



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 2 December 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)

David Davis (from 27 December 2024)

Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew ¹	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira ²	Western Metropolitan	Lib	Ratnam, Samantha ⁵	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem ⁶	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina ³	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David ⁴	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard ⁷	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² IndLib from 28 March 2023 until 27 December 2024

³ Appointed 14 November 2024

⁴ LDP until 26 July 2023

⁵ Resigned 8 November 2024

⁶ DLP until 25 March 2024

⁷ Appointed 7 February 2024

Party abbreviations

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

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

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

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

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Tuesday 2 December 2025

The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.

Bills

Consumer Legislation Amendment Bill 2025

Parks and Public Land Legislation Amendment (Central West and Other Matters) Bill 2025

State Taxation Further Amendment Bill 2025

Victorian Early Childhood Regulatory Authority Bill 2025

Voluntary Assisted Dying Amendment Bill 2025

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

Royal assent

The PRESIDENT (12:04): I have a message from the Lieutenant-Governor, dated 25 November:

The Lieutenant-Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to him by the Clerk of the Parliaments:

46/2025 Consumer Legislation Amendment Act 2025

47/2025 Parks and Public Land Legislation Amendment (Central West and Other Matters) Act 2025

48/2025 State Taxation Further Amendment Act 2025

49/2025 Victorian Early Childhood Regulatory Authority Act 2025

50/2025 Voluntary Assisted Dying Amendment Act 2025

I have another message, from the Governor, dated 2 December:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the under-mentioned Act of the present Session presented to her by the Deputy Clerk of the Legislative Assembly:

51/2025 Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025

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

Clerk's corrections

The PRESIDENT (12:05): Under joint standing order 6(1), I have received a report from the Clerk of the Parliaments informing the house that she has made a correction in the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025. The report is as follows:

Under Joint Standing Order 6(1), I have made a correction in the Restricting Non-disclosure Agreements (Sexual Harassment at Work) Bill 2025, listed as follows:

Council amendment No 2 agreed to by the Assembly inserts the words 'and acknowledgment' after the word 'agreement' into Clause 10 of the bill. I have inserted another 'e' into the word 'acknowledgment' so that it reads 'acknowledgement'.

The correction ensures the spelling of the insertion is consistent with the wording in the rest of the bill.

Before we commence, a former member of this chamber Dr Rachel Carling-Jenkins is in the gallery. She is accompanied by students and staff of Waverley Christian College, who I understand are very much responsible for the beautiful singing before in Queen's Hall, so thank you for that.

One last announcement: I think it is the Usher of the Black Rod's birthday.

Members

Shadow ministry

Bev McARTHUR (Western Victoria) (12:07): We will table a list of shadow ministerial responsibility changes.

Questions without notice and ministers statements

Economic policy

Evan MULHOLLAND (Northern Metropolitan) (12:08): (1157) President, I wish you well in your retirement. Congratulations on a great career.

My question is for the Treasurer. Treasurer, national figures compiled by the Centre for Public Integrity show your government has poured \$39.9 billion over three years into Treasurer's advances. In January 2025 it was revealed you sought advice from Treasury on limiting their use, yet in 2024–25 alone you spent \$10.9 billion via this mechanism. Will you table the advice you received?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): I thank Mr Mulholland for his question. We have had many conversations about Treasurer's advances in this place. The advice that I have received is evident in the actions of the changes that we made to the budget in May. What we did in the budget was break up Treasurer's advances to make it very clear how that mechanism is used. One, it is for unexpected and unforeseen emergencies, such as responding to floods, fires or indeed making sure that we can match federal funding offers and the like and not miss out. What we did was break it up from milestone payments, which is the mechanism or the process where Treasury, DTF, hold onto buckets of money and allocate them to projects as they meet milestones. This is an accepted and appropriate way to expend the funds and keep an eye on things effectively. It is a good way to make sure that you can red-flag any issues, similar to some of the changes we made in the FMA. The advice is evident in the changes that we have made.

In relation to those milestones, it seems to be a continual question. What I might do is try and seek some further advice that really clarifies that the Treasurer's advance mechanism for milestone payments is an appropriate mechanism and not in the ordinary sense a Treasurer's advance, because that is where I think we keep getting stuck and why I keep getting asked about the amount of money going out as advances –

Members interjecting.

Jaclyn SYMES: Because we build stuff. When you see the Metro Tunnel – who has been on it? Have you had a ride? Some of the westies – when you get on the West Gate Tunnel, you will see the evidence of the money that is expended to deliver progressive infrastructure that you will rely on tomorrow and generations will benefit from.

Evan MULHOLLAND (Northern Metropolitan) (12:10): Treasurer, the Treasurer's advance mechanism is intended for genuinely urgent and unforeseen expenditure as defined in the DTF resource management framework. The \$10.9 billion of appropriations last year, however, include \$32 million for the delivery of the Australian Grand Prix, \$30.68 million for boosting economic growth industry grants and \$2.4 million for regional car parks. Which one of these was genuinely urgent and unforeseen?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:11): Mr Mulholland, I have explained the use of Treasurer's advances, and as evidenced by your question, everything is reported. There is transparency and accountability because we list every Treasurer's advance and what it is being spent on. Whether it is in the unforeseen column or whether it is in the milestone column, I will continue to try and make that as clear as

possible, because there continues to be confusion on the use of the mechanism of the Treasurer's advance and how it is characterised.

First Nations custodial health care

Sarah MANSFIELD (Western Victoria) (12:11): (1158) My question is for the Minister for Corrections. Earlier this year you indicated to me in this place your in-principle support for a pilot program for the delivery of First Nations ACCHO-led culturally appropriate health care in prisons. In the first few months since you said this your government implemented laws that have driven First Nations incarceration to record levels. Indeed in terms of remand your supposedly tough bails laws have increased the number of First Nations people on remand to more than 350 per cent the rate of non-Aboriginal people, a policy outcome that I personally would not be describing as 'tough'. Since the Royal Commission into Aboriginal Deaths in Custody over 30 years ago there has been overwhelming evidence of the disproportionate health harms to First Nations people in prison, particularly on remand, often leading to premature death. Minister, having overseen in just a few months record incarceration of First Peoples, including disproportionately in the more harmful remand setting, why have you not followed through with supporting the development of a self-determined model of custodial health and wellbeing care for First Nations people?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:13): I thank Dr Mansfield for her question and for her interest and her passion in regard to this issue; it is one that we both share. I think in relation to health services within correctional settings, since coming into this portfolio we have made a number of changes. As I have outlined, in our women's system we have a public provider, and in our broader men's system we have private providers that are providing an enhanced service of care for those in custody than what we have had in the past. Some of our landmark reforms were about making sure we are able to tackle chronic illnesses and able to work and partner with people like St Vincent's to tackle issues such as hepatitis C treatment, and we have made significant strides and improvements in that area.

But there is always more work to do, and I am myself very keen to see Aboriginal-led models of care, because we know the Aboriginal community knows what is best for their own. That is why I went up to the ACT late last year to look at their model of care to see how we can partly implement what they are doing over there. It is an ongoing discussion, and our government is working with ACCHOs on how we can possibly have a trial of a similar model in our system. That work is ongoing. I do not have an announcement today, but it is something that I am enthusiastic about. I look forward to partnering with the Aboriginal community controlled health organisations to deliver for First Nations people.

I do also note that you reflected on our tough new bail laws, and in relation to that I will say that we make no apologies for taking dangerous repeat offenders off our streets.

Sarah MANSFIELD (Western Victoria) (12:14): Thank you, Minister, for that response, and I am glad to hear you are committed to continuing to work on this. It is quite similar to the response you have given me in the past on this issue, though. Minister, the spate of urgent justice bills we have seen rushed through this Parliament shows that your government is capable of rushing to make big and costly changes to the justice and corrections space when you are motivated enough to do so, perhaps by bad polling and politics, but you continue to obfuscate and show precisely no urgency to do what you know, more than anyone, must be done to help mitigate the health damage caused by incarcerating First Peoples in Victoria. The funding required to develop the foundations for a self-determined health pilot is really a pittance compared to any of these other supposedly urgent justice reforms. Will you finally, right here and now, stop stalling and do the right thing by committing to funding the development of a pilot ACCHO-led health and wellbeing care program for First Nations people in custodial settings?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:15): Thank you, Dr Mansfield, for your

supplementary question. I do not have an announcement to make, but I have said significant work has gone into improving health services within our custodial facilities during this session of Parliament, including consolidating primary health care, alcohol and drug treatment and hepatitis services through a single provider; a larger health workforce in our prison settings; and a greater focus on release planning, Aboriginal health and LGBTIQ health needs. These have all been through the investments of the Allan Labor government. We will continue to partner with organisations to make improvements because we know more needs to be done, understanding that people that enter into our custodial system do have greater health needs than the broader community does.

Ministers statements: Supporting Stable and Strong Families scheme

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:16): I rise to update the house on significant reform the Allan Labor government is introducing in the other place today to improve the lives of vulnerable children, young people and their families. Modelled off the successful approach in Scotland of their corporate parents scheme, today we are introducing in the other place a bill to establish the Supporting Stable and Strong Families scheme in Victoria. It recognises that responsibility for at-risk children and families is a collective responsibility and builds upon the work we have already done across government to date. Whether it be ensuring parents who are pursuing family reunification are now recognised as a priority cohort under the Victorian housing register – and I pay credit to Minister Shing for this change – or the pathway to good health program in the health portfolio or the learning initiative in education through to free public transport for kids, we have achieved much, but we recognise that there is much more to do.

The Supporting Stable and Strong Families scheme will establish whole-of-government shared responsibilities to drive improved outcomes for vulnerable children, young people and families for a holistic, integrated approach to support. All ministers will table a Supporting Stable and Strong Families plan for each of their portfolios in Parliament every two years, which will ensure that services are better targeted to the needs of at-risk children and families, delivering better outcomes, and they will report on progress at the conclusion of each plan. New functions for the Children's Services Coordination Board will support the scheme, providing advice on how to drive actions and priorities across government. The initial focus of the scheme will be specifically children for whom the Secretary of the Department of Families, Fairness and Housing has parental responsibility, children subject to a family reunification or family preservation order and their families, and young people under the age of 25 who have left statutory care. Alongside acquitting recommendation 25 of the *Yoorrook for Justice* report, these reforms together deliver systemic change to the child protection system in Victoria, and it is this side of the house who will get them done.

Economic policy

David DAVIS (Southern Metropolitan) (12:18): (1159) My question is for the Treasurer. I refer to the unfunded state government superannuation liabilities, noting the auditor says the government will need to contribute \$18.1 billion in nominal value between 2026 and 2035 – this is more than double its contributions over the last decade – to meet its full funding commitment. I ask, therefore, Treasurer: with this superannuation albatross hanging over the state government, why has the government deferred annual contributions by \$3 billion from 2023 to 2027 without explanation for the deferral?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:19): I thank Mr Davis for his question, whilst I reject the characterisation of his question. Mr Davis, I think you would be well aware that top-up payments continue to be made and have always been made in relation to meeting our superannuation contribution obligations. Any suggestion that this in any way creates a risk to the entitlements is false. The superannuation commitments will be fully funded. We have continued to make top-up payments. It is disclosed in the budget. This is what we have done, and it is the usual way. We are fully committed to funding the superannuation liability by 2035.

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David DAVIS (Southern Metropolitan) (12:19): Treasurer, you say are fully committed, but I ask: will you admit that full funding by 2035 is going to be very difficult with the cash-strapped government not intending to keep up the payments required for full funding?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:20): Mr Davis, I can repeat the commitment that I gave in my answer to your substantive question, and that is that the superannuation liability of course will be fully funded by 2035. We are in a much stronger position than an alternative government that has created an \$11.1 billion black hole. I would like to see you try and meet that commitment.

Eastern Victoria Region employment

Jeff BOURMAN (Eastern Victoria) (12:20): (1160) My question could possibly go to the Treasurer, representing the Premier, or the Treasurer. I am just going to ask the question. Just weeks before Christmas a devastating blow has hit the Maffra community. Dicky Bill, an agricultural business that employs 182 people in Maffra and Queensland, has been shut down with almost no notice. My actual question is: with the recent announcements of the business closures in eastern Victoria, what is the government doing to support impacted employees?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:21): Mr Bourman, you have asked the right minister, because the Minister for Regional Development is the correct minister to direct these kinds of questions to. Like you, I was very disappointed with the news of Dicky Bill, and of course I would state at the outset that we know this is a very difficult time for workers. My information is that it was unexpected and blindsided a lot of people in that community. They have appointed a voluntary administrator, and RDV, Regional Development Victoria, are seeking to work with the administrator that has been put in to support impacted workers to navigate, obviously, this very challenging time. We will also work with Wellington Shire Council to support the Maffra community. As well, we are dealing with the Yarram announcement at AKD. There has been a lot of work that has been undertaken with that community and that business and to identify potential pathways for a lot of those impacted staff.

Mr Bourman, as I have briefed the Leader of the Nationals, Tom McIntosh and Minister Shing as impacted local members who are working with their communities, I am more than happy for you to also receive the latest advice on what we are doing as RDV, because there is a lot happening in this space. I know it is very difficult for the communities that you represent, and I am more than happy to give you the information that you need.

Jeff Bourman: The Minister for Regional Development covered off my supplementary.

Ministers statements: transport infrastructure

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:22): I am really proud to share an update on the really remarkable progress that the Allan Labor government has made to our transport network this year. It is really hard to imagine Melbourne without the city loop, and 44 years later the Metro Tunnel is the latest game-changing addition to our state. The Metro Tunnel, which a Liberal premier once referred to as ‘worse than the Berlin Wall’ and which a Liberal Prime Minister cut all federal funding from –

Bev McArthur: On a point of order, President, is this the minister’s portfolio?

David Davis: Further to the point of order, President, the fact is the minister has not mentioned the topic she has said she is responsible for and is talking about a matter in another minister’s portfolio.

Harriet SHING: Further to the point of order, President, those opposite appear allergic to good news, but the very first sentence of my statement referred to our transport network – very squarely

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within the general order. You will see that the Suburban Rail Loop is indeed a matter that falls within that jurisdiction.

Nick McGowan: Further to the point of order, President, the transport portfolio is not in the minister's remit, as she well knows. The minister has only given reference to the Metro project, which is not, again, in her remit. She has not mentioned at all the SRL. So neither transport nor the Metro is the minister's responsibility.

The PRESIDENT: The standing orders say that a minister may make a statement and there are no other great riders on what the statement will be. I respect that the house expects the statement to be in line with a minister's responsibilities, and I feel that the minister is getting to that.

Harriet Shing: What a shame that you do not want to hear on the other side of the aisle what it means to deliver city-shaping, nation-building projects. Just like the Metro Tunnel – and again I am looking forward to seeing all of you out there and I am looking forward to congratulating you on coming on board at last – the Suburban Rail Loop will transform the way that Victorians get to work, school and home. That is why we are getting on and getting it done as we prepare for tunnel-boring machines to arrive this year. Three thousand workers on site have already dug over 813,000 tonnes of soil – that is more than the number of conversations that you have had to replace your most recent leader – across the project this year, and they have already worked over 5 million hours across the six SRL sites. That is 3000 workers that the Leader of the Opposition, who opposes the Suburban Rail Loop, now wants to sack – another Liberal with the same playbook: cuts, closures and blocking, because you cannot go around calling a project a twisted priority if you plan to build it.

The Liberals claim to be for home ownership. They are really good at describing the problem of shortage of availability of housing, but they are gearing up to cut and block 70,000 homes – homes which would let thousands of Victorians afford a home close to where they grew up within walking distance of public transport, jobs, health care and education. That is what the opposition leader means when she threatens to pause the SRL even after tunnel-boring machines have started digging. She means cuts, because she is not on the side of Victorians. Only the Allan Labor government has a plan for Victoria's future.

Child protection

Renee Heath (Eastern Victoria) (12:26): (1161) My question is to the Minister for Children. I refer to the case of Alex, reported on 23 November, who at just 12 years of age was placed by child protection in a house with teenagers connected with established local drug dealers. She was placed there by the state. She was coerced into drug use, became addicted and endured years of physical and mental abuse in residential care. Alex's story is absolutely heartbreakingly but not unique. Minister, can you guarantee right now that no child in state care is currently placed in a household or facility with known connections to drug use or exploitation?

Lizzie Blandthorn (Western Metropolitan – Minister for Children, Minister for Disability) (12:27): I thank Dr Heath for her question and congratulate her on her new responsibilities. At the outset, though, I would remind the chamber that children who are in our child protection system are in extremely vulnerable circumstances. They are there often as a result of some form of trauma or abuse, and there are very clear protections in the legislation for their identity. For the same reason I would not comment on individual matters in this house, I would also ask that those from the opposition benches, when they pose questions, afford those children the same rights and protections as the legislation does, which is about ensuring first and foremost their safety.

Can I also assure the house, as I have assured the house previously, that the Department of Families, Fairness and Housing guidelines are very clear that there is a zero-tolerance policy when it comes to drugs within a residential care unit. The department is also very clear with our community service organisation partners that there is no place in residential care homes for substance use, and the matters that are alleged by those opposite insofar as they relate to systemic issues – because I would not

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comment on individual issues – are matters that are covered by those policies that ensure that the homes are places where there are no illicit drugs allowed –

Renee Heath: On a point of order, President, just on relevance, the question was very clear: can the minister guarantee right now that no child in state care is currently placed in a household or facility with known connections to drug use or exploitation? I ask you to bring the minister back to answering the question.

The PRESIDENT: I believe the minister has been relevant, and I will call her back to the question.

Lizzie BLANDTHORN: I have been indeed very specific that there is a zero-tolerance policy when it comes to substance use in homes. I am advised that CSOs, inclusive of those providing residential care, are required to comply with the guidelines for community care and the drug and alcohol sector. They include no illicit drugs being allowed on premises, all children and young people with substance –

Members interjecting.

Lizzie BLANDTHORN: President, I think it is evident to the house that I am of little voice today, and it is very difficult to yell over the top of those opposite.

The PRESIDENT: Can I call the house to order.

Lizzie BLANDTHORN: As I have said, I am advised that CSOs, inclusive of those providing residential care, are required to comply with the guidelines, that (1) no illicit drugs are allowed on premises, (2) all children and young people with substance use issues must be referred to drug and alcohol treatment services, (3) children and young people are not permitted to have any non-prescribed inhalants in their possession or use such inhalants in residential care facilities, (4) strategies relying on passive observation of clients using substances are not permitted, (5) CSOs are expected to do everything reasonable and consistent within safe work practices to stop young people from using non-prescribed inhalants, to remove inhaling implements as soon as possible and to reinforce that using non-prescribed inhalants is not permitted and (6) in situations where children and young – *(Time expired)*

Renee HEATH (Eastern Victoria) (12:31): I thank the minister for her response. In 2023 the Commissioner for Children and Young People reported that vulnerable children in residential care were continuing to be harmed by organised opportunistic sexual exploitation. Two years after the *Out of Sight* inquiry made urgent recommendations to tackle it, the commission's 2024–25 report confirms continuing, and I quote, 'alarming levels of sexual exploitation of children and young people in care'. Minister, it has been over four years since those urgent recommendations were made. When will you fully implement them?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:31): This appears to be another whole substantive question, and it is impossible to do it justice in 57 seconds. Perhaps I will just start by quoting the Commission for Children and Young People annual report 2024–25, which says:

Key areas of progress acknowledged in the *Wrap-up report card* include significant government investment to tackle sexual exploitation of children missing from care, more therapeutic residential care options, better identification and responses to the health and disability needs of children in care, and greater support for care leavers.

The commissioner made it very clear in her report that there is room for improvement. She also made it very clear that in the last 12 months there has been extensive improvement. Again, Dr Heath, I would note that you are new to these issues, and I have answered these questions in the house many times before. I respect your right to ask them again, but this government has invested far more in family and child protection services than any previous government. In particular when it comes to work around

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sexual exploitation, in partnership with the CCYP we have rolled out across the state sexual exploitation practice leaders – *(Time expired)*

Health system

Georgie CROZIER (Southern Metropolitan) (12:32): (1162) My question is to the Treasurer. Treasurer, when asked in PAEC last week why Treasurer's advances totalling \$3.86 billion, two of which were to health services specifically, one of \$1.46 billion and the other \$1.52 billion, were needed for the health budget in 2024–25, the department secretary responded that it was a 'unique year'. Treasurer, why was it a unique year?

Members interjecting.

The PRESIDENT: Sorry, Ms Crozier, do you mind asking the question again?

Georgie CROZIER: Treasurer, when asked in PAEC last week why Treasurer's advances were needed for the health budget in 2024–25 totalling \$3.86 billion, one of which totalled \$1.46 billion and another \$1.52 billion in the make-up of that \$3.86 billion, the department secretary responded that it was a 'unique year'.

Jaclyn Symes interjected.

Georgie CROZIER: The health department. Sorry, I said to support health services. Why was it a unique year?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:34): Ms Crozier, I am always happy to try and engage with you on questions within my portfolio, but you have literally just confirmed that your question is based off the PAEC evidence of the Department of Health. That would kind of give you an indication that the question would probably be better addressed –

Georgie Crozier: On a point of order, President, in the questionnaire from the Department of Health, 'Treasurer's advances and other budget supplementation' – I have the documentation; I am perfectly happy to give it to you, Treasurer – there are 15 Treasurer's advances for which you are responsible totalling \$3.86 billion.

Jaclyn Symes interjected.

Georgie Crozier: 2024–25 – I just said it in my substantive. You continue to deflect your responsibility about why these were required. I want to understand why the Department of Health is saying you signed off on this because it was a unique year.

The PRESIDENT: As I said before, I respect the right of members to ask any question they want to direct to any minister, or for that matter the Treasurer, but I also respect the right of the Treasurer and other ministers to answer in the fashion the Treasurer is answering, insofar as she believes that responsibility falls within the remit of another minister.

Jaclyn SYMES: Again, the issue with this question is that it would be more appropriate for the Minister for Health, because the member –

Georgie Crozier: On a point of order, President, the Treasurer has signed off on these Treasurer's advances. She just said to my colleague that they were for unexpected and unforeseen expenditure. I will go through the list, if you like, Treasurer.

The PRESIDENT: No, there is no need to continue.

Georgie Crozier: President, I would ask you to ask the Treasurer to please respond to the Victorian taxpayer why this \$3.86 billion was required.

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Michael Galea: On the point of order, President, we know that last week opposition members struggled to ask questions of the right department. They are now asking questions of the wrong minister. The Department of Health is run by the Minister for Health, not by the Treasurer.

David Davis: On the point of order, President, questions have been asked about Treasurer's advances which have been signed off by the Treasurer. The question relates to why the Treasurer signed those advances.

Jaclyn Symes interjected.

David Davis: Specifically? It is entirely within reason for a Treasurer's advance question to be asked of the Treasurer.

The PRESIDENT: Mr Davis, I am going to call the Treasurer on the question. I think she was going to get somewhere before the points of order were raised, but it is not for me to know.

Jaclyn SYMES: The question as framed was literally asking me to provide a commentary on comments from the Secretary of the Department of Health, so I took issue with the question. Ms Crozier, if you are actually saying that you do not agree with spending millions of dollars on Victoria's health system –

Georgie Crozier: On a point of order, President, the Treasurer has to approve these advances, so she either did or she did not. Why was it a unique year? Why was the department going to you to sign off on these 15 advances of \$3.86 billion if it was a unique year?

The PRESIDENT: Ms Crozier, you cannot ask an extra question in a point of order. I put the question to the Treasurer, and she is answering insofar as her remit goes.

Jaclyn SYMES: As I was answering the question, Ms Crozier, you seemed to take issue with the millions of dollars that the government spends on –

Members interjecting.

Jaclyn SYMES: You were referring to millions and billions of dollars that you –

Members interjecting.

Jaclyn SYMES: Okay, let us not spend billions of dollars on the health system if you are the alternative government. Treasurer's advances to respond to growth in health demand are perfectly appropriate. If you think patients do not deserve care, then that is a matter for you.

Georgie CROZIER (Southern Metropolitan) (12:39): Treasurer, that was the most extraordinary question –

Members interjecting.

Georgie CROZIER: Sorry – extraordinary answer to my question, I beg your pardon. You got me there. It was an extraordinary answer to my question; you did get me there. I just want to go through some of these lists where your Treasurer's advances were signed off. It was to provide funding for continuing COVID-19-related legal matters, operating capital funding to meet the government's election commitment on Smile Squad, exceptional funding for the Mental Health Tribunal, service delivery levels and performance in Victoria's hospitals. Treasurer, this is \$3.86 billion that you had to sign off on. Given your response to my question, and I will phrase it correctly this time: did you approve these advances or not, given your answer to my previous question?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:40): Ms Crozier, 'depending on when the Treasurer's advances were signed off' would answer your question, probably; you can see when I became Treasurer. Literally,

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that is the answer to your question. You have got the list. Is that the PAEC questionnaire that you have in front –

Members interjecting.

Jaclyn SYMES: I was seeking further clarification from the member on their question about the document they were relying on. I assume it is the PAEC questionnaire. It would clearly indicate when the Treasurer's advances were approved, and from that you can probably deduce whether I was Treasurer at the time or not.

Ministers statements: water policy

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:41): The Melbourne-to-Geelong pipeline upgrade is complete and in time for summer. This pipeline helped Geelong avoid water restrictions this year during one of the driest periods on record across western Victoria. This \$40 million upgrade brings in up to 6 billion litres of water a year, which can flow all the way to Colac. Now up to 60 per cent of Geelong's peak demand can be met through the pipeline alone, with the water reaching a further 28,000 families and businesses in Geelong. This pipeline is vital in replenishing local water storages, which finished winter at the lowest points since the millennium drought. Supplies were bolstered by 50 gigalitres from the desal plant this year, which has delivered around half a trillion litres of precious drinking water in the past decade – and that is enough to fill the MCG approximately 320 times.

