasional care. Approved providers already hold this information. The bill simply brings that information together into a single system maintained by VECRA. This allows the regulator to identify quickly and confidently where a person has worked if concerns arise. The register comes with proper safeguards: providers must submit accurate information, VECRA is responsible for maintaining the register and misuse or unauthorised disclosure of information will carry penalties. These protections matter, because the register is there to strengthen safety, not create new risks. It ensures that when there are concerns about a worker, the regulator has the information needed to act without delay.

The bill also supports information sharing with the Social Services Regulator. It ensures that when concerns arise across different settings, regulators are able to see the full picture, not isolated fragments. Information will also flow the other way, with VECRA able to receive relevant information from working with children checks and the Social Services Regulator to support its early childhood functions. This level of coordination has been recommended for years. It is a practical and necessary step to keep children safe.

These reforms carry the weight of the rapid child safety review, commissioned earlier this year. The government committed to implementing all 22 recommendations of that review. The recommendations in that review were clear: the sector needs stronger oversight, clearer accountability and better tools for identifying risk. This bill delivers the foundations for that work.

The Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 strengthens the role of the Social Services Regulator and brings key safeguarding functions into a single place. For too long child safety responsibilities have been spread across separate schemes. This bill consolidates the working with children check, the reportable conduct scheme and the child safe standards so they sit with one independent regulator. That change provides clear oversight and reduces the gaps that have allowed information to sit in those separate systems. The bill also strengthens the way the working with children checks are assessed. It allows the regulator to consider a broader range of information, including matters that have not yet met a criminal threshold but still

raise legitimate concerns about risk. A new interim bar will allow the regulator to act quickly and prevent someone from working with children while a full assessment is carried out. These are practical tools that reflect what reviewers have pointed out for years: decisions about a person's suitability must take into account the full picture, not only what appears on a criminal record.

The bill changes how appeals will operate. Instead of decisions going to VCAT, the regulator will use a strengthened internal review process supported by an independent expert panel. This ensures that the people assessing these matters have specialist knowledge in child safety, disability and work conduct.

People applying for a working with children check will be required to complete mandatory child safety training and testing. This is a real, straightforward expectation. Anyone seeking to work with children should understand the fundamentals of recognising harm and effectively responding to it.

This bill also places responsibility on employers to verify the engagement of their workers in the working with children check system. This will build a stronger record of where workers are employed and allow the regulator to notify employers if a clearance is suspended or cancelled.

The bill also responds to findings from the National Disability Insurance Scheme review and the Disability Royal Commission. Both have highlighted how inaccessible the safeguarding landscape can be for people with disability. To address this, the bill merges disability oversight functions into the Social Services Regulator. It brings the complaints function of the disability services commissioner into the new regulator and creates a single avenue for raising concerns across the full range of social services. This is important for people with disability, many of whom have said that the system as it currently stands is difficult to navigate. A single regulator creates a clearer path for complaints.

The bill also aligns, where practical, worker regulation for disability and out-of-home care. At present, these two sectors have separate schemes with different powers. The bill brings greater consistency across them and gives the regulator additional tools that already exist in one system but not the other. These include the ability to place conditions on a worker's engagement in response to lower-level conduct that does not meet the threshold for exclusion, and the ability to recognise worker prohibition decisions across both those sectors. These matters are absolutely critical because we know that predators do not keep themselves in the one system; they move between systems to avoid scrutiny and detection. Aligning these schemes closes those gaps. Penalties and offences for disability workers and providers will also be updated to match those in the out-of-home care area, and this ensures that the same expectation applies across sectors and that vulnerable people have the same level of protection regardless of the type of service they access. The bill introduces an out-of-home care worker and carer register, which will record where workers and carers are providing services and enable the regulator to inform providers if someone is subject to regulatory action.

Throughout these changes, it is a balance between safety and fairness. The bill gives the regulator significant powers, including the ability to prohibit a person from working in certain sectors. Importantly, these bills come with safeguards. The regulator must provide reasons for decisions. Interim bars and interim prohibitions must be reviewed regularly. There is a clear separation between an initial decision and an internal review. The use of independent experts ensures that the decisions are informed by the right expertise.

This bill also makes amendments to the Residential Tenancies Act 1997 to clarify the status of certain specialist disability accommodation agreements and improve the way the framework operates. These updates help ensure that tenancy arrangements for people with disability are legally sound and better reflect the reality of how these homes actually function.

Going now to the Early Childhood Legislation Amendment (Child Safety) Bill 2025, which provides for updates both to the national law and Victoria's own responsibilities as the host of the Education and Care Services National Law Act 2010. These reforms were agreed to by every education minister late last year, and they respond directly to the child safety review and respond to the failures that have been identified within early childhood services. The sector has changed. More children are enrolled.

Services operate in more complex ways and expectations around child safety have rightfully risen, and the law needs to reflect that.

The government have heard from the crossbench that they need more time to consider the reforms contained in the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025, and we look forward to, and will keep working towards, this reform passing the house next week following further consideration of the bill.

In relation to the consultation undertaken to date, it is important to note at the outset that Disability Advocacy Victoria declined to take part in consultation. In addition to working with the social services reform taskforce and consultation with the national disability advisory council, which is made up of members with lived experience, the Minister for Children has met with National Disability Services, Health and Community Services Union representatives, the Victorian equal opportunity and human rights commissioner, the Social Services Regulator, the Victorian Council of Social Service and Disability Advocacy Victoria. In addition, the Department of Families, Fairness and Housing consulted with impacted entities across DARU, which is the Disability Advocacy Resource Unit, which I understand is connected with VCOSS, from my time there on the board. They have also consulted with Yooralla, Scope, Anglicare, the Centre for Excellence in Child and Family Welfare, MacKillop Family Services and the Victorian Aboriginal Child Care Agency. Can I take the time to acknowledge and thank them for their significant work. The government looks forward to continuing these important conversations in the coming fortnight.

A central feature of this bill is the new statutory duty that places the safety, rights and best interests of children above every other consideration in the delivery of early childhood education and care. It sets a clear standard for the sector and for those who regulate it. The bill requires child safety training for all people working in services and child protection training for those who work directly with children. This creates a consistent baseline so workers understand risk, recognise harm and know how to respond. It also introduces new regulatory tools, including an offence for inappropriate conduct, and powers to issue suspension directions and targeted training requirements. These tools allow for early intervention when behaviour raises concern but does not yet meet the threshold for more serious action. Information sharing will also become more effective. The regulator will have clearer authority to pass relevant information to providers and to work with recruitment agencies. These powers reduce the risk that a worker with a really concerning history moves between services without detection.

The bill also establishes a national educator register, supporting safer recruitment across jurisdictions. The reforms recognise that child safety issues are not always confined to a single service and that they can emerge across provider groups. The bill gives regulators greater access to respond to systemic noncompliance and strengthens oversight in family day care by extending compliance and investigation powers to residences and other locations where care is delivered. It also introduces restrictions on personal digital devices within services, responding to concerns rightly raised in the rapid review.

Alongside the national changes the bill introduces Victorian-specific measures that reflect the seven recommendations of our own rapid review and are consistent with reforms recently introduced in New South Wales. These include stronger controls to prevent unsuitable providers entering the sector through licensing approvals, higher penalties for larger providers and additional disciplinary powers for the regulator. The bill expands the amount of compliance information that can be published so there is a clearer picture of a service's history. Once passed here the national amendments will be adopted by other states and territories through their own application acts.

These reforms strengthen the foundation that sits underneath early childhood education and care. They give regulators the tools they need to act clearly, they clarify expectations for the sector and they close gaps that have allowed concerning behaviour to go unnoticed. Families want early childhood environments that respond quickly and with seriousness when concerns are raised. This bill before us helps deliver that. When consulting with the sector, one message was abundantly clear: everyone

wanted clearer structures, everyone wanted earlier intervention, everyone wanted a system that pays attention to patterns when they escalate. These bills before us help deliver that.

With this set of reforms Victoria is building a system that is more responsive, more transparent and more capable. It supports early intervention and it strengthens accountability. These changes are meaningful, they are practical, they are necessary and they directly respond to the rapid review. With that, I will leave my remarks there on the cognate debate on the child safety bills. I commend these bills to the house.

Melina BATH (Eastern Victoria) (18:17): I am pleased to make a contribution on the cognate debate of three bills, 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 – the national law bill. This is a long time coming for some of these bills. The sector is in dire need of an overhaul. Indeed I am on the select committee of the inquiry into the early childhood sector. I note that as soon as Parliament finishes for the year in December we will be starting up our investigations, which will take some months, and I look forward to delving further into this with my colleagues in the select committee getting to the bottom of many issues.

The reforms in these bills today, particularly two, are necessary and they are overdue, and they arise from catastrophic failures in Victoria's child safety system. The Liberals and Nationals support any measure that makes Victorian children safer. But these measures only come after a long time of warnings, of rising complaints, of collapsing enforcement, of ignored Ombudsman recommendations and of horrifying cases that have made the hair on the back of every decent Victorian stand up through the implication of what that has meant for children at the tenderest of age in a system that should be nurturing and looking after them.

Certainly we know that these cases should have been prevented. There has not been scrutiny, there has not been transparency, and this is a government that has been hiding behind failures of its own making. The three bills before the Parliament today, the rapid child safety review and the Ombudsman's reports in the past – and I know we have had quite extensive discussion on this – reveal that there were systemic failures. There was a fragmented system where the regulators would not speak to each other, there were dangerous individuals who were slipping between agencies and between the cracks and there was intelligence not being shared across departments – and we hear that regularly; we hear about silos in departments. Red flags were being ignored. The failure of the working with children checks combined with weak enforcement and understaffed regulators is a recipe for the most disastrous times for vulnerable children and their families.

From 2018 to 2023 Victoria saw complaints increase by 48 per cent. We saw enforcement actions fall by 67 per cent and we saw actions taken by the quality assessment and regulation division drop from one per 20 complaints to one per 88 complaints. These are failures, and what we see is that educators dismissed in terms of sexual conduct kept holding onto working with children checks for years. We saw that a man arrested with a thousand child abuse images retained a working with children check for four years. How is this happening? Please, it needs to stop. We saw a childcare worker charged with 70 offences resulting in 2000 children needing STI tests.

The Nationals and the Liberals will always support practical steps that make children safer. But we also need a government that stands up for what is right. Very soon, toward the end of my contribution, I am going to read in a document. It is a public report by the *Guardian*, and it is a case that I have sincere and tender knowledge of because the parent, the mother and the child have come into my office and sat down over years in my electorate – and with a disability school in my electorate. The torment, the frustration and the concern of parents for their children, particularly in the disability sector – not only is it in the education sector, it is in the disability education sector – really is heartbreaking for them. You wonder how they do not get so exhausted belting their heads against the wall, both at the school sometimes but also at the police force sometimes. And there are complications, particularly

when children with disability may be non-verbal, but parents can often read their children beautifully well, infinitely well. They know when something is wrong, they know the signs, but when the Department of Education does not take them seriously, that is when the huge pain, frustration, and injustice occurs. I digress slightly, and I will come back to that shortly, on the implications of these new bills, one passed earlier on this year, and these two more that we fully support.

The Victorian Early Childhood Regulatory Authority Bill will hopefully and overwhelmingly provide a pathway for more sanity for not only parents in the disability sector but parents of children in the early childhood sector and also in our state system of education. This bill is triggered by years of failure. It establishes an independent early childhood regulator with 100 staff and intelligence sharing – let us hope there is intelligence sharing – and the ability to act on unsubstantiated intelligence and cumulative risk. That is exactly what the case that I know well, that has been reported in the *Guardian* recently, goes to. I thank those parents so strongly for their continued advocacy on this. We support an empowered watchdog. We support parents who deserve to know why warning signs were ignored for all those years and the differences that this could have made.

I want to go to the third bill in this trilogy, which is the Early Childhood Legislation Amendment (Child Safety) Bill, which strengthens child safety measures. It has a new inappropriate conduct offence. It triples the maximum penalties and provides for infringement motions, notices for breaches and power to suspend or supervise workers – again, very, very important – in certain circumstances. It establishes the national early childhood worker registration scheme. It bans personal devices in services. This is very much mimicking the great work that the Liberals and Nationals have done in the *Safe from the Start* plan. I commend the now Liberal Leader of the Opposition, Jess Wilson, who did a power of investigative work and very responsible policy planning that the government has finally caught up to. The pattern of this delay and neglect and political convenience we see is highly alarming. For years, as I have said, the government ignored the Ombudsman. It allowed unsafe individuals to move between childcare centres and disability sectors. It left regulators understaffed and underpowered, and it rejected the coalition's Worker Screening Amendment (Safety of Children) Bill 2025 in August, only to bring it in a few weeks later.

I want to spend some time on the second of the trilogy, which is the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill, noting that this bill that is in here today that we look to carve out and send off for improvement merges the Disability Services Commissioner, the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria into the new mega regulator called the Social Services Regulator. We are sincerely concerned in relation to this.

My very good colleague and friend the Shadow Minister for Disability Tim Bull has been a huge advocate in this area, and I commend all the work that he has done. He has not only lived experience of this but a wealth of knowledge that the government would be served well to tap into and listen to his very sensible approach. And I have now realised he is in the chamber, so I wish I had not said such kind words about him because I do not want him to get too big an ego.

But anyway, the key model about this is that it directly contradicts the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability recommendation 11.3, which calls for an independent, co-designed and one-stop complaints body. It does not call for a mega regulatory amalgamation all lumped in together. Indeed the social services bill is over 400 pages long. Mr Mulholland and Mr Bull had about 12 hours to read through it and make some decent comments and gain an understanding of it. One of the key things about this was that there is no genuine consultation, and particularly Disability Advocacy Victoria and the Disabled People's Organisations Australia, representing more than 20 disability groups, said that they were not consulted. This is not good enough, and we will certainly hope that the good work that Mr Bull has done in terms of discussing the carve-out with the crossbench and the remodelling comes to fruition.

Quickly in the last 4 minutes that I have I want to hail and say thank you to a huge advocacy advocate, and that is Julie Phillips, the CEO of the Disability Discrimination Legal Service. She spoke to us when we had our education inquiry. I know she has also spoken in terms of the further inquiry that is going through on communication and consultation, so she is there at the very forefront. She says it how it is, and she has written to me in response to the Minister for Disability, Minister Blandthorn in this house – I asked some questions at a question time – and she said, Julie Phillips:

> There is no evidence that a "one size fits all" regulator will benefit or protect people with disabilities.
>
> I note that you –

'you' being me, Melina –

> did not receive a dignified response when you asked whether the Minister had consulted with Disabled Persons Organisations Victoria. I repeat, there was no consultation about this decision with any representative body of people with disabilities in Victoria, an omission also in non-compliance with the Convention on the Rights of Persons with Disabilities.

Well, thank you very much, Julie, and I could go on, because she is very prolific in her commentary and her advice to government.

I just want to spend a couple of minutes reading in something that has come from Adeshola Ore from the *Guardian*. This parent, whose name is named in there but is not her real name, speaks about a bus chaperone who was allegedly sexually assaulting a non-verbal child, who I have also met in the past. Part of this article says:

> The apology came after investigation by the state's child safety regulator - the Commission for Children and Young People … which said the conduct of the school's principal and assistant principal in response to the allegations "amounted to neglect" of their students' safety.

The article goes on to explain that the parent was alarmed because the bus chaperone was still engaged by the school to be in the environs, to be at the school, while there was an allegation and a charge was being investigated. The parent, Beth, said:

> My heart sunk. I couldn't believe that they allowed him access to her …

'Her' meaning her daughter. The article finishes off:

> Years later, Beth received a letter from the then department of education secretary, Jenny Atta, expressing "sincere apologies that the school did not adequately or appropriately respond" when she reported that the bus chaperone allegedly sexually assaulted her daughter.
>
> "I apologise that the school and the department failed to implement adequate risk mitigation strategies while the allegation was being actively investigated by Victoria police," the letter seen by Guardian Australia said.

The point I make with this is that when we deal with children – our most vulnerable and precious resource, the most precious beings that we have in this state, the future of our state – and when there is a concern, when parents are going not only to the schools and to the principals but to the police, they should be believed at a primary level. If not, if there is concern – and there is always an alleged situation – the utmost care should be taken. These sorts of bills that we are agreeing to pass today, which mimic ours from August, are of paramount importance. Children and families should be protected. As I conclude, we support elements of this combination.

Sitting suspended 6:32 pm until 7:33 pm.

Ryan BATCHELOR (Southern Metropolitan) (19:33): I am pleased to rise to speak on these bills in cognate debate. The recent allegations of abuse in multiple childcare centres across Victoria have been extremely distressing to many of us, not only those of us who are parents but also those of us who know families with children, who know children. I acknowledge the lasting impacts this is going to have on children, their families and the Victorian community.

The government acknowledges the need for an overhaul of the child safety system here in Victoria, and the government is acting on that overhaul to ensure we have the most robust and effective systems in place to keep Victorian children safe and to rebuild community confidence in the early childhood education and care sector. That is why the government moved quickly in July – when these allegations, particularly the most recent of these allegations, were made public – to commission the rapid child safety review led by Jay Weatherill and Pam White. The review, in its short but effective timeframe, made 22 recommendations to drive improvement in child safety. The government accepted all of those recommendations and has committed to implementing them. The legislation before us today is part of that implementation, an important part of the implementation of the recommendations of the rapid review into child safety here in Victoria.

The reforms before us today in this legislation are comprehensive and significant and put child safety at the heart of every decision. The key objectives of these bills are to improve the safety of children in early childhood education and care services, because protecting children in this state is of paramount importance to the Victorian government. The rapid review identified key actions for the government to improve child safety, including actions Victoria can take to accelerate the child safety reforms that are being considered nationally. This is going to strengthen safety standards in early childhood education and care to keep Victorian children safe.

We understand how many parents are feeling, and we understand the expectations of the broader community, because no parent should be concerned about dropping their child off at their day care or early learning centre in the morning. That is why these bills are part of a suite of measures intended to safeguard our children and protect the most vulnerable in our community. Obviously, in this cognate debate we are debating three bills to achieve these outcomes. They will implement the recommendations of the Victorian rapid child safety review, respond to recommendations from the review, make some changes to the Social Services Regulator and establish the Victorian Early Childhood Regulatory Authority and the Victorian early childhood worker register. Together these three bills will make a comprehensive, practical change to the sector and meet the expectations of the community.

It is very clear that the early childhood education and care sector has expanded rapidly in recent years, driven largely by policy settings put in place by the federal government. All governments need to stay ahead of the expansion to address future risks. The bills before us today send a very strong signal about the importance of putting children's safety ahead of financial incentives, and it is critical that we pass these bills because they will enable the implementation of the national child safety review and other agreed national child safety reforms. This is very critical for a number of reasons. Firstly, passing these bills ensures that we put the safety, rights and best interests of our children at the centre for all people who are involved in the early childhood education and care sector, because the safety of children should be the most important motive driving everyone involved in this sector.

The Early Childhood Legislation Amendment (Child Safety) Bill 2025, one of the three bills included in the cognate debate here today, allows the confidence of parents, carers and the community in that sector to be restored, and this confidence will be built upon strengthening compliance and improving regulatory authorities. It is going to introduce new offences for inappropriate conduct and new mandatory training requirements for child protection and child safety. Predators' use of technology as a means of sharing abuse materials has become evident, and we need to make sure that our laws are moving with the modern lives we live and are fit for the technological environment we live in. To counter the nefarious means by which criminals use technology, this bill increases the regulation of that technology and the safety of the early childhood service environment. It will also increase the information-gathering and information-sharing powers between regulators. This will lead to improvements in educator practices, qualifications and understanding of child safety obligations. It will also increase the transparency of information about compliance of providers and individuals, and the bill expands the powers of regulatory authorities and the minister to take action to address compliance issues at the individual, provider and system level.

One of the other bills as part of this cognate debate and suite of reforms before us today is the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025. This bill consolidates key child safeguarding functions – the working with children check, the reportable conduct scheme and the Commission for Children and Young People's current oversight of the child safe standards – into the Social Services Regulator. This is going to result in a strengthened, independent authority to regulate child safety. It is going to overhaul the working with children check, enabling the regulator to consider unsubstantiated allegations and exclude workers from receiving a clearance on the basis of a lower threshold.

The Victorian Early Childhood Regulatory Authority Bill 2025, the third of the three bills being considered in the cognate debate, establishes an independent regulator for ECEC services and a register of workers within the sector. By establishing the register, the bill brings together into a single system the details of all staff working with children in the early childhood education and care sector. This will enable the Victorian early childhood regulatory authority to quickly track and trace individuals working in the sector if required; a capacity that puts Victoria in a nation-leading position. It also makes explicit provision for the new authority to share information on the register with the Social Services Regulator for the purposes of that regulator performing its functions or exercising its powers. The reforms in this suite of bills are significant, and given their size, scale and complexity, they will be introduced progressively to enable a smooth transition. This will be supported by targeted communication to impacted entities and social services stakeholders.

It is very important that we underscore that the safety of children in early childhood education and care settings is fundamental. It is fundamental to ensuring that they can turn up to child care – or any other type of early learning or care service – and immerse themselves in play and play-based learning, receiving the full, rich developmental experience most workers and services strive to provide for every child in their care. I know that as a parent, but also as someone who in the course of being an elected representative travels to and talks with many services and also many educators involved in the early childhood education and care sector. From the engagement that we do as elected representatives with those who work in these settings – whether they be in childcare settings or in kindergartens – we do know just how dedicated so many workers and so many educators in the early childhood education and care sector are to delivering this rich, play-based early learning environment. We can see how significantly the children who receive that high-quality early learning and care thrive in those environments. They are at a time in their lives when they are developing at phenomenal rates. Their brain functions are developing, their social functions are developing, and the way they engage with the world changes often on a daily basis. The commitment that so many in the early childhood education and care sector provide to the children that they are charged with the responsibility of not only caring for but also helping to develop is remarkable. I want to take this moment to pay tribute to all of those who work in these settings and who are doing such an incredible job for our children and for our community as a whole.

Sadly, the bills before us today and the reforms before us today – the imperative that we see to do what we need to do here – are being driven by the actions of a very small few. But given the importance of the task that they are entrusted to perform and given the importance of keeping our children safe, these reforms in the package of bills that are before us today are incredibly necessary and they are incredibly important. They are part of this government's determination to make sure that all Victorian children are educated and cared for in settings that are as safe as we can possibly make them. If we can provide these settings that deliver on that promise, we can provide those children with the rich educational experiences that are so important to them and deliver the best start in their lives. We can assure the families – the parents, the carers and the wider families – of those children the peace of mind that when their children are in the early learning education and care settings that are regulated here in the state of Victoria, they are receiving the best possible care in the safest possible environment. We recognise it is critical to ensure that for everyone who works in this sector, at whatever level it be – from the floor of the services through to the boardrooms of the committees of management or the boards who govern those services – the interests of those children are what is most fundamental and of highest priority in

their service. Children deserve to be safe wherever they learn, wherever they play and wherever they grow. That is what these bills are designed to achieve, and I commend these bills to the house.

Ann-Marie HERMANS (South-Eastern Metropolitan) (19:45): I rise today to enter into the debate on the three pieces of legislation which are being debated 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 – the national law bill. This is incredibly important obviously in the area that I represent in the South-Eastern Metropolitan Region because it is a very large family region.

When I have spoken to parents in recent times and throughout the year, especially when the allegations were known to most of Victoria, there were parents saying to me that they were taking a week off work because they were afraid to take their children to child care. There were mothers that were so distressed that they simply did not know what to do. Another one contacted me to say that their child was undergoing medical treatment, but they did not get back to me. I understand that it is a very distressing time for all those involved.

In the South-Eastern Metropolitan area that I represent, according to the Australian Children's Education and Care Quality Authority national register there are between 360 and 380 childcare services, and I can say that this sector is continually growing. This is just across five of the local government areas; I represent seven. It reflects both the rapid population growth in Casey and Cardinia and the dense urban demand in Monash and Frankston. The scale of this sector underscores the importance of getting reform right. It also underscores the importance of acting quickly. I have to say that I was a little perplexed, dismayed and shocked to discover how different this sector is compared to the teaching sector, which is highly regulated, and I was really, really distressed to think that little babies and children, who do not have the ability to communicate what they have suffered adequately in words, could be taken advantage of. Even more distressing has been that parents of adults that have a disability, who are constantly fighting for special services, have mentioned to me that some of the behavioural issues that they have with their adult family members that require special school services are because of abuse that has taken place. I find the whole issue really, really distressing.

We have reforms before us today, but they are incredibly overdue. They are necessary, but they should have been implemented when the government's rapid child safety review highlighted how important and how urgent they were. We have a government here that talks a lot about accountability, but it acts when it is politically convenient. We should not have had to wait such a long time for bills like this to come into the house. We know that child safety is something that needs to be acted on immediately, especially when we have information that suggests that our children in child care are being abused. The distress of that for parents – words cannot explain what these parents would be feeling. Even for those whose children have been safe there are the additional fears when they realise that the childcare centres that they have do not have some of the safeguards in place to protect their children. We are not going to be opposing a lot of these necessary safeguards, but we are concerned with the way this has happened as a triple drop.

I want to go through for you the timeline of the early childhood policy failures. As far back as 2018 there were complaints to the quality and regulatory division about childcare providers, and they began to increase significantly. Between 2018 and 2023 complaints rose by 45 per cent while enforcement actions declined by 67 per cent. In fact in 2018 there was only one enforcement action for every 20 complaints. I am sorry, but that in itself is negligence. It is abuse. 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. That was 2020. Despite this, the educator's working with children check remained active, allowing him to continue working in child care. I simply do not understand that; that would not happen in schools. The government regulator did not issue a prohibitive notice to prevent him from working until 2024.

Let us look at 2021. A man named Mr Marks was arrested for possessing nearly 1000 child abuse images. Despite his arrest, he retained a valid working with children check for four years after his arrest. This allowed him to continue entering childcare centres and kindergartens. Once again, this is abuse. It is negligence, and this government is responsible. 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. This is all after we have this information about paedophiles and abuse of young toddlers. The Victorian Ombudsman released findings warning the government that Victoria's working with children check system was among the weakest in the nation and recommended several reforms, the first of these being to allow the regulator to act on credible risk information without requiring a conviction or charge; secondly, permitting the secretary of the department to access and consider any relevant information to determine suitability; and thirdly, to ensure suspensions remain in force until appeals are resolved. We see this being built into one of these bills, but this is just a little bit too late. Thousands of children have had their lives totally devastated because the government did not respond to these recommendations in a timely manner. That was way back in 2022.

Let us go to 2023, when this Parliament is in place – the 60th Parliament. By this year, enforcement actions by the quality and regulatory division had dropped to one per 88 complaints, indicating a severe decline in the regulatory response compared to 2018. What is going on? 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. How could this be? Well, this was the one that actually started to bring about and highlight the need for massive changes and the fact that there were different groups not talking to each other so that this sort of information could not be tracked properly or was not tracked and was not being looked at and we were having these sorts of things happen. When July 2025 came about – this is the incident that most people are familiar with in recent times – the childcare worker Mr Brown was charged with more than 70 offences, including sexual assault and producing child abuse material relating to allegations involving eight alleged victims. There could be so many more; 2000 children have been identified as requiring sexually transmitted disease testing.

Two thousand children are implicated in this. It is simply not good enough. The Commission for Children and Young People was aware Mr Brown's employer had investigated and substantiated two complaints that he was aggressive towards children in the two years before his arrest, and yet Mr Brown was still being employed. The government introduced new regulations in response to these shocking allegations, but these regulations did not get fully implemented in terms of the Ombudsman's 22 recommendations. The loopholes have been allowing dangerous individuals to work with children, and these loopholes need to be closed.

Let us fast-forward now to early August 2025: again, the ABC reported that the educator dismissed in 2020 still held a valid working with children check despite being prohibited from working with children. This revelation prompted public outrage and questions about the government's inaction. By mid-2025 – this is before August – the government had launched its rapid review into child safety systems following public and media pressure. It should not have required public and media pressure, and I want to thank the media and the journalists out there who took these stories up and made sure that the public were aware of it. We need you to speak up for the families and for the children. It is important that the public know the sorts of things that are not being dealt with adequately.

The review was criticised as being a review of reviews and duplicating prior work which had already been ignored by the government. The government appointed former Labor Premier of South Australia Jay Weatherill to oversee it, a figure linked to child abuse controversies in that state, and crucially, the regulator was explicitly excluded from the review scope, limiting its effectiveness. In August 2025 the Liberal and National coalition introduced the Worker Screening Amendment (Safety of Children) Bill 2025, and I want to congratulate and thank our now leader Jess Wilson for the work that she did on this. She is a young mum. Can you imagine having a 12- or 14-month-old baby as she does now? And this baby was even younger when she was working on this. And you can imagine how personal

this is – the thought that she has to work and needs a carer for her child and that there were other mothers out there whose babies were at risk.

The bill proposed reforms based on the Ombudsman's 2022 recommendations, including the following: taking immediate action on credible information linking the working with children system to the Victorian police database; maintaining suspensions during appeals; reducing the working with children validity from five years to three; and mandating training in child safety, reporting obligations and abuse awareness. I will just say that that mandated training takes place in schools for teachers. They all have to do it, and they do it regularly; they do it every year. That is what the Liberal–Nationals put up in August 2025. We could have had some reform if this arrogant government had been prepared to act immediately and listen to the work that we had done. And keep in mind that Jess is a young mum, so this is this is personal for her, yet the Allan Labor government voted down this bill. Why? Because it was not their bill. They do not want to do anything that is not theirs, and yet they needed to have the reform.

In October 2025 the government missed its own deadline in response to the rapid review, which identified three key changes: changes to the reportable conduct scheme, establishing a new shared intelligence and risk assessment capability and bringing child safety risk information together in one place, and thirdly, the third change, the establishment of an independent regulator. As a result of this delay, in November here we are rushing three pieces of legislation through the Parliament, allowing the opposition and the minor parties in some cases less than 24 hours to properly scrutinise two of the bills – that is, the social services regulation amendment bill and the early childhood legislation amendment bill. I do want to mention too, as my time finishes, the situation with disability, The bill states that it merges the Disability Services Commissioner, the Victorian Disability Work Commissioner and the Disability Worker Registration Board into the new Social Services Regulator, but the issue that we have here is that there have been a number of people that have not actually been allowed to have any say in this.

The bottom line is that the Social Services Regulator has been established without co-design with the Victorian disability community. This is simply not good enough, and we have some amendments for this. We hope that the government will support us, because we do not want to get it wrong – our children are too precious. All children deserve to feel safe when they are being looked after by childcare centre workers and in childcare centres.

Moira DEEMING (Western Metropolitan) (20:00): Here we are again, talking about the child safeguarding crisis in Victoria. Every government claims to care about child safety, but it is not something that can be achieved by renaming regulators or updating definitions or endless reviews. Child safety actually does have a benchmark in this country. It was set by the Royal Commission into Institutional Responses to Child Sexual Abuse, a five-year national investigation drawing on 8000 survivor testimonies, 1.2 million documents, 57 public hearings and the most rigorous forensic analysis Australia has ever undertaken into how children are harmed and how to prevent it. There is no government in Australia, no other level of government, that has produced work of that calibre. It is the gold standard because it does not flinch from the truth; it names the patterns, it names the causes, it names the cultural structures that predators exploit and it actually prescribes the remedy.

Today we are going to be debating three bills that the government insists will strengthen child safety in Victoria. This government has claimed multiple times across the years that it has honoured the Royal Commission into Institutional Responses to Child Sex Abuse, that it has implemented it through the Victorian child safe standards. Again we are being told that these three bills go further, but that claim really just cannot withstand the evidence, can it? Clearly, Victoria never, ever implemented the royal commission findings. Clearly, they inverted those findings, and that is why we have had over a decade-long child safeguarding crisis that has only ever got worse: a 32 per cent rise in early childhood abuse and neglect, a 136 per cent rise in reportable conduct notifications, child-on-child sexual assault escalating in schools, porn-fuelled aggression in children too young to understand what they are even imitating and a regulatory system admitting that it just cannot cope.

What the royal commission required is the same thing that Victoria erased. It begins with a very uncomfortable truth for some in this state: child sexual abuse is not random; it is patterned and, crucially, it is sexed. It is overwhelmingly perpetrated by males. I say this openly because prevention requires naming reality. The final report, in volume 10, says that understanding sex-based patterns is essential to prevention. That was not bigotry, that was not outdated ideology; that was the sum of 8000 survivor testimonies. The commission warned that when institutions hide the sexed nature of child abuse, they blind themselves to grooming, to escalation and to risk clustering. The Victorian child safe standards barely mention the words male and female. The incident categories, which this bill imports directly, reduce behaviours to abstract euphemisms, like inappropriate behaviour, boundary breaches, voyeurism – all stripped of the sex-specific patterns that make them identifiable. That is not increasing safety; that is disarming everybody who wants to enact child safeguards.

Voyeurism: think about that – unwanted watching of people when they are supposed to be in private situations. Well, isn't that just exactly what is going on when women and girls are told that they are not allowed to say no when they have a person of the opposite sex who is allowed to come in and supervise them and when they have got boys allowed to come into their change rooms and male teachers who say they are females allowed to supervise them in their change rooms? We have put into the law the opposite of what the royal commission said was so important.

Think about the Joshua Brown case. For more than two years staff documented aggressive boundary-testing behaviour, but because the system has no mechanism to track male pattern escalation, those early red flags never converged, so many children were harmed. Nearly 2000 children had to go for STI testing, which will go down in this state's history as one of the most disgraceful child safeguarding failures ever. But it is a predictable outcome of a framework that forbids institutions from naming the patterns that the royal commission told us must never be ignored.

Then there is record keeping. The royal commission found that abuse persisted because institutions failed to keep records, buried complaints or refused to join information together. The final report said records of complaints and concerns must be kept permanently so that patterns can be identified. Of course we know Victoria has done the opposite. They do not mandate record keeping in mature-minded decisions, in identity interventions in school, in pornography-exposed behaviours, in repeated boundary issues, in early grooming indicators or in patterns of harmful sexual behaviour. The Commission for Children and Young People, as we have heard, reported a 136 per cent increase in reportable conduct notifications followed by another 30 per cent increase, and yet the regulator was chronically under-resourced.

Of course the cost is not just money, is it? A child educator dismissed in 2020 for grooming and kissing toddlers retained a valid working with children check until 2025. There was no record that triggered cross-agency alerts, no prohibition notice and no integration between what the centre knew and what the regulator needed to know.

We have heard about Ronald Marks, arrested with nearly 1000 child abuse images. He kept his working with children check for four years after his arrest. He continued entering early childhood environments while under criminal investigation. I mean, how on earth? You cannot possibly just call these bureaucratic errors. This is a structural issue. It is an outcome of a system that is designed to be blind to the very patterns the royal commission told us must never, ever again be allowed to be invisible. Everybody in Australia knew. These bills before us tonight consolidate some functions, but they do not mandate the core record keeping that would have prevented both of those scandals. A system that cannot remember cannot protect, cannot prevent.

And then there are boundaries. The royal commission said that it was essential to have boundaries. Children must be protected from sexualised adult environments. Clear boundaries save lives and prevent abuse. But Victoria has actually dismantled boundaries left, right and centre. Let us go through a few. Under section 11A of the Sex Work Act 1994, retained in the 2022 reforms, infants under 18 months may lawfully be present inside brothels. Under the 2022 decriminalisation reforms,

children of any age may be present while sexual services are provided in private homes. There is no valid reason to have a child anywhere near sex work ever – ever. And we have got sex work in public spaces. You can put sexualised advertising in public spaces. You can have nude activism if it is for some trees or a bike ride or something. You can just go out there naked in front of children if you have got some kind of – I do not know – cause. No. Put your clothes on in front of children – end of. There is no excuse for ignoring the royal commission and for forcing everybody in this state and our children to be less safe because of it. Safeguarding experts describe this kind of cultural environment as a boundary-eroding ecosystem. Children absorb sexual cues earlier, adults become desensitised, as do children, and early warning instincts – which is what we need; the human firewall – are weakened.

Predators need to stand out from the background. It needs to be very easy to distinguish when someone is crossing a line. That is why when I was a teacher, if kids were crying, I would say, 'Look, I can see you're sad and I can see you need a hug, but I must not give you one, because then you will not know the difference between a predatory teacher and a good teacher.' There are certain things you cannot do because it is confusing to children. Consider the staff in the early childhood services who told reviewers that they no longer knew whether certain behaviours were worrying or just what kids pick up on the internet. It is that kind of hesitation that is the door that predators go through. Educators said things like, 'Oh, I didn't want to overreact. It's hard to know what's normal anymore.' It should be very clear. It should be very, very clear to everybody involved in child safeguarding exactly what is and is not reasonable, normal or beyond the line.

Harmful sexual behaviour and pornography: this is the emerging crisis that Victoria refuses to name. The royal commission foresaw that harmful sexual behaviours among children would become a major safeguarding challenge, and the Australian child maltreatment study found that adolescent males are now the highest offending group against younger children. Did you hear that? Our teenage boys are now the highest offending group against younger children. The New South Wales pornography inquiry heard that violent porn is driving choking, coercion and peer sexual assault. Teachers nationwide report harmful sexual behaviours in primary schools. I have had so many cases referred to my office, and they are linked to pornography. But in Victoria the child safe standards do not mention it. We have curriculums that teach children to analyse pornography. They do not warn them about it; they teach them to analyse it, to look at it, to judge it and to use it if they like it. That is ridiculous. That is negligent. It is also one of the steps in grooming.