We are also investing in smarter water use, trialling Victoria's first advanced greywater recycling system in Geelong to help make the most of every drop of water. The Hydraloop can reduce water use by up to 40 per cent, taking greywater from showers and taps and treating it to use in toilets, washing machines and gardens without it ever leaving the building. Water corporations are closely monitoring water reserves heading into the summer. We can all make a difference with simple changes inside and outside our homes, such as by taking shorter showers, fixing leaks, washing with full loads and not watering the garden in the heat of the day. As always, follow the permanent water-saving rules and make every drop count this summer.

Drought

Joe McCACKEN (Western Victoria) (12:43): (1163) My question is to Ms Symes in her role as Minister for Regional Development. You are a member of the Drought Response Taskforce. How many meetings have you attended in person?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:43): I thank Mr McCracken for his question. Of course the drought taskforce was established by the Premier to ensure that there was on-the-ground communication and involvement with those that are directly impacted. There have been several meetings, which also get reported up to SEMCC, which is the cabinet committee that deals with emergencies and obviously gets regular briefings on the drought conditions and our response. I have been represented at every meeting, but personally I have attended one.

Joe McCACKEN (Western Victoria) (12:43): On 21 November there was a taskforce meeting. The government's media release quoted you as saying:

We know that drought is putting real pressure on small businesses that rely on local farms and producers to keep their doors open.

Minister, the taskforce members tell me that you did not attend – again. How can you claim in a media release that you advocate for small businesses and local farmers when you are literally not there to listen to them?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:44): Mr McCracken, this is an extraordinary question. When we talk

about interaction with country communities, as the Minister for Regional Development and as a regional Victorian myself, it is part of what I do every day. When I first became agriculture minister, I walked straight into a drought at that time. To suggest that I have not had firsthand experience in dealing with people impacted by drought is offensive personally, but it also shows a lack of an appreciation of the efforts of the whole of government, including every ministerial office. The Minister for Mental Health has had extensive involvement in ensuring that mental health support goes out to those impacted by drought. My adviser attended meetings, and I had firsthand feedback in relation to those meetings. To suggest that that is the only avenue that you can get an appreciation of what is going on out there on the ground, you are literally saying that you do not know what is going on out there on the ground.

Disability services

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:45): (1164) My question is for the Minister for Disability. Minister, you have previously spoken in this place about an MOU between the state government and HACSU, the Health and Community Services Union, which comes to an end on 31 December this month. This MOU has allowed for the continuation of providing supported independent living services to people with complex and multiple disabilities. Sadly, as this MOU comes to an end this month, many of these residents are at risk of homelessness or being housed in unfit housing. Minister, can you explain how this aligns with your government's *State Disability Plan 2022–2026*, especially its commitments to systemic reform and disability-confident and inclusive workforces, considering what is currently at stake for frontline disability workers and for people with disabilities living in group homes?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:46): For the benefit of the house –

Enver Erdogan interjected.

Lizzie BLANDTHORN: Yes, I will give it one more go. I have seriously answered this question about six times in relation to the transfer funding agreement, which, as I have previously explained to the house, is eight years old. It was a one-off agreement supported by workers and by the partners in the agreement in order to ensure the successful transition to the national disability insurance scheme. For the benefit of the house, because it seems to be confusing for very many in here, when the national disability insurance scheme was set up, there was an agreement by all states and territories. I was a backbencher at the time; I was not the Minister for Disability eight years ago. But at the time, in 2019, the providers assumed responsibility for approximately 550 homes, 2500 residents and, as has been pointed out, about 5500 employees. To ensure that staff were supported through this change as we transitioned to the national disability insurance scheme, the national scheme, there was a phased approach taken, and the final step was to move the SIL funding to direct NDIS plan funding for residents between February and June 2021. The government worked collaboratively – and indeed Ms Gray-Barberio referred to this in her question – with the sector and the Health and Community Services Union, and all parties acknowledged that this transition support would end on 31 December 2025. It was something that went over and above, I think, almost every single jurisdiction, because the Victorian government at the time said that in supporting the transition to the national scheme we would work collectively and would have an MOU. But that MOU is due to expire.

I am advised that providers continue their negotiations. From a state government perspective, we continue to advocate to the Commonwealth, and I have done this in every single Disability Reform Ministerial Council meeting that I have been to, advocating for there to be fairer national funding around planning, which then allows there to be a fairer price for services. But funding decisions, such as for SIL services for NDIS participants, are the responsibility of the national disability insurance scheme, and it is a scheme that the Victorian government pays \$3 billion to a year. So to suggest that in any way we are walking away from our responsibilities is absolutely to the contrary. This is a matter for the parties to resolve with the Commonwealth. It is a national scheme. It is a national pricing issue.

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All of the jurisdictions are aligned on this. All of the jurisdictions are saying to the Commonwealth, 'You need to ensure fair pricing to be able to provide for the services that people want under their plans.' But ultimately it is a matter for the Commonwealth.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:49): Thank you, Minister. Last week I visited an Aruma group home in my electorate where residents with complex needs, many unable to walk, speak or care for themselves, rely entirely on skilled staff for their daily lives. Supported independent living not-for-profit providers warned they are on the financial brink and unable to maintain a stable skilled workforce. How will you ensure people with complex disabilities are not left in limbo and continue to receive safe, high-quality support in their group homes?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:50): I refer Ms Gray-Barberio to my substantive answer, but that is an issue that those providers need to continue to take up with the Commonwealth and ensure that the Commonwealth provides for them fair pricing. The Victorian government provides \$3 billion a year to the national disability insurance scheme, and in return we expect that the Commonwealth provides fair pricing. The matters that Ms Gray-Barberio refers to are a matter for the Commonwealth to resolve.

Ministers statements: youth justice system

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:50): I rise to update the house on the next steps our government is doing to keep the community safe. Recently I joined the Premier and the Attorney-General to announce Victoria's new violence reduction unit, an Australian first backed by \$19.8 million alongside \$7.7 million for lived-experience mentoring. The evidence is clear: an effective way to interrupt violent behaviour is to connect the young person with someone who genuinely understands the pressures they are facing because they have lived through it themselves. Scotland and London have proven this with major reductions in youth offending through lived-experience mentoring. Their violence reduction units invested in credible, trained mentors who had turned their lives around, and violence has dropped dramatically. Our lived-experience mentors, including those from 16 Yards and the Centre for Multicultural Youth, are trained and supervised. Many were once young offenders or young people on the edge. They use their own journey to cut through in a way that is tailored, because young people listen to people they trust and recognise.

This is targeted, practical crime prevention that keeps the community safe. When a young person forms a stable connection with someone who has walked the same path, we see real change. They stay in education, reconnect with family and start to believe their future can look very different. For the first time Victoria will embed this approach in our justice system. The violence reduction unit will coordinate interventions across government, use police intelligence to identify young people at risk earlier and work with schools and community services to intervene before violence escalates. This is the next step in our serious consequences, early interventions plan. Every time a mentor helps a young person step away from violence, that is one less victim and our community is safer.

Jaclyn Symes: On a point of order, President, I just want to perhaps give Mr McCracken an opportunity to correct the record, because he has either inadvertently or deliberately misled the house. On reflection of my diary, Mr McCracken referred to 21 November in his question, and that is the meeting that I attended.

The PRESIDENT: I do not have to rule on that. I do not think it is a point of order.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:53): (2026) My constituency question is to the Minister for Environment. How is the Victorian government investing in infrastructure to boost sorting and processing capacity for plastic waste? Last week I attended the Precious Plastic Monash annual

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exhibition, which is a group of students at Monash University's engineering department who have got a passion for figuring out how we deal with plastic waste, and they had their annual exhibition of all the work they have been doing through the year to come up with new uses for recycled plastic, alternatives to plastic and new and inventive polymer products. The team spends time with local primary schools looking at how we can come up with alternative uses for plastic waste. They collect pots from the waste transfer facility at the City of Stonnington and are turning them into new products. This is an incredibly passionate team of students who are doing a remarkable job at trying to figure out how we deal with plastics in our community. Congratulations.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:54): (2027) My question is to the Attorney-General, and I ask: in light of the shocking incident on 27 November at Brentwood Park Primary School in Berwick, where an 11-year-old armed with a kitchen knife and imitation firearm stormed a grade 1 classroom, injuring a child and a teacher, will the government reconsider its 2024 decision to raise the age of criminal responsibility to 12? This was no playground scuffle; it was a deliberate, premeditated attack. Yet under Labor's changes the courts are powerless to act, leaving both the victim and the offender as casualties of flawed legislation.

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (12:55): (2028) My question is for the minister for transport and planning. Linsell Boulevard in Cranbourne East has always been a precarious road for locals to turn right into. The road serves as an entry point for four separate estates. It is not a through road or an arterial road, but the detour caused by the Thompsons–Clyde roadworks is causing motorists to treat it as one. This increased traffic is causing a spike in car accidents. Local resident Mr Singh Pabla launched a petition calling on the government to address these growing hazards which has so far attracted over 500 signatures. Casey council has also advocated this road be managed by the state government. There are plans for an intersection at Casey Fields Boulevard, but with no funding or timeline these are just words without substance. Therefore my question to the minister is: will the minister intervene and assist with the unsafe traffic conditions escalating on Linsell Boulevard?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:55): (2029) My question is for the Minister for Roads and Road Safety: when will the Labor government fully repair all dangerous broken road surfaces on the Goulburn Valley Highway? An incredibly dangerous cluster of deep potholes has formed on the Goulburn Valley Highway in the left lane of the northbound carriageway near the Murchison turn-off. I recently posted a video of the potholes on Facebook to raise awareness of the dangerous section and to encourage others to take care when passing this section of the freeway. The post received hundreds of comments, all of them expressing a shared feeling of outrage that the Allan Labor government has allowed regional roads to decay to the point of being dangerous and that the government just does not care. Victoria's roads are becoming a joke, but it is no laughing matter for those who blow a tyre or bust a wheel rim and cannot get compensation. Tragically, some drivers or motorcyclists lose control after hitting a pothole and crash. Will it take more road deaths before the Labor government gets serious about road maintenance?

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:57): (2030) My constituency question is for the Minister for Transport Infrastructure. Alex, a 75-year-old woman with a disability from Brunswick West, was recently denied a taxi from Flinders Street railway station cab rank, with drivers saying the trip was 'too short'. Alex has a multipurpose taxi program discount card, and during this time several drivers refused her service and became verbally and then physically aggressive, leaving Alex feeling unsafe and stranded. These refusals breach driver obligations under Victoria's passenger vehicle laws, which prohibit discrimination against people with disabilities. Minister, what steps is the

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government taking to ensure seniors and people with disabilities can reliably access taxis, that drivers cannot refuse service based on distance and that passengers are protected from harassment or unsafe situations?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:57): (2031) My question is to the Minister for Environment. Minister, what oversight is your department exercising over the management of the Bellarine Bayside holiday park at Portarlington, given serious concerns raised by long-term permit holders about unfair contract terms, health and safety risks and misleading conduct? Residents report being forced to use a non-accredited valuer appointed by park management before they can sell their caravans, despite no such requirement in their permit contracts. They also cite closed amenities, unsafe trees and inadequate complaint mechanisms, all in a government-managed park on Crown land. Will the minister investigate these claims and ensure that Bellarine Bayside's management complies with government guidelines and their trading laws?

The PRESIDENT: I just want to acknowledge former member of this chamber Samantha Ratnam is in the gallery.

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:58): (2032) My question is also for the Minister for Environment. This year residents of Canterbury Hills residential estate in Sunbury have endured months of hell. Around 300 trucks a day clocked up Canterbury Avenue to illegally dump industrial waste and soil at a farm located behind the estate. Some was buried; some was burnt. Residents were relieved in October when Hume council's VCAT proceedings resulted in a stop order and further relieved to learn that the EPA would issue a fine. Their relief turned to rage when the fine totalled just over \$10,000. Based on the number of trucks per day, six days a week, charged at \$10 per cubic metre, profits made on the site were likely to be in the order of \$200,000 a week. Additionally, there seems to be no ongoing investigation into what was dumped on the site and by whom. My constituent asks: does the minister believe this fine is adequate, and what further steps will the EPA take to investigate this matter?

Western Victoria Region

Joe McCACKEN (Western Victoria) (12:59): (2033) My constituency question is for the Minister for Development Victoria and Precincts. In August 2024, after the announcement of the cancellation of the Commonwealth Games, the government committed to remediating the former Ballarat saleyards site. On 8 April 2025 the government put out a release titled 'Works to begin to restore and repurpose key sites'. The former Ballarat saleyards site, located at La Trobe Street in Ballarat, was mentioned in that release. The release states that:

These works will pave the way for future redevelopment, enabling a new jobs precinct and more homes to be built in Ballarat in the future.

On 28 November this year Development Victoria put out another release titled 'Remediation begins at former Ballarat saleyards', which is set to be completed by the end of 2026. My question is: since the initial announcement in 2024, why will it have taken two years to remediate the site? I note it is conveniently timed just before an election.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:00): (2034) My question today is to the Minister for Transport Infrastructure. At a recent North East Link community liaison group north session community members were informed by a North East Link contractor that the promised under-road wildlife corridor at Lower Plenty Road between Borlase Reserve and Banyule Flats was going to be 'two poles and a ladder' over the road. While this might suit possums, it is manifestly inadequate to ensure the safe passage of kangaroos, of wallabies, of wombats, of echidnas and of other native

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wildlife that live within the landscape incorporating the Simpson army barracks, the Banyule wetlands and Warringal Parklands. It would be completely unacceptable to see the promised under-road wildlife corridor downgraded to what is effectively a ladder over the road. Minister, can you reassure the community that this under-road wildlife corridor will be completed as promised and in accordance with the approved urban design and landscape plans as well as in accordance with wildlife corridor best practice guidelines?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (13:01): (2035) My question is to the Minister for Health. The Better Health Network community health service in Bentleigh will shut its doors next year, cutting access to vital services for some of the most vulnerable members of the community. The Better Health Network at Bentleigh offers a range of allied health, mental health services, drug and alcohol counselling and family violence support. The government has failed to provide adequate funding for community health, which has flow-on effects to the acute system. Reduced access to primary care leads to more people seeking help from overstretched emergency departments, where demand for mental health beds continues to rise. The imminent closure of Cohealth clinics in Collingwood, Fitzroy and Kensington has been delayed for eight months, with the federal government stepping in to fund GP services following community backlash and bailing out the Allan Labor government for failing to undertake what they should have. So I ask: will the minister speak to her federal counterpart to seek additional funding to ensure ongoing support for the essential health services at Bentleigh Better Health Network?

The PRESIDENT: I want to acknowledge former member of this chamber – another one – Mr Cliff Hayes is in the gallery.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (13:03): (2036) My constituency question is for the Minister for Health. The Health and Community Services Union, HACSU, have released damning figures of a toxic culture at Albury Wodonga Health. Forty-nine per cent of HACSU members working in the public mental health system across Wodonga, Wangaratta, Beechworth, Benalla and Albury have personally experienced bullying and harassment. A shocking 76 per cent described the hospital's executive and senior leadership as the source of the bullying and harassment. Last week the Royal Australasian College of Surgeons also launched an urgent investigation into allegations of a toxic culture by hospital management. This came after a respected breast surgeon was terminated and an anonymous trainee surgeon detailed their experiences in the *Border Mail*. Despite receiving funding from Victoria and New South Wales as well as serving towns in both states, Albury Wodonga Health operates under the authority of the Victorian Department of Health. What is the minister doing to fix this unacceptable situation?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (13:04): (2037) I want to ask a question of the Minister for Energy and Resources, and it is about the increased energy prices that are being felt in my electorate. The *Victorian Energy Prices July 2025* report from St Vincent de Paul tracks tariff prices by region, by area. I want to look at the area in and around the inner part of my electorate, Kew, Hawthorn and down to Caulfield, and note the increase in gas prices from \$170 to \$215 for the last financial year and of \$145 for the electricity market. Suburbs such as Kew, Hawthorn, Camberwell, Balwyn, Toorak, Caulfield, Prahran and South Yarra have had a total increase in energy costs of \$315, bringing the average annual consumption up to \$3985. In another part of the electorate, there is a huge increase also of \$170 for gas and \$115 for electricity in the area handled by United Energy.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (13:05): (2038) My question and constituency matter is for the Minister for Education. Constituents in my electorate are well aware of the numerous

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activity centres and high densification that is coming to their regions in Box Hill and Blackburn, Burwood and Glen Waverley. What has been a consistent concern is the lack of matching investment in social infrastructure, particularly in school capacity. Our schools are already at high capacity, struggling to keep numbers contained, but with populations planned to double I would like to know from the minister: what are the plans to substantially increase school capacity in my electorate?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:06): (2039) My question is to the Minister for Outdoor Recreation. Game licence renewals for duck, quail and deer must be completed online by the Game Management Authority's My Game Licence system by 31 December. This process requires an individual email address and completion of online modules. Many constituents, some who are trades and labour members in Latrobe Valley and others who are Field & Game members right across my electorate, have raised serious concerns. They estimate up to 20 per cent of hunters cannot renew their licence because there is no alternate for those without internet access. Minister, for the thousands of hunters in my electorate who will not be able to access and renew their licences, will you ensure fairness by providing a paper-based solution for the education modules and the licence renewal so all hunters can comply without being disadvantaged by the digital-only requirements?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (13:07): (2040) My constituency question is to the Minister for Planning, and it relates to the concerns of the Greek Orthodox parish of Coburg and Pascoe Vale. They have expressed significant alarm over Merri-bek council's proposed development of central Coburg precinct. The draft concept outlines approximately 15 new buildings, including an eight-storey building directly across from the Orthodox church, and I note this is within the Coburg station activity centre. The parish advise that the proposal in its current form risks undermining essential community services they offer due to the possible loss of essential car parking and inadequate traffic modelling. Therefore, given the importance of the parish operations in the community, I ask: will the minister direct her department to consult directly with the parish?

Petitions

Waste and recycling management

David ETTERSHANK (Western Metropolitan) presented a petition bearing 3264 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the proposed construction of a waste incinerator in Sunbury is causing great concern among local residents. Sunbury has repeatedly been treated as a dumping ground for metropolitan waste projects.

There are unaddressed concerns about increased air pollution, an incinerator's impact on local ecosystems, and the introduction of more than 700 additional heavy trucks per day on roads that are already congested, exacerbating safety and quality of life issues. The proposed site will also be adjoining housing and a future town centre according to the Hume Integrated Growth Area Plans.

HiQ, has previously been fined by the EPA for 13 offences or contraventions, calling into question HiQ's ability to ensure the incinerator is operated in a safe or compliant way. The risks to public health, and the environment, posed by the proposed waste-to-energy incinerator have alarmed residents.

The Petitioners therefore request that the Legislative Council of Victoria:

Calls on the Minister for Planning to immediately halt any approval or progress towards building a waste incinerator in Sunbury, until the Economy and Infrastructure Committee inquiry into Waste to Energy is complete.

David ETTERSHANK: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of next sitting week.

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Crime

David LIMBRICK (South-Eastern Metropolitan) presented a petition bearing 1261 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council to the persistent and escalating failure of the Government's existing legislation to protect the community from criminal activity.

As a direct consequence of these failures, the judiciary, including the courts and Victoria Police, has been placed at a significant disadvantage in its ability to uphold public safety. Judges are forced to operate within laws and programs that do not meet community expectations or deliver intended outcomes, and police efforts are continually undermined when offenders face little or no consequence. These shortcomings are evidenced by record levels of crime in Victoria and repeated instances of serious harm, including theft, assault, abductions and preventable deaths.

Despite attempted reforms, the state's bail laws, anti-recidivism initiatives and youth justice intervention programs continue to underperform. These frameworks are failing in practice, leaving offenders to cycle repeatedly through the system while protections for the public remain ineffective. Without a formal evaluation and prompt rectification, public safety and confidence in the justice system will remain severely compromised. Without immediate intervention and reform, further harm will inevitably occur, and community safety must be prioritised.

The petitioners therefore request that the Legislative Council refer to the Legal and Social Issues Committee an inquiry to urgently review all Victorian anti-recidivism initiatives and youth justice intervention programs which should identify the points at which the frameworks are failing, determine why intended outcomes are not being delivered, and recommend immediate corrective measures.

David LIMBRICK: I move:

That the petition be considered on the next day of meeting.

Motion agreed to.

Planning policy

Wendy LOVELL (Northern Victoria) presented a petition bearing 2414 signatures:

The petition of residents and ratepayers of Mansfield Shire and our visitors:

Regarding: The Victorian Government's Planning Amendment (Better Decisions Made Faster) Bill 2025

The Bill was introduced with no community consultation, imposes a Melbourne-centric model on rural communities, removes our community's right to have a say and strips our Council of its ability to make decisions that protect the unique country character of Mansfield Shire.

The petitioners request that the Legislative Council of Victoria:

Refer the Bill to an inquiry so that consultation with rural councils and communities can occur before any changes to the planning system are passed.

Wendy LOVELL: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of next sitting week.

Specialist schools

Trung LUU (Western Metropolitan) presented a petition bearing 2096 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Melbourne's western suburbs are experiencing rapid population growth, yet there remains a critical shortage of specialist school places for children with profound or severe disabilities. Families in the region face significant challenges in accessing appropriate education, with existing schools at or over capacity. This lack of infrastructure limits educational opportunities and support for children who require specialised care, forcing many families to travel long distances for suitable schooling. By funding Stage 2 of Victoria University Secondary College to consolidate its junior and senior campuses, the land from the current junior campus could be repurposed for the construction of a new specialist school, specifically designed to support children with profound or severe disabilities in Melbourne's west. By investing in this critical infrastructure, the

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Government can ensure that children with high needs receive the quality education and support they deserve within their local community.

The petitioners therefore request that the Legislative Council call on the Government to fund Stage 2 of Victoria University Secondary College to consolidate its junior and senior campuses and repurpose the land from the current junior campus to construct a new specialist school for children with profound or severe disabilities.

Trung LUU: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

VicRoads, Maryborough

Bev McARTHUR (Western Victoria) presented a petition bearing 1183 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Central Goldfields Shire Council (Council) is currently reviewing the future of the Maryborough VicRoads agency service, following a change by VicRoads to its funding model. This service has operated in Maryborough as a sub-office, hosted and administered by Council for many years, providing a comprehensive suite of services including driver licence testing and vehicle inspections. VicRoads has previously reimbursed the Council for all costs associated with this service, including staff wages, rent, utilities and cleaning. VicRoads wrote to the Council in April 2025, advising that the funding model would change from 1 July 2025 to a transaction-based model. At the Council's request, an interim hybrid funding model was introduced to enable a full review of the service and its sustainability. The service is due to end on 31 October 2025. This new model would force the closure of the Maryborough VicRoads office. It's not possible for a small rural council to subsidise a VicRoads service at a cost to ratepayers of hundreds of thousands of dollars per year.

The petitioners therefore request that the Legislative Council call on the Government to reverse the new VicRoads funding model and ensure that all services currently provided by the Maryborough VicRoads office remain.

Bev McARTHUR: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

M80 ring-road noise barriers

Aiv PUGLIELLI (North-Eastern Metropolitan) presented a petition bearing 99 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the insufficient height of the boundary fence and noise walls for the M80 Ring Road alongside Gillingham Street, Watsonia North. The noise wall is insufficient to block the view of the Diamond Creek westbound ramp and reduce the level of the noise from light and heavy vehicle traffic on the M80 Ring Road. This will significantly impact residents' health, neighbourhood lifestyle and the future prices of the properties exposed to the view of the ramp. An increase in the height of the fence and noise wall will prevent the future health impacts on residents caused by the movement of heavy vehicles over the ramp, protect the Gillingham Reserve playground and minimise the significant negative cost impacts on properties exposed to the view of the ramp.

The petitioners therefore request that the Legislative Council call on the Government to advocate to the North East Link project contractors to pursue a measured solution and increase the height of the future fence and noise wall sufficiently to block the noise and view of the Diamond Creek westbound ramp.

Aiv PUGLIELLI: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Bills

Crimes Amendment (Coercive Control) Bill 2025

Introduction and first reading

Georgie CROZIER (Southern Metropolitan) (13:13): I introduce a bill for an act to amend the Crimes Act 1958 to provide for a new offence in relation to coercive control and for other purposes. I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Georgie CROZIER: I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 17

Sonja TERPSTRA (North-Eastern Metropolitan) (13:13): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest No. 17* of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Legal and Social Issues Committee

Inquiry into the Redevelopment of Melbourne's Public Housing Towers

Joe McCracken (Western Victoria) (13:14): Pursuant to standing order 23.22, I table the report on the inquiry into the redevelopment of Melbourne's public housing towers, including appendices, extracts of proceedings and a minority report, from the Legal and Social Issues Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Joe McCracken: I move:

That the Council take note of the report.

I am pleased to table the report of the inquiry into the redevelopment of Melbourne's public housing towers. At the outset I want to thank my colleagues from across the political divide on the committee. No political party has a majority on this committee, so it was really encouraging to work with all members of this chamber that are represented on the committee, all the parties, to put forward a good report. I want to also acknowledge the secretariat staff, who did such a great job, particularly in organising a number of hearings that were held onsite at the towers themselves. I would also like to thank the submitters and the witnesses for their participation in this process. It was clear that for a large proportion of submitters communication was a key issue, particularly when Homes Victoria engaged on relocations. Trauma, fear, anxiety and distress were elements experienced in particular for vulnerable groups, such as people from different language groups or ethnicity groups.

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It was a challenging inquiry, it is fair to say, because information was not exactly forthcoming from the government. On a number of occasions information was sought. The government made a claim of executive privilege on over 140 documents, with only 12 provided in part or full. We were trying to answer one simple question: should the government have demolished and rebuilt the towers, or were other options viable? Without access to key documents such as engineering reports, condition reports and a robust cost-benefit analysis, it becomes very difficult to understand why the government chose their course of action as opposed to the other options that could have been available. It has become even more difficult to understand why they sought to keep that information away from the public – perhaps to avoid scrutiny and accountability? The government can answer those questions. Numerous witnesses appeared calling for the release of documents. If the government is happy to make decisions, they should have been comfortable justifying those decisions with evidence before the inquiry. Unfortunately, this inquiry could have achieved so much more had there been cooperation.