Then you have got the fact that paedophilia, which I like to call paedosadism, is not allowed to be called a mental illness and treated until after the person acts on it and commits a crime. What on earth. Sexual attraction to children is not a legitimate sexual orientation. It has nothing to do with normal sexual orientation. It is not legitimate. It is a mental illness and we should treat it. We should try to eradicate that. And if you look for help, you cannot get help before you commit the crime. I mean – ridiculous.

And then parents – the royal commission's most important partner and the one Victoria erased. The royal commission said children are safest when institutions work with families and parents, not around them. Of course we have all heard here many times now that Victoria has erased parental rights. They can do whatever they want, basically, behind parents' backs. They do not have to tell them anything. They do not have to keep records about anything. Parents cannot protect children from danger that they are not even told exists. None of these bills restore parental notification or parental primacy despite the commission's clear requirement. These bills are all about administrative tidying; they are not about safeguarding reform. This government wants credit for reorganising regulators, but administrative consolidation is not safeguarding.

After everything the royal commission taught us, after everything survivors endured to give this Parliament and every Parliament in this country the truth, the Victorian government has built a safeguarding system that contradicts the evidence at every turn. It has erased sex, even though the commission said that it is vital for safeguarding children. It has ignored pornography, while the evidence shows it is driving unprecedented harm. It has dismantled boundaries, while predators

depend on that same boundary collapse. It has failed to keep records, when the commission had already said that that is the only pathway to justice. And it has created laws that affirm every sexual orientation – which would be fine if it excluded paedophilia – whilst telling children that the system is safe. That is not safeguarding. It is state-sanctioned risk, actually, and today's bills do not correct that failure. It is just another self-congratulatory missed opportunity to look after children, and it is a disgrace.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise to make a contribution for this cognate debate discussing the Allan Labor government's reform agenda for child safety with 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.

In doing so I would like to first thank my friend the Minister for Children, Minister Blandthorn, for her work in helping put together this comprehensive reform package to ensure that every Victorian can have the assurance that their child will be safe and looked after.

President, nothing matters more than the safety, dignity and wellbeing of children.

Early this year, allegations, nothing short of horrifying for many communities, arose of abuse in the early childhood setting.

Those events made one truth painfully obvious: we need to strengthen protections so they are more connected and more responsive than ever before.

That is why the Allan Labor government commissioned a rapid review of child safety in July.

I would like to acknowledge the critical work of Mr Jay Weatherill and Ms Pam White in leading this review into child safety law.

The rapid child safety review, which was provided to the government in August this year, aimed to identify key actions that we can take to improve child safety in Victoria.

Their work set out 22 recommendations aimed at improving every facet of our child safeguarding.

The government has accepted every single one of these recommendations and is committed to implementing all of them.

And these bills are part of the Allan Labor government's plan to adopt all 22 recommendations.

President, Victoria's early childhood education and childcare network is a vast network of various centres situated all around Victoria, delivering quality care for all children.

However, it has become apparent there is urgent need for reform.

Every parent deserves to know their child is safe and supported when they walk through the doors of a kinder or childcare centre.

These reforms will first establish a new Victorian Early Childhood Regulatory Authority.

Currently, early childhood education services are overseen by the Department of Education's quality assessment and regulation division, also known as the QARD.

This division is responsible for the child safe standards in Victoria.

However the Victorian Early Childhood Regulatory Authority Bill will establish a new body to replace it, with more powers and broader reach.

This is consistent with recommendation 9 of the child safety review.

The bills will also establish in law the Victorian early childhood worker register as well as the necessary powers for the new Victorian Early Childhood Regulatory Authority to maintain this register and share information as necessary.

The establishment of this register is a key reform derived from the recommendations of the child safety review.

The safety of children in early childhood education and care settings is paramount.

It is where young children can immerse themselves in play-based learning and be looked after.

These early education centres play a crucial role in children's lives and development.

They help provide Victorians with the best start in life, educating and caring for them, while their parents can enjoy the peace of mind while at work that their children are being looked after.

That is why we need to act now to introduce these new reforms, which will go far in strengthening the protections in place for these centres through a stronger oversight and regulatory system.

And it will meet the recommendations set out in the rapid review.

President, these bills follow the review's recommendation to introduce legislation to help aid in establishing an independent regulator for ECEC services and a register of workers in the sector.

This register will bring together, into a single system, the details of all staff working with children in the early childhood education sector.

Through this register, the Victorian Early Childhood Regulatory Authority, which will be established into law with these bills, will be able to quickly track and trace individuals working in the ECEC sector if required.

This would be a nation-leading reform.

It would set in place a new system which will do away with any inefficiencies in the current model.

The past few months have shown us the mismatch in employment information concerning some childcare centre workers – some records incomplete, some incorrect.

It was not up to scratch.

If we want a regulatory system which is effective and can keep our children safe, we need to have a framework which can trace and track this information on its own, without having to chase up various centres for their records.

That's why we are strengthening and consolidating the operations of the Social Services Regulator by bringing the working with children check, the reportable conduct scheme and child safe standards all under their jurisdiction.

This will be in place by early 2026 and will empower the regulator to act quickly and decisively in their capacity to reassess, refuse, suspend or revoke a WWCC when credible information is received to justify it as such.

Specifically, these powers will ensure that anyone banned from child-related work interstate will be banned in Victoria.

For childcare and early education workers, they will require a WWCC clearance to be immediately suspended while it is under reassessment for intended revocation, with no exceptions.

They will ensure that a WWCC clearance can be cancelled if it was obtained using false or misleading information or if the individual is prohibited from applying for a clearance to protect children from those who try to deceive the system.

And they will extend the time limits for laying charges where false information has been provided to obtain a WWCC clearance from 12 months to five years and six months.

The bills also allow for the Social Services Regulator and the VECRA to exchange information.

President, the bills create an offence and penalty for approved providers who fail to submit the required information to the new early childhood regulation authority.

There will also be offences and penalties in place for unauthorised access to the register and furthermore for inappropriately using or disclosing information from the register.

This is principally to protect the privacy of our early childhood education workforce while ensuring our children remain safe.

The maximum penalties for these offences are 60 penalty units for a natural person and 300 penalty units for a body corporate.

We're taking privacy seriously, and it's crucial that with a register or database of this nature we keep the appropriate security measures in place to protect our workforce's information.

Alongside this, however, it is important to ensure that the system is transparent and we can keep people accountable.

The regulation of early childhood education services, children's services and child safe standards for the sector will all be brought together with the visibility of employment for every worker in the sector.

That will be done under the responsibility of the newly created office of early childhood regulator, who will oversee that network system and ensure its orderly operation.

The importance of transparency cannot be understated.

When considering any potential investigation, it is incredibly important that we have accurate records of someone's employment history, where they may be working, and so forth.

President, childcare is one of those few sectors that does not neatly fit within the purview of either the state or Commonwealth governments.

Like many ventures, this is a sector that takes governance direction from both levels of government.

Childcare and other early childhood education reforms cannot be done by Victoria alone.

They are a national effort.

President, by giving more powers to the Social Services Regulator and bringing the working with children check, reportable conduct scheme, and child safe standards together, we are ensuring we are keeping our information secure and our kids safe.

For too long, the relevant information needed in these cases has been unnecessarily spread across different systems and databases that do not communicate.

It is highly inefficient and ineffective to keep sensitive information like this as separate between entities, rather than collated as one.

President, the new Victorian Early Childhood Regulatory Authority is likely to double the number of compliance checks and strengthen oversight.

It is a key part of our reform agenda from the rapid child safety review and builds on the immediate action we've taken to strengthen the working with children check, restrict personal devices and establish an early childhood worker register.

From 1 January 2026, it will begin operations and deliver a more streamlined yet effective regulatory system for early childhood education.

With more applications processed and twice as many compliance checks conducted, Victorians can expect a safer system that weeds out bad actors.

Nothing is more important than the safety and wellbeing of our youngest Victorians.

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

It is critical that we work to ensure the safety of all children who attend early childhood learning centres across Victoria.

The Allan Labor government has long been committed to the idea that every Victorian, no matter their background, deserves the best start at life.

And for our youngest Victorians, a vast portion of their early years is spent at these centres.

The principle of every Victorian having the best start in life in our early childhood education system is built on everyone having a safe and secure space to learn, play, and grow.

And these bills are building onto our existing record on strengthening these protections.

Whether it's the reforms to the working with children check embedded in these bills or to the regulatory oversights with the system, the Allan Labor government is committed to further reforms to make sure we have a world-class early childhood education system.

The new Victorian Early Childhood Regulatory Authority will be headed by the early childhood regulator, who will report directly to the Minister for Children.

That additional layer will provide even more oversight over the regulator's operations and provide for more transparency and security.

This is better for our oversight and regulatory bodies, as they will be under greater scrutiny to perform, and it is better for Victorian families, who deserve a safe childcare for their children.

President, this reform builds on the Allan Labor government's past record of delivering critical reforms for the early childhood education sector.

Many in this chamber will remember the amendments to worker screening, which in effect strengthened our screening laws around workers with a working with children check.

That legislation sought to support the protection of children by screening the criminal history of an applicant and provided information of relevant regulatory and disciplinary findings of people who work with children.

In the same spirit as that important and crucial piece of legislation, this one also moves towards greater flow of information between agencies.

Both of these are key elements in the 22 recommendations from the rapid child safety review, which as I have mentioned already, President, the Allan Labor government is committed to urgently enacting in full.

The goal is for a complete overhaul of Victoria's child safety system of checking and enforcement.

Reforming early childhood education and care in Victoria, including new and strengthened independent authorities to regulate the system, is of the utmost urgency.

The Allan Labor government has set out its pathway towards achieving all 22 of these recommendations, as well as the timeline.

It included reforms to require best practice for recruitment, induction, and training of new staff in the sector.

This government moved to update the statement of expectations for the ECEC regulatory authority to embed this requirement alongside clear guidance on recruitment and induction as set out in the rapid review.

This Allan Labor government has set out a timeline for the rest of the recommendations from this review.

We've committed that within the next 12 months we will commence the development of a new modified ratings certificate, ahead of them being issued for services.

We have pledged to boost the frequency of publication of compliance and enforcement activity on the QARD website for public viewing, an activity which will soon be subsumed into the new authority.

We will also start a consultation process with parents and stakeholders on prevention education, signs of grooming, and how to raise concerns.

We also will move to commence consultation on how to provide better training and clear guidance on how staff in the early childhood education space can report concerns, allegations and complaints, as part of a 'speak up' culture shift.

And subject to further developments across the country on the national framework, there will be a new safety and safeguarding program, developed in conjunction with Early Childhood Australia.

As I have pointed out earlier, President, it is not just a Victorian task but a national reform agenda.

The National Cabinet and the various ministers overseeing early childhood education in the state and territories have all agreed to and have signed up to this new national reform strategy.

It is aimed at creating and providing more certainty and consistency between the various state and territories in the Commonwealth.

It's great to see that there is a path forward to achieving and enacting all 22 recommendations from this report.

It will take some time for these to all come into effect, but Victorian families, and in particular parents, can rest assured that we are committed to keeping our youngest ones safe.

This new system will be in full force very soon and will do the work necessary to make our childcare system safer.

President, every parent deserves to trust that when they drop their child off at child care, they will be safe and protected.

They are entrusting our hardworking early childhood and education staff to look after their children for the day, and it is important we respect that trust given.

It is deeply unfortunate what has happened in the various childcare centres across Melbourne.

For so many families, it was one of the most traumatising days of their lives.

If we hope to maintain the trust those families have given to our ECEC system, it is vital that we act as quickly as possible to give our children the best protection possible under this new system.

And the Allan Labor government has taken to that task with urgency.

From the rapid review into child safety in these centres to the enactment of these pieces of legislation to build up and enforce the new system, this government has been acting decisively to deliver the necessary reforms to give parents and children that security.

I am proud of these reforms, and I would like to thank everyone who has put countless hours into this reform agenda for early childhood education.

I commend them to the chamber.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (20:15): At the outset, I acknowledge the contributions of members in this place to the cognate debate. This cognate debate speaks to three bills, to a package of reform, a whole package which is currently before the Parliament. It follows the events of July earlier this year, when the government commissioned the rapid review into child safety and the working with children check, which was conducted by Jay Weatherill and Pam White and which included extensive consultation, whilst being a rapid review, with our sector and experts. They developed a report that they delivered to government;

it included 22 recommendations, and the government indicated it would accept all of them. The whole package, all three bills, not just elements of the package, are required to enact every single recommendation of this review. We are doing that because that is what we said we would do. We commissioned a rapid child safety review, a review that considered child safety provisions and the working with children check, and we committed to implement every recommendation, and that is what we are doing.

I acknowledge in relation to the discussions that are ongoing on this package of reforms that there is an amendment in my name, which I ask to now be circulated. The amendment is to the Early Childhood Legislation Amendment (Child Safety) Bill 2025. In substance it is to modify the application of the proposed new sections 178A, 178B and 178C in the bill as they apply in Victoria to provide for the show cause process under those provisions to include the staff member or volunteer affected by the relevant direction to the approved provider. This amendment reflects good-faith consultation and matters raised with me as to the importance of workers and not just the provider receiving a show cause under these provisions. I thank the United Workers Union for their constructive engagement on this matter.

It is important that we put a few facts on the table in summing up, and I will refer to each of the bills in turn. Firstly, I will deal with the Victorian Early Childhood Regulatory Authority Bill 2025. In relation to this bill, it is a very straightforward piece of legislation, making the regulator independent and providing the legislative authority to administer the Victorian register of workers in early childhood settings and services. The purposes are to acquit the government's response to recommendations 4 and 9 of the rapid child safety review. As Mr Mulholland said, this bill went through the usual process, and I acknowledge Mr Mulholland and his colleagues for their engagement on the content of this bill.

In relation to the bill that provides for the national law and also the bill in relation to the Social Services Regulator (SSR), before I return to those two bills in this package, I want to address the criticism that these bills are being rushed. Mr Mulholland spoke to the need for proper time to consider this legislation. At the outset I would say that those in Mr Mulholland's party opposite are the very same party that called for the recall of Parliament to pass child safety bills on 5 July, which was only four days after our first press conference acknowledging the awful, evil allegations in relation to the accused that, if you like, set in train the events which led to the child safety review and whatnot. Indeed those opposite released glossy documents at that time, and they said they:

> … stand ready to work constructively with the Government and Parliament to ensure all necessary support is provided to those affected, and that the strongest possible safeguards are in place to prevent such tragedies in future.

Indeed Mr Mulholland asked me a question in this chamber about where those bills were up to and seeking for them to arrive. The necessary time was taken to draft those bills and for them to be adequately consulted on both following the review and in their implementation, but then they say they are rushed and there has not been enough time – it cannot be both. I note the interjections there, but Mr Mulholland also had briefings with my staff and the department about the bill. If Mr Mulholland had been doing his role as Shadow Minister for Education – I know it is a role he has not had for a lengthy period of time – he would also know that the changes that are proposed to the national law were well developed and broadly consulted on with stakeholders around the country for a lengthy period of time. They have been passed through every jurisdiction's cabinet to get to this place today.

While we would have liked, as I said when you asked me the question in the chamber, Mr Mulholland, to have brought this bill in October as we acknowledge we committed to, the process of national law being agreed to around the country necessitates that it pass through every jurisdiction. We thank the other jurisdictions for the way in which they engaged with us in a constructive manner to truncate those processes so that we could as quickly as possible bring this legislation here. As Shadow Minister for Education, had you been reading the education minister's meeting communiqués and following

the journey of reform – it has not appeared out of nowhere, but as I have said in a number of press conferences over recent months, in many senses it has been frustratingly slow, but it has indeed been fulsome and well developed to get us to this point today – you would know that the consultation, the work, the development and the journey of the national law bill to this place has actually been one that has taken some time, been well consulted on and well drafted and is in its final stages. We thank other jurisdictions for the quick way in which they worked with us to bring those things here. Another clue, Mr Mulholland, if you are a bit confused about where were heading, would have been watching the New South Wales Parliament as similar reforms were being made in that jurisdiction in relation to early childhood regulation.

I also want to deal with the comments that have been made in this place in relation to disability in particular, and I also want to reference points on the recommendation from the child safety review in relation to disability specifically, because there seems to be some misconception in the house that the parts of this bill that relate to disability are unrelated to child safety and have just been dropped into this bill. But if people in this house want to actually take the time to read the review – to actually read the report of Mr Weatherill and Ms White – they will find that page 72 of the child safety review states that we need to:

> … recognise some children may be at higher risk of sexual abuse – including children with disability …

I want to be clear that it seems that regrettably it is only this side of the house that supports every recommendation of the review. If you take the comments that have been made here today, many on that side of the house seem not to support recommendation 8.1, which speaks specifically to the vulnerability of children with disability. Recommendation 8.1 speaks to what we are seeking to do through the Social Services Regulator bill, which is bring common foundations together. The review stated that there was a need to join up information and create a common foundation across social services and disability. Again, for the benefit of the house: have a look at recommendation 8.1. If you do not support the disability elements of this bill, you do not support recommendation 8.1. Contrary to what some people here tonight have said, this is also consistent with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability report, and I would ask those who want to stand here and quote the disability royal commission report to actually read it in full as well. I urge you to read the disability royal commission report and the *Rapid Child Safety Review*, because what they both call for is a joined up, connected system with no cracks in it for predators to get through, where we can keep children and people with vulnerabilities safe right across our regulatory systems.

What we are proposing to do to implement the recommendations of the royal commission and recommendation 8.1 of our child safety review: encourage in child safety issues in disability – and out-of-home care, for that matter – being brought to the attention of the regulator through the establishment of a single complaints function. If you do not support the disability part of these bills, you do not support that. NDIS worker screening moving into the SSR – the same enhancements as the working with children check, but we need the information there to be able to act. Alignment of worker prohibition schemes across disability and out-of-home care – if you are banned from one, you should be banned from the other. Information received in the SSR on lower tier information is actioned and followed up rather than what we have seen, where there has been no further action on issues, as is evidenced in the annual report of the VDWC, the Victorian Disability Worker Commission. Too many things go unactioned, and we want to see that they go actioned so that we keep children safe. And we want to see the establishment of a carers register for out-of-home care.

The proof as to how the current fragmented system of regulation for children and adults with disability is working, or rather not working, is showing, as I said just a moment ago, through those agencies' recent annual reports. The Victorian Disability Worker Commission's most recent annual report shows that only five prohibition orders were put on workers in the past 12 months – five. This constitutes regulatory action for 0.003 per cent of the approximately 150,000 Victorian disability workforce. I wish I could truthfully tell you that this was the extent of conduct in the disability service

system in Victoria, but sadly, the latest Commission for Children and Young People annual report states, as I reported to this house in a ministers statement, there has been an increase in the substantiation rate for allegations in the disability sector, rising from 15 per cent in 2023–24 to 44 per cent this year. As Minister for Disability, when I see this rate has risen this significantly and we have a fragmented system of safeguards, this is an environment already being exploited by predators. There are currently four different regulators for disability services working with children. As a result, 90 per cent of the complaints received by the Disability Services Commissioner, and this again is in their own report, had to be referred elsewhere, including to the NDIS Quality and Safeguards Commission and to the Social Services Regulator. Most importantly, the new Leader of the Opposition backs our proposal to fix the issues in this bill. Despite the comments of Mr Mulholland – I am sure on behalf of the Shadow Minister for Disability, Ageing, Carers and Volunteers mind you – indicating that they now oppose implementing this recommendation of the rapid review, Ms Wilson in the other place stated:

> 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.

And she was right. So last week this recommendation of the rapid child safety review was urgent reform and something that families had been calling for, according to the new Leader of the Opposition. But today the opposition in this place has rolled their new Leader of the Opposition and done away with that position. They have decided that children with disability in Victoria should be second-class citizens. As I did in my ministers statement last week, I refer members to the statements of Dr Michael Bourke, a global authority on child sex offenders, who stated on ABC's *Four Corners* program:

> The predators are going to look for any prey-rich environment, any environment in which there's children, and then there's a decreased chance of being detected, right? And they also trade information online with each other.

So once they find somewhere where the rules are not enforced – and if the opposition have their way, that is children's disability services – that information immediately goes out and it is shared with like-minded individuals, and they start gravitating to these places.

The proposal from those opposite is: let us ensure that there can never be predators in early childhood, but let us throw open the door and roll out the red carpet for them in disability settings. Those opposite have had the time to review and question and receive answers on every single part of these bills, but when it comes to non-mainstream kids, it seems others cannot find the time.

Can I turn to Ms Gray-Barberio's comments and Mrs Broad's comments and others' comments in this place in relation to Julie Phillips from Disability Advocacy Victoria. I refer to Ms Phillips's own evidence in a parliamentary inquiry in this place when she stated:

> … Disability Advocacy Victoria should not be speaking on behalf of the disability community either.

These are Ms Phillips's own words.

> It should be speaking about disability advocacy issues, but it is not appropriate for it to be being consulted on other things that the disability community should have a say in.

These reforms have been supported by, to name a few, the Association for Children with a Disability – they do not want children to have less safeguards, they are very clear about that; Melba and the 13 co-signatories that we have discussed in this house previously; Yooralla; Berry Street; Down Syndrome Victoria; the Centre for Excellence in Child and Family Welfare, who I might say have a brilliant exhibition in Queens Hall this week if you would like to speak with them; and the Victorian Council of Social Service (VCOSS).

I am advised that Ms Phillips at Disability Advocacy Victoria – if that was indeed the hat she was wearing at that time, because Ms Phillips seems to also wear the hat of Disability Discrimination Legal Service and Disability Rights and Culture, so whichever hat it was that she had on, and all roads seem to lead back to Ms Phillips – declined to take part in the consultation. She was invited and she declined.

In addition to work with the Social Services Regulation Taskforce and consultation with the Victorian Disability Advisory Council, there has been consultation in relation to those groups and with those people, who are made up of members with lived experience, to go to the point that someone raised before about 'nothing for us without us'. I have also met with National Disability Services, the Health and Community Services Union representatives, the Victorian equal opportunity and human rights commissioner, the Social Services Regulator, VCOSS, Disability Advocacy Victoria, the Association for Children with a Disability and Early Childhood Intervention Australia Victoria/Tasmania. In addition to that, the Department of Families, Fairness and Housing consulted with impacted entities: the disability advocacy resource unit in VCOSS, Yooralla, Scope, Anglicare, the Centre for Excellence in Child and Family Welfare, MacKillop Family Services, the Victorian Aboriginal Child and Community Agency and the Office of the Public Advocate. The department also undertook consultations on maintenance of disability specialisation in the SSR, including with the HACSU, CPSU and the NDIS Quality and Safeguards Commission.

So, as minister, how could I possibly stand here and say – and I am surprised that anyone in this place can – that one group of children deserve more protection than another? I will not say that. I will not ever say that. And whilst those opposite feel that they have not had enough time to progress these rapid reforms in their entirety, in a way that acquits every recommendation, including recommendation 8.1 of the rapid child safety review, I will continue to be putting forward the same protections for children with disability as for all children. The public reasonably expects that all recommendations, including 8.1 from the rapid child safety review, will be acquitted, and one of those recommendations is particularly important in bringing together the disjointed regulatory framework.

Indeed, there has been a lot of discussion about needing time to consider the disability elements of this bill. Time is of the essence. Those opposed to these safeguards for children with disability say that they do not have enough time to read it, but for safeguards aimed at kids who do not have disability, they can find the time, as I said. When these matters came to light, the Leader of the Opposition put out a media release, which I will reiterate, saying that she was:

> … ready to work with the Government and Parliament to provide all necessary support to affected families and to take urgent action to strengthen Working with Children safeguards and child safety regulations.

Clearly, when referring to child safety, these references did not include kids with disability or those in out-of-home care. Under the priorities of the new Opposition Leader, those children are on their own, but this government stands by them. I commend the bills to the house.

The ACTING PRESIDENT (Michael Galea): Thank you, Minister, that concludes the debate. The question that the second reading be agreed to will be put separately for each bill, and any committee stages and third readings will also occur separately after this. We will consider the next steps of each bill in the order they appear on the notice paper.

Victorian Early Childhood Regulatory Authority Bill 2025

Second reading

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (20:35)

Evan MULHOLLAND: I have only got a few questions. It was acknowledged that there will be a $45 million spend on the new regulator, 100 new staff and 60 new compliance officers. Isn't this fact alone an acknowledgement that the existing regulator within the department was significantly under-resourced?

Lizzie BLANDTHORN: I thank Mr Mulholland for his question. I did hear him earlier refer to $45 million. I am looking at my box, but I believe it was $42 million and it was not solely for the regulator. There was certainly an initial amount of money, which will go to addressing some of the immediate issues there will be following the passage of the legislation. There will be further contributions as well to greater investment, and indeed the review itself called for the need for there to be greater resourcing invested in child safety and indeed greater resourcing from the Commonwealth as well in the implementation of child safety regulations.

But the key answer to your question, if your insinuation is that there needed to be more, is – I will put it this way: the new regulatory landscape that we are building will indeed require greater investment. But if what you are intending is to make a criticism of the existing regulatory environment, I would ask you to put a more specific question in that regard, because that $42 million allocation was a much broader investment than just the regulator itself.

Evan MULHOLLAND: It could be said for the staff, although I do acknowledge, as many others have, that the early childhood sector is a sector that is growing quite rapidly. I want to ask at least one question just on the authority for information requests from the minister. It is something that I am interested in. How will this authority for ministerial information requests work while ensuring investigations, ongoing enforcement matters and worker suitability assessments are not compromised or politicised?

Lizzie BLANDTHORN: If your key point, Mr Mulholland, goes to the independence of the regulator, the very fact that we are creating an independent, standalone statutory regulator speaks for that very fact. There will be relationships, as there are with any statutory regulator or entity, between government and that entity. As evidenced by this process that we are going through now, we set legislation, we make regulation and we set statements of expectations, so there will be an ongoing dialogue, information sharing and so forth. But we are seeking through this very bill to establish an independent regulator.

Richard WELCH: I meant that sincerely. Certainly if I was the minister, I would not want the authority to be able to be across or request information about the activities. How does the bill ensure an orderly transition of existing service approvals, active investigations, prosecutions and information-sharing arrangements to the new authority?

Lizzie BLANDTHORN: The establishment process to ensure a smooth transition without disrupting current regulatory operations is indeed underway in planning, in anticipation of support for this bill. The community can trust that existing regulatory functions will continue following the transition on 1 January 2026 and during the first year of operation as the Victorian Early Childhood Regulatory Authority embeds its operational approach. A dedicated transition team is in place already to ensure continuity of operations. The quality assessment and regulation division's (QARD's) core functions, including licensing, compliance and enforcement, will pass to VECRA, as I said, on 1 January. There will be clear communication with staff and services to ensure that everyone understands exactly what is changing, when and why. And, with the support of the Department of Education, VECRA will also continue to engage with external inquiries and processes, including the Parliament of Victoria's inquiry, the order for the production of documents from members of this place and the Victorian Ombudsman's investigation as well. So there are a number of things underway, and

there is transition planning in place to ensure the smooth operations and compliance with all obligations.

Evan MULHOLLAND: Just on the sorts of penalties in regulations, how will the government determine the scale and type of penalties permitted, and when will a schedule of penalties be publicly released?

Lizzie BLANDTHORN: Penalties are obviously prescribed in regulations. These are standard regulation-making powers, obviously. I am not sure that specifically goes to your question. Can you repeat your question for me?

Evan MULHOLLAND: Yes. It was clause 34. I thought it would be easier to ask on clause 1. How will the government determine the scale and type of penalties permitted under clause 34, and when will a schedule of penalties be released?

Lizzie BLANDTHORN: The only penalties in this bill relate to the misuse of register, but obviously there is a role to play in the implementation of penalties as they will apply under the national framework as well, and there is probably more to say about that on the subsequent bill.

Evan MULHOLLAND: When will the implementation phase be complete – the timeline for implementation?

Lizzie BLANDTHORN: It is obviously established on 1 January. I imagine it is complete on 1 January. Just let me try and find it – 1 January.

Evan MULHOLLAND: 2026?

Lizzie BLANDTHORN: Yes, 2026.

Anasina GRAY-BARBERIO: Minister, with the regulator VECRA now taking over QARD, what are some of the key differences outside of moving and shifting it to VECRA? What are the differences in VECRA versus QARD, other than just moving and shifting staff and everything, in terms of it being an independent regulator?

Lizzie BLANDTHORN: Obviously the number one difference is that the regulator will sit outside of the Department of Education as an independent statutory authority, and this goes to a key recommendation requiring implementation following the child safety review. It will be appropriately resourced. Its resourcing will obviously be extensive in terms of the additional functions that it is being required to establish as an independent statutory authority outside of the Department of Education. It needs to set up a whole lot of its own functions, having once relied on Department of Education functions in a corporate sense and in an administrative sense and so forth. Obviously, when we come to the subsequent bill, the range of tasks that it will be required to do and the extent of those tasks – if we take compliance visits, for example – will be greater than is currently the case.

Anasina GRAY-BARBERIO: Minister, to your knowledge, how many employees were at QARD?

Lizzie BLANDTHORN: 242.

Anasina GRAY-BARBERIO: And how many employees will now make up VECRA?

Lizzie BLANDTHORN: As it is established, there will be 288, and obviously, as its role continues, that may fluctuate.

Anasina GRAY-BARBERIO: Minister, just going off what you were saying about ensuring that the new VECRA regulator will be adequately resourced, do you anticipate this number to increase to meet the demands of the regulator?

Lizzie BLANDTHORN: The child safety review requires that it be adequately resourced to do the job that it is being asked to do.

Anasina GRAY-BARBERIO: Minister, could I just ask you some questions around contractors? It says that VECRA may engage persons with suitable qualifications or experience to assist the regulator in performing its functions and exercising its powers. Can you give an example of an occasion or scenario where you would require contractors and what that actually looks like?

Lizzie BLANDTHORN: It is a provision, Ms Gray-Barberio, that allows the regulator to be able to hire lawyers, IT consultants, whatever it is that it might need at any particular point in time, but not on an ongoing basis.

Anasina GRAY-BARBERIO: And will those sorts of details be made publicly available in the annual report for VECRA?

Lizzie BLANDTHORN: VECRA will obviously, as a statutory authority, be required to meet the usual annual reporting requirements.

Anasina GRAY-BARBERIO: Minister, you spoke on this earlier when you were answering Mr Mulholland's question around relationships between regulators: what sort of relationship will VECRA have with organisations or statutory bodies like the Commission for Children and Young People (CCYP) to ensure consistency between these regulators with regard to child safety?

Lizzie BLANDTHORN: At the current point in time and prior to one of these subsequent bills passing, the reportable conduct scheme, the child safe standards, for example, are in CCYP, and that requires ongoing conversation with QARD as it stands at the moment. Obviously, we are transferring some of those functions into the SSR. There will be the usual information sharing and whatnot as needed, but it is envisaged that some of that will not be – as great as it is at the current point in time – because that will be transferred into the SSR. But certainly what we are seeking to do here is make sure that the opportunity for information flow is as easy as possible so that there is not, like there has been in the past, disjointed pockets of information sitting in CCYP or in a disability regulator or somewhere else, where they are not sharing that information about children in a way that keeps them safe. The necessary relationships will be there, noting the changing nature of CCYP in this context.

Anasina GRAY-BARBERIO: Minister, could you just clarify, given the sector is growing at rapid rates – there are about 4000-plus early childhood centres across Victoria – how the sector will be notified of this new regulatory authority, VECRA.

Lizzie BLANDTHORN: It is certainly anticipated that there will be comprehensive communications across the sector. There will be additional resourcing to support VECRA to increase its communication and engagement, particularly with parents and the broader community. This includes updating existing website information on VECRA's roles and responsibilities and how the public can raise concerns about ECEC services. There is a monthly sector newsletter, education campaigns about children's rights and service safety. There will be a number of ways in which VECRA engages with the broader community from the outset in relation to its establishment.

Anasina GRAY-BARBERIO: If you could just speak to audiences and communities that perhaps do not have access to computers or have English as their second language, how will you ensure that they are also brought on the journey of the new changes?

Lizzie BLANDTHORN: Across government, and certainly in the education and community services sector, something that we are always cognisant of is making sure that information is available in different mediums and in different languages. It is envisaged that the necessary communications to ensure their broad dissemination will be in various formats, from the sector newsletters and the like through to updating websites and whatnot. But it is envisaged that there will be accessible communications, if that is really the point of your question.

Anasina GRAY-BARBERIO: Can I just ask you some questions around committees? The bill talks about VECRA establishing a committee to provide advice to the authority on matters related to the authority's functions and powers. Who exactly is going to be on this committee, and how will you be going about choosing committee members?

Lizzie BLANDTHORN: The ability for VECRA to establish a committee is not covered by other legislation, as is the case with most of its regulatory functions and powers. In order for VECRA to have the ability to establish a committee, it needs to be provided for via this bill, which is the intent of the provision. It is intended that the establishment of committees will generally be limited. For example, the current ECEC regulator seeks advice from at least one reference group in the performance of its functions. Putting this power into the legislation allows VECRA to continue to obtain advice as required to assist in the performance of its functions. There are not currently any plans to establish specific committees, if you like. This will be a matter for the regulator, noting that the current regulator has a regulatory reference group, and VECRA may determine to continue this. As a statutory authority, that will be a matter for them, not for me.

Anasina GRAY-BARBERIO: Minister, I actually asked this question in the briefing, and I was not quite satisfied with the response. But perhaps you can clarify: in regard to appointing the regulator, given that this is such a significant role, in the actual legislation there is a provision that for whoever is the regulator there is an option for them to be full-time or part-time. Surely that cannot be the case, Minister – whoever is appointed in this role cannot take this on part-time. Perhaps there is a provision there for this to be job share, so at least that way there is constant oversight over the significance of this role.

Lizzie BLANDTHORN: My advice is that this is a standard provision for these kinds of statutory appointments that has been replicated from other legislation. If you are at all concerned, let me put on the record that it is not envisaged that now or at any time in the future this would be a part-time role. It will be a very big job for whoever takes it on.

Anasina GRAY-BARBERIO: Thank you, Minister, for clarifying that; I appreciate it. Can you please provide an example of a situation where VECRA may enter into agreements or arrangements for the use of services of any staff of a department, statutory authority or other public body?

Lizzie BLANDTHORN: Again, this is a standard provision to facilitate sharing of resources and information in specific or specialist circumstances and could include something like a specialised person within a department or indeed the CCYP. To your point earlier, it is about how we can share resources where necessary and engage resources that might be sitting somewhere else that might be of use, again, to the independent statutory authority, but that would be a decision for them.

Anasina GRAY-BARBERIO: You were actually touching on my next question, which is about acting appointments. Obviously we have had, with the example of CCYP, a deputy secretary from an existing department step into that role, but this role has to be independent. How then do you reconcile the fact that this is an independent regulator, but for an acting appointment you are bringing in somebody from the government? How do you maintain independence? Even though they are in an acting capacity, I do not see anything in the legislation that maintains independence. Could you please speak to that – how we ensure true independence of the regulator there?

Lizzie BLANDTHORN: I reject the insinuation, as I have in question time in relation to the acting appointment at CCYP, but it is indeed a good example of the type of temporary periods where a minister is going through the process to select and recommend to the Governor a new appointee. In light of ensuring that there is not nobody acting in a role for a period of time, there are provisions to appoint acting roles. Those types of appointments, when we talk about the CCYP or others, go through the necessary processes such as cabinet and/or Governor-in-Council approval. They are not appointments made on an ad hoc basis, just signed off on at any point in time. If we are talking about the principal regulatory role, then you need to have the provisions to, in certain circumstances, do that.

But there also needs to be provisions within the legislation for the statutory authority to make use of other resources, be they government, other statutory authorities or elsewhere.

Anasina GRAY-BARBERIO: I am almost done, Minister. Who can check the address and contact details of people on the Victorian early childhood workforce register? Who has access to this?

Lizzie BLANDTHORN: Only people in VECRA, is my advice.

Anasina GRAY-BARBERIO: My final question is: will the register, as per the rapid review, capture past complaints, investigations or terminations? If so, is that in the legislation? Because I could not find it, but I may well have overlooked it.

Lizzie BLANDTHORN: The register as it stands will capture the factual information – the employment history et cetera – but will not include things like case notes and whatnot. It is a system, not a scheme, if you like. The scheme is the national work that is underway. What the review said was that we should establish a register, and indeed we actually, before the review even reported, used our kindergarten funding system to immediately stand up a version of a register. This will provide for that in legislation and allow that to be expanded on. But the national law work will provide over time for the development of a scheme.

Anasina GRAY-BARBERIO: So just to clarify: past complaints, investigations and terminations will not be in this legislation but in other legislation that is coming. Is that right? Did I understand that correctly?

Lizzie BLANDTHORN: This register will include things like factual information. If you think back to the case of the accused, one of the things in the absence of a system of registration that was difficult was knowing exactly where the person had worked and when. The idea is that what we would have – through what we stood up immediately and through what will be extended through this work in this bill, in a register sitting within VECRA – will be all of the, if you like, factual details: if someone is employed, if they cease to be employed et cetera. So it would include, in your example just then, termination, but it will not have case notes and things within it. What is happening in the national sense is the building of a scheme that allows us to take on a greater level of information to that point. What our review said in that regard is that we should work towards a national scheme because it is a national system, and we do need that so that predators cannot cross borders, for example; so that this moves and applies wherever somebody is. So that work will continue, and if that is not fast enough, then there is also the provision for us to come back and extend our own work if, again, the Commonwealth continues, if that work is too slow.

Anasina GRAY-BARBERIO: You are going to have to excuse me, it is late in the evening. I understand that this is something that is going to be covered at the national level, not yet at the state level, because that is what the national level is working towards, investigations and terminations. Is that right?