The towers are not just homes; they are communities full of people – people from all walks of life, people whose experiences should be valued, considered and used to inform best practice. I thank those people who came forward – brave people – particularly tower residents for bravely telling their story and explaining their experiences. There are many, many lessons for the government to consider, and let us hope those lessons are heeded and not repeated. I commend the report to the house.

Ryan BATCHELOR (Southern Metropolitan) (13:17): I am pleased to speak on this committee report. It was an opportunity to genuinely engage with evidence and with residents about the future of these towers. Built 60 years ago with an expected life span of 50 years, we need a plan to deal with them. Instead the majority report from the Greens and the Liberals rejected the evidence that had been presented, silenced residents' voices who did not agree with them and failed in our collective responsibility to come to a considered view about what we should do here.

We need a plan to replace these towers. We had evidence of failing sewer stacks and mould in walls caused by sewage; evidence of concrete cancer; evidence of the structural challenges that are faced due to the unique construction and design of these towers that stand them apart from other high-rise buildings in Melbourne; evidence about ceiling heights being too low for modification; and evidence that 95 per cent of the lifts in these towers cannot fit a stretcher, which means that if residents call an ambulance they cannot be properly cared for. There are fire safety risks. The units are too hot in summer and too cold in winter. The electrical systems do not meet residents' needs, and there is a failure to meet disability standards. That was in the material that was presented to the committee, which unfortunately some people just did not read.

We need better engagement and better consultation – that was very clear – because there is misinformation about these plans being spread around the towers. We need to be clearer about the rights of renters as they return, and we need to address the significant disadvantages that public housing in this state faces because of the operation of Commonwealth laws, the public housing penalty.

The last thing I want to mention is there was, disturbingly, a breach of committee privilege in relation to the tabling of this report, where details of the plans to table this report were leaked to members of the Greens in the other place. It is a concern when committees cannot undertake this process. I commend the report to the house.

Anasina GRAY-BARBERIO (Northern Metropolitan) (13:19): That is pretty rich coming from those on this side of the table. Because I only have 2 minutes, I want to quickly thank the chair for chairing this inquiry with compassion and recognition of the incredible power imbalances that exist between public housing residents and powerful government institutions. I want to thank the secretariat and also those that worked on this for their support and flexibility. I want to thank my colleagues that went on the journey. At times there were strong opposing views, but I think that is to be expected with the lack of transparency and accountability that we have heard, with questions on how this government arrived at their decision to demolish all 44 public housing towers. I want to mostly give my heartfelt

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thanks to the public housing residents across all 44 estates, a community that built these estates and survived incessant government neglect.

First of all, we heard from many public housing residents, but I want to particularly mention Reem Yehdego of the 33 Alfred Street towers, who spoke powerfully about how she would not be the woman that she is today, grounded in principles of care, compassion and justice, without the support of her public housing community. She went on to share, and those on this side of the chamber might want to listen to this:

When governments tear down housing without care, without listening and without a commitment to building something just, they are not just removing buildings, they are cutting into the roots of our communities.

That is powerful stuff to listen to, coming directly from public housing residents. We want to talk about silencing; there was no silencing here. Public housing residents turned up in their droves during the five public housing hearings to talk about their experiences, and it was not easy for them to talk and speak in front of members of Parliament.

I want to quickly end with recommendation 7, that it is important that the Victorian government halt all work associated with the redevelopment program.

Renee HEATH (Eastern Victoria) (13:21): I think that Mr Batchelor's short contribution then just about summarised the frustration with what we were up against with this inquiry. Members of the government are talking about misinformation that is being spread around when it is their government that has refused to give the 144 documents that actually hold the information that we are looking for. My message here is: if you want to get rid of misinformation, please uncover the truth and actually provide the documents we are after. However, this was a very interesting inquiry. What we were trying to find out was why it is that 44 public housing towers are being demolished, and we were up against brick wall after brick wall, a protection racket from the government and from the departments. I just think that it is time to give up that protection racket and give us the documents that we are after, and the questions will be answered.

However, the inquiry was incredible. We heard from many stressed and distressed residents of housing who are getting their communities and their lives pretty much up-ended with few answers. Some of them spoke about how they found out about this decision through the media. Others said they found out about this decision because a leaflet had been popped underneath their door. Others said that a young kid knocked on their door and said, 'The tower's going to be demolished,' and they were not able to provide any information as to when, why, how and what would happen.

This has been an extraordinary failure by the government, and it has just been so offensive that it has been covered up by what I believe is the inappropriate use of executive privilege. In fact finding 1 says that the Victorian government has failed to comply with Legislative Council standing order 10.03 and requests under Legislative Council standing order 23.16.

Michael GALEA (South-Eastern Metropolitan) (13:23): I am also pleased to make a few comments on this report tabled today by the Legal and Social Issues Committee. I would also like to thank all colleagues on the committee, the staff in particular, and everyone who came and appeared as a witness before the inquiry. What you will see from this report and indeed from the extracted proceedings is a Liberal–Greens majority report once again seeking to oppose the development of new housing in Victoria. You can see this in many aspects, and indeed one of the more shocking aspects is where we tried to impart some detail into the report about some of the reasons why there is an uptake of the community housing model as opposed to the public housing model in some cases – that being the impacts of the GST settings for different types of developments and the impacts of Commonwealth rent assistance on these as well.

Going to perhaps some of the possible reasons as to why different approaches have been taken, we saw that evidence blocked and denied and voted against. All of that evidence was voted against by at least one member of the Liberal Party and by the Greens across the board. It was very disappointing

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that you sought to ignore that evidence, just as you sought to ignore the evidence that literally was above our heads in the hearing room when we were in the South Yarra public towers, when a witness was asked if there was any evidence that they could give and they pointed right above our heads. There is also a deep misunderstanding of executive privilege. Noting Dr Heath's comments just now, indeed the extract of proceedings will show that the Liberal–Greens majority voted against amendments to take section 19 out of that, because section 19 actually completely undermines the argument that they are trying to make and makes the argument that we were making.

Renee Heath: On a point of order, President, I do not think the member is allowed to speak about how people voted and what happened in deliberations.

The PRESIDENT: It is publicly available in the report.

Michael GALEA: It just goes to show their lack of understanding of the things that they were voting for by knocking that back and then, with the embarrassing changes we have seen at the end of the report, it having to be changed after all. I am also concerned about privilege, but I also refer members to our minority report, which outlines ways in which Homes Victoria can improve its practices in future.

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:26): I also rise to speak on the tabling of this important report into the proposed redevelopment of Melbourne's public housing towers or – let us call it what it really is – the demolition and destruction of the public housing towers across our city. It was noted by one of the government MPs during the hearings that the towers in question are not located in the electorate I represent, being the north-eastern suburbs of Melbourne. But I want to be clear: this is a statewide issue. This is an issue that anyone who cares about looking after vulnerable members of our community should care about – people who want to see their communities protected.

On a more personal level, I want to share part of what brings me to this conversation. Something I have not talked about before in this place is that my mother grew up in public housing in my electorate, in housing commission flats purchased following the 1956 Melbourne Olympic Games, located in West Heidelberg in an area still referred to as Olympic Village, as it was originally used to house athletes. By 1960 the Heidelberg estate, which absorbed the Olympic Village, was actually the state's largest public housing portfolio, with more than 4300 dwellings. Heidelberg West was described as a 'showcase of modern Australia' and 'emblematic of a deep-seated belief in the role of government as an agent of social change'. The estate also incorporated the Bell-Bardia and Tarakan estates, both of which were earmarked for inclusion in stage 1 of the state's public housing renewal program in 2017 under the ground lease model. I have had it confirmed by the Minister for Housing and Building that at the Tarakan estate none of the newly constructed dwellings of the former housing site are public housing, and it was confirmed in question time in October last year there will be no public homes constructed at Bell-Bardia estate when it is eventually completed in what looks like 10 years after it was first demolished.

As at February this year it has been reported that now in the former Heidelberg estate, which was once our state's biggest public housing estate and a showcase of modern Australia, only 23 per cent of households still live in social housing. Given this context, given the lack of commitment to new public housing being built at these tower sites, how can this government tell residents that what is proposed is a continuation of and not the final blow to public housing in this state? I commend the secretariat for their work and commend the report to the house.

Motion agreed to.

Electoral Matters Committee

Inquiry into Victoria's Upper House Electoral System

Jacinta ERMACORA (Western Victoria) (13:28): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the inquiry into Victoria's upper house electoral system,

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including an appendix, extracts of proceedings and minority reports, from the Electoral Matters Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Jacinta ERMACORA: I move:

That the Council take note of the report.

I just want to make some very brief contributions of thanks, really, for this report. Particularly I want to thank those who submitted to the inquiry and also those who gave their time in public hearings, including the Hansard team and the secretariat, who worked very hard on this project, as well as, for their participation, the Victorian Electoral Commission. I also want to just close by saying to a member in the other place, Emma Vulin, who preceded me on the committee and during this inquiry: thank you.

Evan MULHOLLAND (Northern Metropolitan) (13:30): I rise to speak on the Electoral Matters Committee's report into the upper house system. It is good to be back on the Electoral Matters Committee. This was a wideranging inquiry. It was really good to attend multiple different hearings on this particular report. It is an important report.

We know that group voting tickets have long been an issue in Victoria. Over the life cycle of this government we have been given weasel words by this government, by former Premier Daniel Andrews and this Premier as well, that 'It is to come', 'It is something we're looking into', only to get to the election and for the government to shrug its shoulders and say, 'It's all too hard.' The Liberals and Nationals support the abolition of group voting tickets. Labor have been dragged kicking and screaming to their current position.

We also, as Liberals and Nationals, as outlined in our report, believe that representation of regional Victorians is paramount to any future structure of the Legislative Council. Labor's 2003 decision to entrench the regional structure in the state constitution has created an inflexibility to sensible reform. Labor has been aware of this issue but has failed to act. Their reluctance to fix our broken electoral system means that electoral outcomes in the upper house have been – actual electoral outcomes of people that are here – distorted by preference-whisperers to reflect their undemocratic intentions rather than the will of voters. We back the removal of group voting tickets. The government, I understand, is keen to negotiate with us in good faith. I will say, through bills they might introduce today, they have not got off to a good start.

Sarah MANSFIELD (Western Victoria) (13:32): I too want to make some comments about this report and start by thanking the staff and fellow committee members and everyone who contributed to what was a really robust and interesting inquiry.

I think this is a really good report, and it very accurately reflects what the committee heard. While there is a case for upper house reform, the best way to reform it, if at all, is heavily contested. Any upper house reform requires a referendum, and this necessarily requires a clear question to be put to the Victorian people, and we do not yet have an idea of what that clear question would be. The committee found, rightly, that further work was required to decide if and how any upper house reform should take place and that a parliamentary committee was not the best vehicle to do so. Further, the inquiry found that, practically speaking, any referendum on upper house reform would take a significant amount of time to prepare for and would not be possible before the next state election.

This is really critical because the inquiry also heard, once again, as Mr Mulholland said, that the abolition of undemocratic group voting tickets should be a priority and should take place before the next state election, and does not need to be linked to upper house reform. The Victorian Electoral Commission indicated that removing group voting tickets would be logically possible before the next election, and there was widespread, albeit not universal, support for doing so across the political spectrum. We have long argued for the abolition of group voting tickets. As we have heard from

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Mr Mulholland, there is really broad support for doing so. This inquiry into upper house reform was used as an excuse for not moving on that. I think the time for excuses has run out. We have had two joint committee inquiries just this term that recommend the abolition of group voting tickets before the next election, and it is time that the government got on with this.

David ETTERSHANK (Western Metropolitan) (13:34): I would like to start out by thanking the secretariat, led by Chris Gribbin, who did amazing work, and the many who participated in the proceedings. The report has an excellent analysis of the complex and diverse views expressed by the community and stakeholders over how reform in the upper house system should be implemented. Central to the debate is the abolition of group voting tickets, which everyone agrees on, and the interrelated question of changes to the structure of the regions. This is a very disturbing report in that its central recommendations regarding the abolition of GVTs without changing the regions is little more than a convenience agreement between the old parties of Labor, Liberal, National and Greens to frustrate and neuter the rapidly growing smaller parties. It is worth noting that when the Western Australia and New South Wales governments abolished GVTs they simultaneously restructured the regions to ensure an equitable outcome. Over the last four elections the share of first preference votes garnered by the smaller parties has tripled, from 9 per cent to 27 per cent. The proposal to eliminate GVTs without changing the regions would disenfranchise that quarter of the electorate that do not vote for the old parties. It would effectively eliminate all of the crossbench except for the Greens. The recommendations build on several recommendations from the earlier inquiry in 2022, which recommended increasing the number of members required to register a party from 500 to 750 and increasing the number required for an independent to run from six sponsors to 50 sponsors. It is all designed to make it harder for small parties to get a say. There is no such thing as a perfect democracy, but ours is pretty good. Should the government choose to adopt these recommendations, it will be a dark day for political diversity and democracy in Victoria. I commend the report to the house.

Motion agreed to.

Electoral Matters Committee

Inquiry into the 2025 Prahran and Werribee By-Elections

Jacinta ERMACORA (Western Victoria) (13:36): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the inquiry into the 2025 Prahran and Werribee by-elections, including an appendix and extracts of proceedings from the Electoral Matters Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Jacinta ERMACORA: I move:

That the Council take note of the report.

Just a few brief words again of thanks to all those from the communities involved that submitted, and, from the hearings, the Hansard team, the secretariat and Ms Emma Vulin, who predated me as well on the committee.

Evan MULHOLLAND (Northern Metropolitan) (13:37): I rise to speak on this report on the Prahran and Werribee by-elections, and I would like to thank Christopher Gribbin, the secretariat and my colleagues who are also on this committee. I think we all picked up and we all shared a lot of common agreement on this particular report, particularly on some of the failings of the Victorian Electoral Commission staff, particularly at Werribee, I would say, and where we can improve. I would like to thank all the parties who participated as well.

People will note in the appendix there is a point on which the Liberals and Nationals differed with the other members of the committee, and that is the I think absurd recommendation that we should be

scooping data from the Residential Tenancies Bond Authority in order to automatically sign people up to the electoral roll. As we know, there are several legislative restrictions and, for good reason, security protections on data to do with recommendations from the Royal Commission into Family Violence and other matters to do with the RTBA on using every single authority available to scoop people onto the electoral roll. It is the responsibility of individual voters in this state to make sure their electoral enrolment is up to date, and that is the law. You can completely understand VicRoads being used, but a data-gathering exercise to scoop people on the electoral roll is not the way we should be treating very, very sensitive data. We know there have been incidents in the past involving data. That is why we have very strict legislative controls over this. Any such recommendation would require an extraordinary amount of legislation to unpick, which is why the Liberals and Nationals deemed that recommendation the wrong way to go. But overall, besides that, the report is very good, and I thank the secretariat.

Sarah MANSFIELD (Western Victoria) (13:39): I too want to thank the secretariat, my fellow committee members and all those who contributed to this inquiry. I think once again this report reflects well the concerns that were raised about both of these by-elections in their respective electorates. While the elections were by and large conducted fairly, voter participation could have been improved, particularly in the Prahran by-election, and it is worth noting that once again there were concerns that came through in this inquiry about the conduct of some campaigners, particularly third-party campaigners. Venues could have been more accessible, and there were some logistical concerns regarding timelines and coordination. Of particular note, there was very low turnout in Prahran, only 68.28 per cent – the lowest of any Victorian by-election – although all by-elections show a similar drop compared to general elections. A contributing factor may have been the very high mobility of the population in this district, with younger demographics and a higher proportion of renters meaning the electoral roll is likely to have details that are out of date. The timing of the closure of election rolls, which was over the Christmas period, also likely exacerbated this. So we strongly support the report's recommendation that the Victorian Electoral Commission should explore new organisations that it can receive data from as part of its automatic enrolment program, including the Residential Tenancy Bond Authority and the State Revenue Office. There were also a range of recommendations regarding accessibility of venues, which we support, and VEC staff escalation procedures for campaigners. Once again, as I said, there were candidates and volunteers who experienced verbal or physical harassment by other campaigners, often affiliated with a third party. We therefore strongly support the recommendation of the report to legislate a campaigner registration program, which comes off the back of previous similar recommendations in reports.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Auditor-General – Report on the Annual Financial Report of the State of Victoria: 2024–25, November 2025
(Ordered to be published) (released on 24 November 2025 – a non-sitting day).

Fire Services Implementation Monitor – Report, 2024–25 (replacement for copy tabled on Tuesday, 18 November 2025).

Judicial Entitlements Act 2015 – Judicial Entitlements Panel's Own Motion Recommendations Report 2025, under section 33 of the Act.

Parliamentary Committees Act 2003 – Government response to the Integrity and Oversight Committee's Report on the Performance of the Victorian integrity agencies 2022/23 (released on 1 December 2025 – a non-sitting day).

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

Glen Eira Planning Scheme – Amendment C276.

Greater Geelong Planning Scheme – Amendment C480.

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Greater Shepparton Planning Scheme – Amendment C251.
Mansfield Planning Scheme – Amendment C57 (Part 1).
Melbourne and Port Phillip Planning Schemes – Amendment GC243.
Mildura Planning Scheme – Amendment C127.
Stonnington Planning Scheme – Amendment C359.
Towong Planning Scheme – Amendment C42.
Victoria Planning Provisions – Amendments VC298 and VC301.
Wangaratta Planning Scheme – Amendment C86.

Statutory Rules under the following Acts of Parliament –

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – Nos. 119 and 120.
Building Act 1993 – No. 125.
Drugs, Poisons and Controlled Substances Act 1981 – No. 124.
Funerals Act 2006 – No. 121.
Residential Tenancies Act 1997 – No. 123.
Retirement Villages Act 1986 – No. 122.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to – Statutory Rule Nos. 113, 117, 121, 122, 124 and 125.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: Minister for Climate Action’s response to petition titled ‘Declare an urgent state of climate emergency’, Minister for Energy and Resources’s response to petition titled ‘Stop the ban on new gas connections’, Minister for Planning’s response to petition titled ‘Lang Lang Strategic Extractive Resource Area’ and Minister for Roads and Road Safety’s responses to two petitions titled ‘Reduce probationary driving age’ and ‘Vehicle registration levy to fund emergency wildlife care’.

Production of documents

Suburban Rail Loop

The Clerk: I table a letter from the Attorney-General dated 28 November 2025 in response to a resolution of the Council of 5 February 2025 on the motion of Mr Davis and further to the government’s initial response of 5 March 2025 relating to the Suburban Rail Loop risk register. The letter states that the Suburban Rail Loop Authority does not have a risk register in the terms described in the order and that the government has obtained an extract from the risk management database system to respond to item (2)(a) of the order. I further table this one document, together with the schedule of the identified document.

David DAVIS (Southern Metropolitan) (13:43): I move:

That the minister’s correspondence concerning the Suburban Rail Loop documents be taken into account on the next day of meeting.

Motion agreed to.

Business of the house

Notices

Notices of motion given.

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General business

Bev McARTHUR (Western Victoria) (13:56): I move, by leave:

That the following general business take precedence on Wednesday 3 December 2025:

- (1) order of the day, 2, second reading of the Summary Offences Amendment (Begging) Bill 2025;
- (2) order of the day made this day, second reading of the Crimes Amendment (Coercive Control) Bill 2025;
- (3) notice of motion given this day by Aiv Puglielli on the North Richmond medically supervised injecting room;
- (4) notice of motion given this day by Georgie Crozier on coercive control laws; and
- (5) notice of motion 1139 standing in Melina Bath's name on bushfire preparedness.

Motion agreed to.

Committees

Environment and Planning Committee

Membership

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (13:57): I move, by leave:

That Tom McIntosh be a participating member of the Environment and Planning Standing Committee.

Motion agreed to.

Motions

Middle East conflict

Anasina GRAY-BARBERIO (Northern Metropolitan) (13:57): I move, by leave:

That this house:

- (1) condemns the Netanyahu government for its latest violation of the six-week-old ceasefire;
- (2) notes that this genocidal regime has violated the ceasefire at least 497 times since it came into effect on 10 October 2025;
- (3) urges the Israeli military to respect international law and stop with its annihilation and wave of air attacks on Gaza killing Palestinian children and wounding many more;
- (4) stands in solidarity with victims of war, humanitarian aid workers and journalists who have paid the ultimate price of this genocide; and
- (5) calls on the Australian government to use all diplomatic avenues to ensure that this ceasefire, although fragile, must not be a cover for a slow pattern of killing given almost the 500 violations and breaches of violence so far by this Israeli government.

Leave refused.

Members statements

Shaun Leane

Sonja TERPSTRA (North-Eastern Metropolitan) (13:58): President, I wish to make a members statement today in regard to you. Members in this chamber may be aware that the Honourable Shaun Leane has indicated he will not be recontesting the 2026 election. I just want to thank you, President, for all of your service to not only the people of Victoria but of course this place in the Parliament and for doing an excellent job as the Presiding Officer in here. It is a difficult job, as many of us would appreciate, but it has been really a privilege to work with you in this place but also in my electorate of the North-Eastern Metropolitan Region. Since I came into Parliament in 2018 Shaun has been one of the most generous, kind, funny and principled people I have had the privilege of being able to work with, and he has been an excellent friend, colleague and comrade. I know personally I will miss

working with Shaun in my region, and I know many of us will also miss working with Shaun. He is one of the funniest people that I have ever had the privilege of working with. We have definitely enjoyed working together, along with my colleagues in the other place in the North-Eastern Metropolitan Region. President, I just want to thank you again for your service to this government, to the Labor Party, to the Victorian Labor government and to this place and to wish you all the very best for whatever future endeavours you choose to participate in. I am sure the next chapter will be just as interesting as the previous ones. I want to wish you all the very best and thank you.

Health system

Georgie CROZIER (Southern Metropolitan) (14:00): President, I was just reminiscing about when I first witnessed you sitting over there with your green hair. Nevertheless my statement is: last week's Public Accounts and Estimates Committee exposed exactly what government departments are doing – or not doing. In health it was further exposed just how stretched our hospitals are and how the Allan Labor government continues to fail to deliver what is required. Take, for instance, the Royal Melbourne Hospital needing to raid the Royal Melbourne Hospital Foundation for funds to build a security room. We know occupational violence within health settings has spiralled out of control under Labor, despite years ago their promises to do something. They promised mandatory minimum sentencing for violence against emergency workers, yet no-one from the department could tell the committee how many offenders have actually been sentenced. In fact the department secretary was at a loss to be able to tell the committee quite a bit. In the interests of all Victorians, we deserve greater transparency, not less, but under Labor it is constant deflection and denial. Look at the latest Victorian Agency for Health Information data: surging numbers of Victorians on the surgery waitlist to almost 61,000. The government waited to release the data on the last sitting day of the last sitting week in question time, and it was 20 days overdue. But getting back to the Royal Melbourne Hospital Foundation being required to fund hospital infrastructure, I am sure many of the generous donors expect their donations to go towards medical research and equipment that improves patient outcomes and saves lives, not doing the work of government and building a room. Due to the reckless management of Victoria's budget, the government is raiding areas that should not be hit but are because Labor cannot manage money. The consequences of this gross mismanagement are serious and they are real.

Port Phillip EcoCentre

Katherine COPSEY (Southern Metropolitan) (14:01): The Port Phillip EcoCentre have had another great year of positive impact on the community and our local environment. I was reading with delight highlights from their recent annual report showing how they had nearly 15,000 program participants. Ninety-five per cent of those following their participation felt more connected to nature and increased their knowledge of local ecosystems, while 92 per cent plan to take new environmental actions following their participation. The actions they were taking were things like cutting waste, greening their transport, saving water and increasing their home's energy efficiency, as well as writing to their councillors and MPs, which might keep many of us in this room on our toes. To highlight just a few examples of their work, the eco-centre's efforts to build a share-and-repair economy have diverted 1.4 tonnes of waste from landfill, while their plastic-free bay projects brought together community groups and volunteers to map plastics and microplastics entering Port Phillip Bay in order to stop them at their source. I congratulate the eco-centre on another fantastic year of important impact on our local environment, and I wish them all the best for the coming year.

Electricity prices

David DAVIS (Southern Metropolitan) (14:03): I want to draw the community's attention to the surging energy costs that we are facing in this state. After 14 years of Labor, energy costs are surging up and up and up. The tariff tracker that came from St Vincent de Paul – the most recent one that looks at the year to the end of 30 June – points to a 7 per cent increase on average across zones for electricity prices. They are very significant increases with very significant impacts – 8 per cent in some areas and

gas going up by similar amounts. Increases of 7 and 8 per cent are smashing into households and small businesses. They are feeling these charges going through. The minister in the other chamber says the costs are going down, down. No, no, no – they are going up, up, up, up, and families and businesses are paying the price of Labor. This is what happens with a long-term Labor government that loses touch with the community and is prepared to see families hurt, businesses hurt, families slugged and businesses slugged by surging gas and surging electricity costs that go straight to the heart of a family's budget. They are paying more, and they are paying more because of this government's cross-subsidies and bad ideas. The implementation of projects has been botched, and families are paying the price of the surging energy costs.