Lizzie BLANDTHORN: So to be clear about what the national educator register announced in August is and how our register is different from the national educator register – and this speaks to what we announced at our education ministers meeting in August in earlier this year and is expected to be rolled out nationally during next year, subject to the amendments that will come in relation to the national law. The national register will be a database of workers in the ECEC services right across Australia who are regulated under the national law in that national framework. Unlike the Victorian register, the national register will not include information about workers in services regulated under the Children's Services Act 1996 – and that is limited services; that speaks to things like our occasional care services, for example. Victoria welcomes and is indeed hopeful about the introduction of the national register and that opportunity it presents for that nationally consistent approach to identifying unsafe individuals and detecting predators who might move across jurisdictions.

Victoria will continue to support the Australian government to inform the design and implementation of that national register and work towards minimising in the process any I guess administrative burden on approved providers and maximising compatibility of registers. But what we will stand up at the outset in Victoria builds on what we stood up in July through our early childhood workforce register and through Arrival – our kindergarten funding system. That register is capturing all workers in ECEC services – I think there are over 68,000 of them at the current point in time – but services regulated under the national law and Children's Services Act 1996, and through this piece of work that will be maintained by VECRA and build on that July piece.

Clause agreed to; clause 2 agreed to.

Clause 3 (21:06)

The DEPUTY PRESIDENT: Ms Gray-Barberio, I invite you to move amendment 1 on your sheet 13C, which tests amendment 2 on that sheet.

Anasina GRAY-BARBERIO: I move:

1. Clause 3, after line 17 insert –

"***authorised officer*** means –

(a) an authorised officer within the meaning of the Education and Care Services National Law (Victoria); or

(b) an authorised officer within the meaning of the **Children's Services Act 1996**;".

This amendment is in relation to the minimum number of authorised officers. Our amendment proposes proportionality of authorised officers. The bill in its current form does not legislate a minimum requirement for the number of authorised officers employed or appointed by VECRA. We are concerned that without a mandated baseline of resourcing and proportional oversight there could be a risk of inadequate monitoring, delayed investigations and reduced support for services, particularly as the number of approved providers continues to grow.

New section 17A requires a minimum threshold of no fewer than 60 authorised officers and legislates an appropriate ratio of authorised officers to early childhood education providers. I guess it is clear that the intention with this amendment is that the sector is growing at a rapid rate, and it is important that the sector is properly resourced. This amendment also requires the minister to publicly report annually to Parliament on the number of authorised officers employed or appointed by VECRA, the ratio of authorised officers and actions taken to maintain adequate regulatory coverage.

Lizzie BLANDTHORN: I thank Ms Gray-Barberio for her amendment. We will not be supporting this amendment. At the outset I make it very clear that the government, as I said in my summing up, has committed to implementing every single recommendation of the rapid child safety review, including recommendation 13.1, which says 'to make sure funding is in line with the number of services to be regulated'. We have committed to do that. Indeed the Financial Management Act 1994 applies to VECRA, including the requirement to report annually to Parliament.

But further to that, I would be concerned that this minimum number would be too low and would set a baseline that is well below what we already have and certainly pose what we committed to after the rapid review, and that we can do much better than this. We are doing better than this, and we will as a government continue to make sure that what we do is in line with the number of services to be regulated, as was recommended by the review, so we will not be supporting this amendment.

Evan MULHOLLAND: After discussions with, I believe, the minister's office, I agree with I guess the intent, but I do not agree with how to get there. I agree with the minister that this could set a baseline whereby a minimum expectation is required. The funding there is in line with the amount of services that will obviously grow into the future. I just do not think it should be mandated in legislation, so the Liberals and Nationals will not be supporting this amendment.

Council divided on amendment:

Ayes (8): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Rikkie-Lee Tyrrell

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Gray-Barberio, I invite you to move amendment 1 on sheet 15C, which tests your remaining amendments.

Anasina GRAY-BARBERIO: I move:

1. Clause 3, page 4, after line 26 insert –

> "***Integrity and Oversight Committee*** means the Integrity and Oversight Committee established by section 5(a) of the **Parliamentary Committees Act 2003**;".

My next amendment is on the veto of the proposed early childhood regulator. This particular amendment really just speaks to increased oversight for the early childhood regulator. It would allow the Integrity and Oversight Committee to have veto powers over the appointment of the early childhood regulator, allow for that additional layer of oversight and allow for the regulator to be truly independent. We believe that the Integrity and Oversight Committee would be an appropriate committee to provide this additional layer of oversight. The committee will have 30 days to block or allow the appointment, and this amendment is based on similar models as outlined in both the Independent Broad-based Anti-corruption Commission Act 2011 and the Integrity Oversight Victoria Act 2011.

Lizzie BLANDTHORN: The government will not be supporting this amendment. The provisions in the legislation are in line with existing processes. They are in accordance with government guidelines. They provide sufficient scrutiny and accountability. They are not dissimilar to the appointment of the head of the Victorian Registration and Qualifications Authority or the Victorian Institute of Teaching, for example, or in other portfolio areas the Environment Protection Authority, where they are appointed by the Governor in Council, and that is also entirely appropriate in this instance. The Integrity and Oversight Committee is responsible for monitoring and reviewing the performance of agencies like IBAC and the Victorian Ombudsman and not these types of appointments. It is much more akin to the VRQA and the VIT, for example, or the EPA in another portfolio area, by way of example, so the government will not be supporting this amendment.

Evan MULHOLLAND: Again, I appreciate the intent of this amendment. I am thankful that it has been moved. But I think the IOC is specifically for integrity bodies, not for statutory regulators in different portfolios, so I do not think it is an appropriate place. Therefore the Liberals and Nationals will not be supporting this amendment.

Amendment negatived; clause agreed to; clauses 4 to 61 agreed to.

Reported to house without amendment.

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

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

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

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Second reading

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (21:23)

Evan MULHOLLAND: I have some questions. I am just going to ask them all on clause 1 to make things easier. The Liberals and Nationals will be supporting this bill. All questions are genuine in support of this bill and purely exploratory.

Does the government anticipate any operational delays in the standing up of the national early childhood worker register? I note there is a compulsory commencement date of 27 February 2026. Can you guarantee this deadline will be met?

Lizzie BLANDTHORN: The register will start on 26 February.

Evan MULHOLLAND: I just want to ask a couple of questions on the paramount consideration – again, I am just asking for clarification there, not with any sort of wrongful intent – and whether that creates sort of a conflict with the Corporations Act 2001 duty of directors and if that creates a legal uncertainty for boards of large providers who now have competing statutory obligations?

Lizzie BLANDTHORN: I would not doubt that any of your questions are with anything other than the best of intent. Enshrining the paramountcy principle in statutory duty for all decision-making reflects I guess a more contemporary understanding of the provision of early childhood services and the decision-making when it comes to the safeguarding of a child and what that means. Certainly 'paramount consideration' means that when making decisions the rights and best interests of children have to come first, ahead of profit and ahead of convenience, administrative ease or reputational risk. It applies to services and the regulator. Other factors can be weighed, but if there is a conflict, child safety and wellbeing outrank them. For example, for services this may mean that if supervision, staffing or layout creates a foreseeable risk, it is to be fixed. It is not to wait for rosters or budgets to catch up. Parent communication must be timely and candid where safety is at stake. For the regulatory authority, paramountcy means earlier, firmer intervention where risk to children is identified and transparency about enforcement so families can make safe choices. But the principle is not standalone; it informs the whole scheme. It underpins the tougher penalties and new enforcement tools, transparency measures, the regulator's enhanced powers and the sector's quality improvement obligations. But it certainly does mean that the safety of children must be put first.

Evan MULHOLLAND: Good. I think that is a good thing. How will the government measure or enforce the requirement that all decisions must give primacy to the paramount consideration, particularly where judgements may be subjective?

Lizzie BLANDTHORN: The concept of best interest or paramountcy of the child is not a new concept in national law. Further, given the use of this concept in several legislative schemes – and our child protection scheme would be one of them – it has been subject to extensive interpretation by the courts and has a settled meaning that prioritises a child's safety, wellbeing and development when making decisions about them. It requires considering a range of factors, such as the child's views, their physical and emotional needs, the ability of each parent to provide for them and the importance of the child maintaining meaningful relationships with family members and with cultural heritage, for example. I will leave it at that.

Evan MULHOLLAND: I am just looking at the systemic risk powers – clauses 65 to 77, for reference – and I am just I guess curious about the related provider. Under what circumstances would the regulator suspend an approval based solely on the conduct of a related provider rather than the provider itself?

Lizzie BLANDTHORN: Sorry, I am confusing my page numbers with my clause numbers.

The bill will obviously, as you have identified, introduce new powers to address non-compliance by related providers, which can be used when there are systemic compliance issues across two or more providers. Does that answer your question?

Evan MULHOLLAND: Yes. I am just wondering what natural justice protections exist for providers who may have had their approval cancelled due to behaviour of a related entity that might not be under their control.

Lizzie BLANDTHORN: Broad action can only occur when the regulatory authority is satisfied that there is a systemic risk as opposed to an issue in one provider, and not just a related provider by virtue of being related but more of a systemic issue – so not in response to isolated incidents. Each provider retains review rights, and this preserves fairness, obviously, and ensures a proportionate regulatory response. The provisions safeguard children and sector integrity, and they do not impose blanket burdens on operators. There is the opportunity also to seek review of determination for being related.

Evan MULHOLLAND: Just on the child safety training, has the government costed the additional training hours required for all staff and volunteers that will have to go through training?

Lizzie BLANDTHORN: That will be provided for through the childcare subsidy.

Evan MULHOLLAND: Just on the inappropriate conduct offences, how will the new strict liability framework avoid unfair liability for approved providers and nominated supervisors for conduct they did not directly engage in?

Lizzie BLANDTHORN: Thank you, Mr Mulholland, for your patience. The bill introduces obviously the new offences relating to inappropriate conduct, and they include that an approved provider must ensure that no child is subject to conduct that a reasonable person would consider to be inappropriate, as you said, 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. Approved providers and nominated supervisors therefore must take every reasonable precaution to ensure that no child is subject to inappropriate conduct, and this means that if a staff member behaves inappropriately, the staff member, their approved provider and nominated supervisor are all breaching the law.

Under the bill inappropriate conduct is conduct that a reasonable person would consider to be inappropriate in an education and care service. Whether or not a reasonable person would consider the

conduct to be inappropriate in an education and care service depends on the circumstances but could include whether the conduct is generally accepted practice in the provision of education and care; whether the conduct is likely to cause or result in harm, including emotional, psychological or physical harm or injury to a child or children enrolled at the service; the child's age and stage of development; or whether the conduct is sexual, aggressive or violent. It is also immaterial whether the child has consented to being subject to the conduct, the person subjecting the child to the conduct believes the child has consented to being subject to the conduct or the person subjecting the child to the conduct is related to the child.

These new offences are obviously designed to capture boundary-crossing behaviours which are below the existing criminal threshold – for example, below the thresholds for grooming and assault – but that still create risk to children or undermine trust. Typical examples could include sexualised comments or jokes; overfamiliar physical contact; secrecy with a child; private messaging or messages of 'don't tell' and those types of requests; one-to-one unsupervised time without justification; gifts, favours and favouritism that create dependency; or retaliation or intimidation when concerns are raised.

Evan MULHOLLAND: In responding to that question, you have answered my last two questions, so thank you.

Ann-Marie HERMANS: On the response to that question, I have further questions because under this government – its idea of what is appropriate and what is reasonable could be questionable to a lot of the parents in the South-Eastern Metropolitan Region. I am wondering why what you have just read out was not actually implemented and embedded in the actual bill, where we actually express these concerns about sexual conduct, keeping secrets and the use of mobile phones. I am looking at the use of mobile phones and I can see that there are an awful lot of fines, but there is nothing in here that really explicitly goes to the heart of sexual exploitation.

I know that it is nuanced throughout the bill. I have been referring to and looking up the 2010 bill and then the 2005 bill, which of course is pre phones that could actually take photos. Given that this is a bill about the safety of minors – children – some of which are not even able to defend themselves in speech, I am just wondering why the bill is not explicit enough in actually unpacking what is considered to be reasonable, what is considered to be sexual exploitation and what is considered to be inappropriate. Those words in a court of law could be expanded upon. I feel that perhaps you have not expressed it in the actual bill in a way that is actually protective enough. I am asking you in this context: why is that? This is a government that has permitted sexualised material in primary schools, allows libraries to do the rainbow toolkit and wants everyone to be having free three-year-old kindergarten, but you have not explicitly gone into what is appropriate sexual conduct and what is not appropriate sexual conduct and when it is actually considered to be abuse. That is not unpacked in the bill, and I am just wondering why.

Lizzie BLANDTHORN: I would refer you to new section 166A inserted by the bill, Mrs Hermans. It does address these issues and it is spelt out.

Ann-Marie HERMANS: You mentioned in your own comments that the safety of children must be put first, but then you have also talked about a 'reasonable person' in an education and care service. As I said, it does not really specify directly what that reasonable person is. It gives fines for inappropriate uses of devices, but it does not actually explain what 'inappropriate' would be. There are an awful lot of fines, but a fine is not going to protect the safety of children. I still have questions about why you did not go a little bit further to actually engage in the definition of what child safety is. As I said, I have had to go all the way back, first to 2010 and then to the 2005 bill, to understand your definition of 'child safety'. I am wondering why that was not a little bit more explicit in the bill.

Lizzie BLANDTHORN: This is obviously a national law bill, so these issues have been well canvassed in every jurisdiction around the country and certainly at education ministers meetings. There is the common legal test and there is common law around what that is, but it is certainly fair to

say that if behaviour puts a child's safety or dignity at risk, then it is not acceptable, and where behaviour appears criminal, it obviously becomes a police matter. The new offence does not replace established criminal processes when we are talking about behaviour at that level. But I would put to you that new section 166A in the bill does set these things out. There are common law tests about what is reasonable. It is also, as a consequence of both of those things, very well understood that behaviour putting a child's safety or dignity at risk is not acceptable. I think this has been considered at length by all of the jurisdictions and is spelt out extensively in 166A, contrary to what you are putting to me right now.

Ann-Marie HERMANS: I guess the concern is that the fast-tracking of these bills has been to protect against the vulnerability and the sexual discourse that has taken place with so many vulnerable young people – little children and babies even. I was just surprised when I was reading it and unpacking it, and I sort of see a slight oversight. Do you feel that there is going to be any additional work done in the near future that may tighten up some of these provisions at all in terms of specifying what sexual exploitation or explicit body exposure would be and those expectations? Because to me it works around it, and I understand it should cover everything, but it just does not explicitly go into it. I wonder if you think that down the track, in the very near future, there is going to be a need to tighten up that area at all or whether you feel that this is an adequate bill as it is and that there will be no further work needed to be done on this in the next couple of years.

The DEPUTY PRESIDENT: Minister, you can answer if you wish, but it is kind of asking you for an opinion.

Lizzie BLANDTHORN: I am happy to give it a go. In part I am prepared to give it a go because I did not have enough time in my summing up to directly address this same point which you made in your second-reading speech, Mrs Hermans. This national law bill has not been rushed. You will have heard me say a number of times in the press in recent months that in many respects it has been frustratingly slow. This has been work that has been in progress over a number of years and it has been extensively thought out, it has been extensively consulted on and it has extensively worked its way through jurisdictions across the country and the experts in each of those jurisdictions, including the national authorities, and it was brought to the national table of education ministers meetings. One of my frustrations when we are talking about a national system, a national framework or national law has been – and I do not say this as a criticism of the Commonwealth but more of our federated system – that it does actually take too long in many respects to change national law. Perhaps if we had had some of these changes in place already, we would not have the circumstances that we have had.

I say all of that and thank my interjurisdictional colleagues for the way in which we have worked together to really collectively bring this to the fore now and indeed to add things to it. As a result of our rapid review, the paramountcy principle, for example, was added into this first tranche. There is indeed a second tranche coming, and this work never stops. There is always more to do when it comes to keeping children safe and keeping up with ever-changing environments. If you consider the way in which, in the last decade, early education and care has changed in this country from being largely small providers to completely flipping around the other way, to being a largely market-driven sector, the regulation and the national law and the national framework has not kept pace with that. What this work is doing is addressing many of those issues.

I absolutely reject the premise of your question and the insinuations that there are mistakes here because it has been rushed. If anything, it has been too slow. It is here now. I thank my jurisdictional colleagues for that, and I look forward to continuing to work with them on what will continue to be the necessary improvements to it.

Anasina GRAY-BARBERIO: Minister, clause 120 in the bill provides that the regulatory authority may publish information about a range of enforcement actions taken, but the regulatory authority is not actually required to publish this information, and there is no requirement that the information be published in a way that is timely. For example, a way that could be useful is for parents

who are thinking of sending their children to a childcare provider. Why doesn't the bill make public reporting of enforcement actions mandatory?

Lizzie BLANDTHORN: Clearly one of the core issues that this bill is seeking to address is greater transparency for families, and in the compliance history of particular services there will of course be times where investigations may remain ongoing or may not yet be finalised, where it is not yet appropriate for some things to be published or indeed in order to protect the rights of the child. But there is certainly through this legislation the opportunity for there to be far greater transparency for families, in particular around the nature of their services.

Anasina GRAY-BARBERIO: We have heard concerns raised by not-for-profit providers that this bill, particularly in regard to the increase in fines, may make it difficult to attract and retain experienced staff and services, particularly in the role of nominated supervisor. Minister, what are you and your department doing or going to do to support the workforce, or where in the bill does it say that you will consider these sorts of challenges?

Lizzie BLANDTHORN: Ms Gray-Barberio, the penalty amounts refer to the maximum penalty that can be imposed for a particular offence. In practice this amount may actually never be reached, but it is intended to be a maximum, and we just want to emphasise that we are serious about protecting children and keeping them safe. Some staff may be deterred by this increase in penalties, indeed, but if they are doing the right thing, it should not be an issue for them.

Anasina GRAY-BARBERIO: Can you please provide some examples of the types of conduct that the new offences relating to inappropriate conduct seek to capture?

Lizzie BLANDTHORN: As you have identified, one of the key provisions is the introduction of an inappropriate conduct offence, which will be applicable to individuals and their approved providers and nominated supervisors. Similarly, we are introducing mandatory training for staff and volunteers which will uplift skills and knowledge across the board. The bill will also allow regulatory authorities to direct approved providers to suspend an educator or direct them to supervise that educator, and it also means regulatory authorities can directly oblige a particular staff member to undergo mandatory training. In this way regulatory authorities have more oversight of their individual staff. In Victoria the bill will also allow for disciplinary action and disciplinary proceedings to be taken against a person linked to an education and care service, or a person with management or control of a body corporate, and this provision will not target individual educators but those people who are making decisions about how services are run, an approved provider of an education and care service, such as a nominated supervisor of an education and care service, a person with management or control of an education and care service, and a family day care educator engaged by or registered with an education or care service, for example.

Sorry, did you also ask me about the sorts of behaviour that they constitute?

Anasina GRAY-BARBERIO: Yes.

Lizzie BLANDTHORN: The bill also introduces new offences relating to inappropriate conduct, as I have just outlined, and who it applies to. Under the bill inappropriate conduct is conduct that a reasonable person would consider to be inappropriate in an education and care service. Whether or not a reasonable person would consider the conduct to be inappropriate in an education and care service depends on the circumstances. But some examples, to go to your principal question: whether the conduct is generally accepted practice in the provision of education and care; whether the conduct is likely to cause or result in harm, including emotional, psychological or physical harm or injury to a child or children enrolled at the service; the child's age and stage of development; whether the conduct is sexual, aggressive, or violent; and though it would also be immaterial whether the child had consented to being subjected to the conduct, the person subjecting the child to the conduct believes the child has consented to being subjected to the conduct; or the person subjecting the child to the conduct is related to the child.

It is also intended that the new offences are designed to capture those boundary-crossing behaviours that, as I said earlier, are below the existing criminal threshold, such as sexualised comments and jokes; secrecy with a child; private messaging or 'Don't tell' requests; one-to-one unsupervised time without justification; gifts; favours; favouritism; creating dependency; or retaliation or intimidation when concerns are raised, for example.

Anasina GRAY-BARBERIO: That was a really good, comprehensive answer. My next question is: what kind of guidance will you or your department be giving to the workforce in relation to these new offences and changes in the bill ahead of the operative date?

Lizzie BLANDTHORN: There will be strong communications with the sector, both through the regulator itself but also working with our sector partners, who have also been quite engaged in, as I outlined in my summing up, consultation and development. Certainly much of what is being responded to here is what the sector has been asking of education ministers around the country, and certainly here in Victoria through our rapid review, for some time, and they are all actively and in a very helpful way engaging with us in communicating with sector partners about that.

Anasina GRAY-BARBERIO: Minister, could you please just outline what sort of safeguards or assurances are in place for nominated supervisors who may be held responsible for conduct undertaken by other staff within their service?

Lizzie BLANDTHORN: The intention is that there will be comprehensive training through the training provisions that will be established but also as part of people's ongoing development activities and so forth. Obviously, as I outlined earlier, there will be other communications from the regulator, from the sector partners et cetera – but principally through those training opportunities.

Anasina GRAY-BARBERIO: My last question is: are the penalties in the bill for early childhood teachers and nominated supervisors comparable with penalties for teachers and principals in primary and secondary schools? The increases in the penalty amounts are in line with similar penalties for offences in other comparable care and support sectors, such as under the Aged Care Quality and Safety Commission and the NDIS Quality and Safeguards Commission. Federal level penalty schedules in those sectors indicated ECEC sector penalties are currently on average three times lower where comparable offences exist, despite some outliers. For example, section 187 of the national law, a 'person must not contravene a prohibition notice', is an offence with a current maximum penalty of $22,900. However, under the National Disability Insurance Scheme Act 2013, section 73ZN, a person who engages in conduct that 'breaches a banning order', carries a penalty of 1000 penalty units for individuals and 5000 for corporations, so the intention is to align them with comparable sectors.

Anasina GRAY-BARBERIO: I did say that was going to be my last question, but I just have one quick follow-up. You said that is going to be comparable to the care and support sector, but does that include primary and secondary schools?

Lizzie BLANDTHORN: There are not equivalent provisions, I am advised.

Ann-Marie HERMANS: Minister, we have referred to section 166 of the Education and Care Services National Law Act 2010. Section 166 – and please correct me if I am wrong here – refers to 'offence to use inappropriate discipline', and interestingly enough the fines way back in 2010 had penalties of $11,400 in the case of an individual and $57,400 'in any other case'. But our fines in this bill are $6600 consistently throughout, and $34,200, so a significant drop.

It talks about, in section 166, corporal punishment and discipline 'that is unreasonable for the circumstances'. I do not see anything in here that is protective enough in the use of, let us say, photos or films, or perhaps the case of children being exploited sexually. I might be missing something, but it does not mention anything in what I am looking at right now. I am just wondering, because obviously this is all about protecting young people, babies, little ones from sexual predators. We want to keep them safe, not just in the regulation of how child care is conducted, but we want to keep them safe

from paedophiles and from sexual activity. And I cannot see that here explicitly expressed. I again ask: is this a deliberate omission? I cannot see where that provision is in there that absolutely protects children from sexual predators and sexual activity. When you read your statement out – and I will go back, I promise, afterwards and read everything in *Hansard* to get a really good understanding of what you have read out, because it is late at night and we are all tired and it is the end of the week – you mentioned about the keeping of secrets and so forth as being a lower level, and conversations with innuendos, or whatever your wording was. To me all of those things are highly inappropriate for somebody to be having with somebody else's little one. I just wonder why the provision is not in the safety bill to express genuine understanding of protection against sexual conduct with the use of photography. The inference is there, but there is no actual penalty for that that has been provided that I can see.

Business interrupted pursuant to standing orders.

Lizzie BLANDTHORN: Pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to 1 hour.

Ann-Marie HERMANS: I know you have read the information out – you have read it out twice – but it is not expressed directly in the bill, it is inferred. I do not know, I feel uncomfortable with the fact that this is about protecting babies from sexual conduct with people in the workplace and that there is nothing that has been really expressed in terms of use of photos, there is nothing in here that expresses anything that is found – it talks about it having to be uploaded onto a server, but it does not actually say that it must not be used for sexual conduct. It does not actually say that little ones are to be absolutely protected in all forms from all sexual contact.

Lizzie BLANDTHORN: I just want to clarify that we are reading the same thing, because I am referring to the new section 166A inserted into part 4, 'Other amendments to the Education and Care Services National Law', which does detail all of those matters to which I also spoke in my other answer, and as you said, I read it out at length, but that is indeed the purpose of committee. But I am looking at 166A in the bill, 'Offences relating to inappropriate conduct', and it goes through in greater detail, including the penalties, each of those matters I referred to I guess more conversationally in my answer. It also then speaks to the immaterial nature of some of the circumstances, which may include the types of conduct, including emotional, physiological, physical harm to a child, and a child's age and stage of development – that is all set out there in 166A. So I just want to clarify that we are reading the same thing.

The DEPUTY PRESIDENT: Minister, perhaps you could give a page number or clause number.

Lizzie BLANDTHORN: The clause number is 79, 'New section 166A inserted', and it is on page 45 of the bill.

Ann-Marie HERMANS: Okay. I can see that. Thank you. It does not express enough about what I would like to see in terms of sexual conduct. Obviously it will remain to be seen how protected our children are. But I do thank you for giving me the reference, and I have no further questions at this point.

Clause agreed to; clauses 2 to 109 agreed to.

Clause 110 (22:03)

The DEPUTY PRESIDENT: Ms Gray-Barberio, I invite you to move your amendments 1 to 6, which test all your remaining amendments.

Anasina GRAY-BARBERIO: I move:

1. Clause 110, page 118, lines 32 to 34 and page 119, lines 1 to 23 omit all words and expressions on these lines and insert –

"(5) The Regulatory Authority must publish on the Regulatory Authority's Internet site the following information relating to an education and care service –

(a) the name and address of the service;

(b) the name of the approved provider of the service;

(c) details of the following actions (***enforcement actions***) taken in relation to the approved provider, a nominated supervisor of the service or a staff member of, or a volunteer at, the service –

(i) any amendment of the approved provider's provider approval or service approval for enforcement purposes;

(ii) any suspension or cancellation of the approved provider's provider approval or service approval;

(iii) any direction under section 171 to exclude persons from the education and care services premises of the service;

(iv) any compliance direction given to the approved provider;

(v) any compliance notice given to the approved provider;

(vi) any suspension direction given to the approved provider;

(vii) any emergency action notice given to the approved provider;

(viii) any enforceable undertaking given by the approved provider, the nominated supervisor, the staff member or the volunteer;

(ix) any prohibition notice given to –

(A) the approved provider; or

(B) the nominated supervisor; or

(C) the staff member; or

(D) the volunteer; or

(E) any other person who is in any way involved in, or has been involved in, the service;

(x) any emergency removal of children being educated and cared for by the service under Division 4 of Part 7;

(xi) any prosecutions for offences against this Law committed or alleged to have been committed by the approved provider, the nominated supervisor, the staff member or the volunteer;

(xii) an infringement notice served on the approved provider, the nominated supervisor, the staff member or the volunteer.

(5A) The Regulatory Authority must publish details of any enforcement actions set out in subsection (5) as follows –

(a) for enforcement actions taken before the commencement of Division 1 of Part 5 of the **Early Childhood Legislation Amendment (Child Safety) Act 2025** – as soon as possible after that commencement but no later than 14 days after that commencement;

(b) for enforcement actions taken on or after the commencement of Division 1 of Part 5 of the **Early Childhood Legislation Amendment (Child Safety) Act 2025** – as soon as possible after that action is taken but no later than 14 days after that action is taken.

(5B) The Regulatory Authority must take reasonable steps to ensure any information published on the Regulatory Authority's Internet site under subsection (5) is accurate.".

2. Clause 110, page 119, line 25, omit "may" and insert "must".

3. Clause 110, page 120, lines 1 to 3, omit all words and expressions on these lines and insert –

"(b) the role in which a person in relation to whom enforcement action has been taken is or has been employed, engaged or appointed in or as part of an education and care service;".

4. Clause 110, page 120, line 10, omit "may" and insert "must".
5. Clause 110, page 120, line 14, omit 'child.".' and insert 'child.'.
6. Clause 110, page 120, after line 14 insert –

'(8) This section does not take effect until 27 April 2026.".'.

This amendment is really anchored in greater transparency because that is what parents deserve. As I said in my second-reading speech, we have seen in Victoria and New South Wales that allowing only internal reporting or government discretion can lead to delays, cover-ups and a lack of action until it is too late. I said in the beginning that clause 120 in the bill amends subsection (5) of section 270 of the Education and Care services National Law Victoria to provide that the regulatory authority may publish information about a range of enforcement actions taken. However, we think that specific, proactive and timely reporting of information on enforcement actions should be mandatory for the sake of transparency and also Victorian parents' confidence in the system to protect their children. The information is also required to be published within 14 days of the enforcement action and the name and address of the provider must be specified. A new subsection 5(AB) also expands the list of enforcement actions to be publicly reported to include suspension directions, supervision directions, training directions, disciplinary actions or the making of orders by a tribunal or court under 188F. The amendments will commence on the 27 April 2026 to allow systems on the government's website to be developed to clearly display the information to the public. Parents should have the right to know what is happening in their childcare centres, what risks exist, what allegations have been made and what steps can be taken to protect children. Without this openness, trust is broken, and the system will not improve until it is too late. I commend the amendments to the house.

Lizzie BLANDTHORN: I thank Ms Gray-Barberio for her amendment. While I agree with the sentiment of it, I would argue that it duplicates the existing or proposed publication obligations, including the recent measures arising from the education ministers' meetings. I would also put, though, as I did in my answer to an earlier question from Ms Gray-Barberio, that while we absolutely support, and many of the measures in this bill go to, those increased parameters of transparency, it is also necessary to retain discretion over information that is published at times in order for the best interests of the child to be protected, for child welfare reasons and also for procedural fairness, particularly for workers, particularly where there might be ongoing investigations. I appreciate the sentiment, but I argue that it is duplicative and also a little too blunt to deal with particularly child rights and worker rights that might arise with such a blunt instrument. I thank her for the sentiment and the expression of support for the measures, but we will be opposing this amendment.

Evan MULHOLLAND: Like the government, the opposition will be opposing this amendment and for the same reasons the minister just articulated. I would like to restate that the Liberals and Nationals will be fully supporting this bill and also understand the excruciatingly long national process that the minister and the government have had to go through in order to get to where we are in strengthening the national law framework, updating all of the assessment processes, introducing a new offence of inappropriate conduct within early childhood settings and addressing gaps in the system, and I express our full support for this bill.

Amendments negatived; clause agreed to; clauses 111 to 116 agreed to.

Clause 117 (22:08)

Lizzie BLANDTHORN: I move:

1. Clause 117, line 1, omit "**16HAH**" and insert "**16HAK**".
2. Clause 117, page 142, line 11, omit 'regulations.".'.' and insert 'regulations.".'.
3. Clause 117, page 142, after 11 insert –

'**16HAI Direction to suspend education and care by staff member (other than a family day care educator) or volunteer**

Section 178A of the Education and Care Services National Law (Victoria) applies as a law of Victoria as if –

(a) in subsection (2), for "provider a notice" there were substituted "provider and the relevant staff member or volunteer (as the case may be) a notice"; and

(b) in subsection (2)(c) after "provider" there were inserted "and the relevant staff member or volunteer (as the case may be)"; and

(c) in subsection (3), for "provider a show" there were substituted "provider and the relevant staff member or volunteer (as the case may be) a show"; and

(d) in subsection (3)(a) after "provider" there were inserted "and the relevant staff member or volunteer (as the case may be)".

16HAJ Direction to suspend education and care by nominated supervisor

Section 178B of the Education and Care Services National Law (Victoria) applies as a law of Victoria as if –

(a) in subsection (2), for "provider a notice" there were substituted "provider and the relevant nominated supervisor a notice"; and

(b) in subsection (2)(c) after "provider" there were inserted "and the relevant nominated supervisor"; and

(c) in subsection (3), for "provider a show" there were substituted "provider and the relevant nominated supervisor a show"; and

(d) in subsection (3)(a) after "provider" there were inserted "and the relevant nominated supervisor".

16HAK Direction requiring supervision of staff member (other than a family day care co-ordinator) or volunteer

Section 178C of the Education and Care Services National Law (Victoria) applies as a law of Victoria as if –

(a) in subsection (4), for "provider a notice" there were substituted "provider and the relevant staff member or volunteer (as the case may be) a notice"; and

(b) in subsection (4)(c) after "provider" there were inserted "and the relevant staff member or volunteer (as the case may be)"; and

(c) in subsection (5), for "provider a show" there were substituted "provider and the relevant staff member or volunteer (as the case may be) a show"; and

(d) in subsection (5)(a) after "provider" there were inserted "and the relevant staff member or volunteer (as the case may be)".'.'

This is a relatively minor but important amendment to put on the record insofar as the law will apply in Victoria. I acknowledge, in relation to discussions that are ongoing around the package of reforms, the amendment to the Early Childhood Legislation Amendment (Child Safety) Bill 2025 in my name is in substance to modify the application of proposed new sections 178A, 178B and 178C in the bill as they apply in Victoria for the show cause process under those provisions to include the staff member or volunteer affected by the relevant direction to the approved provider. As I said in my summing-up, this is a reflection of the good faith consultation and matters raised with me, particularly by the United Workers Union, as to the importance of workers, not just the provider, receiving a show cause notice under these provisions, and I thank them for that constructive engagement.

Evan MULHOLLAND: The Liberals and Nationals will be supporting this amendment. Although we received the amendment quite late, we see no issue with this amendment. I thank the minister's office for the constructive way in which they have explained it.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment. It is important to have workforce engagement, and their needs are met by this amendment.

Amendments agreed to; amended clause agreed to; clauses 118 to 125 agreed to.

Reported to house with amendments.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:11): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:11): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council has agreed to the bill with amendments.

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

Second reading

Motion agreed to.

Read second time.

Lee TARLAMIS (South-Eastern Metropolitan) (22:12): I move:

That the bill be committed to a committee of the whole on the next day of meeting.

Motion agreed to.

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

Council's amendments

The PRESIDENT (22:13): I have received a message from the Legislative Assembly in respect of the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to promote the health, safety and welfare of persons at work by regulating non-disclosure agreements relating to sexual harassment at work and for other purposes' the amendments made by the Council have been agreed to.

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

Introduction and first reading

The PRESIDENT (22:13): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Family Violence Protection Act 2008**, the **Crimes Act 1958**, the **Criminal Procedure Act 2009**, the **Evidence (Miscellaneous Provisions) Act 1958**, the **Jury Directions Act 2015** and the **Personal Safety Intervention Orders Act 2010** and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:14): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:14): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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

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

Overview

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

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

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

The Bill also makes amendments to the:

- **Crimes Act 1958** to amend the offence of stalking to improve its clarity and practical application and to reintroduce alternative verdicts for certain penetrative sexual offences.
- **Criminal Procedure Act 2009** to introduce new statutory functions for intermediaries to better reflect their role in practice and to extend certain existing witness protections to stalking cases.
- **Evidence (Miscellaneous Provisions) Act 1958** to allow notice relating to confidential communications and protected health information for protected persons who are a child or a person with a cognitive impairment to be provided to a parent, guardian or other appropriate person.
- **Jury Directions Act 2015** to make available statutory directions on consent for the offence of non-fatal strangulation and intimate image offences and to re-enact repealed directions on consent for historical offences to improve visibility.
- **Personal Safety Intervention Orders Act 2010** to allow a court to make interim orders on its own motion in criminal proceedings and bail hearings for certain offences.

Human Rights Issues

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Generally, the Bill promotes a number of fundamental human rights. Where there are any limitations on human rights, I am of the view that they are justified and reasonable, as discussed below.

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

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

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

Right to equality (section 8)

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

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

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

Protection of families and children (section 17)

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

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

wrongly subject to an order which may in turn result in longer-term, negative consequences for the family unit. This works to safeguard the care and wellbeing of children and protect the family unit.

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

Other promoted rights

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

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

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

Right to freedom of movement (section 12)

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

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

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

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

Right to privacy (section 13)

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

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

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

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

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

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

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

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

Right to a fair hearing (section 24)

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

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

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

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

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

children or have a cognitive impairment. These measures aim to enhance the protection and support available to complainants and witnesses in stalking cases and to improve their experience in the criminal justice system.

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

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

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

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

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

Rights in a criminal proceeding (section 25)

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

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

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

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

Extending ground rules hearings to stalking complainants may engage the accused's right under section 25(2)(g) of the Charter to examine witnesses against the accused. During ground rules hearings, the court considers the communication, support or other needs of witnesses and decides how the proceeding is to be conducted to fairly and effectively meet those needs. As a result, the subject matter and style of cross-examination may be limited to protect witnesses from unnecessarily stressful or intimidating questioning, and irrelevant questioning. Any limitation on cross-examination of witnesses occasioned by the Bill would be provided for by law and therefore would not interfere with the express right to examine witnesses at section 25(2)(g). Any limits on cross-examination imposed through ground rules hearings are rationally connected to the purpose of minimising trauma, and may assist in eliciting clear evidence from witnesses, promoting fair and efficient hearings. There is no blanket ban on cross-examination and no set rules in respect of how a witness' evidence is taken following a ground rules hearing – these being agreed between the parties and the judge at the ground rules hearing. The accused can seek leave to cross-examine and to make submissions with respect to the topics they would like to cross-examine a witness on in a ground rules hearing.

I am of the view there are no less restrictive means available to achieve the purpose of the reforms, which strengthen protections for victims and witnesses of stalking and improve their experience of the criminal justice system.

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

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

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

Other reforms

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

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

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

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

The Bill may engage a person's right to privacy (section 13) by amending the **Evidence (Miscellaneous Provisions) Act 1958** to allow notice relating to a protected person's confidential communications to be given to a parent, guardian or other suitable person, where the protected person is a child or is a person with a cognitive impairment. The purpose of this reform is to ensure that someone who can understand the content of the notice will receive a copy, to enable them to assist the protected person to consider if and how they wish to participate in a confidential communications application. Any impact on the right to privacy is balanced by requiring the prosecuting party to consider the protected person's views as to whom the notice should be provided to, thereby promoting the protected person's agency. The prosecuting party must also consider whether the alternative person to receive the notice is appropriate. In this way, I consider that any limit the amendments may impose on the right to privacy is reasonable and necessary to ensure the protected person is aware of their rights to participate in confidential communications applications. I further consider

that this reform will promote the right to equality before the law (section 8) by putting processes in place to support children and adults with a cognitive impairment to better understand how they can participate in confidential communications applications.

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

Enver Erdogan
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:14): I move:

That the bill be now read a second time.

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

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

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

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

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

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

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

FAMILY VIOLENCE REFORMS

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

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

Ensuring longer Family Violence Intervention Orders

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

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

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

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

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

Responding to risks of misidentification

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

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

These reforms are informed by, and are intended to complement, the considerations in the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), which ensures services are effectively identifying, assessing and managing family violence risk, including the risk of misidentification. As MARAM informs and improves existing tools at the discretion of the relevant organisation without overriding operational decision-making tools, there is scope for the legislation to support better incorporation of MARAM principles and considerations into operational decision making.

The Bill requires police and courts to consider if the respondent has been misidentified taking into account factors intended to help decision-makers prevent or consider whether misidentification has occurred when

applying for and issuing a FVSN or making a FVIO. The purpose of the amendments is not to add a new threshold or replace the existing tests that apply to FVSNs and FVIOs, but to encourage active consideration of misidentification and to minimise the risk of misidentification occurring.

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

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

Stalking in family violence matters

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

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

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

Systems abuse

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

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

Animals used to perpetrate family violence

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

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

Improving protections for children and vulnerable cohorts

Continuing protection for young people after they turn 18

The Bill clarifies that a child listed as a protected person on their parent's FVIO who turns 18 can remain protected for the duration of that order. As the Family Violence Protection Act is currently silent on the issue, this reform addresses inconsistent practice which has created uncertainty for young people. The reform will implement the intent of Recommendation 1 from Stage 1 of the Victorian Law Reform Commission's community law reform project on *Family Violence Intervention Orders for Children and Young Adults*.

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

Introducing a minimum age for respondents

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

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

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

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

Improvements to service of Family Violence Intervention Orders

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

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

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

Providing legislative guidance for substituted service

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

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

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

Streamlining service on respondents in prison

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

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

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

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

Streamlining service by other prescribed persons in the future

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

Extending the time for serving counselling orders

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

Extending the reach of Family Violence Intervention Orders outside Victoria

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

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

Extending legal representation for parties in contested FVIO proceedings

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

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

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

PERSONAL SAFETY, STALKING AND SEXUAL OFFENCE REFORMS

Allowing own motion interim Personal Safety Intervention Orders

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

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

Improving the stalking offence

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

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

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

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

Improvements to criminal proceedings and processes

Expanding witness protections to stalking cases

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

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

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

Clarifying alternative verdicts in certain sexual offence trials

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

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

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

New statutory functions for intermediaries

The Bill provides new statutory functions for intermediaries to better reflect their current role in criminal proceedings. Intermediaries are impartial officers of the court who have specific legislative functions to help

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

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

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

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

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

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

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

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

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

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

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

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (22:14): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Children, Youth and Families Amendment (Stability) Bill 2025

Introduction and first reading

The PRESIDENT (22:14): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Children, Youth and Families Act 2005** and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:15): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:15): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Children, Youth and Families Amendment (Stability) Bill 2025 (the Bill).

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

Overview

The main purpose of the Bill is to amend the *Children, Youth and Families Act 2005* to revise the permanency settings including by removing adoption from the hierarchy of case planning objectives, providing the Children's Court with greater discretion and flexibility in relation to the duration of family reunification orders, and changing legislative terminology to refer to and require consideration of stability in the best interests principles.

Relevant human rights

The following rights under the Charter are engaged by the Bill:

- privacy and reputation (section 13),
- protection of families and children (section 17); and
- protection of cultural rights including Aboriginal cultural rights (section 19).

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

Analysis of relevant human rights

Right to privacy and reputation (section 13)

Section 13(a) of the Charter ensures that individuals are not subject to unlawful or arbitrary interference with their privacy, family, home or correspondence.

Clause 6(4) amends the Act to remove the current time considerations required to be taken into account when determining permanency objectives by repealing existing sections 167(3), (4) and (5).

Clause 8 amends section 276A(2)(d)(i) to ensure that the timeframe connected with the Secretary providing advice to the Court regarding the making of a care by Secretary order lines up with the extended timeframe for the making of family reunification orders by changing the reference to 12 months to a reference to 24 months

Clauses 9, 10, 11, 12, 13 and 14 amend the period of time for which the Children's Court can make and extend a family reunification order, by allowing the court to make such an order for a period of time which could have the effect of placing the child in out of home care for up to 24 months, or more in specific circumstances (in which case it will be treated as if it were an extension to a Family Reunification Order), and then extend any such order for up to 12 months on each application for an extension. This was previously limited to a period of 12 months and 24 months in total in out of home care respectively.

The purpose of these amendments is to allow more time and flexibility for families to work towards family reunification where it remains in the child's best interests, before another order type providing for long-term out of home care or permanent care is pursued. The amendments also provide the Children's Court with more flexibility in making orders in the child's best interests. The amendments also seek to highlight the primacy of the child's best interests in making such decisions.

Acknowledging that delays in long-term decision-making can be harmful to children, clause 11 inserts new section 287B to provide a threshold for the court in determining whether to extend a family reunification order where a child has been in out of home care for longer than 24 months. This is intended to balance the need for stable and enduring arrangements for care and parental responsibility, against the need for greater flexibility for families to pursue reunification.

While the Bill authorises intervention into a family under a family reunification order (an order which confers responsibility for sole care of the child on the Secretary) for a longer period it does so subject to statutory requirements (including specified time limits, and the paramount consideration of the best interests of the child (section 10(1) of the Act). Without the amendments in the Bill, it is likely that children would be subject to other orders (such as care by secretary orders, permanent care orders or long-term care orders) which authorise similar or greater levels of intervention into families than family reunification orders.

I consider that the nature of the interferences authorised by the Bill in this instance are not new impacts, will be lawful and not arbitrary. They achieve an appropriate balance between the right to privacy and the right to protection of families and children.

Right to protection of families and children (section 17)

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

Clause 4 of the Bill amends the best interests principles by substituting section 10(3)(f) to provide that when determining whether a decision or action is in the best interests of the child, decision-makers must consider the child's need for stability. This includes considering the desirability of four key elements identified as contributing to stability in a child's life: continuity and stability in the child's care, including stable and enduring arrangements for care and parental responsibility; physical stability; cultural stability and relational stability.

Clauses 5, 6 and 7 of the Bill update terminology in the Act to refer to stability instead of permanency.

These amendments, together with the amendments to the case plan objective of reunification and the timeframes for which a court can make or extend a family reunification order, will provide greater protection to families by allowing more discretion, time and flexibility to facilitate the reunification of a child with their parents. This is appropriately balanced by the amendments in the Bill which place greater emphasis on the importance of stability to the development and wellbeing of children, retaining and reinforcing the desirability of timely reunification with parents, where this is possible, before an order conferring parental responsibility on the Secretary or another person is pursued to ensure stability in the child's care. Further, this is subject always to the principle that the best interests of the child are paramount.

Clause 6(2)(b) of the Bill provides for the repeal of section 167(1)(c) in the Act. The Act currently lists adoption as the third most preferable case planning objective for a child. This is now considered inappropriate in the context of a child protection system for reasons including that adoption permanently severs the connection to birth parents. The repeal of section 167(1)(c) of the Act promotes the right to protection of families and children by ensuring that case planning objectives under the Act are appropriate in the context of the purpose of the Act, including through prioritising case planning objectives which maintain a link to the child's birth family.

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

Section 19 of the Charter provides for the protection of cultural rights and outlines that people with particular cultural, religious, racial or linguistic backgrounds are not to be denied the right, with other people of that background, to enjoy their culture, to declare and practise their religion and use their languages. Section 19(2) of the Charter specifically details the distinct cultural rights of Aboriginal persons and that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain their kinship ties, and maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Clauses 4, 5, 6 and 7 of the Bill in replacing permanency with the concept of stability, particularly cultural, physical and relational stability, ensures the Act focuses on the maintenance of an ongoing connection to, understanding of and learning about, culture, family, tradition, language, religion, beliefs, values and stories.

The protection under section 19 of the Charter is positively engaged by these amendments, including the protection of the distinct cultural rights of Aboriginal persons contained in section 19(2) of the Charter.

Clauses 6, 9, 10, 11, 12, 13 and 14 also promote cultural rights by allowing longer timeframes to achieve family reunification in certain circumstances in the best interests of the child. The *Yoorrook for Justice* report recommended that the Victorian Government allow the Children's Court to extend reunification timelines where it is in the child's best interests to do so, in order to reduce the prevalence of Aboriginal child removal and impact on Aboriginal families.

Further, clause 6(2)(b) promotes section 19 of the Charter through ensuring the Secretary is prioritising objectives which maintain a link to the child's birth family by removing adoption from the case plan objective hierarchy.

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

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:15): I move:

That the bill be now read a second time.

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

The Bill amends the *Children, Youth and Families Act 2005* (the Act) to better support children and families to keep them together whenever it is safe to do so. The Bill incorporates significant reforms that are designed to promote the best interests of the child by maximising opportunities for safe, timely and sustainable reunification. The journey of reunification is unique to a family unit – each journey to reunify a child with their parents may take a different period of time.

The Bill places human rights at the centre of decision making, notably to promote and protect the family bond by keeping families together when it is in the child's best interests to do so. The Bill achieves this by supporting the reunification of families and ensuring they have enough time to access the necessary supports to make the necessary changes for children to return to their parents.

The *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014* (the Permanency Amendments) was introduced to provide children with certainty in their caring arrangements at an earlier stage. There is strong evidence which shows that this remains an important goal in the child protection system, as long-term uncertainty can have negative impacts on a child's life.

However, the Permanency Amendments have been too inflexible and have disadvantaged some families. This is borne out in several reviews of the Permanency Amendments, including:

- The 2017 *Safe and Wanted* report released by the Commission for Children and Young People, which found that there are barriers (such as availability of services) to reunification and that reunification rates had declined since the Permanency Amendments.
- The 2022 *Permanency Longitudinal Study* highlighted unanticipated results and recommended further monitoring to ensure improved long-term outcomes for children.
- The 2023 *Yoorrook for Justice* report recommended that reunification timeframes be extended where it is in the child's best interests to do so on the basis that current statutory timeframes had and are negatively impacting Aboriginal and other families.

The Permanency Amendments also introduced a hierarchy of case planning objectives, the third of which is adoption. Reviews and inquiries have made strong recommendations that adoption should never be a case planning goal within the child protection system, as it permanently severs a child's legal relationship with their parents:

- *Safe and Wanted* found that the presence of adoption in the permanency hierarchy was a cause for community concern.
- The 2021 Legal and Social Issues *Committee's Inquiry into responses to historical forced adoption in Victoria* recommended that adoption be removed from the permanency hierarchy and use of adoption on child protection grounds be restricted as far as possible.

The Victorian Government has taken these reviews into account and the views of many stakeholders that support families in the child protection system. The Bill responds to these reviews and community values by:

- Providing the Children's Court with discretion and flexibility when making Family Reunification Orders, to provide families with additional time to work towards reunification, where this is in the child's best interests;
- Removing adoption from the hierarchy of permanency objectives; and
- Substituting the term 'permanency' with 'stability' to strengthen the understanding of stability by the inclusion of key elements to consider in determining the best interests of the child.

Timelines for Family Reunification Orders

The Bill will remove strict time limits for children to reunify with their parents under family reunification orders. This change will implement recommendation 25 of the Yoorrook Justice Commission's *Yoorrook for Justice* report, which recommended that the Government "amend the Children, Youth and Families Act to allow the Children's Court of Victoria to extend the timeframe of a Family Reunification Order where it is in the child's best interest to do so".

Currently, Family Reunification Orders can only apply for a maximum period of 24 months, with an initial period of up to 12 months and a single extension of up to 12 months available. The Bill will remove these arbitrary and inflexible barriers and enable the Court to permit families to continue pursuing reunification for as long as it remains in the child's best interests to do so.

Under the reforms included in the Bill, the Court will now be able to issue an initial Family Reunification Order for up to 24 months since the child entered out of home care in most cases – or up to 12 months where the child has already spent more than 12 months in temporary care under interim orders. The Court will also be able issue extensions for these orders, when it is in the child's best interests, for additional periods of up to 12 months, with no limitation on the number of extensions.

The decision to make or extend a Family Reunification Order will be based on what is in the best interests of the child or young person, according to the best interest principles set out in the Act. When considering whether the extension of a family reunification order is in the child's best interests, the Court will be required to give consideration to:

- Any previous extension of the Family Reunification Order and the duration of each extension; and
- The extent to which a parent of the child has engaged with services and supports necessary for the safe reunification with the child; and
- Any circumstances that have impeded the progress of a parent's safe reunification with the child including circumstances preventing timely access to services and supports necessary for reunification.

These changes will provide additional time for parents to take the steps needed to safely resume the care of their child or children, such as accessing health and other specialist services to address protective concerns, where this is in the child's best interest. The extended initial period better reflects the time that some families require to access and realise the benefit from supports, noting that family reunification can and should occur at the earliest opportunity where safe to do so. This is an acknowledgment that there may be children and families with complex needs and may experience barriers accessing the support services they need and therefore, require further time to achieve reunification.

However, the Bill maintains appropriate focus on ensuring children receive certainty and stability at the earliest possible opportunity. The evidence is clear that long term instability has negative outcomes for children and the system cannot go back to the delays experienced prior to the Permanency Amendments. The additional considerations as part of the best interests test for Family Reunification Order extensions will ensure the Court keeps the impact of children's time spent out of their parent's care in the forefront of their minds, while ensuring that extensions can be provided in all situations where it is in the child's best interests.

To ensure the system maintains the balance between flexibility and providing certainty for a child in a timely manner, the Department of Families, Fairness and Housing is implementing a new monitoring framework to provide system-level oversight of efforts towards family reunification. This will enable the department to monitor and assess the impact of the amendments on planning, decision-making and reunification timeframes.

Adoption

The Bill will remove adoption from the stability hierarchy in the Act. In Victoria, the *Adoption Act 1984* sets out the legal requirements for adoption, including the principle of parental consent to adoption. The inclusion of adoption in the child protection system is inconsistent with this and there are significant community

concerns about the presence of adoption within the child protection system in the context of the Stolen Generations and the history of forced adoptions.

Making this change responds directly to the recommendations from various reports, stakeholders and communities, particularly the 2021 report of the Parliamentary Committee *Inquiry into responses to historical forced adoptions in Victoria*. It will align Victorian legislation with longstanding policy and practice, which is that adoption is not proactively pursued or recommended by child protection in Victoria.

In addition to this change, the Government will undertake further work to reconsider other connections between the Adoption Act and the Children, Youth and Families Act, to more clearly differentiate between the adoption and child protection systems and reinforce Government policy that it is always inappropriate for the State to pursue adoption for children involved with child protection.

Consideration of stability

There have been unintended consequences of the use of the term 'permanency' in the Act. The use of the term 'permanency' has created a greater focus on final legal arrangements for care of a child and Permanent Care Orders specifically, rather than encompassing broader factors that support stability and security for children. The Bill reverts to the use of the term Stability in place of Permanency.

The Bill will amend the best interests principles to require decision makers to consider stability as a holistic concept, making clear that stability has multiple dimensions. It is intended that, in determining the best interests of the child, decision makers are to consider:

- The legal arrangements needed to ensure a child's parent or direct caregiver has a lasting and legally secure relationship with the child. This is also known as 'legal stability'.
- Physical stability, to reflect the desirability of stable living arrangements, which support a child's connection to their community.
- Cultural stability, to reflect the desirability of the child maintaining an ongoing connection to, and understanding and learning of, culture, family, tradition, language, religion, beliefs, values and stories.
- Relational stability, to reflect the desirability of the child's positive, loving, trusting and nurturing relationships and emotional connection with significant others, such as parents, siblings, friends, family and carers

These elements are to be applied concurrently and read together when making decisions in relation to a child. Further detail regarding these elements is contained within the Explanatory Memorandum.

Statutory Review

The Bill requires the Minister for Children to cause an independent review of the Bill after it has been in force for five years. The review will consider both the appropriateness of the legislative provisions and the success of their implementation. This will ensure there is an independent and transparent process to consider the impact of these reforms, following an appropriate period of operation. The monitoring framework will be used in the intervening period to assess the impact of the changes and enable Government to identify and respond to issues ahead of the independent review process.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (22:15): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

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

Introduction and first reading

The PRESIDENT (22:16): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Crimes Act 1958** and the **Summary Offences Act 1966** to create new offences for certain conduct engaged in against certain workers and to provide that a burglary that involves a ram raid is an aggravated burglary, to make consequential amendments to the **Youth Justice Act 2024** and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:16): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:17): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I make this Statement of Compatibility with respect to the *Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025* (Bill).

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

Overview

The Bill introduces new offences to specifically address incidents where offenders assault, or threaten to assault, retail, fast food, hospitality and passenger transport workers (applicable customer-facing workers) in connection with the performance of their duties. The Bill also introduces new offences for directing intimidatory, offensive and threatening words and behaviour towards applicable customer-facing workers. In establishing these offences, the Bill delivers on the government's commitment to better protect these workers from assault and abuse.

The Bill will amend the *Crimes Act 1958* (Crimes Act) to introduce a new indictable offence of assaulting and threatening to assault applicable customer-facing workers in connection with the performance of their duties (maximum 5 years imprisonment).

The Bill will amend the *Summary Offences Act 1966* (Summary Offences Act) to introduce the following new summary offences:

a. A summary offence of assaulting an applicable customer-facing worker in connection with the worker's duties (maximum 6 months imprisonment)

b. A summary offence of using without lawful excuse, language that is profane, indecent, obscene, threatening, abusive or insulting or otherwise engaging in conduct that is threatening, indecent, offensive or insulting towards an applicable customer-facing worker in connection with the worker's duties (maximum 6 months imprisonment).

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

Human Rights Issues

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

a. right to freedom of expression (section 15)

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

c. right to culture (section 19)

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

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

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

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

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

a. Right to freedom of expression (section 15)

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

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

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

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

The limitation of the right to freedom of expression that arises is consistent with the Bill's purpose to protect applicable customer-facing workers from the threatening or abusive words and behaviour, while also ensuring that conduct done reasonably and for legitimate purposes is adequately protected. The applicable customer-facing worker offences clearly target assaults and extreme examples of threatening or abusive words and behaviour. A person will continue to be able to express themselves in such a way that does not cause harm, or that causes a person to feel unsafe. This balances the right of a person to hold and express an opinion and to engage with other members of the community with the rights of applicable customer-facing workers and in doing so protects public order and public morality and the stability of our free and democratic society. I consider these measures to be reasonable and justified in the circumstances.

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

There is no less restrictive way to achieve the purpose of the offences, which is to protect applicable customer-facing workers from threatening or abusive words and behaviour. Any limitation of these rights is balanced

with the charter rights contained in section 9 (right to life), section 10 (protection from torture and cruel, inhuman or degrading treatment), section 14 (freedom of thought, conscience, religion and belief), section 18 (taking part in public life), and section 21 (right to liberty and security of person), and is reasonable and justified under section 7(2) of the charter.

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

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including to adopt the religion or belief of their choice and to demonstrate their religious belief in public or private. It provides that a person must not be coerced or restrained in a way that limits their freedom of religion or belief in worship, observance, practice or teaching. Historically, the right to have or adopt a religion or belief has been held to be absolute and unqualified (*Eweida v The United Kingdom* (2013) 57 EHRR 8); however, limitations on the right to demonstrate religion or belief have been found to be reasonable and justified (*Victorian Electoral Commission* [2009] VCAT 2191).

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

Section 16(1) of the Charter protects every person's right to peaceful assembly, that is to gather intentionally and temporarily for a specific purpose. Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs. The UN Human Rights Committee, when commenting on article 25(a) of the ICCPR, considered the right to participate in public life to lie at the core of democratic government.

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

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

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

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

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

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

These offences and corresponding penalties apply for conduct directed towards a clearly defined cohort of victims, that is, applicable customer-facing workers in connection with the performance of their duties, where the prosecution proves that the offender knew or was reckless as to whether the victim was an applicable customer-facing worker. Applicable customer-facing workers play a critical role in the Victorian economy and in our community. Every single person in our community relies on these workers every single day to

perform their duties for the orderly functioning of our society. In return, applicable customer-facing workers should be able to perform their duties with dignity and respect, and free from harmful threats or abuse. In these circumstances, the establishment of offences that may result in the deprivation of an offender's liberty is a reasonable and proportionate measure to preserve the right to security of applicable customer-facing workers and maintain public order.

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

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

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

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

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

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

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

e. Protection from retrospective criminal laws (section 27)

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in. This reflects the principle, long recognised in criminal law, that there can be no crime and no punishment, other than as established by the law. The Bill protects this right by ensuring that the new offences and the amendment to the existing aggravated burglary offence have prospective application only.

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

Conclusion

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

Enver Erdogan
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:17): I move:

That the bill be now read a second time.

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

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

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

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

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

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

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

I shall now turn to the substance of the bill.

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

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

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

- A summary offence of assaulting an applicable customer-facing worker in connection with the worker's duties.

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

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

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

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

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

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

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

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

The worker harm offences contain a mental element that must be proven before a person can be found guilty of these offences. It must be proven that the accused knew or was reckless as to whether the victim was a protected worker. This safeguards from the use of these offences where the conduct does not relate to the status of the worker as a retail, fast food, hospitality or passenger transport worker as it ensures that an accused cannot be found guilty of a worker harm offence if the mental element is not proven.

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

The Bill will also amend section 77 of the *Crimes Act 1958* by providing that the offence of aggravated burglary will apply when a person commits a burglary and uses a vehicle to cause damage to a building to gain entry to that building to commit the burglary. 'Vehicle' is defined inclusively and could include a motor vehicle, vessel or other vehicle such as a forklift or other heavy machinery that is sometimes used to commit 'ram raids'. The amended offence retains the current maximum penalty of 25 years imprisonment for aggravated burglary, to better reflect the nature and severity of serious 'ram raid' offending. Such offending

is of increasing community concern and can be extremely dangerous and traumatic for staff, business owners, and members of the community. The reform will give prosecuting authorities another charging option for this type of offending, but they will also continue to have discretion to charge a range of existing offences to suit the circumstances of the particular case.

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

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

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

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

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

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (22:17): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Justice Legislation Amendment (Police and Other Matters) Bill 2025

Introduction and first reading

The PRESIDENT (22:17): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council '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.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:17): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:18): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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

Overview of the Bill

The Justice Legislation Amendment (Police and Other Matters) Bill 2025 includes a number of reforms to the Police and Attorney-General portfolios. The reforms broadly target four key objectives: addressing dangerous and radical conduct; improving community safety; enabling effective and efficient policing; and broader justice system reforms.

This Statement of Compatibility is in two parts. Part A discusses the majority of the Bill; Part B discusses reforms relating to addressing dangerous and radical conduct.

In respect of Part A, the Bill includes the following reforms:

1. Amendments to the *Victoria Police Act 2013* (VPA) to: empower Victorian police officers to transport people in police custody, care or control into or through NSW and SA in certain circumstances; expand Protective Services Officers' (PSO) duties to include hospital and crime scene guarding duties; provide the Chief Commissioner of Police (CCP) with discretion to determine the appropriate probation period for an appointee who was a former police officer with Victoria Police or a law enforcement agency in another jurisdiction; clarify the consequences of compliance or non-compliance with conditions of good behaviour in internal Victoria Police disciplinary proceedings; and to require the CCP to consult with the Minister for Police before issuing a code of conduct under section 61A of the VPA;
2. Amendments to the *Control of Weapons Act 1990* (Control of Weapons Act) to further improve the designated area weapons search scheme;
3. Amendments to the *Firearms Act 1996* (Firearms Act) to introduce new offences relating to a document that can be used to instruct a machine to manufacture a firearm;
4. Amendments to the *Drugs, Poisons and Controlled Substances Act 1981* (DPCS Act) to provide Victoria Police with authority to destroy drugs and drug-related equipment without a court order;
5. Amendments to the *Sex Offenders Registration Act 2004* (SORA) to clarify that the CCP can consult with victims on administrative actions under the SORA; to realign the jurisdiction for applications to suspend registrable offenders' reporting obligations; and to make other improvements to the administration and operation of the SORA;
6. Amendment to the *Confiscation Act 1997* to strengthen investigative and enforcement powers for recently enacted unexplained wealth powers;
7. Minor amendments to the *Crimes (Assumed Identities) Act 2004* to clarify its operation;
8. Technical amendments to the *Interpretation of Legislation Act 1984* (ILA), including addressing issues with the eligibility of non-citizens to hold public office;
9. Amendment to the *Crimes Act 1958* (Crimes Act) to allow respondents to attend the hearing of compulsory procedure order applications by audio visual link;
10. Amendment to the DPCS Act and Firearms Act to empower the CCP to display a thing seized under a search warrant issued pursuant to those Acts; and
11. Amendments to the *Surveillance Devices Act 1999* (SD Act) to promote flexibility and the timely making and determination of applications for surveillance device warrants and retrieval warrants.

In my opinion, the Justice Legislation Amendment (Police and Other Matters) Bill 2025, as introduced to the Legislative Council, may be partially incompatible with human rights as set out in the Charter. I base my

opinion on the reasons outlined in this statement. In particular, the designated area scheme under the Control of Weapons Act has previously been considered to be partially incompatible with the right to protection of children and families (section 17). I accept that the amendments made to the scheme by this Bill maintain, if not exacerbate, this incompatibility, which was identified when the scheme was first introduced, and again when further amended in early 2025.

The remainder of the Bill engages various rights but, in my opinion, is compatible with the human rights protected under the Charter.

Overview of human rights issues

The parts of the Bill discussed in Part A of this Statement of Compatibility engage the following human rights under the Charter:

- The right to recognition and equality before the law (section 8)
- The right to freedom of movement (section 12)
- The right to privacy and reputation (section 13)
- The right to freedom of thought, conscience, religion and belief (section 14)
- The right to freedom of expression (section 15)
- Protection of families and children (section 17)
- Property rights (section 20)
- The right to liberty and security of the person (section 21)
- The right to a fair hearing (section 24)
- Rights in criminal proceedings (section 25)

Recognition and equality before the law (section 8)

Section 8(3) of the Charter relevantly provides that every person is equal before the law and is entitled to the equal protection of the law without 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 in relation to a person means discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute protected by that Act.

Discrimination includes direct and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that protected attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that either has or is likely to have a disadvantageous effect on persons with a protected attribute.

These concepts are incorporated into section 8(3) of the Charter, whether or not the discrimination in question is unlawful under the separate legislative framework of the *Equal Opportunity Act 2010*.

Proposed amendments

Designated areas

The reforms relating to designated areas may engage the right to equality due to the potential for the reforms to have the effect of disadvantaging, or having a more burdensome impact on, certain cohorts with protected attributes. While this may constitute indirect discrimination, this will only limit the right if it is not reasonable in the circumstances. For the reasons set out below, I consider these reforms to be reasonable for public order and community safety purposes.

As the right to recognition and equality before the law is the first Charter right in this Statement that is engaged by the amendments to the Control of Weapons Act, I will first explain the operation of the designated area provisions in that Act and provide detail about the amendments to that Act that are contained in the Bill.

Existing sections 10C to 10L and Schedule 1 of the Control of Weapons Act operate to empower police to stop and search persons and vehicles in public places that are within areas that have been declared to be designated areas on the basis of a likelihood of weapons-related violence or disorder occurring in that area. Designated area search powers do not require police to have first formed a reasonable suspicion that the person to be searched is carrying a weapon, nor do police require a warrant to search a person for a weapon in a designated area.

Under section 10D, the CCP (or delegate, limited to an officer of or above the rank of Assistant Commissioner) may declare an area to be a planned designated area for up to 24 hours where there has already been more than one incident of weapons-related violence or disorder in the proposed area over the last 12 months and there is a likelihood that violence or disorder will recur. A longer duration for up to 6 months can

be declared where there has already been more than one incident of weapons-related violence or disorder in the proposed area over the last 12 months and it is necessary to designate the area for searches to be conducted to prevent or deter the occurrence of violence or disorder. A final category of planned designated area is for an event in relation to which weapons-related violence or disorder has occurred previously or where the CCP has information that there is a likelihood that violence or disorder involving weapons will occur at the event. Planned declarations of designated areas for events operate during the event and during any time before and after the event that the CCP considers reasonable and may operate for more than one period, for example for each day of a multi-day event.

Under section 10E, the CCP (or delegate) may declare an area to be an unplanned designated area where the officer is satisfied that it is likely that violence or disorder involving weapons will occur in the area and that it is necessary to designate the area for the purposes of enabling the police force to exercise search powers to prevent or deter the occurrence of that violence or disorder.

Sections 10G to 10L of the Control of Weapons Act authorise the police and PSOs on duty in a designated place, to stop and search for weapons in public places that fall within a designated area, including persons and things in their possession or control (section 10G) and vehicles (section 10H). The police and PSOs are empowered to seize any item detected during the search that they reasonably suspect is a weapon (section 10J).

A police officer or PSO who detains a person or vehicle under section 10G or 10H of the Control of Weapons Act in order to conduct a search must, if requested by the person, inform them of their name, rank and place of duty and provide that information in writing, and, if not in uniform, produce their identification for inspection, inform the person that they intend to search the person or vehicle for weapons and are empowered to do so under the Control of Weapons Act and give the person a search notice unless one has been offered and the person refuses to take it.

A search notice provides the person to be subject to a search with the following information: that the person or vehicle is in a public place that is within a designated area, a declaration is in force under section 10D (planned designation) or 10E (unplanned designation) of the Control of Weapons Act, that police officers and PSOs on duty at a designated place are empowered to search the person and any thing in the possession or control of the person or the vehicle (if applicable) for weapons, and it is an offence for the person to obstruct or hinder a police officer or PSO in the exercise of these stop and search powers.

Schedule 1 to the Control of Weapons Act sets out detailed requirements that police and PSOs must comply with in conducting weapons searches. The search powers that may be exercised by police are graduated to ensure that initial searches may only be conducted by way of an electronic metal detection device. The initial electronic device search is a search of a person or thing by passing an electronic device over, or in close proximity to, the person's outer clothing or thing. It is the least intrusive form of search designed to fulfil the objective of the scheme to address the likelihood of violence and disorder involving the use of weapons in a designated area.

Only after an electronic metal detection device search has been conducted and, as a result of that search, a police officer considers that a person may be concealing a weapon can the police officer conduct a pat down search, search of outer clothing and search of any thing in the person's possession, such as a bag (clauses 4 and 5 to Schedule 1 to the Control of Weapons Act).

Clause 6 of Schedule 1 to the Control of Weapons Act sets out safeguards that police must, so far as reasonably practicable, comply with to preserve dignity during an outer search.

Strip searches are permitted under the search scheme but may only be conducted after an examination of things and outer search of the person has been conducted, the police officer reasonably suspects that the person has a weapon concealed on their person, and the police officer believes on reasonable grounds that it is necessary to conduct a strip search and the seriousness and urgency of the circumstances require the strip search to be carried out. Clauses 8 to 10 of Schedule 1 to the Control of Weapons Act set out detailed requirements that apply to the conduct of strip searches.

A police officer may request a person who is to be subject to a strip search under Schedule 1 to disclose their identity if that is unknown to the police officer (section 10K). It is an offence for a person to, without reasonable excuse, fail or refuse to comply with a request to disclose their identity, provide a false name or an address that is not the full and correct address.

Special rules apply to searches that are to be conducted on children and persons with impaired intellectual functioning to ensure that, as far as possible, outer searches and strip searches are conducted in the presence of a parent, guardian or independent person, or in the case of unplanned designated areas, or other person who may be a police officer.

The designated area provisions of the Control of Weapons Act also empower police and PSOs to seize and detain any item detected during a search that is reasonably suspected to be a weapon (section 10J). If, after examining the item, the police officer or PSO determines that the item is not a weapon, the item must be returned to the person without delay.

Section 10KA provides for other powers that may be exercised in relation to a designated area. These powers, which were inserted into the Control of Weapons Act by the *Crimes Legislation Amendment (Public Order) Act 2017*, permit a police officer to direct a person wearing a face covering to leave a designated area if the officer reasonably believes the person is wearing the face covering to conceal their identity or to protect themselves from the effects of crowd controlling substances (for example, oleoresin capsicum spray) and the person refuses to remove the face covering when requested to do so. A police officer may also direct a person to leave the designated area if they reasonably believe the person intends to engage in conduct that would constitute an affray or violent disorder offence under sections 195H or 195I of the *Crimes Act 1958*.

Earlier this year, amendments to the designated area provisions of the Control of Weapons Act, which were included in the *Terrorism (Community Protection) and Control of Weapons Amendment Act 2025*, came into force to significantly improve the operation of this longstanding scheme. This included extending the maximum duration of designated area declarations for 12 to 24 hours, inserting a new ground for declarations to be in force for up to 6 months, enabling event declarations to include additional time before and after the event, and reducing the minimum time that must elapse from the end of a planned designation before another declaration can take effect in the same area, from 10 days to 12 hours thereby permitting more frequent designations of areas to be declared.

This Bill will make three more changes to the designated area scheme to further improve its operation.

The first amendment will allow a planned designated area for an event to include a 'key transit point', which is defined to mean a bus stop, railway premises or tram stop that is in the public transport system, if the key transit point is in the vicinity of the event and persons attending the event are likely to access it for the purpose of travelling directly to or from the event. A notice of the declaration that is published in the Government Gazette and on the Victoria Police website must include a map of the designated area that sets out any key transit points that are included in the declaration.

This amendment will extend the geographical scope of designated areas for events, where the CCP considers it appropriate within the grounds for making the declaration, to include those public transport points to enable police and PSOs to search for weapons that may be brought into the event or taken out from it. I believe that this amendment will add to the overall safety of events by enabling the detection of weapons before people enter the event as well as reducing weapons carriage outside the event venue after the event's conclusion. For example, Victoria Police has identified instances where weapons have been secreted in locations around platforms and other parts of railway stations to be picked up and taken to events or collected afterwards¬ – in circumstances where such weapons have fallen outside the scope of a declared designated area. In order for the scheme's overall purpose of preventing weapon-related disorder or violence to be realised, the scheme must be able to apply to, and effectively target, such practices.

The second amendment will allow search notices that must be given to persons to be searched in a designated area to be given in an electronic form in accordance with the *Electronic Transactions (Victoria) Act 2000*. Although that Act already operates to enable these notices to be provided electronically, this amendment will put the power beyond doubt. It is anticipated that the provision of search notices by way of QR code or other electronic means will make it easier for many people to access and retain the notices, should they decide to receive the notice.

The third amendment will modify the requirements in clauses 11 and 12 of Schedule 1 to the Control of Weapons Act that apply specifically to outer searches (for example, pat downs) of children and persons with impaired intellectual functioning in planned designated areas.

In relation to the rules for searching children, the amendments will retain the existing requirement that an outer or a strip search of a child must be conducted in the presence of a parent or guardian or, if the child is mature enough to express an opinion and indicates that a parent or guardian is not acceptable to the child, in the presence on an independent person who is capable of representing the interests of the child and who is acceptable to the child. Existing provisions will also be retained to provide for an outer or strip search to be conducted in the presence of an independent person who is capable of representing the interests of the child and who, as far as is practicable in the circumstances, is acceptable to the child when a parent or guardian is not then present and the seriousness or urgency of the circumstances require the search to be conducted without delay. However, the Bill will insert new provisions to allow an outer (but not strip) search to be conducted in the presence of any person, other than the police officer conducting the search, when it is not practicable in the circumstances for the search to be conducted in the presence of a parent, a guardian or an

independent person in the case of children aged 15 to 17 years without further criteria and in the case of children under 15 years of age, provided additional criteria is satisfied.

In relation to the rules for searching persons with impaired intellectual functioning, the amendments will retain the existing requirement that an outer or a strip search of the person must be conducted in the presence of a parent or guardian of the person being searched and if that is not acceptable to the person, in the presence on an independent person who is capable of representing the interests of the person and who is acceptable to the person. Existing provisions will also be retained to provide for an outer or strip search to be conducted in the presence of an independent person who is capable of representing the interests of the person and who, as far as is practicable in the circumstances, is acceptable to the person when a parent or guardian is not then present and the seriousness or urgency of the circumstances require the search to be conducted without delay. However, as is the case in relation to children under 15 years of age, the Bill will insert new provisions to allow an outer (but not strip) search to be conducted in the presence of any person, other than the police officer conducting the search when it is not practicable in the circumstances for the search to be conducted in the presence of a parent, a guardian or an independent person, provided additional criteria is satisfied.