Gendered violence

Sarah MANSFIELD (Western Victoria) (14:04): This coming weekend my colleague Ms Gray-Barberio and I will be doing the Afterglow run from Point Addis to Torquay. The run takes place at night and is raising awareness about gender-based violence as part of Respect Victoria's 16 Days of Activism against Gender-based Violence. Funds will be raised for the Sexual Assault and Family Violence Centre in Geelong. The sense of camaraderie and indeed safety during the event will stand in stark contrast to how I feel a lot of the time when I go out for a run, because, like so many women, I have to constantly think about my safety when I run alone. Is it going to be dark? Will there be other people around? How far am I from help? I have had several incidents, including a man standing in my path pulling down his pants and saying sexually explicit things. I have had people slowing down in their cars beside me and calling out or following me, and a huge dog once jumped on my back after being let loose by a sniggering man. The vast majority of the time nothing happens at all, but these incidents were enough to reinforce that constant niggling fear. What I would give not to be constantly on alert and worrying about my safety. We know that by far women are most likely to face violence and sexual assault in their own homes or in workplaces, but this occurs as part of a broader culture where we frequently do not feel safe in many places, including in our parks and on our trails and streets. We all deserve to feel safe everywhere and at all times, and we have got a long way to go before that is a reality.

Western District Food Share

Jacinta ERMACORA (Western Victoria) (14:06): Last week I met with Amanda Hennessy, the executive officer of Western District Food Share. I was there to share in the news that food share will be receiving a new refrigerator van thanks to a grant of just over \$82,000 from the Community Food Relief Fund. This will enable them to deliver fresh and frozen food across the south-west, including Glenelg and Southern Grampians shires. It will mean greater access to healthier and more nutritious food for people in need. This funding is an example of the Allan Labor government's understanding of the unique experiences of outer regional Victoria. Amanda described how much of their supplies are shipped first to Geelong and then to Warrnambool and then they need to be distributed up to 150 kilometres away or more to communities like Portland, Heywood and Nelson. This will help the food share to fulfil its goal of providing equitable access to nutritional food. Thank you to Amanda, the staff and the amazing team of volunteers who work so hard every day at the food share in Warrnambool for their warm welcome when I visited and for the great work that they do.

International Vietnamese Law Enforcement Alliance

Trung LUU (Western Metropolitan) (14:07): I had the privilege of attending the International Vietnamese Law Enforcement Alliance, IVLEA, awards, an event that celebrates the remarkable achievement of Vietnamese and other Asian heritage law enforcement professionals. These awards honour individuals who represent the very best of public service and who have demonstrated excellence, leadership and unwavering dedication in their role across law enforcement agencies. Over the past three decades IVLEA has grown from a police officer's vision into a respected global network fostering mateship, professional development and cultural pride among law enforcement professionals of Vietnamese heritage. The presence of ambassadors and consuls general from Vietnam, Laos, Japan

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and Indonesia alongside representatives of three levels of government – New South Wales senior command, senior representatives of AFP and other agencies – is a powerful testimony of IVLEA’s accomplishment and influence. As Vietnamese Australians, these officers, the honourees, are not only outstanding professionals but also role models, showing that integrity, hard work and dedication lead to success. Their achievements stand as a powerful example of the contributions the Vietnamese community have made to our society, a great testimony as we mark 50 years of Vietnamese refugee settlement in Australia. Congratulations to my colleague Detective Sergeant Luc Nguyen, founder of IVLEA, and his dedicated committee members for their outstanding initiative. Well done to the New South Wales command for recognising and supporting such an important program.

Share the Dignity

Renee HEATH (Eastern Victoria) (14:09): Last week I had the pleasure of visiting St Patrick’s Primary School in Stratford, and their grade 5s and 6s have written this statement for me to read today.

Today we are excited to share something very important that St Patrick’s Primary School in Stratford … is taking part in – an initiative called Share the Dignity.

Share the Dignity is an Australian charity that helps people who are experiencing homelessness, fleeing domestic violence, or doing it tough. Many of these people do not have access to basic items like sanitary products. These are things that most of us take for granted, but for some, they can be hard to afford.

When someone doesn’t have access to these products, it can affect their confidence, their comfort, and their dignity.

At St Patrick’s, we believe in kindness, compassion and living out our school values. We know that small actions can make a big difference. By supporting Share the Dignity, we are helping ensure that everyone – no matter their situation – can feel cared for and respected.

This month, we are inviting YOU to get involved. You can help by donating pads, tampons, soap, deodorant and hair care … Every single donation, no matter how big or small, helps someone feel seen, supported, and valued.

When we take part in projects like this, we become the hands and feet of Jesus in our world. We show love through action. We live out our call to help others, especially those who are struggling.

So let’s work together as a school community to make a real difference. Let’s show what St Patrick’s is all about – generosity, empathy, and dignity for all.

Thank you for your support, and thank you for making our world a kinder place.

I encourage you, if you can, to support them.

Melbourne High School

John BERGER (Southern Metropolitan) (14:11): It was great to be back at Melbourne High School to address the political interest group. The group discusses social and political issues right across the political spectrum, and it has had some notable speakers throughout the years, including earlier this year former Premier John Brumby. They are made up of a group of smart, dedicated and diligent students, and it was particularly great to visit T29 and hear from Saneet Kumar and the rest of the political interest group. It was great to be reminded of Melbourne High’s Mr Collins and to learn about the amazing history of Melbourne High, including having a chance to look at the honour boards, which comprised many notable names. For 120 years Melbourne High has been educating the very best and hardest working young boys from right across Melbourne, Victoria and Australia, and it is fantastic to have such a great school in my community of Southern Metro, just minutes away from my office. I am proud to be a member of the Allan Labor government, which supports our great government schools. Thank you to Dr Tony Mordini, Raymond Pask, Matthew Hayes and Levi Mueller for the invite. I look forward to returning soon.

Northern Victoria Region transport infrastructure

Wendy LOVELL (Northern Victoria) (14:12): The member for Yan Yean Lauren Kathage got very excited about the opening of the Metro Tunnel and posted on social media a picture of herself jumping for joy outside the Town Hall station. But this rail service does not even run through her

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electorate. Her constituents in the northern growth suburbs of Melbourne who saw the post must be wondering why the member for Yan Yean has not shown the same interest in rail projects in her own district. Residents in Donnybrook, Wollert, Beveridge and Wallan are all desperate for better train transport, but the local member has failed to secure any significant improvements –

Michael Galea: On a point of order, President, I think the member has the responsibility to be factual. It is quite well known that the Sunbury line going into the Metro Tunnel means more capacity for the Craigieburn and Upfield lines in the north.

The PRESIDENT: There is no point of order.

Evan Mulholland: On the point of order, President, the member should be aware the government cut the train turnback at Essendon, which would have freed up capacity on the Craigieburn line at Donnybrook.

The PRESIDENT: The member can make any statement –

Wendy LOVELL: On the point of order, President, the member opposite should be aware that the Sunbury line does not go to Yan Yean.

The PRESIDENT: I think we have all learned something. I call Ms Lovell to continue.

Wendy LOVELL: The Metro Tunnel project suffered a \$5 billion blowout, taking the total cost to over \$14 billion to build just 9 extra kilometres of rail line. But there is no money for the northern rail projects. Labor went over budget by \$5 billion for five metro stations but will not commit the funds to build a new station for Beveridge, where the Minister for Planning has approved homes for 50,000 people. Labor has approved thousands of new homes in Donnybrook, massively boosting demand for the train, but it still has not built a footpath for pedestrians, who have to walk in the mud to get to Donnybrook train station. Labor has refused for years to chip in a mere \$250,000 for the Wollert rail feasibility study, pushing back the start of that vital project by at least three years. Labor hid the *North West Strategic Assessment* report, because it revealed an urgent need to begin detailed development to extend the Upfield line to Wollert, and Labor has not started planning – *(Time expired)*

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (14:14): I move:

That the consideration of notices of motion, government business, 278 to 1180, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (14:14): I rise to contribute to the debate on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. This bill comes before Parliament at a time when Victorians are acutely aware that our state faces serious and growing crime challenges. While crime is everywhere under this government, it is most visible in our retail sector. People see it across Victoria, in news reports, on their Instagram feed and in firsthand accounts given by friends, family members and colleagues, and retail crime in Victoria has become a defining feature of the broader law and order landscape. Locally in my electorate not a day goes by

without a report of a machete melee or incident at Broadmeadows Central or incident at Northland shopping centre where people are coming into food stores and ransacking the place, or incidents at Craigieburn Central or Craigieburn Plaza. It is not new and it is not isolated. It has not emerged suddenly. It has been gathering pace for several years. We see that the severity and scale of it are now impossible to ignore, even for this tired, decade-old Labor government.

Every day across our state people who work in retail, fast food, hospitality and transport go to work and face situations that should never form part of anyone's workplace experience. Staff are abused, threatened, intimidated and at times physically assaulted. Many feel unsafe at work, and many do not feel properly supported by the system that is meant to protect them. That reality is why the Liberals and Nationals have consistently called for action on retail crime. We have been calling for stronger measures for a very long time.

When the Premier made a commitment in May last year to act, the opposition – the Liberals and Nationals – although sceptical based on past performance, nonetheless took the government at its word. We believed the government would respond decisively, because the levels of offending across Victoria demand more than speeches and press conferences. They demand real action delivered with urgency, and the most recent data demonstrates how urgent the situation really is. In the year to June there were 99,114 offences in retail store settings. This represents an almost 20 per cent increase in only 12 months. These numbers should alarm any responsible government – sadly, it seems not this one. They also highlight the failure to deliver on the commitment made 18 months ago. While the government delayed, the offences went up by tens of thousands. The Crime Statistics Agency also reported that retail theft increased by 26 per cent and retail assaults increased by 21 per cent in the same period. A 21 per cent increase in assaults is not just a minor shift. A 26 per cent increase in theft is not just a statistical blip. These are signs of a system under real pressure and a sector in which people no longer feel protected.

These retail figures sit within a broader landscape of the rising crime rate in Victoria. In addition to the nearly 100,000 retail offences recorded in the year to June, there were 638,000 criminal offences in 2024–25. That is roughly 200,000 more offences than when Labor was first elected. Think about that. That is an increase of about one-third. Total offences have increased by 47 per cent, crimes against the person have increased by 63 per cent and property and deception offences have increased by 38 per cent. These are not small movements; they reflect a significant deterioration in community safety. The government cannot credibly claim that the retail crime problem caught it by surprise. For years and years, as I have stated, there have been high-profile cases that have shocked the Victorian community. Anyone who speaks with staff members of retail stores, supermarkets, hospitality venues and service stations, which I have done, knows the extent of the problem. It is something that has been a consistent feature in the northern suburbs and particularly in the outer northern suburbs. I speak to many service station workers and owners but also particular retail stores near my own electorate office in Meadow Heights and also in Roxburgh Park and Craigieburn, where there has been an absolutely significant uptick in retail crime. We have deep empathy for them as well.

I was subjected to and also witnessed several incidents back when I worked at Woolies, which was then called Safeway. No-one would wish it upon their worst enemy, to be caught up in a situation as frightening as many, many young people but also our migrant communities are going through in our communities. I assume any member of Parliament worth their salt would be hearing the same thing from their communities about the uptick in retail crime and how this has really affected many, many workers. I have chatted to and had the shadow minister out to the IGA in Thomastown, which has been subject to frequent attacks and incidents, particularly around the shopping strip as well.

The largest retailers in the country have drawn attention to the issue. They have said clearly that Victoria has a unique and serious issue with the retail crime problem. CEO of Coles Leah Weckert said:

... it is definitely the case that in Victoria, retail crime is escalating more than ... we are seeing in other states.

The chief executive of Rebel Sports said:

We've seen a disproportionate increase in Victorian stores. No doubt about that.

Reece CEO Peter Wilson has been reported as saying that Victoria is the toughest place in the country to do business. The co-founder of Seek, Paul Bassat, said:

Whenever something that is done in this country that's anti-business, the reality is there's a good chance it is being done in Victoria.

These are not minor comments from fringe commentators, they are the most senior executives of major national companies, who have a close understanding of retail trends and are responsible for the safety of thousands of staff. The message has been consistent. They have been calling for real action that would provide genuine protection to deter offending.

Unfortunately, this bill does not deliver the change that the sector needs. At its heart any bill that is introduced to address a problem should be assessed on whether it actually solves the problem. The Liberals and Nationals will not be opposing this legislation, but we certainly want it recorded that this bill will not fix the retail crime crisis in Victoria, and anyone who thinks it will is kidding themselves. We want it stated plainly on the record that, after 18 months of waiting, what has arrived in this bill does not create meaningful change and does not go to the heart of this issue. To make matters worse, an essential component of any effective response is missing entirely, and that is workplace protection orders, which should form a central part of a package to protect workers. They are nowhere to be found in this bill. The government has announced these orders and then backflipped and then suggested again that they might be needed. Which one is it? They have failed to include them in this legislation. It is extraordinary that such a key reform was omitted. For that reason, I notify the house of opposition amendments that have been drafted, and I ask for them to be circulated. Our amendments do two things. First, they increase the penalties associated with offending against customer-facing workers. Second, they introduce a workplace protection order scheme for Victoria. Before turning to those amendments, it is important to outline exactly what the bill contains and why those measures fall well short of what is required.

The bill is relatively simple. It includes new offences for assaulting or threatening workers in the retail, fast-food, hospitality and transport sectors. It also introduces measures relating to ram raids by placing them within the definition of 'aggravated burglary'. Those appear to be positive steps. However, a closer reading reveals that these offences already exist in Victorian law, so this is largely performative. The Law Institute of Victoria has assessed the bill. I thank the institute for undertaking the assessment in extremely limited time. Normally experts would have at least 14 days to consider a bill and provide informed feedback. The law institute said the amendments:

... may unnecessarily overcomplicate the Crimes Act as the proposed offending conduct is already captured through other offences within that Act.

The institute went on to say:

... a judicial officer is already empowered to consider the specific circumstances of such offending when evaluating an application for bail or handing down a sentence.

The institute also observed that certain clauses in the bill:

... may inadvertently create gaps in the framework by only criminalising abuse directed at those in a 'customer facing role' ...

for example, but they would exclude accountants, bank tellers, therapists, policy experts et cetera. In other words, the bill attempts to create offences that already exist while potentially excluding groups of workers who do not have face-to-face customer interactions. The core criticism is simple. The offence of assault already exists. Assault under common law carries a maximum sentence of five years, the same maximum penalty as the new offence that is created by this bill. The government has repeatedly claimed that this bill establishes a new assault offence with a maximum sentence of five years. Again, it already exists. Nothing in this bill strengthens the offence, nothing adds new powers

or new deterrents, and nothing provides a higher maximum penalty than the existing law. The same is true for the ramraiding provision. The law institute has explained:

... the offence of Aggravated Burglary ... would likely already capture a 'ram-raid' in certain circumstances. For example, where the offender commits a 'ram-raid' during business hours when there are staff, or there is reason to believe there are likely staff, in the building.

Once again, what this bill presents is a new measure that is in fact a duplication or restatement of an offence that already exists. This is why these measures will not address the retail crime crisis. They do not change the legal landscape in any way.

The Criminal Bar Association reached similar concerns. It is worth noting the association informed the member for Brighton that his engagement with them was the first time anyone in Parliament had approached them for feedback on these kinds of proposals – certainly not the government. The government did not consult with them, and that omission is telling. It is difficult to avoid the conclusion that the government knew what the experts would say and wanted to avoid hearing it. The Criminal Bar Association has described the indictable offence created by the bill as of little utility and one that would otherwise be captured by the existing offence of common-law assault. The association said:

Were a 'customer-facing worker' to be physically assaulted (or even threatened) in connection to their employment without the introduction of this new offence, there would be no impediment to the laying of a charge of common-law assault. Given this, it is difficult to see what the introduction of this new offence will achieve.

These are the views of legal experts who deal with criminal offences daily. They are not political views; they are observations about what the law already provides.

The bill does, however, give the government the chance to claim a promise has been fulfilled. It allows a press release to be issued and a social media graphic to be posted. It allows those Labor MPs who are worried about retail crime in their seats to feel a little bit calmer. For MPs who get up and talk about it in the party room, it allows for the ministers to pat them on the head, saying, 'It's going to be okay. We've just introduced this bill which introduces new offences that already exist. Yes!' They can go back to the Shop, Distributive & Allied Employees' Association and say, 'We got a win for you.' They say they are for workers but are introducing laws into this place that do nothing for them. That is not leadership for the people who are coming home to their parents in tears about what happened to them at work that day or on the increasing examples of retail crime we are seeing go through the roof. The government has introduced a bill that will not deal with this issue.

I have been here long enough to remember when the government was raising the age of criminal responsibility and when the government weakened our bail laws. On our concerns about crime and specific concerns about retail crime I was told by those opposite that I was just seeking a *Herald Sun* headline or a 3AW interview. That is what that side of the chamber said in response to our serious concerns from constituents about this issue. Now they rush to the chamber with basically a press release saying they are doing something. But they are doing something that already exists, and it is not going to solve the problem of retail crime here in this state. For that reason, they should be condemned.

The opposition has drafted amendments that strengthen penalties. Our amendments introduce a three-tier system that actually reflects the seriousness of the assault. If an assault does not cause physical injury, the maximum penalty will be four years. If an assault causes physical injury but not serious injury, the maximum penalty will be six years, and if an assault results in serious injury, the maximum penalty will be 11 years. These provisions are modelled on the New South Wales approach, which has been shown to be effective. They ensure penalties have real force rather than symbolic value. The opposition has also drafted amendments to introduce workplace protection orders, which are essential. The workplace protection orders have been called for by industry, by unions and by frontline workers. The Shop, Distributive & Allied Employees' Association, an organisation with many friends in this place, has said:

If the government is serious about addressing the retail crime epidemic, introducing WPOs is a no brainer.

And still we are seeing no real action to address this. The only real action is from the opposition. The government wants to introduce performative acts that take place inside of a bill but do not actually fix the problem at hand. It wants to announce in a press release that it is addressing the issue and then take months and months and months to actually get a bill here. That is not good enough, as we have seen in that intervening period huge increases in retail crime. People are left to suffer while the Labor Party dithers. Looking interstate, ACT police have spoken about their experience with workplace protection orders, stating that in the eight months since they were introduced, police have:

... noticed a “total change in behaviour where [the offenders] have just disappeared off our screens”.

That represents real change, and the type of change Victoria desperately needs. Workplace protection orders also protect workers in a way that criminal charges alone cannot. They allow early intervention, they provide a clear and enforceable barrier between offenders and staff and they are a proven tool. The government claimed recently that it believed workplace protection orders were needed, yet the bill does not include them. The Premier’s last-minute backflip came so late that the government could not introduce these measures as part of the inclusion in this bill. I mean, parliamentary members of the SDA and parliamentary members altogether must be scratching their head and wondering what the Attorney-General and the Premier are actually doing: rule in, rule out, rule in, rule out, rule in, but ‘Oh, we can’t even attach it to the bill.’ When people are suffering and retail crime is surging massively, people must just look at the actions of the Premier and the Attorney-General and seriously shake their heads. We know that is going on over that side at the moment, but this is a clear example of incompetence – incompetence with serious consequences, because the government has failed to act.

We know that WPOs are a proven tool. The government claimed recently that they believe the workplace protection orders are needed, but again they do not include them. The amendments we have circulated give the government a real opportunity to support the introduction of WPOs. If government members vote them down, it will become clear that their statements of support were nothing more than a cynical attempt by the Premier to get through another news cycle. They all went to the back garden to announce these changes. My colleagues here were at that press conference cheering for workers – workers who are most likely behind the shopfront getting assaulted while you wait for the Premier and the Attorney-General to have another backflip and another stuff-up. They cannot even include it in this bill. They must be absolutely shaking their heads at the incompetence of their Premier and the Attorney-General.

As I said, the Liberals and Nationals will not be opposing this bill. However, our support for the bill does not indicate support for its adequacy. As I have said, the bill does not go far enough. We support the bill because some action is better than no action at all, but the bill in its current form will not solve the retail crime crisis. As legal experts have said, the new offences created by this bill already exist under Victorian law. The government has failed to include workplace protection orders despite acknowledging their importance. The penalties proposed by this bill lack the strength needed to act as a deterrent. Victorians rightly deserve a plan that fully addresses the seriousness of this problem. Retail workers deserve to go to work knowing the law is on their side and that meaningful protections are in place, and employers deserve a system that responds effectively when their staff are abused, threatened or assaulted. The community deserves a justice system that is capable of enforcing real consequences for unacceptable behaviour. The opposition amendments provide a straightforward and practical path forward. They strengthen penalties, they introduce workplace protection orders, they align Victoria with successful models used interstate by Labor governments and they address the very gaps that legal professionals and industry bodies have identified. They provide a comprehensive response that has been seriously missing from the Premier and the Attorney-General and the Minister for Police.

The government now has a choice, and members on that side of the chamber now have a choice. The government can support these amendments and demonstrate a genuine commitment to worker safety or it can vote them down and accept responsibility for a bill that does little more than repackage existing provisions. They can either vote with us or vote with the incompetence of the Premier and the Attorney-General, who backflipped so quickly they did not even have time to include them in the bill

that is before us today. I mean, how embarrassing. How embarrassed must government members, who I understand do care deeply about this issue, be? They must be completely embarrassed and ashamed of the incompetence of both the Premier and the Attorney-General for stuffing this up so much.

I do genuinely feel for the many retail workers. There are extraordinary statistics on increases from our retail workers in our retail stores. I have spoken numerous times in this chamber about real-world examples: families that were at Northland as people were running through with machetes, residents that have come to me with concerns about what is going on at Broadmeadows Central literally every single day and what has gone on at Craigieburn Plaza, Craigieburn Central and Roxburgh Village, where we have had serious issues with retail crime. As I said, I do not come to this as a stranger to the retail setting. Back in the day for about four or five years I did work at Woolies. In fact for that entire time I was a member of the SDA.

John Berger interjected.

Evan MULHOLLAND: Don't call me a scab. Throughout my time working for Woolies, which was then Safeway, there were several frightening incidents that I would not wish on anyone. Examples of that have increased enormously, particularly in the last few years, yet the government has seriously failed to act. It said that workplace protection orders were needed. It then said they were not needed. It then backflipped to say they are needed, but it did not put them in the bill in time for what we are dealing with today. Here today we have literally got a bill that duplicates existing provisions for assault. Yes, we do not oppose this bill – we will not get in the way of this bill – but it is literally meaningless. We urge the government to take the opportunity to support our amendments. The Victorian community expects nothing less.

Katherine COPSEY (Southern Metropolitan) (14:42): I rise to also speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. While its stated aim is to protect customer-facing workers from violence and abuse, this bill takes an approach that risks criminalising vulnerability rather than offering anything substantively new that will reduce harm for those workers, so the Greens will not be supporting it today.

The bill amends the Crimes Act 1958 and the Summary Offences Act 1966 to create a new category of applicable customer-facing workers covering retail, fast-food, hospitality, transport and shopping centre workers. It purports to create new offences for assaulting, threatening, intimidating or engaging in offensive or abusive conduct towards those workers, with penalties of up to six months imprisonment or 60 penalty units. These offences apply not only while a worker is on shift but also on breaks and while they are coming to or leaving work, provided the conduct is linked to their duties. The bill also introduces a new aggravated burglary style offence for ram raids. It expands the definition of 'aggravated burglary' to include ram raids where a vehicle is used to gain entry to a building during a burglary.

No-one disputes that violence against workers is unacceptable. The problem is that this bill responds by expanding vague, subjective offences and harsh penalties, which experience tells us will fall hardest on the most marginalised people. Clause 7 in the bill is concerning, and I understand several members have raised queries about the intended scope of this clause, which creates a new summary offence for using profane, indecent, obscene, threatening, abusive or insulting language or behaviour towards a customer-facing worker, punishable by up to six months imprisonment. That is three times the current maximum for indecent language in public. It is in effect giving the state the power to jail people for swearing or using coarse language in a heated interaction in a cafe, supermarket or taxi, even where no physical harm occurs. We will have queries for the government around their intention when we come to the committee stage of this bill. Indecent and offensive language offences are widely recognised as archaic and inconsistently applied. They are inherently subjective, and they have historically been enforced in a discriminatory way against young people, people experiencing mental illness or distress, those with a cognitive disability and people living in poverty or homelessness.

Extending these offences into workplace and private settings risks replicating those same problems on a larger scale without any credible evidence that this approach will improve safety for workers.

As has been noted already in the contributions to this debate, the government's approach in this bill is also duplicative. There are already offences in the Crimes Act and the Summary Offences Act that cover assault, threats and intimidation, regardless of who the victim is. Those provisions are available today, here and now, to respond to serious abuse of retail, hospitality and transport workers. The answer lies, clearly, in proper enforcement of those existing laws but also – and that is where this bill falls down – in better workplace safety measures and investment in de-escalation training and support, not in creating duplicative offences and measures that will police everyday language and expand low-level public order policing.

The bill expands the indictable assault provision in section 31 of the Crimes Act by specifically adding customer-facing workers to the list of protected workers. The Greens do believe that this is duplicative and a bit of a performative act by the government, as all forms of assault against any person are already captured by section 31 of the Crimes Act. This bill does not create new protection beyond what is already in law, but what it may do is further criminalise people experiencing mental illness or distress or homelessness, who often come into contact with frontline staff during crisis situations. The proposed new offences are also likely to have a disproportionate impact on Aboriginal people and other communities of colour because of racism and racial profiling. Aboriginal people and people of colour already experience discrimination and overpolicing in retail and transport settings, and they live with a well-founded fear of being targeted when complaints are made about their presence or behaviour or conduct in a retail setting.

The case of Aunty Tanya Day, who died in police custody after an unnecessary escalation involving transport staff and public intoxication, shows how easily these interactions – staff interventions and police involvements – can lead to tragic, unequal and unintended outcomes. This bill gives no regard to that dynamic or to the constructive role that workers, properly supported, can play in de-escalating tensions. If the government were truly serious about this important issue of keeping customer-facing workers safe, it would start by reducing the social crises that show up at the shop counter, not by expanding criminal law. That means properly funding mental health services, crisis accommodation and long-term housing so that people are not forced to live, sleep and end up in visible crisis in public spaces. It means investing in alcohol and other drug (AOD) treatment, detox and harm reduction so that people can get help when they ask for it, instead of being turned away or left on waiting lists until things boil over – and that may be in a supermarket aisle or on a tram.

We also need models of support that de-escalate in these situations. That includes expanding outreach and co-responder teams with mental health and AOD workers who can attend incidents like this, sometimes in retail and transport settings, instead of the default response in these situations of conflict having to be police. The state could require and fund evidence-based de-escalation training and trauma-informed practice for employers and staff alongside clear guidelines that do prioritise worker safety instead of just zero-tolerance marketing slogans. And it should be talking with employers about secure employment and strong occupational health and safety standards so that workers are not left alone and under-resourced and expected to manage what are sometimes complex social problems without the backing of a properly funded support system.

In closing, I just want to say that protecting workers from violence is vital, which is why this bill, as drafted, is a disappointment. It has the potential to criminalise vulnerability. The expansion of some of the subjective offences is vague and requires further explanation of the government's intent in committee. It risks deepening racial and social inequalities, and it is duplicative and does not actually involve an increase in protection through those offences, which are already crimes under the Crimes Act. There is more that the government could do to make workplaces safer. The Greens will not be supporting this approach today.

Michael GALEA (South-Eastern Metropolitan) (14:50): I am delighted to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. This legislation is close to my heart. Prior to entering this place I was proud to work for 11 years as an organiser at the SDA union, where I had the privilege of representing retail and fast-food workers with their workplace issues and concerns. Throughout that time it was very clear to see that the issue of abusive customers was as widespread as it was corrosive to the wellbeing of staff. It is an issue that I was sad as well to observe becoming all the more exacerbated in recent years in the wake of the pandemic. The SDA has run a very successful campaign over many years now entitled No-one Deserves a Serve, which is aimed at targeting customer abuse from the lower level to the more extreme. I take this opportunity to pay tribute to the SDA and to Victorian branch secretary Michael Donovan for his relentless advocacy in the interest of keeping workers safe through the No-one Deserves a Serve campaign and indeed through his advocacy for the legislation that is before us today. The campaign has been aimed at changing habits amongst customers and retailers themselves. At the pointy end it has led to the development of these and similar laws to combat violence against staff. This aggression exists on a spectrum, ranging from relatively minor abuse that retail staff have to endure on a near daily basis to the serious level of offending addressed by this bill.

One of the more depressing days which stands out for me was when I was undertaking a site visit to a supermarket in an affluent suburb of Melbourne. A 15-year-old was on their first shift of their very first job and in the first hour had already been abused by a customer. This was not an isolated example, and it is not something that these workers should ever have to accept as being just part of the job. We are, fortunately, moving away from the days when the mantra ‘The customer is always right’ prevailed. Many retail staff would know all too well the deflating feeling of an abusive customer being rewarded with a gift card by management to stop them complaining. In one particularly egregious case I represented a check-out cashier who had been given a warning simply because a customer had thrown a loaded bag of groceries at her head. The warning was overturned, but the message from her employer was clear. Today retailers are much more proactive in messaging to customers that the safety of their staff is paramount. I acknowledge their advocacy in this space for these reforms and thank them for it as well.

The bill that is before us today brings in tougher penalties for those who see fit to assault or violently abuse retail and other service workers, including those working in fast food, in hospitality, in public transport, including station attendants and bus drivers, and in shopping centre ancillary services, including cleaners and security staff. Also, crucially for these workers, an offence will be deemed to have been committed if it is perpetrated against one of these workers in connection with their duties, not necessarily merely in the course of the duties themselves. This means, for example, that an offender who finds a worker after their shift in the car park or at the station on the way home from their store or a railway worker coming out of the station depot who is then targeted because of their profession or from an earlier incident will be covered by this legislation.

The penalties for assaulting a worker defined under this bill will be uplifted to a maximum six months imprisonment for a summary offence and five years for a more serious indictable offence. Noting some of the misinformation that was put out by the Shadow Attorney-General, I can confirm for the house that the five-year penalty is found on page 3 of the bill, despite statements by the Shadow Attorney-General to the contrary, who apparently had not understood the bill. This bill also bears some familiarity to laws passed by this government in a previous term which increased penalties against those who assault frontline emergency services in recognition of the work that they do. There are some differences, however – notably the provisions in the emergency worker laws relating to obstruction or hindrance are deemed not to be required as relevant in the same way in this bill. But conversely, this bill will be unique in that it will consider the intimidation of a worker as constituting an offence. This reflects the fact that retail, fast-food and hospitality workers are much more likely to be younger or from vulnerable backgrounds than the general workforce, and it acknowledges the impact that this offending can have on people just getting started in the workforce.

I am also particularly pleased that the uplift to the maximum penalties in this bill both for summary and indictable offences will commence the day after royal assent, meaning that should this bill pass the chamber today, as I very much hope it will, these laws will be in place in time for Christmas this year. A further aspect of the bill, which will come into effect in March next year, will be the classification of ramraiding offences as aggravated burglaries, thereby also uplifting the maximum penalty for this type of offending to 25 years. This also reflects the significant impact such crimes can have on retail staff.

This legislation is very important to me, and indeed it was something that I advocated for in my first speech in this chamber. I have been privileged to assist with the formulation of these laws as part of the worker protection consultation group alongside the Attorney-General, who I thank for her work. With voices from workers, industry and the justice system at the table, the group was comprised of the SDA, the Shop, Distributive & Allied Employees' Association; the RTBU, the Rail, Tram and Bus Union; the TWU, the Transport Workers' Union – I note I have got a former branch secretary and former national president of the great TWU sitting next to me right now; the UWU, the United Workers Union; industry groups, including the ARA, the Australian Retailers Association, and the Pharmacy Guild; as well as police, DPP and the department. This working group shaped the bill before us today. In addition, I appreciated the many conversations I had with various other stakeholders, including with both Metcash and Woolworths. As well as those mentioned, I would like to particularly acknowledge Lauren Johnson from the Attorney's office for her dedication to this bill.

This bill is a major step forward, but it is not the only step. When this bill was tabled the Premier announced the second tranche of reforms in this space to keep retail workers safe, with legislation to implement workplace protection orders to be in the Parliament by April next year. Workplace protection orders, or WPOs, operate as an instrument of the courts to keep serious and often repeat offenders out of workplaces where they can harm and cause distress to customer-facing workers. Those who breach a WPO will then face further serious consequences in the court system. They are currently in effect in the ACT, and indeed also similar laws have just passed the Parliament in South Australia. The consultation group set up for this bill will now continue its work to develop and hone the model for WPOs in Victoria and how we will most effectively be able to implement them.

WPOs are important reforms, but they need to be done properly. I do note that in response to the Premier's announcement of WPOs in Victoria, the opposition attempted to rush out a set of amendments to incorporate them into this bill in an effort to be seen to be perhaps relevant or proactive. Rushing in amendments at the last minute to make a political point, though, is not going to achieve the aim of doing these important reforms properly. Understanding that these were first moved in the Assembly and Mr Mulholland has moved, I believe, a similar set in the Council today – and I take the opportunity to acknowledge Mr Mulholland's former membership of the SDA union as well – I am concerned about some of the potential issues that have been discovered in the way in which these amendments have been put forward, concerning specifically in some cases the wording of some of the amendments, where an offender may turn out to be required to be convicted of an offence before a WPO can be applied, which would dramatically delay their application. I note that the Liberals' proposal for WPOs would completely shut the union out from the process as well. Given the rushed nature of these amendments as a reaction to the government's announcement, I am not convinced that they have taken adequate consultation on them. This government will legislate WPOs, but we will do so properly.

As a further step, I am also pleased to note the policing operation over summer which will see police and PSOs deployed at select shopping centres. This is an important initiative, which will deploy frontline police and PSOs where they are needed to respond to incidents and be a visible force to provide workers and customers alike with the peace of mind that they deserve to have, especially in the busy shopping period ahead. This operation, like the bill before us today, is also about responding to the changing trends that we are seeing with crime in this state. As the nature of offending evolves, we are evolving our laws with it.

In the first speech I gave to this chamber three years ago, I remarked on my desire that the members I represented in my time at the SDA would always be front of mind in this place. Today I am proud to contribute to this bill passing and to making our workplaces safer for Victorian workers. I emphatically commend this bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (15:01): I also would like to say a few words on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. I do not think anyone is disputing that no-one wants to see workers at their place of work being abused, assaulted and harmed by customers. I think everyone in this chamber agrees on that from what I have heard so far. The real question is how to address that. I heard from Mr Mulholland earlier about how the Liberal Party formed the view that many of these things are effectively already covered by existing laws, and in fact that is my view as well. What we are seeing here with this bill is what I like to call a 'double illegal' bill, where the government need to act as if they are doing something so they make something that is illegal 'double illegal' so that they can tell everyone that they are doing something. But of course it has no real effect in the real world. You know, they can tell people that they are proud of the bill and that they are really happy about it and that all their union friends are happy about it, but the reality is everything that they are talking about in here is already a crime. It is already a crime to assault people. It is already a crime to break into stores. It is already a crime to ramraid stores. These are already crimes. The real problem is that the crimes are not being enforced, and if they are being enforced or found, the offenders are being let out again. That is one of the problems here.

Another problem is the incentives that are causing these crimes in the first place. I note that one of the biggest forms of crime is theft, in particular theft of tobacco products. That is a direct result of the federal government's excise tax regime, which has caused an explosion in crime, both petty crime and organised crime, in this state. I do not wholly blame the state government for this as it is the federal government, but I will have more to say about the 14 authorised officers that are scheduled to be rolled out for the government's tobacco licensing scheme and sent up against the entire organised crime apparatus in this state. I will be very interested to see how the government actually intends to make any impact whatsoever.

I also worked in hospitality once upon a time when I was a young man. I worked in a bar, and I also worked as a waiter. And yes, it is rough work. You get nasty customers. People say bad things to you, they abuse you and it is not nice. We do need to do something about it. What I would like to see is the government allowing shopping centre owners and small businesses that have these problems to be able to enforce property rights themselves. I note that recently we have had the expansion of the designated areas legislation, and the police have subsequently used that to designate the entire CBD a pat-down paradise zone for six months. They have expanded that more recently to shopping centres with PSOs, so shopping centres are also a pat-down paradise. But what they do not allow shopping centre owners to do is have security guards that can actually do anything serious. I would really like them to enable shopping centre owners to have security guards that are at least armed with pepper spray and can do something about people that are misbehaving in their store and abusing customers and hit back against these people. I think that it is wrong that we have effectively taxpayers paying to handle the security concerns of private businesses because those private businesses are not enabled to handle those security concerns themselves. All they can do is install CCTV, and some of them have got fogging systems and stuff now. I have seen that the local supermarket near me has got a fogging system. They can have security guards that stand there and check bags and things, but they cannot stop anyone doing anything. I would like to see the government allow them to have security guards that can actually do something and stop these people, put the PSOs out doing other things that are going to be higher value and not effectively subsidise the security of shopping centres.

As we have seen with these designated areas limiting people's rights, I know that some shopping centre managers like the idea of this. I would be interested to see what their reaction is once their customers start getting randomly searched within their premises. They might change their mind on that, because people who run shopping centres focus a lot on customer experience, they focus a lot on

customer service and that sort of thing and they focus on customer safety as well. If you have got PSOs going around and randomly patting down customers and waving wands over them – and it will have to be random of course, because if it was not random, then that would be racial profiling or something – I imagine that customer experience will not be so good.

So although I agree with Mr Mulholland on many of his conclusions about this bill and its ineffectiveness, these are the exact reasons that the Libertarian Party will be opposing this bill. I said a while ago that I will not be supporting any more ‘double illegal’ bills because really they are just legislative virtue signalling; they do not actually achieve anything. I think that the right approach here is to ensure that the current laws are being enforced, to ensure that people who are brought in and do commit these crimes suffer serious penalties, which can happen under the current laws but for some reason does not seem to be happening much, and to allow businesses to enforce their property rights with more capabilities than they have got now, because they do not really have much capability at the moment. At the moment they have the cameras. They have a security guard that stands there and watches people commit crimes but cannot really do anything; they have to call the police and wait for them to turn up. I do not think that Victorians want to get patted down by PSOs when they go to the shopping centre.

Rachel PAYNE (South-Eastern Metropolitan) (15:08): I rise to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025 on behalf of Legalise Cannabis Victoria. This bill amends the Crimes Act 1958 and the Summary Offences Act 1966 to protect workers in customer-facing retail, fast-food, hospitality and passenger transport industries from harm. As my colleague David Ettershank has previously raised in this place, the Allan Labor government has failed to adequately respond to a surge in crime in retail settings in Victoria. According to data from the Crime Statistics Agency, there were over 41,000 incidents of theft from retail stores in the 2024–25 period, an increase of 27.6 per cent in the past year alone. Food theft has risen by over 80 per cent, and cigarette and alcohol theft by 58.6 per cent. While these statistics are gobsmacking, increased rates of shoplifting are symptomatic of a cost-of-living crisis in this state. It is concerning that this rise in abuse and violence towards retail staff is what we are seeing. According to the Victorian Shop, Distributive & Allied Employees’ Association, or SDA, state secretary Michael Donovan, workers are being screamed at, spat on, shoved, dragged across counters, slashed and stabbed. That is just appalling. Data from the Australian Retailers Association shows that 51 per cent of workers experience physical abuse monthly or more often and 87 per cent of retail workers experience verbal abuse.

In my former professional life, before becoming a member of Parliament, I actually represented retail industry workers. I represented adult industry workers. I always like to reflect on my time there, because, interestingly, those businesses were more often than not self-regulating in this space around safety. Things like duress alarms, security cameras, internal training mechanisms and safety precautions were all part of the business model that the adult industry reflected upon, because everyone deserves to feel safe at work, no matter what they are selling or what kind of work they are offering. But increasingly, retail workers are confronted with violent harassment and abuse. It is not an easy job, but for many, it is often their first job. More than a third of the workforce is made up of young women between the ages of 15 and 24. We are deeply concerned that it is only a matter of time before a fatality occurs, particularly as we head towards the Christmas season, when demand on retail workers is at an all-time high.

Turning now to the details of this bill, it will introduce three new offences. This includes a new indictable offence for assaulting or threatening to assault an applicable worker in connection with the performance of the worker’s duties. The maximum penalty for this offence will be five years imprisonment. This is modelled on an existing offence, but it will be easier to prove as it does not require an accused to have an intent to commit an indictable offence. Secondly, this bill will introduce a new summary offence for lower level assaults for applicable customer-facing workers in connection with the performance of their duties. The maximum penalty for this offence will be 60 penalty units

or six months imprisonment. This is intended to be used in place of the existing common assault offence that it is modelled on, allowing for a doubling of the penalty.

Thirdly, this bill will introduce a new summary offence of without lawful excuse using language that is profane, indecent, obscene, threatening, abusive or insulting or otherwise engaging in conduct that is threatening, indecent, offensive or insulting towards a protected worker in connection with the performance of the worker's duties. The maximum penalty for this offence will be 25 penalty units or six months imprisonment. This offence also builds on an existing offence but will not require the conduct to have occurred in a public place and will triple the existing maximum penalty of two months imprisonment.

Another notable element of this bill is that it will provide that the offence of aggravated burglary will apply when a person commits a burglary and uses a vehicle to cause damage to the building for the purpose of gaining entry to that building. This will ensure that ram raids are taken seriously when it comes to sentencing, recognising that a car is effectively being used as a weapon.

The final notable component of this bill is the requirement that it be subject to a statutory review within two years of commencement. It is particularly important to us that this legislation be reviewed, as it is nowhere near perfect. We have heard from legal stakeholders that a lot of what is in this bill seeks to merely duplicate offences and adds further unnecessary complexity. Statutory review will be essential to understanding whether these new offences end up being used at all and if there are any unintended consequences. We also want to make sure that the offence in this bill for language that is profane, indecent, obscene, threatening, abusive or insulting does not end up capturing people who are frustrated and may have dropped a swearword or two. We will raise this and other issues during the committee stage of this bill.

We are also deeply concerned that the impacts of this bill will not be felt equally. Data from the Racial Profiling Data Monitoring Project has again showed that Aboriginal people are overpoliced. Aboriginal people are 15 times more likely to be searched by Victoria Police officers than non-Aboriginal people and are 10 times more likely to have force used against them. This is despite Victoria Police claiming they banned racial profiling in 2015. We expect that if a statutory review shows that these new offences are not keeping workers safe and are instead targeting marginalised communities, these laws will be repealed. I reiterate: every person has the right to feel safe at work; no-one should be intimidated or threatened or harassed or harmed when they are in their workplace. But amid an epidemic of retail crime across this state, often young, inexperienced people are the ones who are put on the front lines, and they deserve better.

David DAVIS (Southern Metropolitan) (15:15): I am pleased to make a contribution to this bill, which has been too long coming to this chamber. Just a few weeks ago we moved a motion calling for greater attention on what was happening with retail and hospitality workers, and the government voted against that motion. You have got to ask yourself how heartless, how thoughtless, how odd it is to vote against a motion that called for action on these matters. Now, finally, the government is pushing forward with a bill, desperately wanting to respond to what is a crisis in our community.

Mr Limbrick and others have spoken, and the points they made were right. There is agreement across the chamber that those in these hospitality and retail areas ought not be targeted by thuggish people, that they ought to be able to go to work safely, that they ought to have a pleasant work environment and that there should be protections for that, and we strongly support that. That is why we moved in the way we did. That is why we called for protection of retail workers. That is why we moved a motion in this chamber. But the government, the Premier, the Minister for Police, were very weak on these matters until their sort of conversion experience just a week or two ago where they realised that they were losing the battle in the community and the community had formed the view that the government did not care about crime, did not care about the epidemic of crime, did not care about the carjackings, did not care about the home invasions, did not care about the violence that was landing on people. And do you know what, they did not care about retail workers either.

When we moved that motion, Mr Welch, in his then new portfolio of industrial relations, spoke to the shop distributive union and had a very good conversation with them. I do not think he would mind me saying that he found that instructive. The fact is that those unions understand that the government has been slow, it has been incompetent and it has not been up to it. So we say yes, bring forward these changes. There are some amendments which will seek to improve the flaws in this hurried bill. Mr Galea tried to say the amendments were hurried, but the bill is hurried. I mean, that is the truth. The government has flapped around on this bill and has got no idea what it is doing. It has been slow. It has been absolutely sloth-like. It has been slow to get to the point where it thought it had better do something. Then just a week or two ago it realised, 'Oh my goodness, we're in deep trouble on crime.' Clearly some polling came into Jacinta Allan's office and she flipped. She then thought, 'I'd better start doing something.' Then there was this flurry of bills, many of them ill thought through, many of them not sharply focused and many of them too late in the day to have the best effect and to get the best result. So the bill is hurried, but it was very slow in its early genesis. It was very, very slow, but it is hurried in this later phase.

I have to say that the opposition see ways to improve this bill, and we will seek to improve it. But we will do so with the focus on helping those in the community and helping those in the retail sector and the hospitality sector in particular. I say that transport workers also deserve proper protection. Indeed we brought bills to this chamber in an earlier cycle to try and strengthen penalties, and there was no support out of the government at that point. There was no support out of the government when we sought to strengthen the penalties for those who were assaulted or threatened whilst going about their work as transport employees in a number of key areas. Bus drivers, train drivers, train staff – all of those workers deserve to have a safe and pleasant work environment. They do not deserve the threats that have become too much a part of these points.

Yes, the government has brought this bill. Yes, it was very slow in getting to the point where it thought it had better do something on these matters. As I say, it was only about a month ago that we had a motion in this chamber that the government voted down, shamefully.

Michael Galea interjected.

David DAVIS: It was attacking you because you were not doing anything. That is the problem. You did not seem to care and nor did anyone over that side of the chamber. All of the Labor people on that side of the chamber did not care. That is the truth of the matter. You did not care. I have to say that the Labor Party were in a position where they were not listening to the union movement, not listening to the community, not listening to the workers and not listening to the wave of people in the community saying, 'Enough is enough. We don't need more violence. We don't need more threats. We don't need more hostilities, more home invasions, more carjackings.' I quoted a number of the retailers when I moved the motion. The major retailers are going off their tree on this. The major supermarkets, all of them, are going crazy about the fact that the government would not take the proper steps.

If the government had have listened a year ago, six months ago, three years ago, there would have been a better outcome here. Mr Galea then wants to say, 'You'll have to wait for a system of orders. You're going to have to wait longer and longer for a system of orders.' The attack on the government is that they did not do this previously. They had to be dragged to it by the community, who said to Jacinta Allan, 'Enough is enough. We see that you don't understand what's going on in the community. We see that you don't understand the threats and the violence that are in the community. We see that you have been dismissive of that for so long.' They weakened the bail laws – that is a big part of it. The weakening of the bail laws by this government is a big part of what has gone wrong. The government has got to face up to its errors, its faults, its mistakes.

Nick McGowan: We've got a part-time police minister. He's too busy at the races.

David DAVIS: He is probably one of the better ones, actually. He is actually trying to do something, but he has been stymied by the left of the Labor Party, who have blocked him at every possible turn.

Leaving that aside, we will not be opposing this bill. We will be seeking to amend it. We will be seeking to introduce a system of orders. As I said, Mr Galea said they have been done too quickly. It is the government that has rushed this legislation at the last minute after it has panicked. I say it is not good enough. The community knows that this is a political response by the government, a political response at the last minute and a response that is not driven by the genuine care and concern for the community that should be driving it.

Georgie CROZIER (Southern Metropolitan) (15:23): I rise to speak to the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. I have just been listening to Mr Davis's contribution, and he is quite right. About a month ago we were discussing this very issue of what is happening in our community and how the community feels, especially around retail workers, who have been let down by this government for far too long. What has been happening right across our community and across the state is a crime crisis that has escalated to a point where the vision has just been so appalling of what is happening in shopping centres, in our communities, in our streets, in our homes and – to the point of this bill – to the retail workers, the thuggish behaviour and the very aggressive behaviour that has accumulated.

I want to also place on record the work of my colleague David Southwick in prosecuting this case over many, many months – and others. As Mr Davis said, Mr Welch really brought to the fore a number of excellent points around retail crime. If you look at the stats, the stats tell a story and paint a picture about what is happening in Victoria on this very issue. Those leaders of corporations and businesses have spoken out against the government. We are coming into the busiest retail period of the year of course, with Christmas, and the government has panicked with the polls, knowing that this is a really big concern for the community and for those working in our retail shopping centres and retail outlets. It is appalling to see what is occurring with these thugs wielding machetes roaming around – they do not care, and they have got away with blue murder, quite literally, for far too long because the government has turned a blind eye. They have been soft on crime. Now they are trying to crank it up and pretend they are tough on crime.

David Davis interjected.

Georgie CROZIER: Well, they are panicked because of the polls, Mr Davis. The polls are really slamming the Premier and her approach to crime. It has been appalling. There are a number of us who have been victims of crime or know people that have been victims of crime. I reckon everybody in this chamber would know someone who has been affected by crime in the last year or so. But again, in terms of the very significant crimes that have occurred in our state, it is disgraceful.

If I just talk about those stats that I mentioned, in Victoria retail crime is at a 10-year high. There is a theft from a retail store every 13 minutes. I hear this when I go around my electorate, and this has been happening for years down Chapel Street: these people just come in, and they take. They go into Malvern Central: they come in, they threaten and they just take goods. It is those businesses that are really suffering. In fact I was in a shop with my sister not so long ago down on Chapel Street, and the shop owner had to go and close the door because of what was happening out on the street. She said, 'This happens all the time.' It was quite alarming to think, 'My God, these people are just going about their business, and they're impacted by the behaviour and the out-of-control crime that it is, in our communities.'

In the last year in Victoria retail crime offences rose 20 per cent. I mean, these are massive figures. They are not insignificant, they are massive figures. And retail is the third-highest location for crime. In my area of Southern Metropolitan Region – I want to say this, because it just points to what I have been discussing – Port Phillip is up 38 per cent, Boroondara is up 29 per cent, Monash is up 24 per cent, Melbourne is up 23 per cent, Stonnington is up 16 per cent, Whitehorse is up 14 per cent and Kingston is up 9 per cent. These are real statistics that are impacting those retail workers, who are being subjected to this huge increase in crime every single day. And as I said, every 13 minutes it is happening.

Looking at some of those who have spoken out – and I want to commend them for doing so, the business leaders calling for action – the Coles chief executive Leah Weckert said in August:

... it is definitely the case that in Victoria, retail crime is escalating more than ... we are seeing in other states.

Rebel Sport chief executive Anthony Heraghty said:

We've seen a disproportionate increase in Victorian stores. No doubt about that.

Reece chief executive Peter Wilson said Victoria was:

... "the toughest place in the country" to do business.

What an appalling –

Nick McGowan interjected.

Georgie CROZIER: indictment. It certainly is, Mr McGowan. It is too hard and too expensive to do business in this state, and that is what we hear all the time from business leaders and small business owners. All the time they are just absolutely up against the wall. Whether it is energy costs, whether it is payroll taxes or state taxes that are being imposed or whether it is this retail crime and theft – trying to deal with that all the time – there is no wonder they have said it is the hardest place to do business. But it is also the most expensive place to do business.

The co-founder of Seek Paul Bassat said:

Whenever something ... is done in this country that's anti-business, the reality is there's a good chance it is being done in Victoria.

Again, it is a scathing indictment on the situation that we have in Victoria – but you do not hear it. I think it is disappointing. On this side of the house we have been talking to victims of crime and to those that have been impacted, whether it is somebody at home that has been subjected to crime or whether it is a business leader, like I have just said, or those retail workers. They are talking to us, and we understand. I do not think you can say the same about the government. They have had their heads in the sand for far too long on the crime crisis in Victoria, and this retail crime is a shameful indictment and black mark on the state and on this government, like so many other things.