The additional criteria that will apply to a child under the age or 15 years and all persons with impaired intellectual functioning (regardless of age) to permit an outer search to be conducted in the presence of any person (who may be another police member) when a parent, a guardian or an independent person is not available, are the same. In these circumstances, the search may proceed in the presence of any person if the police officer conducting the search reasonably believes that the seriousness and urgency of the circumstances require the search to be conducted without delay, including, but not limited to, the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed, or an immediate search is necessary to protect the safety of a person.

I am aware that searches of children and impaired persons engage a number of Charter rights. In respect of children, the existing search powers of the Control of Weapons Act have been previously stated to be incompatible with the right to protection of children and families, for permitting potentially arbitrary interferences with a young person's privacy through a warrantless search for a weapon without reasonable suspicion that the person possesses a weapon, and where such searches could be conducted on children without any minimum age.

I accept that the amendments in this Bill, which expand the potential scope of areas in which such powers can be exercised, and amend some of the safeguards that apply to searching a child or persons with impaired intellectual functioning, are likely to disadvantage persons with the protected attributes of age and disability.

However, I am of the view that these amendments are reasonable, so as to not constitute indirect discrimination. Firstly, the amendments to the conditions of searches do serve dual purposes, including a beneficial purpose. A consequence of a child or person with impaired intellectual functioning refusing to cooperate or produce a suspected weapon following a metal detection device search or a search of things, such as of a person's bags or their pockets, is that the child or person may be detained by police for prolonged periods of time for police to facilitate the attendance of a parent, guardian or suitable person to be present for further searches. As a last resort, police may on occasion arrest and transport the child or intellectually impaired person to a police station to engage support from relevant agencies for an independent person. This process necessarily leads to greater interferences with the rights of the child or intellectually impaired person through a longer duration of temporary detention, and raises associated safety and welfare risks. The additional criteria to enable police to conduct outer searches within the designated area will reduce unduly delaying or prolonging the duration in which children and intellectually impaired persons are detained by police.

To the extent that the modified requirements otherwise disadvantage persons with the protected attribute of age and disability, I consider that they are reasonable and strike the right balance by ensuring weapons searches can be undertaken in a designated area for the safety and security of the community with appropriate safeguards. I note that additional safeguards are provided for in relation to children under the age of 15 and persons with impaired intellectual functioning, being that the officer must reasonably believe the seriousness and urgency of the circumstances require the outer search to be conducted without delay. The circumstances included in the amendments, such as to prevent evidence being concealed or destroyed due to a delay, or whether an immediate search is necessary to protect the safety of a person – are commonly accepted criteria in other contexts for justifying an urgent search that waives procedural protections.

The amendments may also affect the protected attribute of religious belief or activity, and/or race. I note that knives are an important religious symbol for certain faiths, for example, baptised Sikhs who carry a kirpan, an object which resembles a sword or dagger. While an exemption operates under the Control of Weapons Act to permit the carrying of kirpans for religious observance, the use of the search powers within designated areas may have particularly intrusive impact on people who carry knives for religious reasons.

While the Bill will extend the circumstances in which this intrusion may occur, I consider any limitations placed on the right of a person to demonstrate their religion are reasonable and justified (and therefore compatible with relevant rights) in view of the importance of detecting and deterring weapons offending.

This right is also relevant to the power of a police officer in a designated area to order a person to remove a face covering where the officer reasonably believes the person is wearing it to conceal their identity or shield themselves from capsicum spray, under section 10KA of the Control of Weapons Act. If the main purpose of wearing the face covering is for cultural or medical reasons, the power should not be used and police receive guidelines and training on the appropriate use of this power.

Further, while the amendments contained in this Bill to allow planned designated areas for an events to include key transit points will extend the circumstances in which the power to require the removal of face coverings, the amendments do not remove any of the safeguards in place, including that a police officer cannot direct a person to remove a face covering for cultural or medical reasons, and that a person can choose to continue wearing their face coverings if they leave a designated area. I therefore consider that any limitations placed on the right of a person to demonstrate their own religion are reasonable and justified.

The amendments to the designated area search scheme complement significant changes made to the scheme in March 2025 to improve the operation of the designated area weapons search scheme in the context of the significant public safety objectives the scheme seeks to address. There is no doubt that the Victorian community continues to be shocked by the persistence of extreme weapons violence in public places that they have seen regularly reported in the media. In the 2024–25 financial year, 820 prohibited, dangerous and controlled weapons were found in public places during with suspicion weapons searches under sections 10 and 10AA of the Control of Weapons Act by police and PSOs on duty in designated places. More broadly, a record number of knives were seized from Victorian streets in 2024, with almost 40 blades found and destroyed each day. Police seized a record 14,797 knives, swords, daggers, and machetes in 2024 – the most at any time over the past decade. The total number of edged weapon seizures jumped to 14,797 in 2024 from 13,063 in 2023 and 11,331 a decade earlier, in 2015. From 1 July 2022 to 31 October 2024, in planned designated areas alone, 216 weapons were seized. Designated area searches are an effective means of both detecting weapons and deterring their illegal possession. In this context, there is an imperative to progress these further legislative changes without delay to ensure police have the tools they need to address persistent and pervasive weapons carriage and use.

Freedom of movement (section 12)

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria, the right to enter and leave Victoria, and the right to choose where to live in Victoria. It provides protection from unnecessary restrictions upon a person's freedom of movement and extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest.

The right to freedom of movement is directed at restrictions that fall short of physical detention.

The right to freedom of movement may be limited where it is reasonable and justified in accordance with s 7(2) of the Charter. In some circumstances this can include where a limitation is necessary to protect public health (see for example, art 12(3) of the International Covenant on Civil and Political Rights, which provides an indication of the purposes for which freedom of movement may be justifiably restricted, including public health). The right to freedom of movement is one of the most commonly qualified rights that may be reasonably limited under section 7(2) of the Charter.

Proposed amendments

Designated areas

The reforms to designated areas to allow declarations to include key transit points impact the right to freedom of movement because people's ability to move freely within those designated areas may be limited by the power of police to detain people to conduct a search and through powers to direct a person to leave a designated area. More broadly, the amendments may impact the right to freedom of movement to the extent that the provided powers may impair a person's willingness or freedom to move through a designated area.

While I recognise that extending the geographical scope of designated areas to key transit points such as bus stops, railway premises or tram stops does constitute a significant increase in existing limits on freedom of movement (as the right has been interpreted to extend to protecting unfettered access to means of public movement, such as public transport) given the time-limited and restricted application of these powers and the need to protect the safety of all persons within designated areas, I consider any limitations placed on a person's right to freedom of movement are reasonable and justified (and therefore compatible with this right) on the grounds of public safety and that there are no less restrictive measures available. As I outlined above, the

scope of the existing scheme does not adequately protect against current safety risks (such as weapons hidden in transport hubs) and such expansion is considered necessary.

Privacy and reputation (section 13)

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

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.

Proposed amendments

The reforms relating to designated areas, PSO expanded duties, the SORA, unexplained wealth and surveillance engage the right to privacy and reputation.

Designated areas

Amendments to the designated area provisions in the Control of Weapons Act interfere with the right to privacy as they extend and modify police powers to conduct searches of people and vehicles in those areas.

The internal limitations on the right to privacy mean that an interference does not amount to a limitation on the right if the interference is lawful and is not arbitrary. An interference will be lawful if it is permitted by a law which is adequately accessible and formulated with sufficient precision to enable a person to regulate their conduct by it. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

A key feature of the designated area search powers is that they are deliberately designed to be exercised unpredictably and in being exercised in this manner, operate as a significant deterrent to the unlawful possession and carriage of weapons. The powers enable the removal of weapons from public places that would otherwise remain undetected because, if well concealed on a person or in their bag, police would be unlikely to form a suspicion in the absence of other factors.

As I identified in my Statement of Compatibility for the *Terrorism (Community Protection) and Control of Weapons Amendment Act 2025* (the Terrorism and Weapons Act), the view of the Minister who introduced the designated area search scheme in the Control of Weapons Actin 2009 was that the very unpredictability of the application of the search powers for the outer searches gave rise to an incompatibility with the right to privacy.

Having regard to more contemporary case law to that which was available to the Minister in 2009, in my Statement of Compatibility for the Terrorism and Weapons Act I concluded that the designated area scheme is subject to sufficient limits and safeguards to curtail any arbitrary interference with the right to privacy. I am comfortable that this will continue to be the case when considering the scheme as it will operate when amended by the amendments in this Bill. In particular, I refer to the European Court of Human Rights case of *Beghal v the United Kingdom* [2019] (28 February 2018), which dealt with UK border agency stop and search powers under terrorism legislation where the European Court noted that while a requirement of reasonable suspicion is an important consideration in assessing the lawfulness of a stop and search power, there was nothing in that case to suggest that that existence of reasonable suspicion is, in itself, necessary to avoid arbitrariness. Rather, arbitrariness is an assessment to make with regard to the operation of the search scheme as a whole, including with regards to the specific facts and circumstances that go to its justification.

Considering the designated area weapons search scheme as a whole, including the intended operation of the proposed amendments within the existing scheme, I am satisfied that it remains carefully tailored and subject to such limits and safeguards to be compatible with the right to privacy, for the following reasons.

The amendments in the Bill that will enable a police officer to conduct an outer search of a child or a person with impaired intellectual functioning in the presence of any person when a parent, a guardian or an independent person are not available will still require police to endeavour to secure the attendance of a parent, a guardian or independent person before the search may be conducted in the presence of any other person. Further, for children aged under 15 years and for all impaired persons, a police officer will only be permitted to progress to an outer search when a parent, guardian or independent person is not available when the police officer conducting the search reasonably believes that the seriousness and urgency of the circumstances require the search to be conducted without delay, including but not limited to the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed or an immediate search is necessary to protect the safety of a person.

While the additional test set out above will not apply to older children, being those aged 15 to 17, it remains the case that outer searches of any person can only be conducted if an initial electronic device (or 'wand') search has already been conducted and as a result of that search the police officer considers that the person may be concealing a weapon.

The provisions governing the conduct of searches under Schedule 1 to the Control of Weapons Act deliberately establish a graduated search regime. In respect of all outer searches, clause 6 of Schedule 1 requires police to preserve the dignity of all persons searched including through providing certain information, seeking the person's cooperation, conducting the least invasive search reasonably necessary, conducting the search quickly and in a way that provides reasonable privacy and, if practicable, by the search being conducted by a police officer who is of the same sex as the person being searched if the search involves running hands over the outer clothing of the person.

In addition to these statutory requirements, Victora Police manuals give clear guidance on conducting searches in a manner that is compatible with human rights, advising that officers must always consider and act compatibly with the Charter; persons must not be selected for a search based solely on their race, religious belief or activity or physical features; and searches must be appropriately recorded, which extends to recording the factors considered in deciding to conduct a search, including proper consideration of human rights. Victoria Police manuals also provide additional detailed guidance for police members when considering whether to progress to strip searches of younger children requiring a careful balancing of impact, risk and protective factors.

Finally, the conduct of any search by a police officer or PSO is subject to s 38(1) of the Charter, and the requirement to act in a way that is compatible with human rights.

All of the requirements and safeguards that apply to searches conducted in designated areas will apply to those searches as they may be conducted in key transit points which may be included in planned designated areas declared in respect of events.

Accordingly, I consider the designated area amendments to be compatible with the right to privacy under section 13(a) of the Charter as any interference is not arbitrary as the search powers in designated areas are designed to be exercised unpredictably and in being exercised in this manner, operate as a significant deterrent to the unlawful possession and carriage of weapons. In this way the powers are not disproportionate to the aim sought, because it is sufficiently circumscribed and subject to adequate safeguards.

The amendments serve an important public purpose which is to reduce the risk of serious weapons-related violence to the public. The reforms address the community's concern about the level of weapons related violence that has been occurring in public places as I referred to earlier in my statement, and are necessary to ensure that police officers and PSOs are empowered to stop and search people without suspicion because of the ready concealability of so many weapons. The amendments will support the operational effectiveness of these critical police powers.

PSO expanded duties

The Bill empowers a PSO to request the name and address of a person when performing their new duties of guarding a person at hospital or guarding a crime scene. The power to request personal information aims to support PSOs to keep good order and maintain security at hospitals and crime scenes.

The power of a PSO to compel a person to provide their name and address for these expanded duties may constitute an interference with the person's privacy as protected by section 13(a) of the Charter. However, I am satisfied that any interference with privacy would be neither unlawful nor arbitrary.

The new section 200Q of the VPA is similar to section 59A of the VPA which also allows PSOs to request personal information in order to assess security risks, to keep good order and maintain the environment where they are undertaking their duties, in that case police premises. In this way, PSOs are enabled to inquire about information which may assist them to understand the security risk, for example if the person is of interest to police, or to follow up with the person if a security risk eventuates. In the Statement of Compatibility that accompanied those amendments in *Justice Legislation Amendment (Police and Other Matters) Act 2022*, they were considered to be compatible with the right to privacy.

The new section 200Q of the VPA also mirrors the provisions of section 456AA(2) of the Crimes Act which provide for police or a PSO to be able to request the name and address of a person suspected of having committed, or about to commit an offence. The human rights issues associated with those powers were considered in detail in the statement of compatibility accompanying the *Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017* which extended the power to PSOs. Those powers serve an important purpose of enabling PSOs to obtain basic investigative information to give to investigating police officers. That Statement of Compatibility concluded that the powers were compatible with the human rights protected by the Charter.

In the context of this Bill, these powers are necessary to support PSOs to effectively carry out their functions to guard persons in hospitals, and crime scenes. When hospital guarding, a PSO may request name and address for reasons including when the PSO believes on reasonable grounds that the person: has committed or is about to commit an offence against, or in connection with, the person being guarded or protected; may be able to assist in the investigation of such an offence, or is visiting or interfering with the person under guard/protection. When guarding a crime scene, a PSO may request the name and address of a person who the PSO reasonably believes has committed or is about to commit an offence, or may be able to assist in the investigation of an indictable offence. This information is vital to ensure that where PSOs are the first officers at a crime scene they able to quickly identify persons who may be able to assist with an investigation.

I am satisfied that any interference with the right to privacy will not be unlawful or arbitrary as it will occur in limited circumstances and for the purpose of assisting police and ensuring community safety.

Amendments permitting disclosure of information to victims under the SORA

The Bill will insert new provisions into the SORA to authorise disclosure of specified information from the Victorian Register of Sex Offenders. New section 70Y provides that the CCP may disclose certain information to affected persons in circumstances broadly related to the performance of functions and powers under the SORA. Affected person includes victims, and if they are a child or child victim, their parents. New section 70Z specifies considerations that regard must be had to in deciding whether to disclose the information, relating to the welfare and preferences of the affected person proposed to be receiving the information. New section 70ZA sets out the type of information that may be disclosed, which includes a range of personal information about a registrable offender relating to applications or events under the SORA, such as the details and listings of upcoming applications and corresponding decisions of the court or the CCP (such as the making of orders and applicable reporting periods). Any affected person who receives information under these provisions is subject to an obligation to maintain confidentiality in accordance with new section 70ZE. New Section 70ZG imposes criminal penalties for the publication of information disclosed under this new Part.

The new power to disclose information about a registrable offender will interfere with the right of a registrable offender to privacy and reputation protected by the Charter. However, I consider any interference to be compatible with the right, as it will be lawful and not arbitrary. The information that may be disclosed and the circumstances in which that information may be disclosed are precisely expressed so that any disclosure authorised is for a specified purpose and is limited to specified information. The sharing of such information serves an important purpose relating to promoting victim's rights, including restoring victim's sense of security, facilitating their participation and understanding of the registration scheme, empowering victims to take the necessary precautions to avoid future contact with registrable offenders, and promoting transparency about the registrable status of an offender and the decisions of the court and police.

In deciding whether to disclose information, the CCP is subject to the public authority obligation in the Charter and obliged to ensure that any disclosure is proportionate to the statutory function being performed and not exceed that which is necessary to perform the function. In addition, the Bill provides for a number of safeguards to prevent against further unauthorised disclosure, such as the obligation of confidentiality and restrictions on publication.

Enabling determination of surveillance warrant applications without an oral hearing

The Bill amends the SD Act to clarify that judicial officers may decide applications for warrants under the Act remotely or by electronic means, or without an oral hearing and entirely on the basis of written submissions if the applicant and the Public Interest Monitor so consent. The SD Act engages the right to privacy by authorising the covert placement, use, maintenance and retrieval of surveillance devices in private settings, for the purpose of obtaining information or evidence for criminal investigations. Any amendment to the procedure and means of issuing a warrant will be relevant to the right to privacy, as the circumstances of judicial oversight and scrutiny of a warrant application is a critical part of ensuring any subsequent interferences with privacy authorised by the warrant are not arbitrary.

The interference with the right is lawful, as it is authorised by the SD Act, and not arbitrary, as it is not capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim of detecting, investigating and prosecuting crime. Proportionality is supported by the inclusion of clear safeguards within the SD Act.

The Bill amends the procedure for applying for warrants, to reflect modern court practice by allowing some warrant applications to be heard remotely or on the papers. While this will make it easier to apply for a warrant in appropriate cases, the Bill does not impact on the important safeguards set out in the SD Act, including: requiring that warrant applications may only be determined by a judge or magistrate; the role of the Public Interest Monitor to test applications in the public interest; restrictions on the use, communication and publication of information obtained from the use of surveillance devices; obligations on law enforcement to

keep records and report on the details of the use of surveillance devices; and oversight by Integrity Oversight Victoria through periodic inspections and reports on compliance with the Act. The amendment does not alter the express and implied substantive requirements that a judge or magistrate must be satisfied of in order to issue a warrant, including having regard to the extent to which the privacy of any person is likely to be affected.

I am therefore satisfied that this procedural amendment in the Bill does not significantly impact on the scheme governing the use of surveillance devices and does not constitute an interference with the right to privacy.

Unexplained wealth information gathering powers

The Bill strengthens information-gathering provisions under Part 13 of the *Confiscation Act 1997*, by:

- expanding the grounds on which authorised police officers may issue information notices to financial institutions, so that a notice can be used to obtain information where the officer reasonably believes a person who holds an account with the financial institution (or an interest in that account) has an interest in unlawfully acquired property, or has wealth that exceeds the person's lawfully acquired wealth;
- expanding the grounds on which prescribed persons may issue information notices to financial institutions, so that a notice may be issued where it is required to satisfy an unexplained wealth order; and
- introducing a power for a prescribed person to request documents be produced by any person, where it is necessary to enforce an unexplained wealth order.

The amendments to the existing information gathering powers engage the right to privacy. However, I consider that any interference with privacy rights is lawful and not arbitrary.

The reforms serve an important purpose, which is to operationalise the recent unexplained wealth reforms which commenced on 20 March 2025 and introduced a new unexplained wealth pathway to better target unlawfully acquired wealth. Specifically, the amendments provide law enforcement agencies with the necessary investigative tools required to pursue targets under the new unexplained wealth confiscation pathway.

The *Confiscation Act 1997* specifies in detail the limited circumstances in which information-gathering powers may be exercised, ensuring that the information gathering powers cannot be used arbitrarily. For example, the Act requires that an authorised police officer reasonably believes that a person who holds an account with the financial institution, or has an interest in that account, has an interest in property that was not lawfully acquired, or that an unexplained wealth order had been made. The reforms comprise a modest expansion of existing powers under the *Confiscation Act 1997* that will address gaps in the current provisions, without which the capacity of law enforcement agencies to pursue targets would be seriously hampered.

Freedom of thought, conscience, religion and belief (section 14)

Section 14(1) of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to have or adopt a religion or belief of one's choice (s 14(1)(a)), and to demonstrate one's religion or belief individually or as part of a community, whether in public or private, through worship, observance, practice and teaching (s 14(1)(b)).

The concept of 'belief' is not limited to religious or theistic beliefs; it extends to non-religious beliefs as long as they possess a certain level of cogency, seriousness, cohesion and importance. While the freedom to hold a belief is considered absolute, the freedom to manifest that belief may be subject to reasonable limitations.

Section 14(2) provides that a person must not be restrained or coerced in a way that limits their freedom to have a belief. Coercion in this context includes both direct and indirect forms of compulsion, such as penal sanctions and restrictions on access to employment (UN HRC, General Comment No 22, [5]).

Proposed amendments

Designated areas

Reforms relating to designated areas may incidentally engage this right, but any limitation is proportionate to the respective statutory aims of protecting the community.

As I have already stated, knives are an important religious symbol for certain faiths such as baptised Sikhs who carry a kirpan, an object which resembles a dagger. While an exemption operates under the Control of Weapons Act to permit the carrying of kirpans for religious observance, the use of the search powers within designated areas may have particularly intrusive impact on people who carry knives for religious reasons.

I note that other Charter rights may also be relevant to this scenario, including section 19 which provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in

community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language and section 8, which provides that every person has the right to enjoy their human rights without discrimination, including on the basis of religious belief or activity (which I have already discussed above).

Insofar as the Bill extends the geographical scope of planned designated areas to include key transit points if so declared by the CCP, and therefore will extend the circumstances in which intrusions may occur, I nonetheless consider any limitations placed on the right of a person to demonstrate their religion are reasonable and justified (and therefore compatible with relevant rights) in view of the importance of detecting and deterring weapons offending, drawing on the reasons already expressed earlier in this Statement.

Freedom of opinion and freedom of expression (section 15)

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. Section 15(2) provides that a person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, through various mediums. The freedom extends not only to political discourse, debate and protest but also to artistic, commercial and cultural expression, news and information.

Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons or for the protection of national security, public order, public health or public morality.

Proposed amendments

The reforms relating to designated areas and instructions for manufacture of a firearm engage the right of freedom of expression.

Designated areas

As the reforms of this Bill extend the geographical scope of designated areas for events, they are relevant to the right to freedom of expression in relation to the existing powers police have in designated areas under section 10KA of the Control of Weapons Act to issue directions to leave the designated area, particularly where a direction is to leave an area in which a person is expressing ideas. However, to the extent that the existing limitations on these rights are maintained or extended by the amendments contained in the Bill which will allow for key transit points to be included in declarations of planned designated areas for events, I consider that those limitations are reasonable and justified, for the reasons already discussed above. When the direction to leave powers were introduced in 2017, the scheme was considered compatible with this right, and my view is that the amendments contained in this Bill, to the extent they extend the operation of the powers, are also compatible.

Instructions for manufacture of a firearm

The Bill amends the Firearms Act to, amongst other things, insert offences to prohibit possessing or distributing instructions for manufacture of a firearm, without reasonable excuse, unless the person does so in accordance with a firearms dealer's licence issued under Part 3 of the Firearms Act. These proposed offences will impose restrictions on, but are not incompatible with, a person's right to freedom of expression.

By restricting possession and distribution of instructions for manufacture of a firearm (being a document that can be used to instruct a machine to manufacture a firearm), the Bill is designed to place lawful restrictions on this conduct which are reasonably necessary to protect public order and public health. The lawful restrictions are the regulation of the possession and distribution of instructions for manufacture of a firearm, without reasonable excuse, and without a license, through the new offence provision. Police seizures of improvised firearms show an increase in experimentation with computer controlled additive manufacturing processes, which ultimately threaten the integrity and efficacy of existing laws regulating the manufacture, dealing, acquisition, carriage and use of firearms. Accordingly, in my opinion, the restrictions imposed on freedom of expression by the new offences are reasonably necessary to reduce the availability and therefore the likelihood that such instructions will be used to unlawfully manufacture a firearm. This is particularly the case in circumstances in which unlawfully manufactured firearms are reasonably likely to cause harm to public health or to public order.

Protection of families and children (section 17)

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and by the state. Section 17(1) is related to the s 13(a) right and an act or decision that unlawfully or arbitrarily interferes with a family is also likely to limit that family's entitlement to protection under section 17(1).

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This section recognises the particular vulnerability of children due to their age and confers additional rights on them.

Proposed amendments

Designated areas

The amendments in this Bill do not alter the form of the existing stop, search or move on powers in the Control of Weapons Act. Rather, they alter the accompanying procedure for searches of children and people with intellectual impairments in planned designated areas and expand the geographic scope of planned designated areas for events.

The designated area weapons search scheme can apply to a child below 18 years of age who is within a designated area during the period that a declaration is in force.

While the amendments provide that outer searches of children must always occur in the presence of a parent or guardian, an independent person, or another person (whether or not they are another police officer), it has previously been accepted that the search powers are incompatible with section 17(2) because of the particular vulnerability of children. The Bill retains requirements to seek the attendance of a parent, a guardian or an independent person for outer searches of all children but will modify the rules for outer searches of children aged 15 to 17 so that where a parent or guardian or an independent person is not available police will be able to proceed to conduct the search in the presence of any person (provided that person is not the police officer conducting the search) without any additional criteria being applicable. For the younger cohort of children, being any child under the age of 15 years, the Bill will only permit outer searches of younger children in the designated area in the absence of a parent, a guardian or an independent person when the seriousness and urgency of the circumstances require the search to be conducted without delay, including but not limited to, the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed or an immediate search is necessary to protect the safety of a person.

I accept that the modification to allow these searches to be conducted in the presence of another person, who may be another police officer, in serious and urgent circumstances when a parent, guardian or independent person is unavailable compounds the existing incompatibility with section 17 because of the particular vulnerability of children.

Further, I also accept that to the extent that the amendments expand the geographical area of planned designated areas for events to include key transit points that are in the vicinity of the event and that are likely to be used by event attendees and will affect a greater number of people external to the event venue itself (and children are not excluded from the scope of the expansion), the incompatibility with section 17 of the Charter is increased.

However, as was the case when the powers were introduced in 2009 and subsequently amended in 2010 and 2025, the government strongly believes that random search powers are important to prevent and deter acts of violence, and to support the protection of children. This is especially the case given the prevalence of weapons being possessed by people in public places, as I have discussed earlier, and the vulnerability of children if they are subjected to weapons violence.

Amendments permitting disclosure of information to victims under the SORA

Reforms outlined earlier to provide for specified information disclosure and to preserve the confidential nature of that information and prohibit its publication have been prepared with regard to the welfare of a child and the child's family affected by sexual violence. The discretion to disclose specified information first requires the CCP to have regard to the welfare of the child, any preferences expressed by the child, and the child's capacity to express those preferences. The CCP must also have regard to the welfare of the affected person and any other affected person. The meaning of affected person is broad, so that the CCP may lawfully consider the entire circumstance and the best interests of the child within the context of the family. These discretions have been designed to promote a trauma-informed victim-led scheme that takes account of the welfare of the family as a whole, and recognises that a child's welfare and capacity will change as they grow and develop. Accordingly, I consider the right to protection of children is promoted by these amendments.

Property rights (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 common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

The right to property under section 20 of the Charter will be limited when all three of the following criteria are met: the interest interfered with must be "property", the interference must amount to a "deprivation" of property, and the deprivation must not be "in accordance with law".

Proposed amendments

The amendments enabling the destruction of drug exhibits and the offence of possessing digital blueprints for firearms engage property rights.

Destruction or disposal of drugs and drug related equipment

The amendments to the DPCS Act that will provide Victoria Police with legislative authority to destroy 'illicit things' engage property rights under section 20 of the Charter.

'Illicit thing' is defined in new section 96A of the DPCS Act. 'Illicit things' include drugs of dependence, category 1 and 2 precursor chemicals, an instrument, device or substance for the cultivation, manufacture, sale or use (or preparation for these actions) of a drug of dependence or precursor chemical, a psychoactive substance or instrument, device or substance for the production, sale or commercial supply (or preparation for these actions) of a psychoactive substance, a Schedule 4, 8 or 9 poison or a category 3 pre-cursor apparatus.

The Bill will empower the CCP to issue a destruction direction authorising the destruction of an illicit thing if specific circumstances detailed in the new provisions are satisfied.

New section 96B sets out the requirements for issuing a destruction direction if an offence is not to be charged, including that:

- the thing is an illicit thing;
- at least 3 months has elapsed since an illicit thing was seized or found by or given to a member of Victoria Police;
- no offence has been charged in respect of the illicit thing;
- the CCP certifies that no offence will be charged;
- the CCP is satisfied that the thing is not to be returned.

In relation to after an offence has been charged (see new section 96C), the direction may be given where:

- the thing is an illicit thing;
- the CCP is satisfied thing is not to be returned;
- the affected person is deceased;
- the proceeding on the charge has concluded, the person has been convicted and the appeal period has elapsed and the person has not been charged with any other offence in relation to the thing;
- a warrant to arrest a person who has absconded has been issued; or
- the proceeding on the charge has not concluded and the offences in relation to the thing are offences against the law of Victoria only, the person has been served with a 'destruction warning' which has been filed at the relevant court, and the applicable thing was seized on or after the commencement of the relevant section.

If there are any extant relevant applications or orders, for example under section 95A of the *Confiscation Act 1997* or a declaration under section 95C of that Act for the retention of property seized under section 81 of the DPCS Act, those provisions will operate to preclude the destruction of the thing.

For the CCP to be satisfied that a thing is not to be returned, the CCP must be either satisfied that reasonable efforts have been made to identify potential recipients to whom it would be lawful and appropriate to return the thing and no such potential recipient has been identified or one of more such potential recipients have been identified but reasonable efforts to return the thing have not been successful.

If the destruction or disposal is in relation to one of the latter two circumstances after an offence has been charged listed above, then the following evidentiary requirements must also be met under new section 96C:

- if thing is of a kind from which a sample can be taken either a sample has been taken or an analyst or botanist has issued a 'no sample certificate' in respect of it;
- there is evidence of the aspects of the thing that are relevant to the offences that relate to the thing (i.e. photographs, fingerprints); and
- the CCP is satisfied that a member of Victoria Police personnel has arranged for the retention of the evidence of the relevant aspects of the thing.

If a destruction direction is given by the CCP, the thing can be lawfully destroyed or disposed of in accordance with the new provisions.

A person charged with an offence in relation to an illicit thing may, in accordance with the new provisions and the information that they must be provided in a destruction warning (see new sections 96EA-96G), apply to CCP for a direction in writing that provides for the supply of a sample of the thing for independent testing (see new section 96H). This will not be granted if a no sample certificate has been issued (which is expected to occur only in limited circumstances such as when the thing is of a kind that it cannot provide a sufficient sample for testing) (see new section 96D). The right of an accused to seek independent testing of samples applies throughout the course of proceedings.

The Bill also makes provision for the destruction or disposal of the retained samples on specific grounds, including that all proceedings and possible appeals have been finalised (see new sections 81AA, 81AAB, 81AAC, 91A, 91B, 91C).

As set out above, the new drug destruction and disposal provisions are tightly confined and all requirements for managing illicit items or things to the point of destruction or disposal are clearly articulated, including that a destructions direction will only be available when the thing is not to be returned to the person or persons with a lawful claim or right to the thing and that Victoria Police must make reasonable efforts to find and/or return the thing to a person where it would be lawful and appropriate. In addition, people who believe they have a lawful right to property seized or found will continue to have other avenues of redress including through civil claims and ex gratia payments.

In the context of Victoria Police's law enforcement role in relation to many illicit things, such as drugs of dependence that are the subject of use, possession, cultivation and trafficking offences, it is expected that no person will have a lawful right to the illicit thing.

The Bill engages property rights in that the regime for the destruction and disposal of illicit things will result in a deprivation of property. However, any deprivation of property under the new provisions will be in accordance with the legislative regime that is confined, structured, accessible and precisely formulated. Consequently, I do not consider that these amendments limit the right to property. However, to the extent that there may be any limitation on the right to property resulting from the amendments, that limitation will be reasonably justified in accordance with section 7(2) of the Charter. The reforms relate to a pressing concern: the storage of drugs and drug-related equipment at Victoria Police property holding facilities regularly surpasses capacity, and has created a significant resourcing burden posing security, safety and integrity risks. The expending of these police resources does not serve a public interest, as there is no necessity for, or benefit that can be derived through, the extended storage of bulk drugs and equipment (I will discuss this further below in relation to the impacts on the fair hearing rights of accused persons). There is a significant public interest in protecting the community from drug related harms, reducing the burden and cost of storing and regularly auditing illicit things for extended periods of time and reducing security and safety concerns associated with that storage.

<u>Instructions for manufacture of a firearms</u>

The amendment to the Firearms Act that adds offences to prohibit possessing or distributing instructions for manufacture of a firearm, without reasonable excuse, unless the person does so under and in accordance with a licence, may engage the right to property under section 20 of the Charter. However, to the extent that a person may have any property rights in relation to instructions for manufacture of a firearm, the breadth of the exceptions that apply to the new offences means that, if an exception does not apply, the inference can be drawn that the person exercising the right does so intending to participate in unlicensed firearms manufacture. To the extent that the Bill imposes a restriction on any property rights, any limitation is therefore both imposed by law and justified by the important public safety purpose of limiting the authority to manufacture firearms and firearms parts to persons licensed to do so. In my opinion, the broad exceptions provide for any limitations on property rights to be reasonable, justified and proportionate to the important public safety purpose of regulating the manufacture of firearms and firearms parts.

Right to liberty and security of person (section 21)

Section 21 of the Charter provides that every person has the right to liberty and security, including the right not to be subject to arbitrary arrest or detention. This right is concerned with the physical detention of the individual, not mere restrictions on freedom of movement. Detention or deprivation of liberty does not necessarily require physical restraint. In particular, section 21(2) prohibits a person from being subjected to arbitrary detention, whilst section 21(3) prohibits a person from being deprived of their liberty except on grounds, and in accordance with procedures, established by law.

What constitutes detention or deprivation of liberty will depend on all the facts of the case, including the type, duration, effects and manner of implementation of the measures concerned. A person's liberty may legitimately be constrained only in circumstances where the relevant arrest or detention is lawful, in the sense that it is specifically authorised and sufficiently circumscribed by law, and not arbitrary, in that it must not be disproportionate or unjust.

Proposed amendments

Designated areas

Given the main reforms of this Bill extend the scope of designated areas and the circumstances in which police may perform searches on children or persons with an intellectual impairment, it follows that the Bill will be relevant to the right to liberty.

The right to liberty and security of the person is engaged through the existing powers under the Control of Weapons Act to detain a person for as long as reasonably necessary to conduct the search.

Because the powers of detention are strictly confined to what is reasonably necessary to conduct an authorised search, no separate question of incompatibility with section 21 of the Charter arises. Accordingly, I consider the amendments to be compatible with the right to liberty and security of the person under s 21 of the Charter. I also refer to my discussion above that the reforms to the circumstances of outer searches are actually intended to reduce the potential duration that a child or person is temporarily detained to conduct a search, including where they are taken to a police station in order to satisfy the conditions for conducting a search.

Moreover, I consider that these critical police powers necessary to enhance Victoria

Police's ability to detect and deter weapons offending in public places. As was the case when these powers were first introduced and subsequently amended, I consider the powers as an appropriate and measured response to persistent and concerning unlawful weapons possession, carriage and use in public places in Victoria. The concerning figures I provided earlier in this statement make it an imperative to ensure police have the appropriate powers they need to conduct weapons searches in designated areas.

Fair hearing (section 24)

Section 24(1) 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 requirements of a 'fair hearing' will vary depending on the nature and circumstances of the proceedings (*Russell v Yarra Ranges Shire Council* [2009] VSC 486, [18]–[23]; see also Secretary to the *Department of Human Services v Sanding* (2011) 36 VR 221; [211]).

The rights in section 25 (rights in criminal proceedings) are also elements of the right to a fair hearing in section 24 and inform the contents of a fair hearing to some extent (*Re an application under the Major Crime (Investigative Powers) Act 2004* (2009) 24 VR 415, [40]; *R v Williams* (2007) 16 VR 168, [54]). This relevantly includes that an accused person have adequate time and facilities to prepare their defence, and to examine, or have examined, witnesses against that person. Implicit in this is the right of an accused to be able to test the evidence led by the prosecution.

Proposed amendments

Destruction or disposal of drugs and drug related equipment and the public display of seized things engage this right.

Destruction or disposal of drugs and drug related equipment

Disposal or destruction of drug exhibits before conviction engages the right to a fair hearing, in so far as it may be relevant to an accused's capacity to prepare their defence or respond to the case against them.

In my view, these amendments will not limit the fair trial of an accused. The Bill will only permit the destruction of a sample or illicit thing pretrial and after an offence has been charged in tightly circumscribed circumstances (see new section 96C of the DPCS Act). The CCP will only be empowered to make a destruction direction when there are no extant applications or orders that would preclude destruction, the accused is deceased or has absconded, the proceeding on the charge has concluded and the appeal period has expired, or the illicit thing has been sampled and analysed and a sufficient sample has been retained and can be independently tested by the accused at any point during the proceedings. Accredited analysts and botanists take the samples and may be called by the prosecution or accused to give evidence in the proceedings and be cross examined. Where a sample cannot be taken, an accredited analyst or botanist will issue a no sample certificate and this too will form part of the evidence that may be challenged. Other evidence relevant to the offences that relate to the thing must also be taken regarding the illicit thing that is the subject of the charge, for example photographs, fingerprints and the like.

Importantly, the accused will be served with a destruction warning regarding the illicit thing so that they are fully appraised of their right to seek independent analysis of the illicit thing sample, will be encouraged to obtain their own legal advice and will be provided with the contact details for Victoria Legal Aid (see new section 96EA of the DPCS Act).

I consider that the robust regime the Bill puts in place for the sampling and independent testing of illicit things, the provisions requiring the accused to be fully informed of their rights and the fact that if Victoria Police fails to comply with the requirements this will jeopardise successful prosecutions is sufficient to safeguard a fair hearing.

If the contrary view is taken, and fair hearing is considered to be limited by these amendments, I am of the view that is justified as a reasonable limit pursuant to section 7(2). As I discussed above, these reforms serve an important and pressing purpose arising from the surpassed capacity of police property holding facilities, which give rise to security, safety and integrity risks, as well as a significant resourcing burden. This resourcing burden and associated risks are avoidable and not in the public interest to be maintained.

Any impact on fair hearing is confined and subject to safeguards. The amendments clearly outline the circumstances in which, and the process by which, illicit things may be destroyed. The amendments provide for a notification process, an entitlement to obtain independent analysis of the illicit thing(s) and the retention of samples (where practicable) as well as secondary evidence for the duration of any court proceedings. Illicit things will only be destroyed pretrial in very circumscribed circumstances, and not without the outlined notification process first taking place. These circumstances in which illicit things may be destroyed pretrial are appropriately and narrowly tailored to achieving the purposes of the amendments while maintaining fair hearing rights. There are no less restrictive means available to achieve these purposes of reducing the cost and burden of storage, ensuring safety of staff and alleviating security concerns. Consequently, it is my opinion that to the extent the amendments potentially limit the right to fair hearing, this is reasonable and justified in accordance with section 7(2) of the Charter.

Public display of things seized under warrant

The Bill adds new provisions to the DPCS Act and the Firearms Act providing that the CCP may display to the public a thing at a conference attended by the media or publish photos or videos of a thing where the things were seized under a search warrant issued pursuant to the DPCS Act or the Firearms Act. These provisions may impact the right to a fair hearing by potentially influencing opinions about an alleged offence.

I consider that any limitation of the right to a fair hearing is demonstrably justified as a reasonable limit within the meaning of section 7(2) of the Charter. The power will deter offending and will provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime. It also aligns with current practice in relation to items seized under warrants issued pursuant to the Crimes Act. I am confident police will make these decisions responsibly and appropriately, and note police are accustomed to making such decisions in the context of releasing investigation details to the media. Finally, any potential limit to the right can be mitigated by the courts' broad and inherent powers to ensure that criminal proceedings are conducted fairly and impartially, which extend to staying a criminal proceeding where a fair hearing cannot be provided. For example, any potential unfairness caused by pre-trial publicity may be alleviated through appropriate jury directions.

Rights in criminal proceedings (section 25)

Section 25 relates to rights in criminal proceedings. Section 25 includes protection of the right to be presumed innocent and details a range of minimum guarantees, such as to be informed about the nature and reason for a charge in a language or type of communication the person understands, to be tried without unreasonable delay and the right to not be compelled to testify against him or herself.

Courts and tribunals must apply and give effect to human rights which relate to court and tribunal proceedings irrespective of whether they are acting in an administrative or judicial capacity. This includes the rights under section 25 of the Charter.

Proposed amendments

Destruction or disposal of drugs and drug related equipment

Destruction or disposal of drugs and drug related equipment may engage this right as it relates to destruction of exhibits prior to resolution of criminal proceedings. However, drawing on my above discussion of fair hearing rights, I am of the view that the illicit things destruction scheme in the Bill does not interfere with any rights protected under section 25 because it will not impede the accused from challenging any evidence presented in proceedings and does not affect other aspects to the right. I consider the reforms are compatible with rights in criminal proceedings but to the extent that it may be found to engage these rights, the amendments are justified for the purpose outlined above of ensuring health and safety of the staff managing the seized illicit things, reducing unnecessary storage burdens, auditing costs associated with retaining bulk drugs and equipment for an extended period of time and security concerns associated with storing these illicit things.

Instructions for manufacture of a firearm

The Bill adds indictable offences (new sections 59B and 59C) to the Firearms Act which make it an offence for a person to possess or distribute instructions for manufacture of a firearm, without reasonable excuse, without a licence to do so.

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 offences may be viewed as placing an evidential burden on the accused, in that they require 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, these amendments are compatible with the right to be presumed innocent.

Facilitating remote court attendance for compulsory procedure applications

The Bill gives courts the flexibility to hear compulsory procedure applications with the respondent appearing by audio visual link in appropriate cases. If the application is granted, a court may direct a forensic procedure is undertaken on a child, or an adult who lacks mental capacity to consent, to collect a sample or conduct a physical examination, as part of a criminal investigation.

This reform engages the rights in criminal proceedings in section 25 of the Charter, and for similar reasons, the rights of children in the criminal process in section 23 of the Charter, and the right to a fair hearing in section 24 of the Charter. To the extent that the reforms limit those rights, I am satisfied that the limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

Section 25(2)(d) of the Charter provides that an accused has the right to be 'tried in person' and to defend themselves personally or through legal assistance. The purpose of this provision is to ensure an accused is not tried in their absence and has the right to fully participate in criminal proceedings.

I accept that enabling a respondent to appear via audio visual link in criminal matters may, in some cases, have the potential to negatively impact on the respondent's ability to effectively participate in, or understand, the proceeding and to communicate with their legal practitioner. There is also a risk of influencing a proceeding through the appearance of 'presumptive guilt', where a respondent appears from a detention or custodial facility, clothed in a facility's uniform. However, I consider that the reform ensures that the courts can appropriately manage and mitigate those risks on a case-by-case basis. In particular, the courts will retain the ability to hear the application with the respondent present in court, while enabling matters to be heard remotely in appropriate cases. In those cases, the respondent is still able to participate in the hearing 'in person' when they appear by audio visual link. In addition, the potential impacts outlined above can be appropriately managed through the courts' exercise of inherent powers to ensure fairness in proceedings, which can be used to ensure the respondent comprehends the proceedings and can communicate with their legal representative. In addition, by enabling remote attendance in appropriate cases, the Bill will increase court efficiency, allowing a court to proceed with more matters than would otherwise be possible. This facilitates an accused's right to be tried without unreasonable delay under section 25(2)(c) and an accused child's right to be brought to trial as quickly as possible under section 23(2) of the Charter.

Similarly, 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. As outlined above, any potential limitation on this right can be managed by the courts' use of inherent powers. In addition, the Bill upholds this right by ensuring that a court may order physical attendance at hearings where it is appropriate to do so.

PART B: amendments to the Summary Offences Act 1966

Overview

In respect of Part B of this Statement of Compatibility, the Bill amends the *Summary Offences Act 1966* (**SOA**) by:

- empowering police to direct a person to cease and not resume wearing a face covering where the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest

- introducing a new offence prohibiting a person from using a thing or substance to lock on or secure any person (including themselves) to another person, surface or other thing where the usage or removal is likely to cause injury to another person or otherwise present a serious risk to public safety (with accompanying powers to enforce this offence)
- introducing an offence criminalising the public display of symbols of terrorist organisations (with accompanying powers to enforce this offence)
- modernising and expanding protections for religious worship, including by broadening existing offences to capture conduct that intimidates, menaces or harasses, or obstructs or hinders a person attending a religious worship meeting, and extending offences to conduct that occurs before, during or after a religious worship meeting.

The purpose of these reforms is to respond to a small number of agitators at public protests and places of worship that engage in dangerous, extreme and radical conduct that poses a risk to public safety, undermines police functions and interferes with the right of people to gather to pray, free from fear, harassment and intimidation.

Human Rights Issues

The parts of the Bill discussed in Part B of this Statement of Compatibility engage the following rights under the Charter:

- right to recognition and equality before the law (section 8);
- right to freedom of movement (section 12);
- right to privacy and reputation (section 13);
- right to freedom of thought, conscience, religion and belief (section 14);
- right to freedom of expression (section 15);
- right to peaceful assembly and freedom of association (section 16);
- right to culture (section 19);
- right to property (section 20);
- right to security of person (section 21); and
- right to presumption of innocence (s 25(1)).

In accordance with section 7(2) of the Charter, rights can be subject under law to limits that are reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.

For the reasons discussed below, any limitations on rights resulting from the amendments made to the SOA under this Bill are reasonable and demonstrably justified in accordance with section 7(2) of the Charter.

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

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA empowers police to direct a person to cease wearing a face covering if the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. A direction may also be given within a reasonable time to a person who has left the public protest or to a person who is at a place where a public protest was occurring but is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at). This provision engages the right to equality under section 8(3) of the Charter because the requirement to remove face coverings may have the effect of indirectly disadvantaging persons who wear face coverings for religious, cultural or medical purposes.

That being so, I am of the view that the requirement is reasonable so as to not constitute indirect discrimination. The requirement is directed at pursuing the pressing and legitimate objective of maintaining public order and to ensure community safety. There has been an increase in agitators – including neo-Nazi groups during recent public demonstrations – using face coverings such as balaclavas to anonymously engage in acts of vilification and other potentially criminal acts. The Bill addresses this conduct by empowering police to direct a person to cease wearing a face covering where they reasonably believe a person has committed or intends to commit an offence at a public protest. This will help deter people that are emboldened to vilify others and engage in other criminal acts under the guise of anonymity. I set out in further detail below, under the right to peaceful assembly, why these new provisions are necessary to respond to incidents which have directly prevented police from apprehending offenders or laying charges in relation to criminal offences at public protests.

New section 6D(6) of the Bill safeguards the rights of persons with protected attributes who may be disadvantaged by this power by including a 'reasonable excuse' exception for failing to comply with a direction.

Accordingly, I am of the view that the right to equality is not limited by new section 6D and even if the power to direct a person to cease wearing a face covering would limit this right, it would only be limited to the extent that is reasonably necessary to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders and, in turn, promote public safety and protect persons from harms that flow from hateful views espoused at public protests under the cover of anonymity. Further, any limitations on a person's right not to be discriminated against is confined to what is reasonably necessary by:

- narrowing the exercise of the direction power to circumstances where a police officer reasonably believes that a person wearing a face covering has committed or intends to commit an offence;
- limiting the scope of when a direction may be given to a person to when they are at a public protest, or within a reasonable time after the person has left the public protest or the protest is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at);
- including a broad 'reasonable excuse' exception including for genuine religious, cultural or medical purposes for failing to comply with the direction to ensure that legitimate reasons for wearing a face covering are not captured; and
- providing for a penalty of a fine of low magnitude.

I note further that the provision of a 'reasonable excuse' exception which includes where a person wears the face covering for a genuine religious, cultural or medical purpose is intended to ensure that any discriminatory impact is not more restrictive than necessary to fulfill the purpose of new section 6D. I therefore consider new section 6D compatible with the right to equality.

Prohibiting the public display of symbols of terrorist organisations

New section 41Q creates an offence for the public display of a symbol of a terrorist organisation. The new offence is accompanied by enforcement powers in new section 41R which allows police to direct the removal of a symbol from public display, new section 41S which permits seizure of a thing bearing the symbol of a terrorist organisation, and new section 41T, which provides for the issue of a search warrant by a magistrate in relation to the new offence. This new offence and the accompanying powers engage the right to equality. This is because of the propensity for terrorist organisations to use religious symbols and the potential for this offence provision to indirectly discriminate against religious communities who legitimately use these symbols, in particular, the Muslim community.

Section 41Q(2)(a) provides that a person does not commit an offence if the display of a symbol of a terrorist organisation was engaged in reasonably and in good faith for a genuine cultural or religious purpose. However, the purpose for the display will not always be immediately apparent to law enforcement and therefore has the potential to increase police interaction with the Muslim community and other Victorians that legitimately use these symbols to, for example, express their nationality or their faith.

However, any limitation on the right to equality under section 8(3) is reasonable and can be demonstrably justified to empower police to effectively prevent the harm and risk of incitement (including incitement to violence) caused by the display of these symbols. These provisions serve an important and pressing purpose. There have been reported incidents of symbols of terrorist organisations – such as the Hezbollah flag – being displayed during protests in Victoria. The symbols used by terrorist organisations represent racist, hateful and violent ideologies, and their public display may cause distress, fear and harm to members of targeted groups in Victoria. The public display of these symbols can also incite others, including those who are susceptible to radicalisation, to engage in acts of violence and vilification.

Further, section 41Q is narrow in scope, applying only to symbols of terrorist organisations that have been prescribed as terrorist organisations by the Commonwealth Government. To be prescribed as a terrorist organisation, the Commonwealth must be satisfied on reasonable grounds that an organisation is directly or indirectly engaged in, prepares, plans, assists in, or fosters the doing of, or advocates for the doing of, a terrorist act. The offence does not extend to symbols that closely resemble those used by terrorist organisations, in recognition of the fact that terrorist organisations have coopted and adapted legitimate religious symbols.

The enforcement powers under new section 41R and section 41S are also appropriately confined to circumstances where a police officer believes on reasonable grounds that an offence against new section 41Q is being committed. New section 41T is also confined by requiring a magistrate to be satisfied that there are reasonable grounds for believing that the new offence has been committed or will be committed within the next 72 hours. By limiting application of the offence provision to such instances, and thereby protecting the display of these symbols when done reasonably and in good faith to genuinely demonstrate a person's

nationality or faith, the legislation has adopted the least restrictive means reasonably available to achieve the purpose that any limitation on a person's right against discrimination seeks to achieve.

Right to freedom of movement (section 12)

Stop and seizure of container or other thing

The Bill inserts new Division 1C, subdivision 3 which deals with the new offence of locking or securing a person to another person, thing or surface at public protests. New section 6G provides that a police officer may seize a thing or container of a substance if the officer believes on reasonable grounds that a person will imminently commit, or is committing, a 'lock on' offence against new section 6F using the thing or substance. A police officer is empowered under section 6G(4) to use reasonable force to seize the container or other thing where necessary. This may incidentally involve briefly stopping a person to execute the seizure, so as to limit their freedom of movement.

However, any limits on the right to freedom of movement are incidental and reasonably justified. New section 6G will only permit police to incidentally stop a person in order to request or seize (if they fail to comply with the request) a thing or container of a substance if the item is wholly or partially visible to the officer and the officer has formed the necessary reasonable belief that the item is being used or will be imminently used to commit the new lock on offence. The seizure power is only enlivened after the police officer has asked the person to hand the item over, and warned them that the item may be seized with reasonable force if they fail to comply. This approach ensures that the new power is not more restrictive than necessary to fulfill its purpose and is compatible with the right to freedom of movement.

Right to privacy (section 13)

As outlined above, section 13(a) of the Charter provides a right to privacy, stating that a person has the right not to have their 'privacy, family, home or correspondence unlawfully or arbitrarily interfered with'. Relevant to this discussion, section 13(a) contains internal limitations that permits lawful and non-arbitrary interferences with a person's privacy. Interference with privacy will be arbitrary if it is capricious, unpredictable, unjust or unreasonable (*Minogue v Thompson* [2021] VSCA 358, [55]).

The right to privacy protects a person's interest in the freedom of their personal and social sphere, which includes their right to individual identity and personal development, to establish and develop meaningful social relations and to physical and psychological integrity, including personal security and mental stability (*Kracke v Mental Health Review Board (General)* (2009) 29 VAR 1, [619]–[620]). Justice Bell has emphasised the 'fundamental importance' of the right to privacy in ensuring that 'people can develop individually, socially and spiritually' in their private sphere and thereby providing the foundation for participation in democratic society.

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA may limit the right to privacy by empowering police to direct a person who is at a public protest, or within a reasonable time after the person has left a public protest or the protest is no longer occurring, to cease wearing their face covering if the police officer believes on reasonable grounds that the person committed or intends to commit an offence. The direction to remove the face covering may impact a person's ability to participate in protest anonymously by requiring them to reveal their identity. This can interfere with certain facets of the broad right to privacy, including the right to maintain anonymity and control over one's informational privacy, such as by not being identified when participating in public life.

The new power in section 6D is confined to persons that are reasonably believed to be engaging or that are intending to engage in criminal conduct and is not designed to apply to the wearing of face coverings generally. Moreover, section 6D(6) provides that a person may refuse to remove their face covering if they have a reasonable excuse, which includes, as discussed earlier, genuine religious, cultural or medical purposes. The exception in section 6D(6) ensures that the power to direct a person to cease wearing their face covering is sufficiently circumscribed and subject to adequate safeguards to ensure that any interference with the right to privacy is not arbitrary, unpredictable or unreasonable within the internal limitations contained under section 13(a) of the Charter.

Further, new section 6D is intended to ensure that police can effectively identify persons that use face coverings to shield their identity to commit criminal acts at public protests, which can have the potential to escalate peaceful protests into extreme and dangerous demonstrations. The police being able to effectively identify persons that engage in criminal behaviour at public protests supports the purposes of the Bill to prevent frustration of police functions, maintain public order and promote public safety. Alternative approaches such as directing a person to leave a protest area would not adequately prevent a person from returning to the protest area with their face covering on to engage in further criminal activity. This approach would also fail to address operational challenges experienced by Victoria Police in identifying and charging persons who have committed a criminal offence at a protest.

Empowering police to direct a person to cease wearing their face covering is therefore the most appropriate means to achieve the purpose of the Bill and ensures that any interference with privacy is not arbitrary, and thus compatible, with the right privacy.

Offence to lock on at public protests

As discussed above, new section 6F provides for the new offence of locking or securing one person to another person, thing or surface at a public protest.

To the extent the new offence would apply to acts likely to be protected by the right to privacy (such as persons engaging in private or employment-related activities where a protest is occurring), new section 6F provides a broad reasonable excuse exception to protect people that have a legitimate reason to use a thing or substance in a way that may present a risk to the public. For example, a tradesperson who uses a thing to attach themselves (such as a suspension device) to another thing to carry out necessary works in a public place, at a time that coincides with a public protest.

To the extent the offence provision interferes with privacy where the reasonable excuse exception would not apply, I consider it would not be arbitrary as the provision is limited in scope to targeting legitimate harms, being lock on acts at a public protest that are likely to cause injury to a person or present a serious risk to public safety. The need for the prosecution to prove that a lock on is 'likely' to cause injury to 'another person' or presents a 'serious risk to public safety' are high threshold conditions which further contain the scope of this provision. Therefore, I consider new section 6F to be compatible with the privacy right. I outline the justification for this provision in more detail under my consideration of its impact on freedom of expression.

Search warrants for lock on offences

New section 6H(1) of the SOA relates to search warrants and provides that section 465 of the *Crimes Act 1958* (**Crimes Act**) applies to, and in respect of, an offence against section 6F as if it were an indictable offence. This provision empowers a police officer to apply for a warrant to search and seize from a building, place or a vehicle, property in relation to an offence under section 6F that has been committed or might be committed in the next 72 hours, and engages the right to privacy.

I consider these search powers to be compatible with section 13(a) of the Charter on the basis that they can only be exercised with prior authorisation in the form of a valid warrant issued by a magistrate under section 465 of the *Crimes Act*. Further the magistrate must be satisfied that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence.

Accordingly, any limitation on a person's right to privacy is lawful and does not arbitrarily or unreasonably limit the right to privacy. To the extent of any limitation, new section 6H is intended to support the purpose of the Bill to protect public safety by empowering police to proactively and pre-emptively remove things or containers of substances that may be used to lock on at public protests, and thereby prevent the dangerous use of these items. It will also allow police to investigate lock on offences that have already occurred.

Prohibiting the public display of symbols of terrorist organisations

New sections 41R, 41S and 41T may limit the right to privacy by empowering police to:

- direct a person to remove a symbol of a terrorist organisation from public display whether that display is occurring in public or on private property (section 41R)
- seize property bearing a symbol of a terrorist organisation without a warrant where a police officer reasonably believes the offence against section 41Q(1) is being committed (section 41S), and
- apply to the Magistrates' Court for a warrant to search premises and seize property that displays a symbol of a terrorist organisation (section 41T).

These powers may engage the right to privacy, to the extent that interfering with a person's display of a terrorist symbol intrudes into areas protected by the right, such as private property, the expression of personal identity or the integrity of a person's personal or social sphere.

However, these powers are designed to limit the right to privacy only to the extent that is reasonably necessary to enforce the offence provision and to empower police to effectively prevent vilification, harm and the risk of incitement (including incitement to violence) caused by the display of these symbols. The Bill does this by:

- targeting symbols of terrorist organisations that are displayed in a public place, a non-Government school or a post-secondary education institution or in sight of a person who is in one of those places, which does not prevent a person from owning or displaying these symbols in private where they cannot be viewed by the public

- limiting the offence to symbols of terrorist organisations prescribed by the Commonwealth and not symbols which merely resemble those used by terrorist organisations
- providing a list of exceptions to the offence which ensure that the display of symbols of a terrorist organisation for legitimate reasons is protected, and
- excluding tattoos or other like processes that depict a symbol of a terrorist organisation to preserve rights to bodily integrity.

The power under new section 41S to seize a thing bearing a symbol of a terrorist organisation without a warrant is appropriately confined and may only be exercised where a police officer forms the requisite reasonable belief on reasonable grounds that an offence against new section 41Q(1) is being committed by that display. The Bill also clarifies that exercising the new seizure power without a warrant will not authorise a police officer to search a person.

Additionally, police officers can only obtain a warrant from the Magistrates' Court to search and seize property in relation to the new offence if the magistrate is satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence that has been committed or might be committed in the next 72 hours.

The approach adopted in the Bill ensures that the search powers are sufficiently circumscribed and subject to adequate safeguards to ensure that any interference with the right to privacy is not arbitrary, unpredictable or unreasonable. Given the above limits on the scope of the accompanying enforcement powers, and the harm that criminalising this act is seeking to prevent, any resulting interference with the right to privacy is considered to not be arbitrary in the circumstances and thus compatible with the Charter.

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

As noted above, section 14 of the Charter protects the right to freedom of religion and belief. This includes the right to hold a religion or belief and to demonstrate one's religion or belief in worship, observance, practice and teaching. The right promotes respect for different religious faiths and beliefs, including the right to not hold religious beliefs, as an integral part of an equal and democratic society based on human dignity.

While the right to have or adopt a religion and belief is a matter of individual thought and is absolute, the right to demonstrate religion and belief may impact others and may therefore be subject to reasonable limitations. The Victorian Court of Appeal has noted that the right to freedom of religion may need to be limited to protect the rights of others. The balancing of these rights does not involve privileging one right over the other, but a recognition that rights coexist.

The right to culture in section 19(1) ensures individuals, in community with others that share their background, can enjoy their culture, declare and practise their religion and use their language. It protects people of all cultural, religious, racial and linguistic backgrounds.

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA has the potential of engaging both the right to freedom of religion and the right to culture if a person who wears a face covering for religious and/or cultural reasons is directed by a police officer to cease wearing their face covering. While the provision provides a reasonable excuse to not comply where the covering is worn reasonably and in good faith for a genuine religious or cultural purpose – I accept, given the close connection between face coverings and religious and cultural practices, that this provision has the potential to interfere with a person's right to freedom of religion and their right to culture, or deter the wearing of a religious or cultural face covering at a place where a public protest is occurring. I also note that if prosecuted, the provision places an evidential onus on a person to establish the religious or cultural practice exception.

However, as I have already outlined in relation to the right to equality, this provision serves a pressing and important objective. There has been an increase in agitators using face coverings such as balaclavas at protests to anonymously engage in acts of vilification and other criminal conduct. The Bill addresses this conduct by empowering police to direct a person to cease wearing a face covering where they reasonably believe a person has committed or intends to commit an offence at a public protest. This will help deter people that are emboldened to vilify others and engage in other criminal acts under the guise of anonymity.

As discussed above, the requirement that a police officer reasonably believes that a person has committed or intends to commit a criminal offence ensures that any limitation on this right is only to the extent reasonably necessary to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders, promote public safety, protect people's ability to exercise the right to engage in peaceful protest without fear of violence, and protect persons from harms that flow from espousing hateful views at public protests under the cover of anonymity. Further, by inserting a reasonable excuse for failing to comply

with a direction, including where a face covering is being worn reasonably and in good faith for a genuine religious or cultural purpose, the Bill adopts the least restrictive means reasonably available to achieve the purpose that section 6D seeks to achieve.

Prohibiting the public display of symbols of terrorist organisations

By making it an offence to intentionally display a symbol of a terrorist organisation in the places specified in section 41Q(1)(d), this provision may engage the right to freedom of religion and cultural rights – particularly of the Muslim community – if the terrorist symbol is also a religious symbol that has been coopted by a terrorist organisation (for example the 'Shahada', being the Islamic declaration of faith). Although section 41Q(2)(a) provides that a person does not commit an offence if the display of the symbol was engaged in reasonably and in good faith for a genuine cultural or religious purpose, the new offence may, in instances where police under section 41R(1) have formed a belief that a person is committing an offence against section 41Q(1) and directs the person to remove the symbol from display, or under section 41S, seizes the symbol, limit the person's right to freedom of religion and/or their cultural rights.

However, any limitations on the rights protected under sections 14 and 19 of the Charter are consistent with the purpose of the Bill to protect people from harm caused by the public display of symbols of terrorist organisations and the risk of inciting others to engage in violence and vilification. As I outlined above, the offence is narrow in scope. It only applies to symbols of terrorist organisations prescribed by the Commonwealth, and it does not capture symbols which only closely resemble those used by terrorist organisations. The exceptions in the Bill for religious and cultural purposes are also intended to ensure that any limitation placed on religious or cultural rights is the least restrictive possible. Together, these ensure the offence does not capture the legitimate use of symbols. For completeness, I note the exception places an evidential onus on an accused, and I will discuss the appropriateness of this below under criminal process rights.

On balance, I consider this approach to be the most appropriate option to achieve the purpose of the Bill and is reasonable and justified in accordance with section 7(2) of the Charter.

Protecting religious assembly

The Bill substitutes existing section 21 of the SOA which deals with the disturbance of religious assembly. New section 21 provides that a person must not intentionally, without lawful excuse, engage in conduct that disturbs a meeting of persons assembled for religious worship. The Bill inserts new sections 21A, 21B and 21C into the SOA. These provisions make it an offence to: assault a person arriving at, attending or leaving a place of religious worship; engage in conduct to intimidate, menace or harass persons arriving at, attending or leaving a religious assembly; and, engage in conduct to hinder or obstruct persons arriving at, attending or leaving a religious assembly. A defence of 'lawful excuse' is provided for in each of the new sections.

By protecting people from being assaulted, disturbed, obstructed, hindered, intimidated, menaced or harassed when congregating with others to engage in religious worship, the Bill promotes the right to freedom of religion, particularly, section 14(2) of the Charter which provides that a person must not be coerced or restrained in a way that limits their freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

In terms of the issue of competing religious beliefs, I note that section 14 of the Charter does not protect an individual's right to demonstrate their belief by restraining a religious gathering of others. For completeness, to the extent that these new provisions may be found to restrict the expression of competing religious beliefs, such as conduct that criticises another faith during a religious worship service, any such limit is intentional and justified under s 7(2) of the Charter to achieve the purpose of safeguarding lawful religious gatherings. It will not be a lawful excuse to contravene this provision on the grounds of expressing a religious, or other, belief. The limitation is narrow, targeted and proportionate. It applies only to conduct that is directed at persons attending a religious assembly, or conduct that is intended to intimidate, menace or harass a person attending a religious assembly or obstruct their attendance (meaning it does not target conduct that occurs merely in proximity to a religious gathering). It provides for a lawful excuse defence. The limitation is justified and a proportionate response to disturbances of religious gatherings that have menaced and intimidated attendees and resulted in the mass evacuation of a religious congregation, impacting the freedom of Victorians to gather and practice their faith in peace. Accordingly, I consider these amendments demonstrably justified under section 7(2) of the Charter to achieve the purpose of safeguarding lawful religious gatherings.

Right to freedom of expression (section 15)

As noted above, 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 through a variety of mediums.

It is somewhat unsettled as to whether there are any implied limits on what constitutes protected expression in the Charter. In comparative jurisprudence, the right has been found to protect criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions (see, e.g., *Sunday Times v United Kingdom (No 2)* [1992] 14 EHRR 123. However, Victorian Courts have observed that the term 'expression' in section 15 of the Charter should not be regarded as unqualified or absolute, and what is protected expression must be informed by public policy considerations inherent in the nature of a free and democratic society (*Magee v Delaney* (2012) 39 VR 50, [86]).

Irrespective of the debate about the definitional limits of expression, section 15(3) makes clear that the right to freedom of expression as a whole is conditional and qualified. Section 15(3) contains an internal limitation which provides that the right may be subject to lawful restrictions reasonable and necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality. Relevantly, the protection of public order means, in broad terms, giving effect to rights or obligations that facilitate the proper functioning of the rule of law, including measures for 'peace and good order, public safety and prevention of disorder and crime' (*Magee v Delaney* (2012) 39 VR 50, [151].

Addressing face coverings worn by agitators at public protests

It is acknowledged that the wearing of a face covering may itself serve as a symbolic form of political expression and may facilitate political expression by allowing a person to protest anonymously while protecting their privacy.

New section 6D of the SOA therefore engages the right to freedom of expression to the extent that it empowers police to direct a person that the police officer reasonably believes has committed, or is intending to commit an offence, to cease wearing their face covering. However, new section 6D does not provide an outright ban on face coverings at protests nor provide police the power to direct the removal of face coverings in the absence of a reasonable belief that a person has committed, or intends to commit, an offence. For these reasons I am of the view that the powers provided under new section 6D, which are designed to target persons using face coverings to criminally vilify others or engage in other criminal conduct, do not constitute a limitation on the freedom of expression. This is because it does not seek to restrict any form of expression protected by s 15 (as it is directed towards expression that is facilitating criminal conduct).

Alternatively, if it is considered to restrict protected expression, I consider that new section 6D falls within the internal limit of s 15(3) as reasonable and necessary to protect the right of others as well as uphold public order.

This power is necessary to protect public order as it will:

- assist police to identify those engaging in criminal activities at protests, prevent the frustration of police functions and facilitate law enforcement at public protests and prevent the escalation of peaceful protests into dangerous and violent demonstrations;
- promote public safety and prevent violence at public demonstrations, thereby protecting the ability of others to engage in political protest without fear of violence;
- deter agitators at public protests that may be emboldened to commit criminal conduct because their identity is concealed by face coverings and protect people from harms that occur under the cover of anonymity; and
- address existing operational challenges currently experienced by Victoria Police (which I discuss further below).

The power is reasonable as:

- it is only exercisable by police in relation to a place where a public protest is occurring, or if the person has left that place or the protest is no longer occurring, no more than a reasonable amount of time afterwards;
- it is preconditioned on a police officer having reasonable belief that the person committed or intends to commit an offence while the protest is or was occurring;
- the offence of failing to comply is only enlivened after a warning is given;
- the Bill provides a reasonable excuse exception, including for genuine religious, cultural or medical purposes, for failing to comply with a direction to remove a face covering; and
- the penalty is limited to a fine of low magnitude.

I further note that Victorian legislation already targets the wearing of face coverings in certain circumstances. For example, section 10KA of the *Control of Weapons Act 1990* empowers a police officer to direct a person wearing a face covering to leave a designated area if the person refuses to remove the covering when requested, and the officer 'reasonably believes the person is using the face covering primarily to conceal the

person's identity or to protect the person from the effects of crowd-controlling substances'. As this existing provision only provides police with the power to issue an enforceable direction to a person to *leave* a designated area (following a request to cease wearing a face covering), new section 6D of the SOA will address the operational challenges currently experienced by Victoria Police in identifying and charging persons who are wearing face coverings to engage in criminal conduct at a public protest. I outline a specific incident of such operational challenges arising from protest action at the Land Forces Exposition, in my discussion below in relation to the right to freedom of assembly. Moreover, while protests may occur in a designated area, this is not always the case, and the utility of the designated area scheme is limited where protests are spontaneous and unplanned.

Other powers such as section 456AA of the *Crimes Act* allow a police officer to require that a person state their name and address if the officer believes on reasonable grounds that the person has committed or is about to commit an offence or may otherwise be able to assist in the investigation of an indictable offence. However, this does not achieve the same deterrent effect that the direction power in new section 6D will have on protestors that wear a face covering to engage in criminal offending.

The approach in new section 6D is therefore the most appropriate option to achieve the purpose of the Bill, including that it addresses existing issues with enforcement of the law where less restrictive means have been ineffective.

Accordingly, for the reasons above, any restriction on the right to freedom of expression caused by new section 6D is lawful and reasonably necessary to protect the rights of others and public order.

Offence to lock on at public protests

New section 6F of the SOA may limit the right to freedom of expression by restricting the ability of people to freely express their views or ideologies by locking or securing any person, including themselves, at a public protest using a thing or substance.

The powers in new sections 6G and 6H may also limit the right to freedom of expression by enabling police to pre-emptively remove items from protesters that would otherwise be used to express their views and opinions in public.

While it is an open question as to whether a 'lock on' action that is likely to cause injury to another person, or that presents a serious risk to public safety, would constitute protected expression within the scope of section 15, to the extent that it does – accepting that such actions are likely to be done in the context of an expression of political views – I consider any limitations imposed on this right by new section 6F to be reasonable and necessary to protect the safety of others and public order. In this respect, these provisions also promote the ability of people to safely attend a public protest and express their views without the risk of harm that may arise from the dangerous use of things or substances to lock on, or their subsequent removal in close proximity to others at the protest.

Moreover, new section 6F does not impose an outright ban on the use of lock on devices but only a prohibition on their use where they are likely to cause injury to another person or present a serious risk to public safety. That is, new section 6F is designed to not target disruptive peaceful protestors where the use or removal of a thing or substance being used to lock on does not present a risk of injury to another person or a serious risk to public safety. For example, it is not intended that new section 6F will capture conduct that is peaceful but merely disruptive, inconvenient or results in economic loss, such as the actions of women's rights pioneer Zelda D'Aprano who chained herself to the Commonwealth Bank Building in 1969 to fight for equal pay. The scope has been carefully tailored to not target the risk that a protestor's action may pose for themselves alone. The provision also provides a reasonable excuse exception.

It is acknowledged that protestors who lock on may already be subject to existing offences, such as obstruction, trespass or common law offences such as public nuisance depending on the circumstances. However, the new offence is specifically tailored to target the use of things or substances to lock on, where doing so may endanger the safety of the community. The approach adopted in the new lock on provisions is therefore the most appropriate to achieve the purpose of the Bill and for the reasons above, any restriction on the right to freedom of expression is, in my view, lawful and reasonably necessary for the protection of public order in accordance with section 15(3) of the Charter. I am therefore of the view that new section 6F does not limit the right to freedom of expression in section 15 of the Charter.

Seizure of lock on substances or other things

The seizure powers in new sections 6G and 6H are subject to appropriate limitations and may only be exercised where a police officer reasonably believes that an offence against new section 6F is being or will imminently be committed or where a magistrate is otherwise satisfied that the preconditions for a warrant to search and seize property in relation to the offence has been satisfied. To the extent that the seizure powers affect freedom of expression, I consider them reasonable and necessary in order to operationalise and enforce

new section 6F at public protests. For dangerous lock on activities to be effectively targeted and deterred, it is necessary that police have proactive tools to prevent the commission or continuation of this offence.

Prohibiting the public display of symbols of terrorist organisations

New section 41Q of the SOA may engage the right to freedom of expression by restricting a person's ability to communicate or impart information and ideas through the public display of a symbol of a terrorist organisation.

However, the new offence provision is carefully tailored with a number of exceptions and conditions, such that it only targets the display of symbols that cause harm to members of the community and are capable of inciting others to engage in vilification and violence.

As above, the offence is limited to symbols of terrorist organisations that have been prescribed by the Commonwealth and will not apply more broadly to symbols that closely resemble a symbol of a terrorist organisation. Further, the application of the offence does not extend to circumstances where a terrorist organisation symbol is being displayed for a legitimate reason set out in section 41Q(2)–(5), such as for genuine academic, artistic, education or scientific, cultural or religious purposes.

Additionally, persons who support the ideology communicated through these symbols will remain free to express their opinions in public via other means, subject to existing laws, and may continue to own or display these symbols in private. Further, the offence will not prohibit the display of terrorist organisation symbols by means of tattooing or other like processes (such as branding), even in instances where the tattoo is visible on a person's body while in public.

I note that this provision could be less restrictive by including an additional requirement similar to section 80.2HA of the *Commonwealth Criminal Code* that the symbol was displayed in a way that a reasonable person would consider involves spreading ideas based on racial superiority or hatred, advocates hatred of a person, constitutes incitement or is likely to offend, insult or intimidate a person because of their protected attribute.

However, I do not consider this less restrictive option to be reasonably available as, in my view, it would not adequately respond to the existing operational challenges faced by Victoria Police, namely that proving these circumstance elements beyond reasonable doubt in a dynamic protest environment is difficult in the absence of direct evidence. The proposed penalty for an offence against new section 41Q is also substantially lower than the penalty for a contravention of section 80.2HA of the Criminal Code. This further ensures that a lower threshold for the proposed offence is proportionate to the severity of the conduct.

The approach taken in this Bill is therefore the least restrictive means reasonably available to achieve the purpose of the Bill and, for the reasons outlined above, any restriction on the right to freedom of expression are, in my view, lawful and reasonably necessary to protect people's right to not be vilified or subjected to violence, and to maintain public order in accordance with section 15(3). I am therefore of the view that new section 41Q does not limit the right to freedom of expression in section 15 of the Charter.

Protecting religious assembly

Substituted section 21 and new sections 21A, 21B and 21C of the SOA, particularly the new offence at section 21B prohibiting conduct that menaces, intimidates or harasses persons attending religious worship meetings, may impose limitations on the way people communicate or impart certain information and ideas near religious assemblies and therefore engages the right to freedom of expression.

As I have discussed above, the case law does not provide a definitive consensus on the breadth of expressive conduct that is protected by the right to freedom of expression, and it would be strongly arguable that conduct capable of reaching the legislative threshold of these offences would not constitute protected expression. The purpose of substituted section 21 and new sections 21A, 21B and 21C is to provide further protection for persons who assemble for religious worship, which is a cornerstone of a free and democratic society.