I want to go back to some of the issues that have been spoken about in my area. The stores are being forced to close early, and that is affecting traders, staff and customers. The chief executive of Ritchies supermarkets – there are a number of Ritchies supermarkets in my electorate of Southern Metropolitan Region – Fred Harrison said that the revenue lost from shoplifting has doubled in the past three years to \$15 million each year. These are just staggering figures, and somebody has got to pay for that. The consumer or the taxpayer pays for that, or the staff lose their jobs. They just say, 'It's too hard to do business; we'll shut our business down.' He said that while not one store in Queensland or New South Wales has been hit, in Victoria staff have been 'pushed and punched'. When you have Bunnings and Woolworths staff wearing body cameras as a security measure, you know something is seriously wrong. Our state has declined into such a degraded state – that is what I am trying to say. The degradation is there for all to see. We see that in our communities, and this is just a reflection on the broader crime crisis that is impacting our communities.

At the Bernard Street, Cheltenham, IGA there have been a number of robberies in the past few years. In 2024 a group of knife-wielding youths assaulted a worker. In April 2025, this year, another group of armed offenders targeted the store again, terrifying the staff and demanding cash, cigarettes and goods. There are just countless stories that we hear every day. We have people coming into our offices, we have emails, we have phone calls and we have a whole lot of Victorians speaking about what is occurring, yet the government has just been way too slow to act on this. As Mr Davis said, the government has weakened the bail laws. It has led to a whole range of issues that have really been impacting the community on such a level, and now the government are pretending that they are tough on crime. They are bringing in offences, but if you look at the detail of the legislation, it is quite

extraordinary to think that what they are spruiking and what they are spinning to the public is not actually what is in the legislation, and we are seeing that with legislation being introduced into the Parliament today in the other place.

On this side of the house, we are very, very committed to restoring community safety as a priority of government. Communities deserve to feel safe, whether that is in their home or whether that is in their workplace. Whether it is those retail workers or whether it is anyone that is running a business and supporting their workers, they want their workplace to be safe and they want workers to be safe. I think it is absolutely shameful that we have got to this state where those business leaders have called out what is happening in Victoria. I want to say again that it is definitely the case that in Victoria retail crime is escalating more than we are seeing in other states. We have seen a disproportionate increase in Victorian stores, no doubt about that.

Victoria is the toughest place in the country to do business. Whenever something is done in this country that is anti business, the reality is there is a good chance it is being done in Victoria. These are business leaders who know what they are talking about. They employ tens of thousands of people, and they want those people to be safe at work. They want them to earn a good salary and to know that they will be able to come back to work and that they will be safe in doing so. They are fed up with it, they are sick of it, and I think it demonstrates again why the government just a month ago voted down our motion on this very issue. We brought the motion because they were failing to act on this very important issue. They voted it down. Here we have a bill, and I do hope that the government supports the coalition's amendments, which will make this bill a better bill than it is now.

Aiv PUGLIELLI (North-Eastern Metropolitan) (15:34): I rise to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. My colleague Ms Copsey has already covered many of the details of the bill and the impacts of its various provisions on retail settings and the broader community. What I would like to cover more are some of the engagements that my office has received or engaged in with respect to the lived experiences of retail workers right across the state, and there is no question that they are facing aggressive and abusive behaviour that we should be doing far more to prevent and respond to in a way which is evidence based. Earlier this year my team ran a survey of sorts asking retail workers about their experiences in retail settings across the state, and I want to share with you some of what we heard. This is just a handful of more than 500 responses like this that my office received:

My first day a man came in and verbally abused staff because we weren't allowed to return vitamins. Many people stole, we had to work as security when the security guard went on breaks.

Employees are forced to do bag checks resulting in abusive behaviour from customers.

Customers yell at us about the cost of products despite us only being pharmacy assistants.

even as a minor I would have older men hitting on me or making inappropriate comments.

A customer pulled a knife on me, the owner told me to get used to it. Didn't ask if I was ok, didn't offer any mental health support.

Workers in this country are doing it tough, and they have been for a very long time. That has not changed under the federal Labor government, and it has not changed under our state Labor government either. It is the result of a system that puts corporate profits and capital growth above the interests of workers in these settings and the broader community, and this legislation unfortunately does nothing to help with this. These workers are on the frontlines of aggression and abuse, which, speaking in an intersectional lens, is often misogynistic in nature, it is often racist and it is often homophobic or transphobic in nature. Time and time again we hear that bosses are not doing enough to support their workers facing abuse in these settings. Whether it is understaffing causing long wait times and aggravating customers, whether it is raising prices beyond what people can afford or refusing to pay for adequate security, corporations know that it is the workers on the ground who will face the consequences, not the bosses.

Until workers in the community are able to come together to negotiate safer staffing, better safety standards and better mental health support, this situation will not change. We know that duplicating or increasing penalties for criminal behaviours that are already illegal does not reduce crime. We need stronger social supports to stop violent behaviour before it occurs. That means more access to mental health services. It means more stable housing. It means drug and alcohol harm reduction measures. We need alternate first-responder models to de-escalate these situations when and where they occur, to respond when something is escalating in a way that is evidence based, for example, responding to someone experiencing mental health crisis or someone who is experiencing the impacts of drugs or alcohol use. We need an evidence-based response with an alternate first responder model. These are the services that this government needs to be investing in, not underfunding. These measures will help make retail workers safer, not duplicate or expand penalties that sound good but are simply not effective. My Greens colleagues absolutely want to see retail workers safe in their workplaces, but this bill will not see that occur. We will not be supporting it.

Trung LUU (Western Metropolitan) (15:38): I rise today to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. It is about time this bill was brought to this chamber. We heard many contributions in relation to the increase in retail crime. I will say that my contribution relates not only to this bill but several bills of a similar pattern relating to why we are speaking on these amendments. Like everything else, shopping theft is a common occurrence. With 28 years of policing, I will tell you now that shoplifting is a common thing. But unfortunately, what we have here now is an issue that has risen and concentrated over many, many years, and it has accumulated until it has become a crisis. It has become a crime crisis where now people are not just taking or stealing items from shops and retail stores but committing acts of violence against another person where the other person is getting injured, spat on, assaulted and is fearing for their own safety. That is of great concern.

Like on everything else, this government has refused to act when it has been asked, when it has been pushed and questioned. They refuse to act on what the community wants. Like everything else, you need to identify what the situation is. You need to acknowledge it is happening before you actually find solutions. In this chamber we have tried to warn the government. We have tried to tell the government what is happening. Retail theft has been occurring over the years; it has not just happened in the last six months. I have been raising retail crime over the last two years in relation to how it has increased. Not only has the violence been increasing to staff, but also there is the organised crime behind retail theft. As my colleagues mentioned in this chamber, we have tried to warn the government. We have tried to raise motions, and yet they are dragging their feet.

Unfortunately, this is a reactive government that backflips on things. They do not listen to the community or workers until the very last minute, when it comes to a crisis; then they just react. That is what is happening here. We are in these situations because this government has been soft on crime. It has gone backwards. It has weakened legislation and weakened bail laws and has in a way given an impression to those offenders that there are no consequences. All this has built up to a crime crisis, and not just retail crime. I have spoken to this on many other bills. All these situations have contributed to a large increase in crime in Victoria, in this state. As we see with this particular bill, we are talking about retail crime and violence at work itself. Like I said, the consequences of weakened bail laws and weakening legislation are why we are here.

As I mentioned, this bill has finally come to the chamber, and I welcome this bill because it actually addresses something that we have pushed for on this side of chamber. The creation of the new worker harm offence is for those who assault, threaten or use abusive behaviour directly to customer-facing workers in the retail, fast-food, hospitality and passenger transport industries. Just think about it: the majority of these people are young teenagers trying to find extra money working in retail stores or shops, whether it is Coles or fast-food stores. They are trying to get an extra buck, and they are getting assaulted and threatened on a regular basis.

On my recent visit to a Woolworths in Werribee – and not just recently; I also did it last year – I spoke to the managers there, the senior staff. They have raised concerns with me over the last two years. It is alarming to hear staff say, ‘I’ve been assaulted and threatened on a regular basis.’ Kids and teenagers at the age of 15 are trying to earn extra pocket money doing extra shifts, and they are being assaulted on a regular basis. Unfortunately, as a result, these staff are fearful for their life and are not likely to return to work. That is not the kind of society we want. As a result of that, the instruction from management, who try to protect their staff – and rightly so – is to tell their workers: ‘Do not confront these shoplifters.’ Too often these shoplifters, when confronted, instead of dropping the item and leaving or denying it, react in violence and aggression. That is what we are seeing at the moment. Why? Again, they know the legislation, the law, and that under this government there are no consequences. They get arrested for a theft and then they get charged, but they know they are going to get released. Whether it is a first offence, a second offence or their 20th offence, the possibility that they are going to be released is 99.9 per cent, because the government and the Greens are constantly pushing for it and saying, ‘Theft is just a minor offence.’ It is not when you start threatening staff, when you start using violence, when you start abusing staff or when you are using tools to get away from staff. It may be theft, but it is not an indictable offence. Whether it is \$1 or \$100, it is still theft. If you think it is just a minor offence, it is not a minor offence when they continue committing it time after time. So wake up, government, Greens and the other minor party, Legalise Cannabis, who are constantly saying these are only minor offences. They are not minor offences when you start committing serious indictable offences and start assaulting people who are just trying to do their job.

I know my colleague quoted various percentages and increasing numbers in relation to this crime crisis. I just want to refer to the Victorian Chamber of Commerce and Industry and Committee for Melbourne community safety and business impact survey. Ninety-two per cent of employers stated their concern for staff safety has increased – that is 92 per cent, almost every employer. Seventy-four per cent stated safety and crime issues have directly influenced their major business decisions. That is whether they close the store, reduce the hours or not sell certain things – how they want to run their business. We want to invest in this state – seventy-four per cent said that. Forty-nine per cent of businesses – half of the survey responses – stated safety and antisocial behaviour had worsened over the past years. Why? There are no consequences under this Labor government – constantly no consequences, constantly getting bail. This is not just theft. Think about all the serious offences in the past two years. You hear it on the news. What happened? Bail after bail. It was not theft; it was much more serious than that, yet they got released. Just think about it. The Labor government and the Greens attitude towards shoplifting is that it is only a minor offence. Think about it. Consequences? None whatsoever under this Labor government.

The Crime Statistics Agency Victoria confirmed an enormous 41,667 incidents of theft or shoplifting from retailers in 2025 – 101 per day, 27.6 more than last year, constantly increasing. Thankfully, the Labor government has finally listened. This bill inserts section 31(1)(b), creating an indictable offence for assaulting or threatening customer-facing workers. Finally they are listening and coming to the table. Basically what this says is if there is intent to commit a crime against a worker, you are committing an indictable offence. Hopefully what that means is you will be charged – and hopefully we will speak about the bail thing another time in relation to trying to strengthen the bail bill – and that you will get remanded if you keep assaulting workers.

This bill, thankfully, has also created an offence for using profane, indecent, obscene, threatening, abusive or insulting language against staff. It is about time they actually come to the table and create this offence. I know it is only a summary offence, but it is an offence. Hopefully that will show the community that this bill has some sort of merit to it. However, I do stress this bill does not increase the penalty for assault on workers. Unfortunately, they are still dragging their feet on the other side of the chamber. The bill merely tinkers at the edges with the expansion of the definition of what indictable assaults on workers are. It does not come with an expansion of protections for retail workers.

Before closing, I do stress I am thankful that they actually came to the table. Hopefully they will listen to our amendment to try to strengthen this bill. We do owe the workers their privileges in relation to their rights as citizens. But before my closing remarks, I want to mention one glaring omission that the bill has missed: workplace protection orders, which are used to address current retail theft crises in other states. Other jurisdictions under Labor governments in other states, such as South Australia and Western Australia, are preparing for workplace protection orders to be drafted into law at the moment. New South Wales confirmed they are looking closely at these orders, as are the ACT, yet this government in Victoria is just dragging its feet. I hope those like Mr Galea and those who are members of the SDA will strongly support and advocate for this. To finish off, take the word of Acting Sergeant Mick Serbatoio, who said in October that in the eight months that workplace protection orders have been used in ACT police have noticed a total change in behaviour, where offenders have disappeared off of their screens. That is coming directly from the police officers where the workplace protection orders are in place.

Finally, I refer to the media release the Premier put out back in May 2024:

Premier Jacinta Allan today announced the Labor Government will change the law to send a clear message that attacks against retail and other customer-facing roles like transport and hospitality workers are unacceptable.

If the Premier stands by her media release, she needs to accept that the way to do this is to introduce workplace protection orders and really put some backbone behind this bill which we are talking about today. This will send the strong message the Premier wants us to believe this bill will bring about today.

As a finishing remark, I wish all workers a safe and merry Christmas. I hope you go about doing your duty, doing your job, without any confrontation from offenders. Again, I thank all those who have contributed today in this very busy festive season.

Gaelle BROAD (Northern Victoria) (15:51): I am pleased to have the opportunity to speak briefly about the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. Crime is a huge issue in northern Victoria. I am aware of students recently that went into a shop in Bendigo and were confronted by someone coming in and stealing a whole lot of goods. I have heard the same from local businesses that have been confronted by people coming in and abusing them. I think we have all said in this chamber today how important it is that our retail workers, those working in hospitality, Uber drivers and others are safe. I have two kids with summer jobs, and during the year they work in the industry, in hospitality, and they are on the front line as workers are now.

The Premier did say back in May 2024 – well, there was a promise made to protect retail workers, but here we are in December 2025 and what we are seeing is the introduction of a bill that enables the government to do a media release. But as we have heard in the chamber today, it has little effect on what actually happens. I know Mr Mulholland and Mr Limbrick spoke to that earlier. We have seen news reports. I know the *Age* reported in September that:

Victorian retail workers are dealing with a crime every five minutes as the state grapples with an “alarming” crime crisis that shows no signs of getting better.

We have heard that both verbal and physical abuse towards customer-facing workers has reached very worrying levels. We know that unions and employers have raised concerns, but we have all raised concerns certainly and share those concerns.

I know the Department of Justice and Community Safety provided some data when they were looking into this bill. It is interesting to see some of the statistics. It states that in response to a survey of Australian Retailers Association members, the ARA reported in June 2025 that, anecdotally, 51 per cent of retailers surveyed said they experienced physical abuse monthly or more often and 87 per cent of retail workers experienced verbal abuse. Additionally, 55 per cent of transport workers undertaking gig work – including food delivery, parcel delivery and rideshare – who responded to a Transport Workers’ Union survey reported experiencing threatening or abusive behaviour, with 43 per cent

noting the risk of being abused by a customer as a significant concern to them. Data released by the Victorian Crime Statistics Agency is consistent with this. The CSA report for the year ending June 2025 showed recorded retail crime offences in Victoria rose 20 per cent, and that is up to nearly 100,000 – up to 99,114 – from the previous year. The CSA data also reported that assault and related offences in retail settings increased 21 per cent year on year. That is extraordinary. To quote Chris Rodwell from the Australian Retailers Association:

We're seeing a criminal offence at least once every five minutes in a retail setting, an assault every couple of hours and cases of aggravated robbery and weapon-related offences daily or more.

I know my Nationals colleague Ms Benham in the other house shared a couple of instances that have happened in Mildura recently, and it is appalling to hear what has been reported. There were two cases where there was a spree of shoplifting. A young woman was one of them. In one of those situations the retail workers went and approached them because they were conscious that shoplifting had been taking place. They got stabbed with a syringe while working. The magistrate did acknowledge that there has been a tsunami of criminal cases, and not just in Mildura but across the state. But as Ms Benham pointed out, these offenders were released on bail. As Mr Trung Luu mentioned earlier, the weakened bail laws are contributing to the situation that we find ourselves in now.

We know that there is a lot of retail crime that does not get reported. I have spoken with business owners that are very concerned about reporting issues; they are afraid about getting retaliation. I was shocked recently to see that there are now self-defence classes being subsidised by the City of Greater Bendigo in Bendigo because we are so aware of the issues that we have in our community, and we continue to see the crime rates go up and up across all areas. We know that we have had the ‘toughest bail laws’, and then we saw further legislation to toughen the toughest bail laws. But the response of this government has been very slow, and very odd in some cases. We saw \$13 million spent on the machete bins, which are under cameras, expecting criminals and others to come up and drop off their machetes. I certainly know that a lot of law-abiding citizens have done that, but I am not so sure about those that should be returning them. But here we are again with this legislation that brings in changes that are just expanding definitions but possibly not going to address the issues.

We have said very clearly that if a Liberal and Nationals government is elected next year, we will introduce a number of changes to really tackle this crime crisis that we are facing head on, and Jack’s law is one of those – to allow the police to search people for knives. There will also be tougher policy on breaching bail to combat Victoria’s record crime rates. We have talked about the need for rehabilitation programs and prevention programs, because that is very important. There are so many different aspects to addressing this crisis. I know we held a crime forum in Kangaroo Flat, and I have had listening posts in Kennington. Wherever I go across northern Victoria, even at Wodonga last week, residents do raise the issue of crime.

This is, as I mentioned, rushed legislation. I know Mr Walsh in the other house talked about the workplace protection orders and how important they are, and as Mr Mulholland pointed out, we have put forward amendments to be considered by this chamber. But Mr Walsh in his contribution talked about the number of organisations that have been really pushing for this – places like Woolworths, IKEA, Myer, Kmart, 7-Eleven and Bunnings – and asking that the government introduce workplace protection orders and implement legislation that enables courts to issue enforceable orders restricting high-harm repeat offenders from engaging in violence, threats or harassment in and around retail workplaces. I know Mr Galea talked earlier about the further work that is going to be done, but it should have been done, and this needs to be a priority for this government. We have seen this legislation in other areas, such as the Australian Capital Territory. A police sergeant in the ACT police said that in the eight months that WPOs have been used in the ACT police have noticed a total change in behaviour where offenders have just disappeared off their screens. So some good outcomes have been delivered by having those WPOs in place, but as has been mentioned, this bill certainly does not have that.

I know our electorate offices, as I have mentioned before, have security. We have the ability to lock the front door. We have glass screens. My office is right in the middle of Bendigo and we have this incredible security in place, and yet all the other shops and retail stores in Bendigo do not have that. Their staff are vulnerable, and they are feeling threatened in many, many instances. I have spoken to people about a number of different issues that have been happening. So more needs to happen. This bill certainly does not go far enough. We do think of all those workers during Christmas who are flat out as we head towards a very, very busy season, and we do want to see them safe and protected. But as I said, this bill will not do that.

Nick McGOWAN (North-Eastern Metropolitan) (16:01): I will tell you what: if incompetence was an Olympic sport, those opposite would be gold medallists in every discipline imaginable. What a hopeless bunch we have opposite. For years and years and years those opposite were warned that we had issues not only in our retail centres, not only in our shopping strips, but right across Victoria. And do you think those opposite bothered to listen once? No, they did not. This has been years in the making, and in very many respects what this actually symbolises is a complete abandonment of the workers by the Labor Party. I will repeat it: it is the complete abandonment of the workers of this state by the Labor Party. It has been going on like some sort of insidious behavioural sort of pattern. They have continued to persist with ignoring workers rights, ignoring workers in this state and in fact ignoring everyone – not only workers but families, young people, seniors, you name it. It is only when this government –

Enver Erdogan interjected.

Nick McGOWAN: I am happy, Minister, to take the label of ‘champion of the workers’, because very sympathetically, the ministers opposite have failed in every test they have been set for the last three years, and we are going now into the fourth year. They have absolutely failed. Whether it be WorkCover and even when there is an established injury to individual workers, you are now cutting them off at the knees. Literally that is what you have done to the workers of this state. You have ignored them for three years straight. It is that simple. For three years straight you have done nothing. You have done nothing to support workers, who every day either help us when we go and buy something in a shop or assist us when we are going to put petrol in our car. Whatever it is they are doing, whether they are helping wait a table and serve us food, no matter what they do, those opposite have been relentless in their ignorance and in their failure to act. It is that sad. We have seen this state become a state where we actually do not stand up for those who are doing the right thing, and that is what we are talking about here. We have actually failed as lawmakers, and this government has monumentally failed.

Just keep in mind for a moment that the Premier said back in April she would address this issue, and suddenly, at the last moment, in the last sitting week of this year, they have rushed through this legislation. They have done so, guess what, without a single aspect of it actually providing a protection order. Every survey imaginable says that 90 to 100 per cent of Victorians support protection orders for our workers. Yet what has this government done in this legislation? Zero. So while those opposite in the past might have wanted to lecture all of the rest of us about workers rights and doing the right thing by the workers, the truth is they have been absolutely abandoned by the Allan Labor government. They should even consider taking the word ‘Labor’ out of their title and just calling it ‘party for self’, because that is sadly what this government have become. They have become a party for themselves. They have been dragged kicking and screaming and fighting their own people, fighting their own unions. Even just yesterday the Premier was out there making all sorts of scurrilous, ridiculous, baseless accusations against members of the United Firefighters Union, saying they were trespassing.

These are firefighters who have a duty. They have a call-out area, and they have a duty to make sure that public safety is the foremost concern. Yet here we have the Premier of the state taking a whack at them, the very people who in 60 per cent of cases will be called out as first responders. If there is a cardiac arrest, if there is a car incident or if there is a fire that threatens either person or property, they will be the people who save Victorians, and yet our Premier was out yesterday absolutely canning

them and accusing them of trespassing. Do you know why they were being accused of that? Because they had the audacity to stand up and say it is unsafe and had the audacity to say that their radios do not work. When we send our firefighters down into a tunnel, guess what, they cannot communicate with each other. They cannot protect each other, much less protect the public. This government's response to that was to shut them down, shut them out and use government resources – that is to say, use taxpayer-funded money – to fight them in the courts, throw barristers at them, throw lawyers at them, throw solicitors at them and take them to Fair Work. In fact they have made sure that we do not give a single firefighter in this state a single cent in a pay rise for five years straight. This is how this government has treated workers.

It is not a surprise that three years into these four years of government they have taken to giving reforms and giving protections to workers in the retail space so belatedly and so haphazardly. It is haphazard because it simply does not provide the protection orders that we ourselves know retail workers are crying out for. If you can rush through all this legislation at the last moment, then what stops you also putting those protection orders in place? What is so insignificant? What is so wrong about our workers that you do not want to stand up for them? What is it you have got against the workers of Victoria that you are happy to come into this place and push through all this other legislation? We are happy to sit here. We will come back. We will come back next week. We will come back the week after. We will come back on Christmas Eve if that is what it takes to put through real protections for workers in this state that include protection orders. But no, Labor has no intention of doing that.

Do you know what Labor is going to do? This government is actually going to string it out even longer. There is no regard at the most critical time for retail workers, which is the Christmas period. There will be absolutely no protection in place for our retail workers in this state when it comes to protection orders for them, because this government simply did not get around to it, having known about the problem and having helped manifest the problem because they sat on their hands and did nothing. All they have done for three years straight is lecture workers about what they should and should not do, take away their rights in terms of compensation for mental health and undermine their own unions time and again. Their own unions are having to fight the Labor Party to make their point. Just the other week we were sitting in this same chamber talking about protections for those workers who have signed non-disclosure agreements. It took months and months. It took way too long. There we had Trades Hall crying out for it, and it took this government months, if not years, to actually deliver on that commitment, for no other reason than it simply was not their priority.

Yet we have seen crime run rampant across this state. The saddest part of all is that it is not simply about protecting our workers. What it is also about is protecting not only Victorians who are based here and Australians who live here but also our immigrants and our migrant communities. All of us know that our country is heavily dependent on migrants who come here, study here and work here part time, and we have provided them little to no protection at all. Every time you care to go into a service station in this state, you well know that we are supported in an awesome way by our immigrant population, who are either here temporarily or permanently perhaps, because they might have a stream to permanent residency and so forth. But I tell you what, we have done nothing to protect them.

What is worse than that is that we have actually sat back while seeing people going into shops, as my colleagues have described here today, and literally picking up groceries, berries, apples and oranges, not paying for them, putting them in their bags and walking straight out of the shop. Keep in mind Coles does not even report theft now that is under \$500. The degree of the under-reporting of theft in this state is through the roof every single day in Victoria: 'Welcome to Victoria. Come and see how Victorians do retail crime really well and how the government here fails to protect workers.' I tell you what, it is happening every second of every day in Victoria. What is worse is that we have allowed it to exacerbate to the point that it is actually becoming graduated behaviour. While initially those people who are thieving and stealing from companies, from small businesses and from individuals might just take what is on the shelf and walk right out – I have witnessed that myself – the person behind the

counter has no way of knowing that that is the case. The person behind the counter has no way of knowing whether that person has a knife, a machete, a gun or any other implement or whether they might come up to them and their behaviour might start being graduated. That is to say, they will simply go, 'Do you know what? If I can just take anything off the shelf here' – because they just let it rip in Victoria and that is the Labor government way; they can just take whatever they like – 'then I'm going to turn my attention to the poor cashier or the worker.' They will say to that worker, 'While I'm here, why don't you give us your cash? Hand that over too.' And then in every instance – not only those where the worker is confronted but those where they are not – they are terrified.

This has not been going on for weeks, it has not been going on for months; it has been going on for years, and those opposite and this awful, rotten so-called Labor government have stood by and abandoned the workers of this state and allowed them to be traumatised. The other aspect here that we must remember is that, by and large, a good proportion of our workers in the retail sector are young people, our very youngest people, our most vulnerable people, those who are making the effort themselves to get off their backsides and earn themselves a living, earn themselves some pocket money between school –

Members interjecting.

Nick McGOWAN: It is high school students I am talking about here. Between university – that is, college and university – between TAFE and all the studies they are trying to do to support themselves, these young men and women are doing their darnedest not only to make a bit of pocket money for themselves and see themselves through but so they can actually perhaps put money away to be able to afford an unaffordable house under this government. They are doing all the right things, and yet from day one this government has actually failed to protect them. They have failed to step in to protect young people. They have failed to step in to protect retail workers. They have failed to step in to protect workers. In fact they have completely abandoned the workers of Victoria.

What is worse, by the end of the term of this government – we are three years into four – they are already turning on all their unions, from Trades Hall to the Health Services Union to you name it. I could list almost every union this government has fallen out of favour of. And you have got to ask yourself the question at some point: who is the problem? Is it all those unions who represent workers and employees, or is it those opposite? Because I tell you what, it is looking like it is those opposite, and the public know that is absolutely the truth.