To any extent that the new offence provisions may restrict the right to freedom of expression, these restrictions are lawful, narrow and reasonably necessary to promote the rights of people to practice their faith and congregate with others to engage in religious assembly without disturbance, hindrance or obstruction, and free from fear of assault, intimidation, menacing behaviour or harassment. I am therefore of the view that substituted section 21 and new sections 21A, 21B and 21C do not limit the right to freedom of expression in section 15 of the Charter, for the same reasons advanced above for why these provisions are compatible with the right to freedom of religion.

Right to peaceful assembly and freedom of association (section 16)

Section 16(1) of the Charter protects every person's right to peaceful assembly. This right is one of the cornerstones of a free and democratic society, and is considered essential to facilitate public expression of a

person's views and opinions. However, it will not protect assemblies if they are violent or forceful, such as riots and affrays, and reasonable restrictions may be imposed on assemblies to prevent a breach of the peace.

Addressing face coverings worn by agitators at public protests

While the new provisions do not specifically seek to prevent public assembly, I accept that powers which regulate the conduct of persons engaging in public protest, and empower police to take certain actions against persons engaged in specified behaviour, may incidentally impact on the willingness of persons to gather in public and express their views. In other words, restrictions on protest behaviour are capable of having a chilling effect on the freedom to assemble. I accept that the United Nations Human Rights Committee has commented that the wearing of face coverings 'may form part of the expressive element of a peaceful assembly' (United Nations Human Rights Committee, General Comment No. 37 *on the Right of Peaceful Assembly (Article 21)*, 129th Sess, UN Doc CCPR/C/GC/37 (17 September 2020). The UN Human Rights Committee also acknowledged that limitations may be placed on the ability of people to anonymously participate at protest where their conduct presents reasonable grounds for arrest.

As clearly set out in new section 6C, the underlying objectives of these powers are, relevantly, to maintain the fundamental right to engage in peaceful protest, to protect the ability of persons to exercise that right without fear of violence, to promote public safety and to prevent violence at public protests, and protect persons from harms that arise from the commission of offences involving conduct that is likely to incite hatred, contempt, revulsion or ridicule. The power bestowed on police in new section 6D will promote the objectives in new section 6C by enabling police to maintain public order, ensure public safety and to protect people from harms that occur under the guise of anonymity.

Importantly, new section 6D of the SOA does not prevent persons wearing face coverings from gathering in peaceful assembly to partake in a public protest. As I have outlined above, the power of the police to, in accordance with new section 6D, direct a person who is wearing a face covering to cease wearing that face covering is limited and does not compel a person who has a reasonable excuse for wearing a face covering, including for a genuine religious, cultural or medical purposes, to comply with the direction to remove their face covering. Additionally, new section 6D does not empower police to direct a person wearing a face covering to leave the area. However, this does not prevent police from exercising their existing powers of arrest to remove a person from the area if the person is committing an offence and apprehension is necessary. It follows that I do not consider new section 6D to engage the right to peaceful assembly.

By targeting persons that are reasonably believed by police to either be committing or intending to commit an offence at a public protest, the Bill seeks to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders. This will likely have the effect of preventing persons emboldened by their anonymity from engaging in conduct that may escalate peaceful protests into violent or extreme demonstrations. For example, during the Land Forces Exposition in Melbourne in September 2024, many masked protestors carried out unlawful acts including throwing faeces, acid and other projectiles at police, setting rubbish bins on fire and damaging property of surrounding businesses. Victoria Police reported that the wearing of masks during this event hampered police efforts to protect those attending the event and restore public order and to identify and charge persons who behaved criminally. Victoria Police also reported that extensive work had to be undertaken after the event to identify and charge individuals who had committed offences during the protest but who police were unable to arrest at the time due to operational or safety reasons.

New section 6D expressly addresses these challenges by empowering police to identify persons who are reasonably believed to be engaging in, or intending to engage in, criminal conduct at a public protest, supporting both the immediate police response and any subsequent investigation. Allowing police to direct a person within a reasonable time after the person has left the protest or the protest is no longer occurring also allows police to identify a person where it was not operationally safe for them to do so at the time the person was believed to have committed a criminal offence at the protest.

Additionally, the narrow scope of the power means that individuals who are peacefully protesting can continue to do so while wearing face coverings. In this respect, the new power protects the rights of all other protestors to demonstrate peacefully.

This approach ensures that new section 6D does not provide further restrictions than what is necessary to fulfill the purpose of the Bill, and if the right under section 16 of the Charter were considered to be engaged and limited, it would be reasonable and justified in accordance with section 7(2) of the Charter.

Offence to lock on at public protests

As above, while new section 6F of the SOA does not directly prevent peaceful assembly, it may indirectly interfere with the right by restricting the way in which people may gather in public to express their views and opinions or impact the willingness of persons to exercise such rights.

The express objectives of new section 6F, outlined in new section 6E, are to maintain the fundamental right to engage in peaceful protest, to protect the ability of persons to exercise that right without risk of injury, and to promote public safety and prevent injury and serious risks to public safety at public protests.

While it may be open to argue that the conduct prohibited by this provision – that is, conduct likely to cause injury to another person or pose a serious risk to public safety – would come within the ambit of 'peaceful assembly', to the extent that it does, I consider any limitation on peaceful assembly to be necessary in order to assist police to effectively respond to conduct that may injure others, including bystanders, other protestors or emergency workers, and prevent conduct that presents serious risks to public safety. Such a limitation would also protect the right of other people to peacefully protest by preventing dangerous conduct that risks their personal safety and the safety of the public.

It is acknowledged that an alternative formulation of the offence could be restricted to actual harm being experienced by individuals or the community. However, such formulation of the offence would require harm to be experienced and would not enable police to proactively intervene and prevent harm and injury to the community. Alternatively, the offence could be restricted to the use of certain lock on devices, but this approach may be too narrow to ensure all harms to the community are prevented. Therefore, I am of the view that the adopted approach is the least restrictive means to address the dangerous use of things or substances to lock on at public protests.

As noted, new section 6F is confined to where the use or removal of a thing or substance used to lock on at a public protest poses a risk of injury to others who are not locked on or secured or a serious risk to public safety. It is not intended to prohibit the ability of protestors to engage peacefully in conduct that merely causes disruption or temporary inconvenience. Additionally, the provision contains a reasonable excuse exception so that people who have a legitimate reason to use these items will not commit an offence.

This approach ensures that the Bill does not provide further restrictions than what is necessary to fulfill its purpose. To the extent that there are direct or indirect limits on this right, I consider them to be reasonable and justified in accordance with section 7(2) of the Charter.

Prohibiting the public display of symbols of terrorist organisations

In a similar vein, new section 41Q of the SOA could be said to interfere with, or chill the willingness of, people who wish to display a symbol of a terrorist organisation to express their views and opinions in public, including at protests.

As above, the new offence is designed to only target the public display of symbols of a terrorist organisation prescribed by the Commonwealth and will not apply more broadly to symbols that closely resemble a symbol of a terrorist organisation. As noted, the offence is also subject to a range of exceptions where a symbol of a terrorist organisation may be displayed for legitimate reasons.

Individuals that support the ideology communicated by these symbols may still gather to protest or express their views publicly by other means, subject to other laws.

This approach ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose and is reasonable and justified in accordance with section 7(2) of the Charter.

Protecting religious assembly

The offences created in Part 10, Division 3 of the Bill, particularly new section 21B of the SOA which prohibits conduct intended to intimidate, menace or harass persons arriving at, attending or leaving religious worship, may impose limitations on the right to peaceful assembly by restricting the ways in which people publicly gather to express views or opinions near religious assemblies.

To the extent that new sections 21, 21A, 21B and 21C limit the right in section 16 of the Charter, the limitation is necessary to facilitate the right to freedom of religion and belief by protecting a person's right to gather, pray and practice their faith at religious meetings without being disturbed, hindered or obstructed, and free from the fear of assault, intimidation, menacing behaviour or harassment.

The new offences are not intended to prevent people from participating in peaceful political protests or demonstrations. For example, the new offences will not affect peaceful assemblies at places where religious worship takes place, such as the practice of gathering to tie ribbons outside churches to show support for survivors of rape and sexual assault.

The Bill provides for a defence of lawful excuse to these offences, which provides courts with the necessary discretion to determine whether the accused person had a valid excuse supported by law for their actions. An example of a lawful excuse could include construction workers who hinder access to a religious worship meeting to ensure public safety while carrying out works.

This approach ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose and is reasonable and justified in accordance with section 7(2) of the Charter.

Right to property (section 20)

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA engages the right to property by empowering a police officer to direct a person to cease wearing their face covering if the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. A direction may also be given within a reasonable time after the person has left the public protest or the protest is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at).

The right to property characteristically entails rights of use, control, transfer and exclusivity. Therefore, placing restrictions on the use of face coverings arguably deprive a person of their property to the extent that the restrictions interfere with a person's enjoyment of their face covering and restricts how a person may use their face coverings.

However, any interference with a person's property right that results from new section 6D, is authorised by this provision which sets out a clear and accessible framework on the use of face coverings at public protests. It will not function arbitrarily for the same detailed reasons I have advanced above regarding the proportionality of the provision with regards to its limited scope, necessary purpose and broadly framed 'reasonable excuse' exception. As such, I consider that the right to property is not limited by new section 6D.

Offence to lock on at public protests

New section 6G of the SOA engages the right to property by empowering a police officer to seize a thing or container of a substance without a warrant where the police officer reasonably believes that the item is being used or will be imminently used to commit an offence against new section 6F. New section 6H enables police to apply to the Magistrates' Court for a warrant to search and seize property that is in connection to, or evidence of commissioning the offence against new section 6F.

The above powers to seize things or containers of substances from protesters that may be used to lock on at public protests may limit the right to property. That being so, I consider that deprivation of a person's property pursuant to the seizure authorisations in new sections 6G and 6H would be in accordance with law because the legal authorisation for the deprivation is publicly accessible, and governed by a clear and accessible process.

Moreover, the seizure power in new section 6G is a rational means to prevent offences under new section 6F and to bring an end to offences already committed, and thereby achieve the purposes of preventing injury to other persons and protecting public safety. The power in new section 6G is appropriately confined and may only be exercised where a police officer forms the requisite reasonable belief and the thing or container of substance is wholly or partially visible to the officer. The Bill also clarifies that exercising the seizure power in section 6G will not authorise a police officer to search a person.

As it relates to new section 6H, police can only obtain a warrant from the Magistrates' Court to search and seize property if the magistrate is satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence that has been committed or might be committed in the next 72 hours.

As such, I consider that the right to property is not limited by new sections 6G and 6H of the SOA.

Prohibiting the public display of terrorist organisation symbols

New section 41S of the SOA may limit the right to property by empowering a police officer to seize property bearing the symbol of a terrorist organisation without a warrant where the police officer reasonably believes the offence of displaying a symbol of a terrorist organisation is being committed. Similarly, new section 41T, which enables police to apply to the Magistrates' Court for a warrant to search premises and seize property that displays a symbol of a terrorist organisation or evidence of the commission of an offence of displaying a symbol of a terrorist organisation, may limit the right to property.

However, I consider that deprivation of a person's property pursuant to the seizure authorisations in new sections 41S and 41T would be in accordance with law because the legal authorisation for the deprivation is publicly accessible, and governed by a clear and accessible process.

The power in new section 41S to seize an item bearing a symbol of a terrorist organisation may only be exercised where a police officer forms the requisite reasonable belief that the display constitutes an offence against section 41Q and the item bearing the symbol of a terrorist organisation is displayed in a way or place prohibited in section 41Q. The Bill also clarifies that exercising the seizure power in section 41S will not authorise a police officer to search a person.

As it relates to new section 41T, police may only obtain a warrant from the Magistrates' Court to search and seize property in relation to the new offence if the magistrate is satisfied, by evidence, that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle,

something that is connected with the offence that has been committed or might be committed in the next 72 hours.

Victoria Police has advised that without the power to seize items, the practical enforcement of new section 41Q would likely be undermined. In particular, there would be no practical and operationally workable means of preventing a person who police find publicly displaying a symbol of a terrorist organisation from continuing to display that symbol after police leave. I therefore consider the seizure powers to be necessary in order to achieve the purpose of section 41N and give Victoria Police adequate powers to respond to, and where necessary, remove the symbols of terrorist organisations from display when they appear in dynamic environments, such as protests.

As such, I consider that the right to property is not limited by new sections 41S and 41T of the SOA.

Forfeiture of property seized under Part 10

The Bill inserts new section 60B in the SOA which deals with when certain things are seized under new sections 6G and 41S, or under a search warrant issued under s 465 of the Crimes Act as applied by sections 6H and 41T, become eligible to be collected, and by whom. New section 60D deals with the forfeiture of things seized under the above provisions when not collected. New section 60E deals with the forfeiture of things seized under the above provisions for other reasons. Section 60E(2) provides that if a court finds a person guilty, or not guilty by reason of mental impairment, of an offence against sections 6F, 41Q(1) or 41R(5), the seized thing is forfeited to the Crown unless the court orders otherwise.

The forfeiture powers are clearly prescribed in sections 60D and 60E and do not operate arbitrarily. Although forfeiture of seized things not collected within a specified period operates automatically by force of law, the power to forfeit items not collected is subject to notice requirements set out in sections 60C and 60D.

The power to forfeit seized items where a person is found guilty, or not guilty by reason of mental impairment of an offence in respect of the seized thing, supports the purpose of the Bill by preventing persons from using seized property to recommit an offence against sections 6F or 41Q(1) and further, to deter others from engaging in such conduct.

Accordingly, any limitation on property rights caused by the new forfeiture powers under new sections 60D and 60E are appropriately confined and are reasonable and demonstrably justified in accordance with section 7(2) of the Charter.

Right to security of person (section 21)

Section 21 of the Charter protects the right to liberty and security of a person. Under international law, the right to security is recognised as separate to the right to liberty, and applies to persons regardless of whether they have been deprived of liberty. That is, it imposes a positive obligation on public authorities to take reasonable and appropriate measures to protect the security of persons under their jurisdiction irrespective of whether their right to liberty has been engaged and limited. In Victoria, the courts have generally dealt with the right in section 21(1) as a single right to 'liberty and security'. However, as the scope of the right to security, separate from the right to liberty, has not been directly considered by the courts, it remains unclear.

Offence to lock on at public protests

New section 6G(4) and (5) provides that police may use reasonable force to seize a thing. If a broad application was adopted in relation to section 21(1) of the Charter, new section 6G(4) and (5) of the SOA may engage the right to security of a person insofar as it enables a police officer to use reasonable force to seize a thing, including where a person is locked on, and where doing so would involve breaking the thing. This will naturally bring into existence a risk of injury to the person who is locked on or secured. However, as the use of force must be 'reasonable' and would be confined to circumstances where the police officer has a reasonable belief that there is a risk of injury being caused to another person, or there is a serious risk to public safety, and a police officer must first ask the person to hand the thing or container over (including where this may require breaking, unlocking or otherwise modifying or operating the thing), and issue a warning that reasonable force may be used to seize the thing or container, it is my view that any limitation on the right to security is demonstrably justified under section 7(2) of the Charter.

Prohibiting the public display of terrorist organisation symbols

If a broad application of section 21 was adopted, new section 41S(2) of the SOA may engage the right to security of a person by empowering police to use reasonable force when seizing things displaying a symbol of a terrorist organisation.

However, the use of force exercised by a police officer during seizure must be reasonable and is conditional on the police officer having first requested that the person hand over the thing displaying the symbol of a terrorist organisation and having warned the person that reasonable force may be used to effect seizure. It is my view that any limitation on the right to security is demonstrably justified under section 7(2) of the Charter.

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.

The Bill introduces a number of reasonable excuse exceptions in relation to the following new offences:

- contravening a police direction to cease wearing a face covering worn at a public protest (new section 6D);
- locking or securing one person to another person, thing or surface at a public protest (new section 6F); and
- contravening a police direction to remove a terrorist organisation symbol from public display (new section 41R).

As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'reasonable excuse' exception/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. Additionally, the subject matter to which these excuse or exception provisions apply are matters within the knowledge of the accused and in regards to which the accused is best placed to lead evidence. Requiring the prosecution to prove an absence of such excuse in these circumstances would be too onerous and lead to these offence provisions being unenforceable.

Accordingly, I do not consider that the above 'reasonable excuse' offence provisions in the Bill limit the right to be presumed innocent in section 25(1) of the Charter.

Enver Erdogan
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (22:18): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to continuing to address concerns about community safety and social cohesion, and improving police and justice system powers and processes for the benefit of all Victorians.

The Justice Legislation Amendment (Police and Other Matters) Bill 2025 demonstrates this commitment with the introduction of a broad range of reforms under the Police and Attorney-General portfolios.

Specifically, this suite of reforms has four important objectives.

Firstly, it is aimed at stamping out dangerous and hateful conduct at public protests, and protecting the rights of Victorians to engage in religious worship without fear.

Secondly, it introduces amendments to increase community safety, by improving the existing powers of police to stop and search people for weapons, and by introducing new offences relating to new kinds of weapons like 3D printed guns.

Thirdly, it makes changes in the interests of effective and efficient policing by streamlining cross-border policing, expanding the duties our PSOs can perform, and reducing the need for police to retain all seized drugs and drug-related equipment in their entirety before trials.

Fourthly, this Bill provides for a range of broader justice system reforms and technical amendments.

I will speak now to the amendments that fall within each of these four categories.

Addressing extreme, dangerous and hateful protest activity and protecting religious worship

The Bill fulfils a Victorian Government commitment to introduce tough new laws to prevent extreme, dangerous and hateful conduct at public protests and strengthen protections for religious worship.

We have recently seen shocking examples of racist and hateful demonstrations by far-right extremists who hide behind masks to generate fear and engage in deeply abhorrent behaviour. There is no place for such hatred in our state. While recent protests in Victoria have largely been peaceful, incidents of violent and disruptive conduct by some protestors have highlighted the need for new laws to be introduced to strengthen powers available to police in protests. We have seen examples of the actions and behaviours of a small group of agitators jeopardising public safety, endangering the community and causing individuals to feel unsafe. These reforms will give police powers to respond to this unacceptable conduct.

The government recognises that the right to protest is a critical part of our democracy and supports the rights of Victorians to engage in peaceful protest. However, unsafe behaviours that endanger our community cannot and will not be tolerated.

The Bill amends the *Summary Offences Act 1966* to empower Victoria Police to issue a direction to a person wearing a face covering in certain circumstances, introduce a new offence to lock-on at a public protest, and prohibit the public display of symbols of terrorist organisations.

These new laws have been developed in consultation with a range of stakeholders, including key religious, legal and human rights organisations. We have listened to their important feedback to ensure these laws strike the right balance between upholding the rights of Victorians to engage in peaceful protest, whilst ensuring that Victoria Police has the power to proactively prevent risks to public safety before they arise.

The government is committed to protecting the right of all Victorians to gather and pray, free from fear, harassment and intimidation. That is why, in addition to measures focused on public protests, the Bill strengthens the existing offence for disturbing religious worship in the Summary Offences Act 1966 to provide greater protections to people attending religious assemblies.

<u>New powers to address face coverings in relation to public protests</u>

The Bill introduces new powers for Victoria Police to unmask people who wear face coverings while engaging in criminal conduct at protests.

The reform responds to an increase in right wing extremists and other agitators using face coverings at protests to conceal their identities while engaging in criminal conduct. This includes the use of balaclavas by neo-Nazi groups during recent demonstrations that have emboldened these agitators to anonymously participate in acts of hatred and intimidation and make it difficult for police to identify them.

The new powers will enable police to better maintain public order, ensure public safety by taking action before peaceful protests escalate into violent or extreme demonstrations and to protect people from harm that occurs under the guise of anonymity.

In combination with the government's recently commenced anti-vilification offences, this Bill will enable police to unmask and identify those who attend a protest anonymously to incite hatred, and ensure they are accountable for their behaviour.

Police know all about the neo-Nazis and others who have a proven track record of anonymously attending protests to spread hate and threaten certain groups, simply for being who they are. Now, police will be able to engage those individuals, who cowardly hide behind masks, as soon as they attend a public protest, and have them show their face.

The Bill empowers a police officer to direct a person to cease wearing their face covering where the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. The direction can be given while a person is at a public protest or within a reasonable time after the person leaves the public protest or after the public protest has ended. This approach gives police the flexibility to approach protestors that have been observed as having committed or intending to commit an offence when it is operationally safe for them to do so.

The Bill provides that if a person fails to comply with a direction to cease wearing their face covering without a reasonable excuse, that person commits an offence punishable by 5 penalty units. Without limiting the scope of what a reasonable excuse may be, the Bill expressly provides that a reasonable excuse includes the wearing of a face covering for a genuine religious, cultural or medical purpose. This exception will protect protestors who have a legitimate reason for wearing a face covering from being inadvertently captured by the new offence.

These new powers complement existing identification powers by enabling police to more effectively target the use of face coverings at protests outside of the designated area scheme under the *Control of Weapons Act 1990* (including where the protest is unplanned or weapons-related criteria are not met).

New offence to lock-on at a public protest

The Bill introduces a new offence to prohibit the use of things or substances to lock-on at a public protest.

Locking-on is a tactic used by protestors to affix themselves or others in place and resist being moved, inhibiting the ability of Victoria Police to do their job. A broad range of things or substances may be used by a protestor to lock-on. Colloquially known as 'attachment devices', these may include everyday household items such as glue, rope, locks and chains to bespoke devices. Another example is a 'sleeping dragon' which is a custom device commonly consisting of a metal pipe which covers a person's hand with an anchor point to secure the individual.

The use of things and substances to lock-on by protestors, and the subsequent removal of protestors from these devices, has the potential to create safety risks for the community, law enforcement, first responders and other protestors. For example, specialist tools such as angle grinders and hydraulic machinery can be required to remove protestors, and it is possible that complications in the removal process could endanger others.

Currently, Victorian legislation does not expressly address the use of things or substances to lock-on where doing so may endanger the safety of others. Whilst existing laws such as obstruction, trespass or public nuisance might apply to the use of attachment devices by protestors depending on the circumstances, a tailored offence which specifically targets the use of such things or substances will give police an additional tool to keep the community safe.

The Bill provides that it is an offence for a person to intentionally use a thing or substance at a public protest, to lock or secure any person (including themselves) to another person, surface or other thing where locking on or removal of the thing or substance, is either likely to cause injury to a person who is not locked or secured or presents a serious risk to public safety. The offence is punishable by a fine of up to 120 penalty units or 1 year imprisonment or both. The offence is confined to the dangerous use of things and substances to lock-on and will only apply where use or removal is likely to cause injury to a person who is not locked-on or poses serious risks to public safety. This recognises that attachment devices are not inherently unlawful to possess, and in some circumstances may continue to be used as a form of peaceful protest but provides a mechanism for police to intervene to prevent harm to the community.

A person will not commit the offence where they have a 'reasonable excuse', in recognition that there may be legitimate reasons for a person to use things or substances to lock-on, even where doing so may pose risks to another person or the public. For example, where a person uses an attachment device (such as a suspension device) in connection with their employment to complete works at a time that coincides with a public protest.

The Bill empowers Victoria Police to seize without warrant, a visible thing or a container of a substance where a police officer reasonably believes that it is being used, or will imminently be used, to commit the locking-on offence. Where the power to seize without a warrant does not apply, the Bill enables police to apply to the Magistrates' Court for a warrant to search premises and seize property. These powers will assist Victoria Police to enforce the new offence by proactively preventing dangerous conduct before it occurs.

Prohibition on the public display of terrorist organisation symbols

Symbols of terrorist organisations have no place in Victoria. These symbols represent racist, violent and hateful ideologies and their public display can cause profound distress, fear and harm to members of targeted groups in Victoria. The display of these symbols can also encourage others to engage in acts of violence and vilification.

Whilst a Commonwealth offence to publicly display a symbol of a terrorist organisation was introduced under section 80.2HA of the *Criminal Code Act 1995* (Cth) in January 2024, there is currently no equivalent offence in Victoria.

The Bill will close this gap by introducing a new offence to prohibit the public display of symbols of terrorist organisations in Victoria. The elements of the new offence will be simpler to prove than the Commonwealth offence, and will be modelled on existing laws, namely the prohibition of the public display of Nazi symbols under the *Summary Offences Act 1966* and the prohibition of the public display of insignia of certain organisations under the *Criminal Organisations Control Act 2012*. The new offence will therefore provide an effective prevention and enforcement framework for Victoria Police to address the public display of symbols of terrorist organisations in Victoria.

A person will commit an offence if they display a symbol that they know is used to identify an organisation, and that organisation is a terrorist organisation. The offence will be committed if the display of the symbol occurs in a public place, at a non-government school or post-secondary education institution, or where the display occurs on private premises but is visible from one of those places. The offence is punishable by a fine of up to 120 penalty units or 1 year imprisonment or both.

The Bill defines 'terrorist organisation' as an organisation prescribed as such by the Commonwealth in regulations made under the *Criminal Code Act 1995* (Cth). It also defines 'symbol' as any symbol that an organisation, or its members, use to identify that organisation. In contrast to the definition of 'prohibited terrorist organisation symbol' under the Commonwealth offence, the Bill will not capture symbols which 'nearly resemble' a symbol used by a terrorist organisation. The limited definition ensures legitimate symbols such as certain national flags which may resemble those used by terrorist organisations, are not unintentionally caught within the scope of the definition.

To ensure legitimate reasons for the display of symbols are protected, the Bill contains several exceptions based on the exceptions available under the Commonwealth offence and the Victorian Nazi symbol offence. For example, exceptions include the public display of terrorist organisation symbols for genuine academic, artistic, education or scientific, cultural or religious purposes. The exception for religious or cultural purpose acknowledges that some terrorist organisations may coopt legitimate religious or cultural symbols. For example, the Shahada is the Islamic declaration of faith but has been coopted by some terrorist organisations and used in flags.

The Bill empowers a police officer to direct a person to remove a symbol of a terrorist organisation from display, if the display occurs in a public place, at a non-government school or post-secondary education institution, or where the display occurs on private premises but is visible from one of those places. It will be an offence to fail to comply with this direction without a reasonable excuse, punishable by a fine of up to 10 penalty units. This will allow police to direct the removal of flags displayed in windows or on balconies, or murals or other displays on the exterior of a property that is in public view.

Victoria Police will also be able to seize with or without a warrant, property bearing the symbol of a terrorist organisation. This equips police with effective enforcement powers to appropriately respond to harm that may flow from the continuing public display of a terrorist organisation symbol.

Protecting religious assembly

Harmful behaviours that prevent or disrupt people from practicing their faith have no place in Victoria. In a multicultural and multi-faith society, the right of individuals and communities to safely and peacefully gather to practice their faith free from intimidation and harassment must be protected.

The Bill replaces the existing offence of disturbing religious worship in section 21 of the *Summary Offences Act 1966* with two separate, modernised offences prohibiting conduct that disturbs a religious assembly, and the assault of persons arriving at, attending or leaving a meeting of persons assembled for religious worship. These offences will also be updated to ensure the language, burden of proof and limitation period are modernised and apply the standard approach applicable to equivalent Victorian offences.

The first new offence will capture conduct that is intended to intimidate, menace or harass a person arriving at, attending or leaving a meeting of persons assembled for religious worship. The second new offence will capture conduct that is intended to hinder or obstruct a person from arriving at, attending or leaving a meeting of persons assembled for religious worship. Each of these offences will be punishable by a fine of up to 15 penalty units, or 3 months imprisonment.

These reforms respond directly to the government's commitment to introduce new laws to protect the right of people to gather and pray, free from fear, harassment and intimidation. They are an important step in strengthening religious worship protections and upholding the values of respect, inclusion and safety for all Victorians.

Improving community safety

The Bill improves community safety through amendments to the Control of Weapons Act and the Firearms Act. These amendments are aimed at deterring and detecting the unlawful carriage of weapons in public places, and criminalising the possession and distribution of information to make new kinds of weapons.

Police powers to stop and search people for weapons in public places

I turn first to the amendments that relate to police powers to stop and search people for weapons in public places.

The government acknowledges the community's ongoing concerns about knife crime. For over 15 years now, the Chief Commissioner of Police has had the power to declare certain public places or events to be 'designated areas'. In these designated areas, police can stop and search people for weapons, without a warrant and without suspicion. The point of this is to reduce the unlawful carriage of weapons in our community. If you can be stopped and searched at random, you are less likely to go around carrying a weapon. And if you choose to carry a weapon, you will be caught. This is an important tool that police have to keep our community safe and is as important as ever now.

This bill builds on enhancements made to the scheme earlier this year. It further improves these police powers to ensure that where an event is declared to be a designated area, the key transit points that people use to get to and leave those events may be included in the declaration. If police can stop and search people at the main bus stop or train station people are using, then it will decrease the chances of weapons getting into those events.

The amendments will also mean that instead of having to carry around and give out hard copy notices to everyone they stop and search in designated areas, police will be able to provide these notices electronically.

Lastly, the Bill will also amend the search provisions relating to children and persons with an intellectual impairment. At the moment, if a person in one of these groups is scanned with a metal detector 'wand' and it activates, police have to take that person back to a police station in order to progress to an outer search or strip search if it is not possible to secure the attendance of a parent, a guardian or an independent person to be present for the search in the designated area. This means more time in police custody than may be necessary for that person, and a drain on police resources. The Bill will allow outer body searches – but not strip searches – to proceed in the designated area for children 15 years and older, and for younger children and people with intellectual impairments where additional criteria have been met. In all cases, this will only happen where no parent, guardian or other independent person is available. The Bill will preserve safeguards to ensure that the outer search is conducted in the presence of another person (who may or may not be a police officer) other than the officer conducting the search.

Together, these amendments will contribute to community safety by streamlining and expanding the powers police have to get weapons off our streets.

Digital blueprint offences

I turn next to Victoria Police's capacity to regulate firearms.

The Firearms Act provides a robust scheme to regulate the acquisition, possession and manufacture of firearms. The Bill amends the Firearms Act to prohibit possession or distribution of a document that can be used to instruct a machine to manufacture a firearm, also known as a 'digital blueprint', unless the person has a reasonable excuse or has a firearms dealers' licence.

Existing offences prohibit the possession of parts or equipment for the purposes of manufacturing a firearm. However, a digital blueprint is more properly characterised as information, not equipment. Recognising this distinction, the Bill establishes technology-neutral information offences to regulate possession and distribution of a digital blueprint on the basis that it is a document that functions as an essential component in a computer-aided-manufacturing process.

We know that technology is rapidly advancing, and that there are many legitimate uses for digital models of firearms in fields like the arts, film and television, computer game development, education, engineering, and industrial and scientific research. The Bill does not prohibit the possession or distribution of digital models. It only prohibits documents that also contain digital instructions for manufacture.

Possession of a digital blueprint includes conduct such as reducing it to material form, or reproducing a design by conversion to a set of machine instructions. Distribution of a digital blueprint includes publishing the instructions, exhibiting, communicating, sending, supplying or transmitting the instructions to any other person and making the instructions available for any other person to access.

The Bill provides for a lawful means to possess or distribute a digital blueprint if done so with a reasonable excuse or under and in accordance with a firearms dealer's licence.

The Bill provides for a licensed firearms dealer to possess or distribute a digital blueprint but they must keep the document secure, and prevent the use of the document to manufacture a firearm in contravention of the Firearms Act.

The Bill includes appropriate exceptions so that innocent conduct is not impugned. In my view, a person who intentionally possesses a digital blueprint, other than as provided for by the Firearms Act, also intends to manufacture a firearm. In the same way, a person who intentionally distributes a digital blueprint, other than as provided for by the Firearms Act, clearly intends to be a person involved in the manufacture of a firearm. The risk to community safety presented by the intention and the capacity to manufacture a firearm justifies the indictable offences introduced in this Bill.

Effective and efficient policing

The Bill also includes reforms to enable Victoria Police to respond to crime and exercise their powers more efficiently and effectively. These reforms will amend the *Victoria Police Act 2013*, *Drugs, Poisons and Controlled Substances Act 1991, Confiscation Act 1997, Control of Weapons Act 1990, Sex Offenders*

Registration Act 2004 (SOR Act) and the *Summary Offences Act 1966*. In summary, the reforms provide carefully circumscribed police powers with appropriate safeguards to:

- enable police officers to transport persons in their custody, care or control into New South Wales or South Australia in specified circumstances
- enable the destruction of drug exhibits pre-trial
- allow consultation with victims of sexual offences in relation to administrative actions under the SOR Act, and
- expand the powers of Protective Services Officers to alleviate sworn officers and free them up to perform front line duties.

I will outline each of these proposals in turn.

Cross-border policing

The Bill will amend the Victoria Police Act to enable Victorian police officers who are lawfully transporting persons in their custody, care or control in Victoria for various reasons to continue the transport into or through NSW or SA in specific circumstances.

The first circumstance is to obtain medical care for the person when, for example, the closest suitable medical services are in New South Wales (NSW) or South Australia (SA). This prioritises timely provision of healthcare for persons being transported by police in border regions, such as in Wodonga, where the closest suitable service may be in Albury, as compared with travelling an hour back to Wangaratta.

The second circumstance is to reach another Victorian destination via a safer or more direct route. For example, the most direct route from Robinvale in Victoria to Mildura is through NSW. Empowering police to take this route means people spend less time in police custody. Further, it enables police to transit interstate where local roads may be dangerous or closed due to bushfire or flood risks.

The third circumstance is to carry out a specified statutory function. This includes placing a child in emergency care under the *Youth Justice Act 2024* or the *Children Youth and Families Act 2005*, when the most suitable emergency carer for the child (such as a close relative) is located in NSW or SA. This is particularly relevant in border communities when families may commonly be dispersed across State borders. It also empowers police to take persons interstate to receive specified mental health services under the *Mental Health and Wellbeing Act 2022*. As with general medical services, enabling police to take persons to the nearest service minimises time in police care for this vulnerable cohort. Finally, the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* authorises persons subject to supervision orders to be taken to 'designated mental health services' in specified circumstances. As Albury Wodonga Health (which has campuses in Albury) is so designated, the Bill confers a power on police to transport persons interstate for this purpose. Finally, there is a power to prescribe further circumstances permitting travel into NSW or SA.

Currently, Victorian police officers may be appointed as de facto police officers in NSW or SA under that State's legislation. When appointed this way, Victorian officers can use their powers under the receiving State's legislation to transport a person in that State in limited circumstances.

This approach to interstate policing has significant drawbacks. These include, for persons in custody, needing to rearrest the person under interstate law and then formally extradite them back to Victoria, thereby extending the time the person spends in police custody. In contrast, the Bill provides a clear framework to enable police to transport persons into or through NSW or SA in confined circumstances. This limits the time spent in police custody, care or control, allowing police to take the safest roads, and facilitating prompt access to medical care.

The Bill provides that Victoria Police officers retain the same powers, obligations, immunities and responsibilities as if they were in Victoria. Victoria Police officers will also be subject to the same oversights and controls, ensuring effective and responsible policing.

Enabling destruction of bulk drug and drug equipment exhibits

The Bill also includes amendments that streamline drug and drug-equipment destruction procedures while maintaining fair trial rights, including through a notification process so that an accused is given notice that seized drugs and equipment are to be destroyed and that the accused may seek an independent analysis of samples retained of the seized drugs, and the bill requires the taking and retention of sufficient samples where practicable for forensic evidence for the duration of any court proceedings or appeal periods. These reforms expand upon existing provisions enabling drugs and equipment to be destroyed without a court order on health and safety grounds.

The reform will significantly reduce the large stockpile of drug exhibits and drug related equipment. This will reduce health and safety risks, free up storage space, reduce resource burden on Victoria Police and reduce security concerns associated with these stockpiles.

Consultation with victims of sexual offences about matters under the Sex Offender Registration Act

The Bill amends the SOR Act to authorise the Chief Commissioner of Police to engage in trauma-informed consultation with victims of a registrable offender. For this purpose, the Bill will authorise the Chief Commissioner of Police in specified circumstances to disclose specified information about a registrable offender to a victim, their parent, or their representative. The confidentiality of that information is preserved, and significant offences apply to a person who publishes or who solicits that information for publication.

Authorising the Chief Commissioner of Police to engage in victim-led trauma-informed consultation will provide additional information to the Chief Commissioner in decision-making and limit the scope for a registrable offender to secure an outcome that would not otherwise have been available were police able to consult with and rely on the input of a victim. To achieve these outcomes, the Bill will authorise the Chief Commissioner of Police to make certain limited disclosures in relation to administrative actions proposed to be taken under the SOR Act such as applying for a registration order or registration exemption order, applications relating to the suspension of reporting obligations, and applications for an approval to apply for a change of name including when made in combination with an application for an acknowledgement of sex.

The amendments to the SOR Act include measures to preserve the confidential nature of any information disclosed. This includes new offences to prohibit the publication of information disclosed by the Chief Commissioner of Police, and to prohibit a person from soliciting that information from a victim for the purposes of publication. These offences are based on provisions in the Corrections Act 1986 designed to protect a person included in the Victim's Register.

Preserving the confidential nature of information disclosed by the Chief Commissioner of Police when engaged in trauma-informed victim-led consultation is consistent with the purposes of the SOR Act, the function of the Register as a tool to reduce the likelihood that a registrable offender will re-offend, and to facilitate the investigation and prosecution of any offences that a registrable offender may commit.

The Bill will align section 39 with 39A of the SOR Act so that, for an order to suspend a registrable offenders' reporting obligations, a registrable offender may apply to the court of the highest jurisdiction that imposed a sentence for the registrable offence at first instance. These amendments include an extended commencement period to provide time to update court rules and automated case management systems to assure strict procedural compliance for this cohort of application.

Expanding PSO powers to relieve frontline policing resources

The Bill expands Protective Services Officers' (PSOs) functions to perform hospital and crime scene guarding duties. This will free up police officers to carry out frontline policing where they are most needed.

Currently, if a person in police custody requires medical care, a police officer will usually take them to a hospital emergency department for treatment, and guard them while there. The Bill confers new, confined functions on PSOs to carry out this guarding function, as well as a function to protect persons at-risk persons, such as witnesses or victims, in medical settings when this is required.

The Bill also empowers on-duty PSOs, when directed by a police officer, to establish and guard crime scenes. Again, empowering PSOs to perform these functions will increase operational flexibility and allow police officers to be deployed to frontline duties.

Broader justice reforms

The Bill makes a number of minor but important amendments to update and clarify the law and support procedural improvements.

I turn now to the detail of these reforms in the Bill:

Operationalising recent unexplained wealth reforms in the *Confiscation Act 1997*

The *Confiscation Amendment (Unexplained Wealth) Act 2024* strengthened and improved Victoria's existing unexplained wealth laws by introducing a new unexplained wealth order to better target unlawfully acquired wealth. The new order disrupts serious and organised crime by providing a mechanism to target senior figures, who distance themselves from offending, and deprive them of their unlawfully acquired wealth.

The Bill makes technical amendments to the *Confiscation Act 1997* to enable law enforcement agencies to issue information notices to financial institutions to aid investigations under the new unexplained wealth pathway, and request documents required to enforce the new order. In addition, the amendments will ensure the Attorney-General can effectively deal with, and dispose of, property that is forfeited under the new order.

Remote attendance for compulsory procedure applications under the *Crimes Act 1958*

The *Crimes Act 1958* empowers the Magistrates' Court and Children's Court to make orders directing that suspects undergo forensic procedures for investigative purposes.

The Bill removes a requirement for suspects to be physically present in court, facilitating remote court attendance. The reform will promote efficiency and flexibility, supporting the functioning of our courts, while ensuring courts retain discretion to require physical attendance in appropriate matters.

Clarifying the duration of authorisations under the Crimes (Assumed identities) Act 2004

The Bill makes technical amendments to the *Crimes (Assumed identities) Act 2004* to clarify the duration of assumed identity authorities for Victoria Police employees.

The *Major Crime and Community Safety Legislation Amendment Act 2022* sought to extend the duration of assumed identity authorisations for Victoria Police employees from 3 months to 12 months, aligning with the timeframe to review assumed identity authorisations for law enforcement officers under the Assumed Identities Act. However, it has become clear that a further technical amendment is required to avoid any doubt about the validity of authorities issued to Victoria Police employees that purported to have a duration of more than 3 months. The Bill therefore clarifies that an authority to acquire and use an assumed identity, made in relation to a Victoria Police employee, may remain in effect for 12 months. To provide certainty regarding the validity of these authorities, the amendments will apply to authorities issued on or after 3 April 2023, when the 2022 reforms commenced.

Updating warrant application procedures under the *Surveillance Devices Act 1999*

The Bill updates and modernises the application procedures for surveillance device and retrieval warrants by removing the requirement that the application must be made in person. The current requirement that the application is made in person is dated and does not reflect advancements in court practices that have been able to improve efficiency in dealing with such matters. The Bill removes the concept of remote applications, enabling flexibility around how applications are made, which may include applications via electronic filing. In addition, the Bill expressly clarifies that a judge or magistrate may determine the application following an in-person hearing, a remote hearing, or on the basis of written submissions (commonly referred to as 'on the papers').

Display of things seized under certain search warrants

The Bill provides the Chief Commissioner of Police with the power to publicly display things seized during the execution of search warrants issued pursuant to the *Drugs, Poisons and Controlled Substances Act 1981* and the *Firearms Act 1996*. This is consistent with the power to display things seized under the *Crimes Act 1958*, and will enable things such as quantities of drugs and firearms, to be displayed openly in the media. This power will help deter offending and provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime.

Interpretation of Legislation Act 1984 amendments

The Bill will also make minor amendments to the *Interpretation of Legislation Act 1984* to address an ambiguity arising from the potential operation of an antiquated common law rule concerning the appointment of non-citizens to public office. The amendments address any uncertainty by putting beyond doubt that unless there is a specific statutory requirement, citizenship is not, of itself, a disqualifying factor for public appointment. Out of an abundance of caution, the amendments will also validate historical and current appointments and things done pursuant to those appointments, to remove any unnecessary uncertainty about the validity of these appointments.

The Bill will make additional minor and technical amendments to the *Interpretation of Legislation Act 1984* including bringing the delegation provisions in the Act in line with current practice and the Commonwealth, by providing that an instrument of delegation includes subsequently enacted powers.

New discretion for the CCP to shorten probation periods for some police officers

The Bill introduces amendments to the Victoria Police Act to provide that the Chief Commissioner of Police has the discretion to impose shorter periods of probation for police officers returning to Victoria Police and for those from law enforcement agencies in other jurisdictions.

Currently, re-appointees and appointees from other jurisdictions must serve the same probation period as new appointees, either one or two years regardless of their experience and service history. The operation of the probation period has some practical impacts, such as ineligibility for transfer or promotion, further probation after prior probation periods, and also because probation is form of employment insecurity.

Under the amendments, the Chief Commissioner could impose between three months to one or two years, depending on the re-appointment or appointment rank. In determining the appropriate probation period, the

Chief Commissioner may consider matters such as the person's former or equivalent rank, history and length of service, retraining needs, employment during absence and other relevant matters.

The amendments will remove a barrier for experienced police officers by recognising their prior service and career history when setting probation periods.

There are clear public benefits if police officers can utilise their policing skills in a variety of public and private sector roles. It is also beneficial for Victoria Police if people with a valuable breadth of experience and exposure to other employers return to Victoria Police or join from other law enforcement agencies.

Compliance with conditions to be considered when adjourning disciplinary charges against police officers

The Bill also makes a technical amendment to clarify that compliance or non-compliance with conditions attached to discipline proceedings for police officers should be considered in further hearings to resolve that matter.

Currently the Victoria Police Act provides that if a discipline charge is proved during an inquiry stage, the formal hearing of the charge can be adjourned on the condition that the officer be of good behaviour alongside any other conditions.

If at the hearing of the charge it is found that the officer has been of good behaviour, the charge can be dismissed. If not, the hearing must continue as if it had not been adjourned. There are not currently any direct consequences for compliance or non-compliance with the other conditions imposed.

This amendment therefore aims to ensure the Victoria Police discipline framework is operating effectively by ensuring compliance or non-compliance with conditions is considered during the disciplinary process.

Victoria Police Code of Conduct – improving consultation

Finally, the Bill inserts a new requirement in the Victoria Police Act for the Chief Commissioner of Police to consult with the Minister for Police, and consider the Minister's feedback, before issuing a Code of Conduct for police personnel.

A breach of the Code of Conduct by a police or protective services officer may constitute a breach of discipline under the Victoria Police Act. Such a breach could be grounds to reprimand, fine, dismiss, or reduce the rank or renumeration of the officer involved.

Given the scope for significant disciplinary outcomes arising from a breach of the Code of Conduct, this important amendment will allow the Minister to give feedback to the Chief Commissioner on the Code before it is issued. Given the importance of the Code, it is expected that future Ministers will respond to any request for consultation in a reasonable timeframe. The Chief Commissioner must consider, but is not bound to incorporate, any such feedback. This protects the independence and discretion of the Chief Commissioner of Police.

In summary, this Bill contains a suite of reforms across multiple Acts to crack down on dangerous and radical behaviour at protests and to protect the rights and safety of religious worshippers. It also increases community safety by improving the powers police have to stop and search people for weapons in public places, and by introducing new offences to address emerging technologies used in firearms manufacture. The Bill also introduces amendments to improve effective and efficient policing, freeing up our frontline police to do their jobs. The Bill does this by streamlining cross-border policing to make it faster and safer for police transporting people across State lines, giving PSOs the power to take on additional duties, and assisting police to manage bulk drug exhibits without affecting trial rights.

Finally, the Bill provides for a range of broader justice system reforms and technical amendments to be responsive to emerging issues, improve clarity of legal processes, and refine legal processes.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (22:19): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Business of the house

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (22:19): I move:

That the Council, at its rising, adjourn until Tuesday 2 December 2025.

Motion agreed to.

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (22:19): I move:

That the house do now adjourn.

Women's health

Jacinta ERMACORA (Western Victoria) (22:19): (2158) My matter is for the Minister for Health, Mary-Anne Thomas. With the *Bridging the Gender Pain Gap* report released, Victoria is leading in addressing women's pain. The action I seek is an update on expected outcomes from initiatives like the women's pain standard and green whistle trial to improve women's health care.

Northern Metropolitan Region bus infrastructure

Evan MULHOLLAND (Northern Metropolitan) (22:20): (2159) My adjournment is directed to the Minister for Public and Active Transport, and the action I seek once again is for the minister to direct her department to undertake a thorough investigation and actually upgrade some bus stops throughout the northern suburbs, particularly in the neglectorates of Greenvale and Kalkallo. Time and time again residents have raised concerns as to the urgent need for upgrades to bus stops in the north – inaccessible, unsafe, poorly lit bus stops. Parents in particular tell me of the concerns for their children walking to unsafe, poorly lit, inaccessible bus stops. Residents are forced to stand outside numerous bus stops exposed to the elements because there are absolutely no shelters. This is simply unacceptable. The community continues to ignore these decisions because the government continues to ignore and neglect even the most basic public transport infrastructure in the north. While the government is ploughing probably well over $35 billion into a rail tunnel in the eastern suburbs, the northern suburbs continue to get neglected. In Meadow Heights, for instance, a number of bus stops urgently require indented bays to improve traffic flow and to avoid a growing number of near misses. I refer to Hudson Circuit and Paringa Boulevard in particular, where many people on a two-lane road go around a bus stop and straight into a roundabout. I have seen crashes there and near misses and have made a repeated request of the minister – and I understand this is something Hume City Council supports as well – to create an indented bus bay to minimise the amount of accidents there.

I keep calling for this, because it has worked before. We know this because of the bus stop on the corner of Somerton Road and Ravenhill Boulevard. I felt like I was the only parliamentarian talking about it, both in the media and in the Parliament over and over again, because the residents of Roxburgh Park kept bringing it up that the government had a bus stop with a patch of mud that was not accessible from the side street, and you could not walk onto busy Somerton Road to actually get to the bus stop. After time after time raising in Parliament this terrible bus stop in the neglectorate of Greenvale, Public Transport Victoria finally upgraded that bus stop, to the glow of the community.

Michael Galea interjected.

Evan MULHOLLAND: He actually has not mentioned it once in Parliament. I once again seek the action of the minister to finally continue to upgrade bus stops in the northern suburbs.

Mount Arapiles rock climbing

David LIMBRICK (South-Eastern Metropolitan) (22:23): (2160) My adjournment matter this evening is for the attention of the Minister for Environment. It was almost a year ago that this chamber passed a motion to call for documents relating to climbing bans and land use restrictions in the Grampians National Park and Mount Arapiles–Tooan State Park. These documents were specified by members of the climbing community that wanted a better understanding of the background that preceded significant decisions. On 31 January this year the Attorney-General tabled a letter which essentially stated that they needed more time. Members of the community were hopeful that these documents would still be tabled in a timely manner. Rather than transparently dealing with these groups, they have been forced to submit freedom-of-information requests to try and get any information that they can. Whilst mostly redacted, some of the information revealed in the documents released is quite interesting. It seems that some staff worked very hard to collate the relevant documents in an attempt to comply with the documents order. In March this year 102 documents were sent to the Department of Energy, Environment and Climate Action for coordination with the Victorian Government Solicitor's Office review. The correspondence outlined that DEECA would then review and consolidate the documents to finalise for Parliament.

I do not have insight into all the various processes that happen behind the scenes, but it seems a bit disrespectful to the public servants who seemingly worked very hard to compile these documents that they seem to be just sitting on a desk somewhere. The people of Natimuk and the broader climbing community, both here and our international visitors, have for the most part been incredibly patient and tolerant, attempting to work through a long and tedious revised consultation process. They deserve a little respect and transparency. There are many ways that this could occur, but a good start would be to comply with the documents order of this house from last year. These documents are important to the understanding of and ongoing negotiations around what is happening at Mount Arapiles and the Grampians. My request to the minister is to pass on the documents that have been in the possession of DEECA since 18 March this year to the Attorney-General so that they can be tabled in Parliament.

Maroondah Highway–Yarra Road, Croydon

Sonja TERPSTRA (North-Eastern Metropolitan) (22:25): (2161) My adjournment matter is for the Minister for Roads and Road Safety in the other place, and the action I seek is for the minister to provide an update on how improvements at the Maroondah Highway and Yarra Road intersection will enhance road safety for the Croydon community. It is fantastic to see the Allan Labor government working hand in hand with the Albanese Labor government to deliver better roads through the national roads blitz program. After a decade of neglect under the former federal Liberal government, this partnership is ensuring that critical projects like the Maroondah Highway and Yarra Road intersection finally get the attention they deserve. This intersection is a vital thoroughfare for Croydon, with exacerbated congestion during school pick-up and drop-off times, with five schools located nearby. As someone who regularly travels through this intersection, I know firsthand the frustration caused by these choke points. The community and I are eager to see progress on this project, and I look forward to the minister's response.

Ambulance services

Georgie CROZIER (Southern Metropolitan) (22:26): (2162) My adjournment matter is for the attention of the Minister for Health. Minister, quite frankly, you should resign from your position given the disgraceful disregard for what is happening within our health system, as has been highlighted with the shocking story of 91-year-old Lois Casboult. I know you will not do that, as you and all of your colleagues refuse to take any sort of responsibility or be accountable for the failings within your portfolio areas. The failings in health are significant, and this case of Lois Casboult highlights just how broken the system is. On Sunday Lois had a fall and as a result has a broken pelvis, bleeding on the brain and extensive bruising. It was evening and her daughter found her and thinks she had been on the floor for about an hour, as she had tried to reach her mobile phone. She was bleeding profusely

and so her daughter Jan immediately phoned for an ambulance. Paramedics arrived and phoned the virtual ED to get advice from a doctor. After a considerable amount of time – almost an hour according to Jan – the doctor said her mum was not eligible for transportation to an emergency department. Together with her husband, the paramedics carried Lois to the family car to be taken to hospital. What sort of state are we living in if a 91-year-old woman who has hit her head and is bleeding and in pain cannot get an ambulance? What sort of government have we got if they say that this debacle does not need investigating? It is a heartless and incompetent government that has their priorities all wrong. I am so appalled at what has occurred and that the minister and Premier have dismissed this case, saying nothing more needs to be done or investigated. As Jan, Lois's daughter, quite correctly said, what if it was your mother, Premier? The action I seek for the minister is to release the CAD times – the computer aided dispatch system – including information on timelines, on what time Lois's daughter requested an ambulance, the time the ambulance was dispatched, the arrival time of paramedics and when the paramedics left, and what time the paramedics were finally able to speak with the virtual ED doctor. It goes across both of her portfolios – responsibilities for ambulance services and health. This is a very important issue, and, Minister, I would like this information urgently, because it is all available. Lois, her family and the Victorian public deserve answers, not spin and hollow words.

Sudan conflict

Anasina GRAY-BARBERIO (Northern Metropolitan) (22:28): (2163) My adjournment matter this evening is for the Premier, and the action I seek is for you to advocate to your federal colleagues to open immediate humanitarian visa pathways for family reunification in relation to the ongoing humanitarian catastrophe in Sudan, a crisis that has claimed over 150,000 lives, displaced more than 12 million people and left 30.4 million in urgent need of aid since April 2023. This is the worst humanitarian displacement of our time, demanding urgent attention, compassion and action. But we have to be clear: this is not a civil war, as language matters. Calling it a civil war suggests two equal sides. This is a proxy war; a war fuelled by foreign powers – including the UAE – supplying weapons and financing the Rapid Support Forces – RSF – who are committing mass atrocities. In El Fasher, North Darfur and North Kordofan, the RSF has carried out systematic killings, sexual violence as a weapon of war and the destruction of villages and refugee camps. Satellite images reveal mass graves and burnt communities – horrors visible from space. These are more than statistics; they are families torn apart, children starving and civilians targeted for their ethnicity. Following discussions with Sudanese Australian community members and advocates, they urgently call on Australia to amplify their voices, cut off weapons and financial support to the RSF, enforce a global arms embargo, including the UAE, and provide immediate humanitarian assistance.

Since the conflict began Sudanese Australians have not received the same compassion extended in other humanitarian crises. No dedicated humanitarian visa pathways exist, leaving families separated and loved ones trapped in danger. The suspension of the community support program has made family reunification almost impossible. Across Australia between 200 and 300 Sudanese people on bridging visas are living in fear – workers, students and parents unable to bring loved ones to safety. Premier, the Sudanese community will appreciate you advocating on their behalf to the Prime Minister.

Bendigo early childhood education and care

Gaelle BROAD (Northern Victoria) (22:31): (2164) My adjournment is to the Minister for Children. As the minister may be aware, the City of Greater Bendigo is growing rapidly, and the population is expected to grow from 125,000 people to around 172,000 by 2046. The 2025–29 council plan highlights the importance of children and young people thriving and ensuring that all children are nurtured to grow, play and learn. According to the *Kindergarten Infrastructure and Services Plan* for the Bendigo region developed by the Department of Education and Training and local government, in recent years there have been identified shortfalls in funded kindergarten places across several key areas, including Bendigo North, Bendigo South, California Gully, Eaglehawk, East Bendigo, Kennington and Kangaroo Flat–Golden Square. These findings clearly demonstrate the growing demand for early childhood education services and the need for new facilities to meet future population

growth and family needs. Forecasts for the zero- to four-year-old age group for the City of Greater Bendigo show a 6 per cent growth rate every five years, with 1046 additional places needed between now and 2036 to meet demand.

According to the City of Greater Bendigo's *Early Years Infrastructure Framework*, despite recent investments in early years facilities, many of the city's older facilities are no longer fit for purpose. The majority of the city's owned or managed facilities are more than 38 years old, and there is a limit to how long the buildings will remain suitable for early years provision. These facilities also require significant financial investment for maintenance. Further investment is needed to support the region's early years infrastructure planning.

Connect Church in Bendigo has an established local presence and contacted me about their interest in providing a long-day childcare centre for children up to six years old in the Greater Bendigo area. They have undertaken a considerable amount of work developing a plan to deliver early childhood programs in the Greater Bendigo area to provide local families with greater access to high-quality early years education closer to home. The vision is to renovate an existing building to establish a 76-place long-day childcare centre that caters for children from zero to six. It will offer child care for working families, for parents who are studying or looking for work and for those families who need respite care and wish for their child to be engaged in play with peers of a similar age in a social environment. This initiative to develop a kindergarten also aligns directly with the priorities outlined in the *Kindergarten Infrastructure and Services Plan* for the Bendigo region. Establishing an additional service in one of the identified shortfall regions would help address the current capacity gap.

As the minister would be aware, the first five years of life are foundational for children's learning and development as they grow, learn and develop new skills. Quality care and education in the early years also lead to better health, education and employment outcomes in later life. The action I seek is for the minister to consider the growing population needs of Greater Bendigo and support the need for further investment in early years infrastructure. I would be pleased to coordinate a meeting to provide the minister with additional information about this project.

Horseracing

Georgie PURCELL (Northern Victoria) (22:34): (2165) My adjournment matter is for the Minister for Racing, and the action that I seek is for transparency around the onsite humane euthanasia program. The onsite humane euthanasia program, or OHEP, is a service administered by Racing Victoria that allows owners to have their thoroughbred horse killed on their private property for free. The program claims it exists for when an owner has already made the best welfare outcome decision for the horse, yet some of the eligibility pathways make it hard not to question whether it is being used for convenience instead. Some eligibility pathways include a vet certification confirming a chronic injury or disease where the horse is unlikely to recover, a recommendation to be euthanised by an authorised inspector or, perhaps most concerningly, unsuccessful rehoming attempts over just 14 days or a declaration by the owner that the horse is dangerous and unsuitable for rehoming. Under this last criteria a horse can be deemed dangerous without requiring any vet assessment at all.

Last year 78 horses were killed under this program. Racing Victoria's most recent annual report confirms that in 2024–25 that number increased to 151 thoroughbreds. We absolutely acknowledge there are times when genuine euthanasia is necessary, such as for an aged horse in chronic pain, but we also have serious concerns that the OHEP is functioning as a disposal pipeline for unwanted horses who are simply too hard to rehome. Allowing a horse to be labelled dangerous without professional assessment, or killed after just two failed rehoming attempts across a mere two weeks, risks turning this program into an industry-sanctioned convenience.

These concerns do not come from nowhere. In October 2019 on the ABC's *7.30* program 'The final race' exposed the horrific treatment and slaughter of thoroughbreds at a Queensland abattoir. Racing Victoria then introduced the OHEP in 2021. Racing Victoria refused an FOI request from the Coalition

for the Protection of Racehorses for basic information about this program. That is unacceptable. A program designed to prevent cruelty cannot become a loophole that enables horses to be quietly killed behind closed doors with no public reporting and no independent scrutiny. The public deserves to know what is happening to these horses, which the industry bred for the purposes of racing and has profited from. Therefore the action that I seek is for the minister to advise how many horses were euthanised under each eligibility criteria for 2024–25 and what the age was of each horse.

Family violence

John BERGER (Southern Metropolitan) (22:36): (2166) My adjournment matter is for the Minister for Prevention of Family Violence in the other place. I was glad to see that the Attorney-General had introduced legislation into Parliament to strengthen laws against family violence, introducing a two-year minimum term for all family violence intervention orders, ensuring that children listed on a parent's FVIO continue to be protected when they turn 18; widening the definition of family violence to recognise more forms of abuse; allowing protective orders for behaviour that has happened interstate and reshaping the stalking offence for better applications by the courts. These changes better protect women and children escaping from family violence and are informed by the insights and lived experiences of victim-survivors.

In my electorate of Southern Metro Region Relationships Australia Victoria maintains a centre in Kew. They are a community-based not-for-profit organisation with no religious affiliations, and in their Kew location they offer counselling services, family dispute resolution through mediation, group programs for people impacted by family violence and programs for men who inflict family violence. It is a vital resource for families impacted by domestic violence in the Southern Metropolitan Region, offering direct support to victim-survivors and intervention strategies towards perpetrators. The action that I seek from the Minister for Prevention of Family Violence is to visit Relationships Australia Victoria's Kew centre with me to learn more about the work they are doing to support families impacted by family violence in the Southern Metropolitan Region.

Energy policy

David DAVIS (Southern Metropolitan) (22:38): (2167) My matter on the adjournment is for the Minister for Energy and Resources. There have been two government statements put out in recent days. *Victoria's Greenhouse Gas Emissions Report 2023* was released on Tuesday of last week I think, and on page 3, figure 2, it released a series of points:

> Victoria's 2023 emissions increased by a small amount … compared to 2022.

Emissions in Victoria are increasing. Then it goes on:

> This was partly due to natural causes such as wet weather conditions … increased emissions from soil carbon in forests – these short-term … fluctuations are expected to even out … Transport emissions also contributed …

and so forth. But the fact is that, in black and white, in the government's own document is an admission that emissions in Victoria went up. 2023 is a little while ago, but these are the most recent national figures, and that is why this was released in the way it was.

Today we got a different document, *Victoria's Climate Change Strategy 2026–30*. It is a very different document. It is clearly a spruiking document, fluffing around and saying what will happen and what will not happen, but it puts a very different spin on things. Nowhere in the document does it admit that emissions have increased. With a sleight of hand on the graph, it tries to show the emissions falling. It is true, if you extend the graph back a number of years, that the emissions are lower. But it is material that they have fallen in the most recent lot of data that has been released, and it is material that the government have tried to cover that up by spruiking their whole range of points. I think the minister needs to become more honest in these matters. I want the minister to be truthful in the strategy that has been released. And the strategy is not honest in another way: there is no recognition in the time period that is looked at, going backwards in the graphs, that energy costs have actually gone up in Victoria.

Families are being hit hard, being clobbered from the left and being clobbered from the right, with gas costs going up and electricity costs going up. Businesses are being hit, with costs going up and up and up and up. That is not mentioned in the strategy document. There is no focus on keeping the prices low.

I think families want a balanced response. They want a response that recognises emissions on one hand but that looks at costs on the other and looks at the same time at the impact on the economy. There is nothing in there, for example, on the deindustrialisation that is occurring, the loss of businesses – *(Time expired)*

Community safety

Katherine COPSEY (Southern Metropolitan) (22:41): (2168) My adjournment tonight is for the Premier. The Premier has been crowing about her backward plan for children as young as 14 to face adult courts and adult jail sentences up to and including life. Now this week she has name-dropped Scotland's violence reduction unit, but what she has proposed this week bears little resemblance to that integrated model. The Scottish Violence Reduction Unit is one piece of a comprehensive, child-centred system. Scotland adopted a whole-of-system approach that keeps children out of courts and out of custody wherever possible. Practitioners across Scotland are required to work together – schools, health, social work and police – to support families and take action at the first signs of difficulty, not wait for crisis and then punish. In Scotland, matters involving children are dealt with through the Children's Hearings system, a lay, welfare-oriented tribunal that brings together the child, their family and agencies. Only a small minority of children are ever prosecuted in criminal courts in front of judges. When secure placement is needed, children go to secure care units, not prisons. The policy intent is to avoid detention entirely, where possible. Under-18s in Scotland are being removed from young offender institutions so they are not held in prison settings. Even serious violent youth crime is framed as the behaviour of children with high and complex needs, with an emphasis on rehabilitation, intensive community and secure care supports and compliance with the United Nations Convention on the Rights of the Child. Detention is only a last resort, for the shortest time possible.

As the Premier has observed, this is the approach that will actually work to bring down youth crime. Scotland has invested comprehensively in diversion, family support, mental health and drug and alcohol treatment, so serious offending is addressed as a symptom of unmet need and trauma, not an excuse to lock children away. Criminology evidence overwhelmingly tells us that pushing more 14- to 17-year-olds into the adult system increases reoffending, entrenches trauma and disproportionately harms Aboriginal children and children from marginalised communities. It does not make our community safer; it just hides kids in cells and calls that a solution. You cannot hold up Scotland as your inspiration while pushing children into adult courts and life sentences. You cannot import the violence reduction language, while rejecting the core of the Scottish model – that children in trouble are still children and that detention must be truly a last resort for the shortest possible time in child-appropriate settings, never an adult prison. The action I seek is that the Premier scrap her plan to expose children to adult courts and life sentences and instead bring back to this Parliament a genuine, Scottish-style, whole-of-system reform package that treats children as children, tackling violence as it should through prevention, support and secure care.

LGBTQIA+ equality

Michael GALEA (South-Eastern Metropolitan) (22:44): (2169) My adjournment matter is for the Minister for Equality, and the action that I seek is for the minister to outline what supports are available for trans and gender-diverse people in Victoria. We know that words from people in positions of power matter, especially when they are directed at a small group who already face discrimination, violence and exclusion. Over recent years – and potentially even in recent hours, in one case – we have seen a deeply troubling pattern of transphobic comments from members of this place, including Mrs Hermans and Mrs Deeming. But whether it has been using this Parliament and the media to question the legitimacy of trans people's identities –

Ann-Marie Hermans: On a point of order, President, I am sorry, I find it really offensive to be accused of that. There was a line of questioning that was certainly not in the line of anything that was phobic. It was simply a line of questioning of concern for children.

The PRESIDENT: I am taking the point of order seriously.

Harriet Shing: On the point of order, President, nothing in the comments that Mr Galea made was unparliamentary.

The PRESIDENT: I am just concerned it is an accusation against a sitting member. It should really be in a substantive motion if someone wants to make that accusation, rather than an adjournment matter or any other matter.

Harriet Shing: Further on the point of order, President, it was an expression of opinion, and that is something which is made by way of comment regularly in this place as part of the ordinary process of contributions made by people when they are on their feet. Again, there was not a substantive allegation as such. It is, to my mind, more appropriately characterised as a commentary on the proceedings of this place.

The PRESIDENT: I felt that it –

Wendy Lovell: Further to the point of order, President, the member is in the chamber. She has said that she has taken offence and asked for a withdrawal. I think if the member is offended, Mr Galea should withdraw.

The PRESIDENT: Yes, I understand the member has taken offence and 100 per cent has the right to ask to withdraw – if she has taken offence; it has to be offensive. Getting back to my first response to Mrs Hermans's point of order, I think it is an accusation that is offensive, and if someone wants to make that sort of accusation, I think it should be a substantive motion. So I will counsel Mr Galea that he does not reflect on a sitting member in that fashion. If he could revise any comments around that and if he could please proceed in that fashion.

Michael GALEA: I will keep my remarks broad, but I am gravely concerned about the commentary that is bandied about in this place from time to time, because it does have a real impact on trans and gender-diverse Victorians in particular. The words that we say as elected representatives matter, and the words that many public figures in roles of leadership matter. It is why it is so important that all of us actually live the values that we seek to put out there, and it is why if you are seeking, for example, the leadership of a political party and you are going to take the support of people who you may fundamentally disagree with on some matters, it is so important that you actually stand up for what you believe in. Anyone who seeks to lead this state should have the guts to stand up and speak up for all Victorians, including those of different gender backgrounds, those of different racial backgrounds, those of different sexual orientations and those from trans and gender-diverse backgrounds too. Because if you truly want to lead this state, you should lead this state for all Victorians, and if you are going to put yourself up as a moderate, you should make your views clear within and beyond your party as well.

The reason for my adjournment this evening is that I do want the Minister for Equality –

Bev McArthur: On a point of order, President, I believe Mr Galea is casting aspersions on members in either this chamber or the other chamber, and I do think he should withdraw, and it is –

The PRESIDENT: I think that is very common in commentary about a whole party, which you can reflect on. It happens a lot in this chamber on both sides of the chamber. If it is directed at a sitting member, that is a completely different thing. I will ask Mr Galea to ask his action.

Michael GALEA: The dignity of trans people may be up for debate in the Victorian Liberal Party, but it is not up for debate in this government. I ask the minister to outline what supports are available for trans and gender-diverse people in Victoria who need support.

Training and skills

Ann-Marie HERMANS (South-Eastern Metropolitan) (22:50): (2170) My adjournment is for the Minister for Skills and TAFE, and the action I seek, Minister, is for you to address Victoria's deepening skills crisis and to act on the recommendations of the Apprenticeship Employment Network's newly released policy paper. Unlike you, Minister, last night I actually attended the 2025 Victorian Apprentice Training Awards held at the Melbourne Town Hall. This spectacular and edifying event was attended by over 300 guests. The night was held to celebrate the outstanding achievements of apprentices, trainees, mentors and long-term contributors to the profession from across the state. The event recognised the commitment, skill and dedication of all finalists, but apprenticeship skills are waning without government support and a commitment to further funding.

Members interjecting.

Ann-Marie HERMANS: President, I cannot hear myself.

The PRESIDENT: Please continue, without interjection.

Ann-Marie HERMANS: Thank you, President. I would like to congratulate all of the worthy winners and particularly give a shout-out to two young ladies that I met last night. One was Caitlin Van Dolderen, a young single mum representing CVGT Employment who won not only Trainee of the Year but the People's Choice Trainee of the Year after completing her certificate III in business. Caitlin came out and she captivated the room with her enthusiasm and exuberance. It was totally infectious. Her story touched many hearts in the room. She acknowledged how much the program had absolutely changed her life, and she said her only regret was having to finish her traineeship and leave the program. She is a single mum, and the achievement as a young single mum was absolutely outstanding. She was so thrilled. Ella Underwood was also a nominee for Trainee of the Year and, astoundingly, won the Disability Achievement Award with a story that captivated the room. She was a premature baby delivered at 23 weeks. It was really inspirational to hear how she had grown and become this amazing person that was contributing to the workforce. She won the Disability Achievement Award for completing a certificate III in business. Her story showed how important this program is to young people who may not get a chance anywhere else without the support.

In just two years apprenticeship training contracts have more than halved. They have collapsed from more than 58,000 to fewer than 25,000. This is the lowest level of commencements in 15 years, and it represents a devastating blow to young people, regional communities and the industries that rely on skilled workers. Local constituents in my area are telling me they cannot find apprentices, employers are struggling to fill vacancies and young people are missing out on opportunities to build long-term careers. The numbers speak for themselves. Cancellations remain high and commencements are at record lows. The system is failing to deliver.

School bus program

Wendy LOVELL (Northern Victoria) (22:53): (2171) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to ensure that school buses that bring students from New South Wales to Victorian schools adhere to the Victorian rules that govern the criteria for who can travel on a school bus. I was recently informed about an alarming incident in which an unauthorised adult male was allowed to board and travel on a school bus carrying students to a Victorian school. A girl who attends Cobram Secondary College was waiting at her driveway for the school bus to arrive when an adult male approached her, tried to engage her in conversation and followed her when she moved away. The girl was rightly concerned and shaken by this – but it got worse. The man was then allowed to board the school bus, despite the student warning the bus driver that she was frightened by him, and he stayed on the bus even as it entered school grounds. The bus driver did ask the passenger to sit at the front of the bus and informed him that he was not permitted to disembark at the school, but that did not stop him trying. This is a completely unacceptable breach

of student safety and the Victorian school bus program policy, as the male was unidentified and had no authorisation to board.

The student was alarmed and quite distressed and reported the incident to school authorities, who contacted the bus company to complain. The bus company had said it was very unhappy about the situation, but that following a rule change in New South Wales it is required to take any regional passenger on a school bus. This New South Wales policy violates basic safeguarding principles. In rural areas where students travel from small towns or isolated farms and are often on their own, random adults from the community should not be allowed to board a school bus without prior permission. In Victoria the rules do not allow this. As the Department of Education's website says regarding the school bus program:

> No ad-hoc travel is to be provided to members of the general public.

In Victoria members of the general public who wish to travel on a school bus must apply beforehand for a whole-of-term travel permit, get approval from the coordinating school principal and pay a fare for the full term up-front. The website also states that non-school passengers must provide the coordinating principal with a working with children check to protect the safety of all travelling students. In New South Wales these safety requirements apparently do not apply, and a problem arises when school buses that serve border communities bring students from New South Wales to schools in Victoria. In this instance an adult in New South Wales was able to freely board the school bus going to Cobram in Victoria and did not have to abide by the Victorian requirements even though the bus was taking students to a Victorian school. This is clearly unacceptable.

Economic policy

Bev McARTHUR (Western Victoria) (22:56): (2172) My adjournment matter for the Treasurer concerns her handling of statements from credit rating agency reviews of Victoria's fiscal position. Taxpayers deserve the truth on matters of public importance like this, and the Parliament should be the place for government ministers to provide it. Yet when questioned about Victoria's creditworthiness, the Treasurer has engaged in what can only be described as selective quotation that borders on misrepresentation. Twice so far this week the Treasurer has claimed to quote directly from Moody's, even emphasising 'These aren't my words.' Unfortunately she has then followed up by using precisely her own words. Firstly, the Treasurer excised from the relevant section Moody's explicit warning on Victoria's 'high and rising debt and weakening debt affordability'. She then removed the important qualification that these pressures are 'partly' mitigated by the state's clear and demonstrated commitment – 'partly mitigated by' is cut out entirely. Finally, she reassembles the remaining fragments into a sentence which does not appear in the report. This is not a minor editorial adjustment. Moody's original statement begins by acknowledging Victoria's economic strengths, then pivots to 'however', a critical qualification which introduces serious concerns about debt trajectory and affordability. These concerns were surgically removed from the Treasurer's version. A few minutes later the Treasurer said to my colleague Mr Welch, 'I do not make the facts up.' Omitting words, sections and crucial qualifications and coming out with a result which conveys a different sense to the original sentence is surely the very definition of making it up. To redress the balance, I will give some further full-sentence quotes with nothing removed.

Harriet Shing: On a point of order, President, further to a recent consideration by you earlier this evening, Mrs McArthur has just referred, amongst other things, to allegations that the Treasurer has been 'making it up'. That seems, to my mind, to constitute an allegation of misleading the house or misrepresentation, the subject of which should be by way of substantive motion.

The PRESIDENT: I was listening intently, and it is a bit of a fine line as far as the commentary goes. I might listen to the rest of it and consider from there.

Bev McARTHUR: To redress the balance I will give some further full-sentence quotes with nothing removed. S&P Global:

> The state tends to spend all unexpected revenue gains that it receives and has struggled to implement previous savings targets including workforce reductions.

The Victorian Auditor-General:

> Prolonged operating losses and ongoing fiscal cash deficits are not financially sustainable, largely because they lead to higher debt levels than otherwise and indicate underlying structural risks.

The action I seek is straightforward: I call on the Treasurer to table in full and without redaction all current credit-rating agency reports on Victoria from Moody's, Standard and Poor's and Fitch Ratings. Victorians deserve to see what these agencies actually say about our state's finances, not what the Treasurer wishes they had said.

Responses

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:00): There were 15 adjournment matters this evening for a range of ministers. I will, however, acquit the final item on the agenda this evening, from Mrs McArthur to the Treasurer, and indicate to Mrs McArthur that the documents being sought to be tabled in her contribution this evening, as addressed to the Treasurer, are publicly available documents and available for anyone to read should they so wish.

Questions without notice and ministers statements

Written responses

The PRESIDENT (23:01): Before we adjourn the house I just need to respond to Mr Davis, who called a point of order on his supplementary question to the Treasurer for me to review the answer and whether it was acquitted under the standing orders. I believe the answer was in line with the standing orders, so I will not ask the Treasurer to give a written answer.

The house stands adjourned.

House adjourned 11:02 pm.