Yet they have the gall to come into this place today and pretend this is business as usual: 'We promised to deliver this.' No, in fact, you promised to deliver it in April of this year. That was Easter. Heads up, news release: it is Christmas. We are weeks away from Christmas. We are weeks away from the busiest time of year when it comes to retail workers. And even now as I stand here, even after today, notwithstanding we have some amendments to put forward, the truth is that this will be completely incomplete, completely inconsistent with the other states in Australia, which have already done the right thing by workers, and that is by including protection orders. You cannot tell me this government did not have time to think about it; of course they did. But do you know what – like everything they do, they are just going to string it out. Why? Because they want to suck people in. They are not interested in people's protection.

Members interjecting.

Nick McGOWAN: Yes, they put another media release out. They are not interested in people's safety, they are not even interested in workers and they are certainly not interested in their own unions anymore. We can see that, crystal clear. It is there for everyone to see. But what they are going to do is they are going to string it out all the way to the election and make it look like they are providing some sort of gift. It is like you have got one gift for this Christmas and one gift for the next.

But I tell you what: before the next Christmas comes, the Grinch is going to come, hopefully, and pay a visit to those opposite. I tell you what, the present from the Grinch to those opposite is going to be

zero, Fanny Adams, not much – not much for you guys. That is your scorecard: zero out of 10. I am generous – I will give you one out of 10 for showing up. At least you did show up; I will give you one out of 10. But one out of 10 probably overrates the extent to which you have responded to the crisis, a crisis which is in large part of your own making.

In all seriousness, that is the saddest aspect of this legislation today: the fact that we should even need this, the fact that this should be in place. What has happened is those opposite have fundamentally lost touch with those in the community. They are absolutely out of touch. They have got a tin ear. It has taken them months and months and months. Let us not forget, just some short months ago, had there been an awful result – that is for those opposite; not for me, but for those opposite – and the federal government had lost its way and had not been elected, then the Premier and the minister sitting there today may not be the same Premier and minister sitting here right now. Those opposite know it. It is a hard thing to cope with, but they know that there is more fractiousness in those opposite than there is on this side now. It is a lovely turning of the tables, and it is precisely timed – it is well timed indeed.

Members interjecting.

The ACTING PRESIDENT (Jeff Bourman): Order! I am on my feet. Can we stop yelling at each other. We are nearly there, Mr McGowan. And Mr Galea, can we do this without assistance.

Nick McGOWAN: Thank you for that call to order. It is a great opportunity to call to order, because it has taken the better part of the entire speech for those opposite to actually find their backbone and stand up for workers. But even then, guess what: they were not standing up for workers just then, they were standing up for themselves yet again. When the criticism came on themselves, they were all too happy to stand up and protect themselves, but when it was about the Victorian worker, silence. You could hear crickets in this place – not a word to be said for the Victorian worker.

Members interjecting.

The ACTING PRESIDENT (Jeff Bourman): Order! Mr McGowan, please, with no assistance.

Nick McGOWAN: I do not mind the assistance if it helps, because that assistance just simply gives voice to the concerns, the anguish and the anger from the Victorian workers. Those opposite, once upon a time, perhaps understood what it meant to be a worker. I mean, I do not know the last time any of you actually had a real job over there, to be honest with you. You have been in government so long, you have actually just gone from one government to the next. You have gone from one position to the next. It would do you some good to actually get behind a desk and serve and be in their shoes for one moment. Because if you did, I proffer this to you: rather than giving us this piece of legislation here today, which is completely incomplete as you all know to be the case, you would actually be putting forward legislation that provided a protection order for those workers in this state that absolutely deserve the best protection we can afford – not the political expediency of those opposite, who are now going to string this out, who are going to actually leave every single worker in Victoria.

I want to finish my speech today on this. Every worker in Victoria should hear this loud and clear: you do not have the full protections that those in other states have because this government have chosen to delay any implementation of any kind of orders that would protect you in the workplace. That is the truth. It is hard to swallow. In fact we are happy to come back here next week and put that legislation through if you want to do that. But the truth is you are going to string it out and they will not have that protection over Christmas – and they are owed every protection because they are the youngest and most vulnerable workers in this state.

The ACTING PRESIDENT (Jeff Bourman): Just before Dr Heath starts, I ask that when people are yelling they pay attention to the Chair. Standing is dangerously like exercise, and I do not want to keep on having to do it.

Renee HEATH (Eastern Victoria) (16:16): I just want to start off by saying I completely agree with Mr McGowan's contribution. That is not drama; that is the truth of what it is like to be a worker

in the state of Victoria. Labor has abandoned the mantle of being the party of the worker. They do not protect the worker, and they bring in half-cocked measures like this for headlines. I just want to say: walk into a shopping centre in Victoria and ask the staff how they are feeling – or even better yet, ask parents of the staff how they are feeling. It was not long ago that I brought a story to this place of a constituent that contacted my office because her 16-year-old teenage daughter got her first job at a check-out and was told she had to wear a body camera – at Woolworths.

The numbers, which we have all heard and read, tell us why. According to the Australian Retailers Association, from July this year 51 per cent of retailers are experiencing physical abuse monthly or more. Over half are experiencing physical abuse every month – that is unbelievable. Eighty-seven per cent report verbal abuse. Unfortunately, that has become the new normal in Victoria. I really hope that this is not going to be, but I think it is, another situation like we have with bail in this state, where every time the government come under pressure and feel a crisis, they come in and they rush in new laws which they have not thought through, because they have got to be seen to be doing something. It is unacceptable, and I believe it is immoral. The Crime Statistics Agency's data is even worse. In the 12 months to June this year we saw 99,114 offences, up 20 per cent in just one year. Retail theft jumped 26 per cent. Retail assaults jumped 21 per cent. And now we are seeing 638,000 criminal offences in Victoria. That is 200,000 more than it was when Labor first took the reins in government. To put that into perspective, Victoria now accounts for 35 per cent of the whole nation's crime incidents – 35 per cent is happening right here in this state. I tell you what, the statistics and the truth do not line up with Labor's feel-good narrative; it is not even close.

The government has really shown us where its values and its true priorities lie. The Premier knew about this crisis years ago, but to be generous I will say the Premier knew about this 18 months ago. That is 18 months of waiting while workers have been assaulted, businesses have installed security measures and more than 350 businesses in Victoria have closed their doors every single day. More than 350 small businesses have had their dreams crushed because the environment is so unacceptable in Victoria, whether it is taxation, regulation or just that crime is absolutely out of control. Just about every week in the main street of Pakenham windows are kicked in by young kids on bail, and guess who has to pay for that? Business owners, and the increasing cost of doing business because of these –

Enver Erdogan interjected.

Renee HEATH: I will pick up on Mr Erdogan's interjection there about bail laws. Labor should actually stop and think through their bail laws, which they have had to change five times in the last two years because they cannot manage to get it right.

Over 129,000 businesses closed in 2024 alone, and that number has continued to escalate. Victoria has seen the second-largest number of businesses moving to other states or territories, a net loss of 3254 businesses – shocking statistics that do not line up with their narrative. Business leaders are not exactly being subtle about this either. The CEO of Coles said:

... it is definitely the case that in Victoria, retail crime is escalating more than what we are seeing in other states.

The CEO of Reece called Victoria the 'toughest place in the country' to do business. So when you read this, from the co-founder of Seek:

Whenever something that is done in this country that's anti-business, the reality is there's a good chance it is being done in Victoria.

That is not partisan. This is business leaders. This is business CEOs just spitting the truth. It is not going to be your shout-outs and your headlines and the cheap politics that we are seeing that are going to attract business back into this state. Victorian businesses are completely fed up, and they are moving interstate in their droves. This is a systematic failure of governance, and businesses are responding rationally by leaving, and I think it is a crying shame. If Mr McIntosh was in the chamber at the moment, he would be yelling out things like 'Why do you hate Victoria' and all this sort of stuff, all this ridiculous propaganda. The reality is it is our love for Victoria that is causing us to stand up for

what is right and to try to amend legislation to make it better. I really hope, by the way, when Mr Mulholland brings his amendments that you will absolutely support them.

This government has form when it comes to legislation that sounds tough but actually achieves nothing meaningful. For example, what was it you called them – ‘toughest bail laws’? Is that what they were? ‘Toughest bail laws’ they called them. However, they skimmed over the fact that those toughest bail laws were still weakening bail further from what it was in this state 18 months prior, but that is an aside. They announce reforms with incredible fanfare, some new banners, a couple of press conferences, but then what they actually deliver falls short of what is needed and it does not even go close to fixing the problem. I am just going to skip forward due to time, because I think it was Mr Galea who said that it was bulldust, essentially, what we were saying in comparing laws to other states.

I will quickly touch on workplace protection orders, which are not in this bill. Who knows when they will do them. They say they will do a lot, but okay – watch this space, I guess. But it is not just that the penalties are weak; this bill is missing one thing that would actually work, which is workplace protection orders. The one thing that industry experts have been crying out for is ignored in this bill. If you are not familiar with these, I will explain. A workplace protection order is like an intervention order but specifically for workplaces. It allows courts to ban violent or repeat offenders from even entering retail premises. It is a simple concept that is proven to work. That change alone, that one change, would make retail workers, young kids that are getting their first jobs, instantly safer. It would give their parents peace of mind. But the government has not even been able to do that. The evidence is overwhelming. Allow me to compare some of this legislation to what is happening in other states. In the ACT police reported what they called a total change in behaviour, with offenders just disappearing off their radar. Why? Because they were able to put into law workplace protection orders. One law made offenders, in their words, drop off the radar. Research shows that 10 per cent of offenders commit around 60 per cent of retail crime. If that is the case, you need to deal with that 10 per cent rather than just allowing all these things to go unnoticed. It is said that workplace protection orders would provide targeted legal protections where existing measures, such as banning notices, have proven insufficient. In South Australia – which passed these laws just last week, by the way – it has been described as ‘a landmark moment for retail worker safety’. In New South Wales the Premier is looking closely at these models, and I have no doubt that they will get them done, because unlike this Labor government, they want to see protection in private and public industries.

To summarise, we have proof that this works. Unions, major employers and other Labor states are successfully using them. But Victoria, the state with the worst retail crime in the nation and fleeing businesses, has not included them in this bill when other states have. We saw the extreme reaction when Mr McGowan said, ‘Your laws here are weaker than in other states.’ These are just a few dot points. Hopefully you can hold up a mirror and realise that what you are saying is absolutely not true. Before I close I might just say that Victoria is a uniquely dysfunctional state.

I actually do not blame it on the Labor brand, because other Labor states seem to be doing what it cannot achieve. South Australia, for instance, is a Labor state. They have topped the Business Council of Australia’s ranking for the third year running. Queensland, while not a Labor state, has implemented Jack’s law and removed over 1100 weapons from the streets. Yet when the coalition introduced laws because of the Labor government’s extreme arrogance and inability to accept any bill other than their own, they rejected it. I think it was actually Acting President Bourman that said that there has not been a private members bill passed in many, many years, certainly not in the last 10 years of Labor, but even beyond that. This is not about Labor versus Liberal in this sense. It is about competence versus incompetence. That is what it is. That is the reality of this state, because there are Labor governments all over the nation that are managing to make this work.

In closing, I just want to say that Victoria is becoming a failing state. It is a big claim to make, but there are well-documented characteristics. Number one: a failing state cannot keep its citizens safe. I do not need to give that any explanation. It cannot manage its finances responsibly. I certainly do not have to give that any more explanation. Corruption goes unprosecuted or even thrives. We have seen

that in the recent history with the CFMEU, unions, worksites – all of these things. It drives away productive enterprise. I have just spoken about more than 350 businesses closing per day. I have spoken many times in this place about the statistics of businesses and rental providers fleeing the state because it costs more to grow a tomato in this state than it does anywhere else in the country. It cannot provide basic services, and we have seen that with our waitlists for ambulances, which are ramping at hospitals. We have seen that with the outrageous surgery waitlists and with justice of course. Finally, it loses the confidence of its people, and polling shows Victorians have lost faith in this government and the government's ability to keep them safe.

Ryan BACHELOR (Southern Metropolitan) incorporated the following:

I am pleased to speak on the crimes amendment bill 2025.

We are committed to keeping Victorians safe.

We heard the voices in our communities asking for change, and we have made those changes to keep our communities safe.

We have delivered changes to our bail laws, the toughest in Australia – which has resulted in more alleged serious offenders being denied bail.

The government's legislative changes in this area have meant that repeat offenders are finding that they are not released on bail.

But they are held on remand – while awaiting trial.

We have also introduced adult time for violent crime.

We have heard time and time again that there are too many victims and not enough consequences.

And we have introduced a trial scheme that allows courts to order eligible children to be subject to electronic monitoring of their compliance with certain bail conditions.

All these laws strike the right balance, they ensure we keep people who aren't a risk to the community out of prison and that we maintain the tough approach that Victorians expect towards those who are.

They address the most urgent changes needed to our justice system so that we have a more balanced approach for those accused of minor, non-violent offending.

These reforms deliver on our commitment to keeping Victorians safe.

But we are not stopping there.

Our crimes amendment bill 2025 aims to address the alarming rise in violence and abuse against workers in the retail, fast-food and passenger transport sectors.

And to make sure we get this bill right, we have consulted widely.

We have consulted with industry, unions, WorkSafe and key legal and justice stakeholders.

This bill delivers on the Victorian government's continued commitment to community safety.

It delivers on a commitment made by our Premier to introduce a bill by the end of 2025 to protect these workers.

This long consultation period ensures the bill achieves its aim.

The aim is to protect vulnerable workers and meet community expectations.

It is a deliberate process.

A process that ensures the new offences included in this legislation are targeted, practical and effective.

It's important that we protect the retail, hospitality, fast-food and passenger transport industries.

And as we opened the Metro Tunnel last Sunday to such enthusiasm from commuters, this bill protects the very transport staff that will move the thousands of workers, students and tourists who will use the Metro Tunnel and its five brand new stations safely and securely.

This bill helps our transport staff to do what they do best: help us move around our state with our world-class transportation system.

The changes will complement work already underway by the Labor government to strengthen the state's anti-vilification laws, with many reports of abuse against workers relating to the worker's ethnicity, race or cultural background.

Everyone has the right to be safe and respected at work.

These amendments will send a clear message that harmful behaviour towards customer-facing workers will not be tolerated.

The bill

The bill contains three new offences to address violence and aggression against workers: one indictable offence and two summary offences.

First, an amendment to the Crimes Act 1958 for a new indictable offence of assaulting and threatening to assault an applicable customer-facing worker.

The bill will also amend the Summary Offences Act 1966 with two 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 in manner towards an applicable customer-facing worker in connection with the worker's duties.

Both summary offences have a maximum sentence of six months imprisonment. This is higher than for the equivalent general offences.

The bill also aims to address community concerns about burglaries that are committed by using a vehicle to cause damage to a building to gain entry into a building, also known as a 'ram raid'.

The bill will achieve this aim by amending section 77 of the Crimes Act to add ram-raiding conduct as an aggravating factor in the aggravated burglary offence.

Working in retail or hospitality is not easy and certainly not well paid.

Retail and food services are two of the lowest wage-earning industries for median weekly income.

In addition, two-thirds of retail assistants are women, and over 20 per cent of employees across both industries are aged 15 to 24.

These are industries that have a higher proportion of women and young people in customer-facing roles, who earn some of the lowest wages in our country.

They are essential workers.

The work retail and transport workers do is essential and vital and we all had a clear lesson in their importance during the pandemic.

But despite the importance of the work, they have been subjected to a rise in abusive, threatening and criminal behaviour from customers.

A recent national survey of SDA members showed that 87 per cent of workers experience abuse from customers.

Workers are experiencing an increase in the frequency of verbal abuse over a sustained period of time, rather than just isolated events.

Of those who experienced verbal abuse, 76 per cent experienced it on a more regular basis (monthly, weekly, daily) compared with 54 per cent in 2021.

Everyone deserves a safe workplace – during and after their shift.

No-one deserves to be subjected to this level of abuse, least of all the hardworking frontline staff across these industries.

Defining the working cohort

The work cohort this legislation is designed to protect is defined broadly as including all workers that perform customer-facing duties for a retail or hospitality operator and workers who perform customer-facing duties for landlords or managers of retail shopping centres. The worker cohort also includes all customer-facing workers working for or as a passenger transport service provider.

'Ram raid' conduct

There has been growing concern from the community regarding 'ram raid' conduct, where offenders use a vehicle to forcibly enter a building to facilitate theft or criminal damage.

This can deeply traumatisise retail workers in particular, whether they are in the store or not at the time of the offence.

This bill will amend the existing offence of aggravated burglary in the Crimes Act to capture this conduct.

The amendment applies to all buildings, not just retail premises, and will ensure that the aggravated burglary offence, with its 25-year maximum penalty, can apply to ram raids.

Commencement dates

We know from industry and unions that the lead-up to Christmas is a time when violence towards customer-facing workers increases. The bill provides that the worker harm offences will commence the day after royal assent with the aim that the offences can protect workers at this time of heightened risk.

This is for all offences except for ram raids, which commence in March 2026.

In the meantime, police can continue to charge current offences such as destroying or damaging property, driving offences and conduct endangering persons.

Conclusion

In closing my contribution, I again want to thank all unions and all of the worker representatives who have contributed and advocated on behalf of all the frontline workers they represent in bringing this bill.

I would like to note Mr Galea and his work in leading the worker protection consultation group and indeed all members of that group for their advice and expertise during the development of these reforms.

I commend this bill to the house.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise to make a contribution on the crimes amendment.

And in doing so I would like to first thank my good friend the Attorney-General, Minister Kilkenny, for bringing forward this important piece of legislation which will move to bring in more protection for customer-facing workers across Victoria.

President, as many in this chamber will know, I was secretary of the Transport Workers' Union, Victoria-Tasmania branch.

And I also had the privilege of serving as the TWU's national president before being elected to this place.

I started out as a baggage handler at Ansett, where I joined my union and fought for the rights of members at work, including not just their pay and conditions, but their safety as well, which is why I would like to affirm that every worker has the right to a safe work environment, free from abuse and any violent attacks.

But unfortunately, that is just what so many Victorians experience.

Whether you work at an airline desk, as a shop assistant in retail, as a barista – you name it, these workers face violent and abusive customers and passengers.

Imagine, if you are in their shoes, facing angry customers unduly raising their voices, or shouting threats and attempts to commit violence.

It is traumatising, and it is not easy to recover from such a horrible experience.

Not to mention, it endangers the lives of these workers, and can leave lasting psychological and physical harm if matters take a turn for the worse.

Too often, we're seeing retail and transport staff attacked at their place of work.

That's why the Allan Labor government is acting to target these criminals and ensure workers are protected in their place of work.

President, this bill will beef up how we deal with violent individuals who harm workers.

Ranging from retail workers to transport and delivery drivers, this new bill is aimed at stamping out this violent behaviour and sending a clear message that it is not okay to harm a retail or transport worker.

And those who try will face the full force of the law.

We've worked with industries, unions, and workers to ensure that these reforms respond directly to their concerns about the rising number of cases of abuse and violence in workplaces across Victoria.

And one of the most common workplaces where workers are facing this unacceptable behaviour is in retail.

I would like to thank the Shop, Distributive and Allied Employees' Association for their advocacy in this space, fighting for more protections for retail workers and shop assistants, and to ensure these perpetrators feel the full force of the law.

Retail workers have been experiencing an increase in the number of violent incidents at shops.

And as the rush for Christmas shopping starts to pick up, shops will be busier than ever, and that can mean more stressful or difficult customers, some of whom can get violent.

But it's not just in retail settings that this is happening.

Assaults against taxidrivers and other transport workers are also a serious and ongoing problem.

More than half of transport gig workers who responded to a survey from the Transport Workers' Union said they experienced threatening or abusive behaviour.

Those gig workers are people who deliver food to you from apps such as Uber Eats or DoorDash, and include rideshare drivers such as Uber drivers.

The Transport Workers' Union and the Rail, Tram and Bus Union have been advocating for more protection for transport workers, and I'm proud of this latest step in building a safer environment for them.

This bill extends these protections to transport workers, many of whom face unruly or violent customers or passengers every day.

It's not a very different story with retail work either.

Across Australia in the last year, there were around 800,000 retail crime incidents that were reported.

The Australian Retailers Association has also said that 70 per cent of retailers reporting an increase in customer theft.

On top of that, more than half of retailers and shop assistants experience physical abuse monthly or more often.

Almost nine in 10 retail workers reported experiencing verbal abuse.

These numbers may be shocking to Victorians, but for retail and transport workers, this comes as no surprise.

Those figures are the lived experiences of each and every one of them.

President, these are workers who provide each and every one of us with the most fundamental and essential services that keep our communities running every single day.

They are the backbone of our society, and the fact that they experience this as frequently as they are, is appalling.

We must protect the rights of our workers to have a safe work environment.

So that is why the Allan Labor government is taking action with this bill.

This bill makes amendments to several acts, namely the Crimes Act 1958, Summary Offences Act 1966, and the Youth Justice Act 2024, to introduce reforms designed to protect customer facing workers from harm and threats.

Under a new indictable offence, assaulting or threatening to assault one of these workers will carry a penalty of up to five years in jail and separate summary offences for lower-level assaults. And for conduct that threatens and intimidates, the worker will carry a penalty of up to six months in jail.

That includes things like using profanity or otherwise intimidating a worker with obscene or insulting language.

These summary offences will have a substantially lower threshold of conduct than the more serious indictable offence, giving Victoria Police a range of options to protect workers depending on the circumstances.

And this is not only applicable to those facing customers on a regular basis, but workers at this worksite as a whole.

It applies to both the front-of-house and back-of-house staff.

Whether you're in retail working at the check-out and storeroom, or in a kitchen or bar, you will be covered by these new laws.

You will be covered if you work for a workplace that has customers, even if you're a contractor like a cleaner or part of a third-party security team.

President, the Allan Labor government announced our commitment to adult time for violent crime.

And this bill will introduce longer sentences for ram raids.

A ram raid is a crime where a vehicle is used, being driven into a shop in order to break down a window or a wall, for criminals to then steal items.

It is incredibly dangerous, distressing, and violent.

Compared to petty theft, this is not just about stealing something, but severely damaging property and frightening, if not injuring, workers and other shoppers there.

That's why this bill will amend the aggravated burglary offence to include ram raids.

It will apply to any building, not just shops.

But it will give shops who might be targeted for ram raids the assurance that tough new laws and penalties will be in place for this violent criminal behaviour.

As it currently stands, the sentence for aggravated burglary carries a maximum sentence of 25 years.

And irrespective of your age, repeated acts of aggravated burglary will land you in prison with adult sentencing lengths.

No matter your age, you will feel the consequences of this horrible crime.

President, this legislation introduces something the union movement has been advocating on, for quite some time.

And that is workplace protection orders.

These are means by which workers or businesses can force threatening and violent customers out of the store.

This bill will establish workplace protection orders as the next step in our response to retail crime.

Under these workplace protection orders, if you are violent to retail or transport workers, you can be banned from that workplace.

This is not something done without precedent.

In the ACT, workplace protection orders are a legal means to protect workers and bar violent customers.

Other states and territories are also looking into introducing their own kinds of legislation modelled on the ACT's legislative framework on this matter.

In consultation with police, unions and industry groups, we are drawing on the expertise and strategies to combat retail violence taken interstate and overseas, in order to review what models are working.

Because we want Victorians to have the best, and that means studying and reproducing harm minimisation strategies conducted across the world, to ensure workers are safe and secure at work.

The provisions in this bill are in the best interests of Victorian workers and in the best interests of Victorian businesses.

When workers don't feel safe at work they can't perform at their best and they will be more likely to leave their jobs.

When I was at the Transport Workers' Union, representing workers in one of most dangerous industries in Australia, keeping our members safe on the job was one of the most important responsibilities we had.

That is why it was important that the federal Labor government passed significant transport reforms last year to keep our roads safe.

That is also why I am so pleased to see that the employers and industry groups have worked with us on this bill.

Keeping workers safe isn't just good for the workers; it's good for the businesses too.

In November, the Australian Retailers Association and the National Retail Association welcomed the government's action and leadership in keeping Victorian workplaces safe and combatting retail crime.

They recognised that workplace protection orders and tougher assault penalties will protect their workers and their business interests alike.

Further, there is another third group of people who also depend on retail environments being safe, and that is other customers.

Abusive and violent customers are not just hurting the business and the workers, they are also making life worse for their fellow shoppers.

Whether shopping for essentials at the supermarket or buying themselves something nice after payday, Victorians deserve to have the security and the knowledge that their local shops are a safe place for them to shop, to browse, and to go about their business.

So, with a number of stakeholders to consider in this proposed legislation, it is great that we have been able to come up with a bill which looks after the interests of all involved.

This bill is good for workers, good for employers, and good for the overwhelming majority of customers who are not violent or abusive, but who just want to go about their day in peace.

It is a serious credit to and great victory for the TWU, the RTBU, and the SDA that they have soundly won the argument on this issue and that, with the passage of this bill, they will see their members clocking on at safer, better protected workplaces going forward.

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It also goes to show what can be achieved when industry groups and the private sector work constructively with the union movement and with the government on issues of mutual interest such as keeping their businesses and the workplaces of their employees safe.

As someone who started my career in the transport industry and who spent decades representing workers in that industry, I can speak on this issue with a fair bit of knowledge and experience.

Likewise, no doubt others in this place have experience in the retail, fast-food, and hospitality industries, allowing them to speak with firsthand knowledge and experience about what it's like having one of those jobs.

So not only have we listened to workers in these industries about what they are seeing and experiencing on the job, but many of us are also able to draw on our own experiences when considering and debating this legislation, leading ultimately to better outcomes.

This bill is not the beginning or the end of the Allan Labor government's agenda of putting public safety first. We have also passed the toughest bail laws anywhere in Australia.

This includes the bail test uplift for repeat serious offenders, removing the principle of remand as last resort, and enshrining the principle that all bail decisions must prioritise community safety into law.

It also includes our successful machete ban which has seen more than 6400 dangerous weapons surrendered by members of the public, and many more handed over by retailers.

It includes our new performance crime laws, also known as 'post and boast' laws, making it a crime to post and share your crimes on social media, addressing a disturbing trend which was influencing some young people to see crime as socially acceptable and empowering.

It includes organising our violence reduction unit which will work with at-risk youth to address the root causes of crime, preventing crime before it happens based on the successful approach implemented in Glasgow and London.

It includes increasing funding for Victoria Police from \$2.4 billion in 2014–15 to \$4.5 billion in 2025–26, ensuring that our police officers have the resources they need to help keep our communities safe.

It includes our recent announcement of adult time for violent crime, meaning that young people who commit some of the most serious crimes will face adult courts and adult sentences.

With this bill, it means greater legal protections for workers in customer-facing industries who do not deserve to be faced with violence and abuse while they are earning a living.

This public safety agenda from the Allan Labor government is something that we on this side of the chamber can be proud of.

For me, it is important that I am able to look my constituents in the eye and tell them that our government is doing everything in our power to keep our city safe.

Public safety is one of the keys to livability and maintaining the high quality of life which we enjoy here in this city and indeed across the entire state of Victoria.

It is that high quality of life which has drawn millions of people over the decades to our city – skilled migrants, international students, people fleeing wars and persecution, and any others who come from overseas.

The same can be said for the many Melbournians who moved here from regional Victoria or interstate to make their way in the big city.

Without maintaining high levels of public safety, including safety at work, we wouldn't be able to maintain the high quality of life here in Melbourne which benefits all Melbournians and allows us to continue to attract the best, the brightest, and the most ambitious from all over Australia and all over the world to our city.

I commend the bill to the house.

Wendy LOVELL (Northern Victoria) incorporated the following:

I rise to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025.

The bill will:

- i) create new offences for certain conduct engaged in against certain customer-facing workers,
- ii) provide that a burglary that involves a ram raid is an aggravated burglary,
- iii) make consequential amendments to the Youth Justice Act 2024 and for other purposes.

The main provisions include:

Part 2, division 1 amends the Crimes Act to make it an offence when someone ‘assaults or threatens to assault an applicable customer-facing worker in connection with the performance of the worker’s duties’.

Part 2, division 2 amends the Crimes Act to classify a ram raid as an aggravated burglary, if someone ‘used a vehicle to cause damage to the building, or to part of the building, for the purpose of gaining entry to the building or the part of the building’.

Part 3 amends the Summary Offences Act to insert a new section making it an offence to ‘(a) use language that is profane, indecent, obscene, threatening, abusive or insulting; or (b) otherwise engage in conduct that is threatening, indecent, offensive or insulting towards an applicable customer-facing worker in connection with the performance of the worker’s duties’.

We know that there is a crime crisis in Victoria.

Not only a crime crisis but a retail crime crisis.

Big national retailers like Woolworths, Bunnings, Coles, IGA and Kmart are all saying that retail crime is out of control.

And small retailers like newsagents and delis, boutique clothing stores and gift shops are also reporting the damaging impact of Jacinta Allan’s crime crisis.

Leah Weckert from Coles said: ‘it is definitely the case that in Victoria, retail crime is escalating more than ... we are seeing in other states’.

One retailer said 75 per cent of their retail crime is in Victoria.

The crime numbers are staggering.

The statewide statistics on theft from a retail store show massive jumps, with a 27.6 per cent increase since last year, and a 90 per cent increase since 2016.

The breakdown in regional areas is even more shocking.

In Bendigo, for the year ending June 2025, there were 1033 incidents of stealing from a retail store, an increase of 42 per cent over the previous year.

In Whittlesea, retail theft increased by 52 per cent.

In Macedon, it jumped by 136 per cent.

And in Shepparton, there was a massive 158 per cent increase in retail theft.

The rise in retail crime didn’t start last month or even last year – it has been growing for years and has increased dramatically under Labor’s failing crime policies.

Retail stores are seen as an easy target for violent thieves, and stolen goods are resold to raise money for criminal gangs.

Labor’s soft-on-crime approach has encouraged criminals, giving them the green light to offend – they know that they will be released on bail and can go back to offending again.

Crime and violence are out of control in this state.

Just the other day, two gangs with machetes clashed at a shopping centre in Doreen – Woolworths had to be locked down, and shoppers were frightened for their lives.

Police arrived at the scene and arrested a 17-year-old boy and an 18-year-old man from Doreen, who were both charged but then immediately let out on bail.

This cycle of catch and release has taught criminals who steal from shops that under the Allan Labor government there are no serious consequences for repeat offenders.

We don’t have to live this way.

And Victorians don’t want to live this way.

Only the Liberals have a real plan, a comprehensive plan, to tackle the crime crisis and make Victorians feel safe again.

While the government have tried to portray that they have adopted the Liberals’ policies, the reality is the government’s policies lack the depth and strength of the Liberals’ plan.

Once again, Labor is going soft on crime.

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Rampant retail theft hurts businesses, both large and small, who often have to raise prices to recoup losses from theft, making the cost of living even higher for honest customers.

Just because people own a shop doesn't mean they are wealthy – often they are barely surviving, and a series of thefts can put a small store out of business entirely.

Last year there was a record number of business closures in Victoria, with ABS data showing that in 2024 more than 350 business shut their doors in Victoria every single day.

Retail theft also hurts retail workers, who are on the front lines in customer-facing roles.

Workers in retail and hospitality deserve to be treated with respect and dignity, and they deserve to feel safe at work.

But so often they are subjected to horrendous abuse or threats, or even physical violence, and many end up leaving the industry.

These sectors often have a higher proportion of more vulnerable workers.

Almost two-thirds of retail assistants are women, and over 20 per cent of employees in customer-facing industries are aged 15 to 24.

Criminals see retail stores as a soft target.

Cashiers and people stacking shelves are often threatened with knives, or baseball bats, when gangs burst into a shop to steal.

Such an experience is often deeply traumatic for a retail worker, who may be forced to stop working out of fear for their safety.

I think back to the shocking smash-and-grab incident at a Bendigo jeweller that happened right over the road from Jacinta Allan's office.

I also think of the footage that circulated of brave 31-year-old father Anthony Haby, who stepped in to tackle the thief and perform a citizens arrest.

In this one action, Mr Haby has single-handedly done more to improve safety in Bendigo than the Allan Labor government.

I applaud such people, and their sense of civic duty, but they shouldn't have to put themselves in harm's way like that.

If we had a functioning justice system that enforced real consequences, criminals would think twice before brazenly stealing from shopping centres in the middle of the day.

Not only are retail workers assaulted and threatened by thieves, they are also verbally abused and harassed by customers who cannot control their emotions and lash out in anger at retail workers.

There is an epidemic of retail worker abuse in Victoria, and it is totally unacceptable.

Respect in society has been declining for a long time, and it shows up in the disgusting ways that people speak to waitresses and taxidrivers, cashiers and baristas.

If we want more respect, the government should lead by example, but for a long time Labor has sent the signal that abuse and disrespect is okay.

Remember how Dan Andrews led the way in perpetuating verbal abuse of people.

He spoke to journalists with utter disrespect, and openly denigrated other members of Parliament.

Anyone who has worked in hospitality would know what it is like to be verbally abused by someone like that, on a power trip and with no respect for your work.

People who work in customer-facing roles perform vitally important jobs and should always be treated with dignity and respect.

Victoria needs to reform the law to better protect people who work in retail and hospitality – but this bill will not do anything to actually improve protection for workers.

This bill has two major flaws.

First, it introduces offences that are unnecessary and are already captured by existing law.

And second, it leaves out several reforms that would actually make a positive difference for retail workers.

Senior executives of large retailers have been calling for real action to solve the crime crisis in the retail sector. But this bill will not do that.

The coalition will not be opposing the bill, but we note that legal experts who were not consulted by the government have said this bill does not create substantially new powers to tackle retail crime.

The bill simply rebadges already existing offences.

Let me quote the Law Institute of Victoria: 'The Crimes Act already captures common-law assault with a maximum of five years.'

The Criminal Bar Association has also said that the new offence created by this bill is 'of little utility' because the prohibited behaviour would already be captured by the existing offence of common law assault.

This bill does nothing new, other than generate a government press release and a newspaper headline – but it completely fails to get to the core of the problem.

Let me talk about what is missing from this bill.

First, this bill fails to introduce workplace protection orders.

I never thought I would quote the Shop, Distributive & Allied Employees' Association, but that union has said, 'If the government is serious about addressing the retail crime epidemic, introducing WPOs is a no brainer.'

Likewise, the Australian Retailers Association said they 'strongly support the Victorian opposition's call to bring forward the passing of workplace protection order legislation'.

Many women report being stalked by men who see them in a retail shop and become fixated on them and follow them home from work and harass them.

These women deserve protection, and that's why the Liberals insist that we must amend this bill to add workplace protection orders.

The second thing this bill fails to do is increase the penalty for assaulting a worker; it makes cosmetic changes to the definition of 'indictable assault' but does nothing to strengthen the consequences for offending.

The third thing missing from this bill is a solution to the problems associated with reporting retail crime, whether that's theft or threats and abuse.

Police won't even attend calls about shoplifting anymore.

Under the Allan Labor government, police budgets have been cut and police are overstretched and don't have time or resources to visit stores that have been attacked.

Stores with a small number of staff also can't afford to close the shop to send someone down to report the crime and fill out the paperwork.

There is a massive amount of under-reported retail crime just because reporting it is too onerous.

A proper online reporting system would go a long way to supporting businesses and retail workers who want a quicker and simpler way to report retail crime, but there's nothing in this bill to enable that.

Victorians need to ask themselves – who do you trust to really fix the crime crisis?

Who do you trust to take real action on retail crime?

Who do you trust to take real action on verbal abuse and threats against retail workers?

Labor cannot be trusted.

All Labor has is spin, press releases, and social media posts – but when you look deeper, there's no substance to the changes, and there's no meaningful reform in this bill.

The Premier is worried about the polls and wants to be seen to be doing something, but we know that Labor will never follow through and impose real consequences for criminals.

Only the Liberals will prioritise the safety of retail workers over repeat offenders who are constantly let out on bail.

Tom McINTOSH (Eastern Victoria) incorporated the following:

I am very happy to support the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025, which protects our frontline workers in retail, hospitality, and public transport.

The amendment seeks to add two new summary offences:

1. for assaulting a customer-facing worker in connection with the worker's duties, without lawful excuse, using language that is profane, indecent, obscene, threatening, abusive; and
2. insulting or otherwise engaging in conduct that is threatening, indecent, offensive, or insulting towards customer-facing workers.

These offences will apply when the worker is performing their duties, taking a break, or arriving at or leaving their place of work.

A new indictable offence will also be added to section 31 of the Crimes Act 1958, which does not require an intent to commit an indictable offence, allowing the offence to capture a greater range of conduct. The indictable assault offence will have a maximum sentence of five years imprisonment, consistent with other assault offences.

These workers deserve better. They deserve our protection, and they deserve respect. Instead, they are often subject to the worst kinds of abuse and violence.

On Sunday I had the absolute pleasure of being on the first passenger train to pass through the new Metro Tunnel. On every platform of every station stood smiling workers, looking so proud and assisting the tens of thousands of curious and excited passengers.

This workforce of Rail Tram and Bus Union (RTBU) members give so much for Victorians to ensure that we all get where we need to go, all the way from rural Victoria to the centre of the CBD.

Public transport and other frontline workers should not face traumatising assaults, and perpetrators should be held responsible for their actions.

The workers across the multiple sectors that deliver so much for our state should go home safely after every shift, and that's why the RTBU and other unions have been advocating for better protections for these frontline workers.

As we enter the worst period for worker assaults, this amendment will apply for worker harms from the day after royal assent. We have acted quickly to protect workers during the holidays so they can all get home to their friends and families safely and be able to go to work without fear of harassment just for doing their jobs.

The amendments protect workers by capturing more areas where the previous laws didn't apply, such as places where workers may not be in a public place, such as a cleaner in a storeroom.

Worker harm offences will also apply when a worker is harmed in connection to their duties, such as while on shift or on a break, or arriving at or leaving work.

The bill aims to protect all customer-facing workers who perform duties for landlords and managers of retail shopping centres and workers performing duties for hospitality operators, passenger transport providers and retail operators that sell or rent retail goods.

This includes workers for businesses that are primarily a service provider but that also sell goods alongside their core business – for example, workers at hair salons that sell hair products or a day spa that sells beauty products.

As the bill extends assault offences from the previous common law assault charges, which only required proving intent to commit an offence, many cases of these awful behaviours will now see appropriate charges brought, and some of the most important workers in our state will be able to feel safer when going to work.

With this amendment, we're bringing Victoria in line with the rest of the nation. Thanks to laws specifically protecting customer-facing workers, in New South Wales 136 individuals have been charged since commencement on 1 May 2025 and there have been 215 criminal charges related to violence and aggression in the retail sector in South Australia.

Labor will not tolerate abuse towards frontline workers.

This bill also reforms aggravated burglary laws to capture the conduct of ramraiding. Ramraiding, where a vehicle is used to gain entry to a property for the purpose of burglary, is a deadly act that may severely injure or kill people inside.

Currently police will lay a range of charges including serious driving offences, theft and burglary, and the destruction of property, and this bill aims to provide a specific charge to reflect the brutal nature of this type of attack, which has recently seen more prominence, concerning many communities.

This means that a person is guilty of aggravated burglary if they commit a burglary and use a vehicle to damage, and gain entry to, the building for that purpose. This will in effect raise the maximum sentence of ramraiding from 10 years when charged with burglary to 25 under aggravated burglary.

This sends a clear message that ramraiding has serious consequences and will act as a strong deterrence against this behaviour.

Victorians deserve to feel safe at work and this bill adds important protections for frontline workers, and for these reasons I support the bill.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:30): I am pleased to rise to speak on the Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025. I also take this opportunity to thank all members for their contributions. I will add that some were much more thoughtful than others, but I do want to thank everyone for taking the time to contribute to this very important debate. More importantly, I thank the people who give this bill its weight: the retail, fast-food, hospitality and transport workers who keep the Victorian economy running. These are the workers who keep shelves stacked and buses moving and who unfortunately cop the brunt of rage in supermarket aisles, at fast-food counters, in hospitality venues and on trams, trains and taxis. Many of them are young, casual and in their first job. Too many of them now walk into a shift expecting to be abused, threatened or worse. This bill is about drawing a clear line and giving those workers the protections they need to fulfil their occupations without fear.

It is an important bill. It is an important bill because it builds on what our government has been talking about – prioritising community safety. That is why we introduced legislation this year, the toughest bail laws in the nation, to make sure we took dangerous repeat offenders off our streets. That is why we will be debating later this week adult time for violent crime. We are focused on community safety – that is our priority – and this bill builds on that work. It does this in a number of ways. First, it creates an indictable offence in the Crimes Act 1958 for assaulting or threatening to assault an applicable customer-facing worker without the requirement that the accused person intended to commit an indictable offence. The maximum penalty of five years imprisonment aligns with the protections we already give emergency and custodial workers. Secondly, it establishes two new summary offences in the Summary Offences Act 1966 applicable to customer-facing workers in connection with the worker's duties: (1) for assault and (2) for using language or engaging in conduct that is profane, indecent, offensive, threatening, abusive or insulting. Both carry a maximum of six months imprisonment and will have a substantially lower threshold of conduct than the more serious indictable offence. This will give the police a range of options to protect workers depending on the circumstance and will apply wherever the conduct is in connection with the performance of the worker's duties, including when workers are arriving, leaving or targeted after their shift. Third, it strengthens our response to the deeply traumatic practice of ram raids by ensuring that using a vehicle to smash into a building to commit a burglary is explicitly treated as an aggravated burglary, with a maximum penalty of 25 years.

The union movement has warned us about the abuse and assaults customer-facing workers often endure. The Shop, Distributive & Allied Employees' Association's 2023 national survey of more than 4600 retail and fast-food workers found that 87 per cent had experienced verbal abuse in the past year, 12.5 per cent had been physically assaulted, 9 per cent had been spat on and 17 per cent reported incidents of a sexual nature, with young women at particular risk. One in four workers said that the abuse they experienced referenced their race, ethnicity or cultural background. This bill is crucial because these numbers are not only statistics but a reflection of what many Victorians witness and experience every day.

There has been a mischaracterisation of this bill during this debate, and I think it is important to clarify these mischaracterisations. Some in this chamber and in the other place have argued that the new indictable offence with a five-year maximum adds nothing because the general assault maximum is already five years. Those with that belief miss a crucial point of this reform: that the new worker harm offences remove the additional requirement to prove an intent to commit some other indictable offence, like theft or causing serious injury. In simple terms, under the current law a customer who punches a cashier because they are angry about being refused a refund may fall through the gaps of the general indictable assault offence. Under this bill, that conduct is squarely captured by a worker-specific indictable offence for a clear five-year maximum. The intent factor is removed, making prosecutions more straightforward. The bill also deliberately defines 'applicable customer-facing worker' broadly. It will include not only the person on the till but cleaners, security guards, kitchen

hands, food delivery drivers and workers across our public transport and commercial passenger vehicle network. This definition is broad because it reflects reality: abuse does not stop at the counter.

In this chamber we have spoken about worker protection orders. I am pleased that our Premier has committed to introducing new laws to establish worker protection orders as the next step in our response to crimes against customer-facing workers, because we know they do work; they have been implemented in other jurisdictions. Several unions, particularly the SDA, have long advocated for a scheme that allows courts to bar repeat high-harm offenders from returning to workplaces where they have abused or assaulted staff. These laws are needed. As emphasised by the SDA Victorian state secretary Michael Donovan:

... no worker should have to face the same offender walking back through their workplace doors.

This is similar to the scheme that exists in the ACT and legislation that was recently passed in the South Australian Parliament. We will be passing it in this chamber in the first half of next year. I do expect the support of those opposite, who today seem to be championing workers rights when in many other instances when this government has introduced laws to protect workers they have voted against those laws. When these laws and these worker protection orders are introduced I look forward to the support of those across the chamber. These are powerful tools that are needed to ensure that we do not just have the tools to respond to such harm but we can prevent it from being repeated. They do potentially restrict a person's movement and ability to enter certain premises, so they are not something to be done lightly and done in a rush. We are going to do them carefully and make sure that we have the best model to lead the nation.

This bill is about immediate, clear criminal consequences for assaults and abuse that happen every day and spike over the Christmas period. That is why this bill will come into effect the day after it receives royal assent, underscoring the urgency of these offences becoming law. Workplace protection orders are the next step, and we are doing the careful work now so that when the bill comes before the Parliament in April 2026 it is robust, proportionate and durable. None of that has been designed in a vacuum. This has been done through deep and strong consultation. The worker protection consultation group brought together Victoria Police; the Office of Public Prosecutions; the Australian Retailers Association; the Transport Workers' Union; the United Workers Union; the Rail, Tram and Bus Union; the Pharmacy Guild; and, crucially, the SDA, whose No-one Deserves a Serve campaign has been highlighting this issue for a number of years. Their message has been consistent: workers are facing escalating abuse and violence, existing offences are not being used consistently and we need clearer tools, from tougher penalties to better reporting and stronger civil mechanisms, to change behaviour.

As we head into the Christmas and summer trading period, retail, hospitality, fast-food and transport workers will once again shoulder long hours, big crowds and frayed tempers. They do that whilst the rest of us can go about buying our presents, sharing meals and enjoying a break. They deserve more than our thanks; they deserve the full protection of the law. This bill tells them: we see you and value your work, and if someone assaults, threatens or abuses you because you are doing your job, the justice system will treat that with the seriousness it deserves. I commend this bill to the house.

Council divided on motion:

Ayes (32): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (6): Katherine Copsey, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Read second time.

Instruction to committee

The PRESIDENT (16:44): I have considered the amendments on sheet EM57C circulated by Mr Mulholland. In my view amendments 5, 12 and 13 are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. This could trigger a procedure motion.

Evan MULHOLLAND (Northern Metropolitan) (16:44): I move:

That it be an instruction to the committee that they have power to consider amendments and a new clause to amend the Magistrates' Court Act 1989 to provide for the Magistrates' Court to make orders to prevent and reduce unacceptable conduct engaged in by members of the public in certain workplaces.

Motion agreed to.

Committed.

Committee

Clause 1 (16:46)

Katherine COPSEY: Minister, can you confirm there are no mandatory sentencing provisions within this bill?

Enver ERDOGAN: I can confirm there are no mandatory minimum sentences for any of the offences in this bill.

Katherine COPSEY: Minister, on the expansion of 'assault' under section 31, can you explain why the government considers it necessary to create a specific indictable assault offence for customer-facing workers, given that existing assault provisions already apply to all alleged victims?

Enver ERDOGAN: The new indictable assault offence is distinguishable from the existing general assault offence in that it does not contain the requirement that the accused person intended to commit an indictable offence as an element of the offence. Therefore in theory – and we will see it in practice if the law is to be implemented – it should be easier to apply this new provision than the existing general provisions under the existing law. So the goal is that it does not contain a requirement that the accused person intended to commit an indictable offence. Therefore there is a lower threshold to prosecute someone on this basis, and it means the new offence will apply to a greater range of conduct than the existing offence under section 31(1)(a), addressing the trends identified for customer-facing workers.

Katherine COPSEY: What assessment has been made of the likely impact of these changes on people experiencing mental illness or homelessness, who are already over-represented in low-level public order and in assault charges?

Enver ERDOGAN: I think that is a really good question, and we do understand that it is important that we tackle the issue of retail crime and the harmful effects it is having on frontline workers, especially in this environment, as the data shows us that that seems to be a growing trend, unfortunately. But it is also relevant that they be proportional, and we know that there are groups that are disproportionately vulnerable cohorts, including people experiencing mental illness and other issues, as you have stated. I think in terms of their application, we do know that there are a number of steps that need to be proved or thresholds to be met for this law to apply. We will need to prove, for example, that the accused knew or was reckless as to whether the victim was a protected worker. The mental element must be proven before an accused is found guilty of these offences. That is an important safeguard. Of course for an offence to apply the conduct must also be in connection with the performance of the worker's duties. That is another threshold question. Really, we do know that there is an element of existing provisions in our laws that deals with the way vulnerable people are treated, and Victoria Police continue to exercise their discretion to issue a caution instead of charging

a person where appropriate or to consider whether an offender should be considered part of a diversion program. Police will still have that discretion. Ms Copsey, as you would be well aware as an officer of the court yourself, the bill does not limit the court's judicial discretion to determine appropriate sentencing in terms of the relevant sentencing factors, including any vulnerability of the accused and the impacts on the victim, so enforcement have the discretion and the courts have the discretion still to consider those vulnerabilities. I think they are the main relevant factors that they could consider.

David LIMBRICK: I have just got a couple of questions. Proposed section 51C(2) provides some guidance for what is defined as customer-facing duties, but subsection (4) mentions such duties may not involve interacting with customers. My question is: would such duties include those performed over a carrier service, such as interactions via phone or the internet?

Enver ERDOGAN: That is a very good question, Mr Limbrick. It is my understanding that the bill deliberately defines the applicable customer-facing workers broadly so that it reflects a broader definition than a definition that would exclude people. I might go to the box to get some clarity on that specific example.

I can confirm that it is intended for this to apply to people that work at a premises with an outward-facing look, so therefore telemarketers are not intended to be captured by this act.

David LIMBRICK: I thank the minister for that clear answer. That clears that one up. My next question is: why did the government decide to include landlords or managers of retail shopping centres in the coverage of these laws?

Enver ERDOGAN: Mr Limbrick, I think you can see many circumstances where they are on the frontline themselves in dealing with customers as landlords and therefore responding to what we are seeing – more so that people that are employed by landlords are included; I think that was the real purpose. The landlords themselves are protected, because they are usually on the front line also.

David LIMBRICK: That leads me to the next question. For the purpose of proposed subsection (6), would a business renting a premises from a shopping centre operator be treated as a customer of the shopping centre?

Enver ERDOGAN: Could you just repeat that, Mr Limbrick?

David LIMBRICK: In terms of the customer of the service provider-client relationship, I am just trying to clarify: if a shopping centre operator is included in these laws, would a tenant of that shopping centre be considered a client and therefore subject to these laws? Let us say the tenant in the shopping centre abused, for example, the shopping centre owner, would they be captured by these laws?

Enver ERDOGAN: If they are employed by the landlord, they would be captured; that is the goal. But if they are not necessarily a customer-facing worker, then they would not have the same protection.

David LIMBRICK: I think you are telling me that a tenant is not employed by the landlord or the shopping centre owner, they are paying a fee to run their business there. So they would not be covered under this law.

Enver ERDOGAN: Unless they are working in a front-facing role themselves also.

David LIMBRICK: All right. Understood.

Katherine COPSEY: I want to speak a little bit about the new offence of offensive or insulting conduct under clause 7, which will amend the Summary Offences Act 1966. What is the policy justification for introducing a new summary offence criminalising profane, indecent, obscene, threatening, abusive or insulting language when there are existing offence provisions that already capture similar behaviour?

Enver ERDOGAN: I guess the purpose of this new summary offence is to provide specific protections for applicable customer-facing workers to protect them from having to face this kind of

language and behaviour, because we do know that it has a deep impact on frontline workers. Although in many of these instances we are referring to non-physical violence or abuse, I think the impact it has on workers is quite telling. We have seen an increase in this kind of behaviour. In my contribution I talked about frayed tempers, and we are seeing that more and more in the way people interact with each other. So I think the real issue here is that we are seeing more and more of these instances occurring, and there is a lot of evidence to show that. I pointed to, for example, the SDA survey in 2023, which showed that 87 per cent of workers had faced some sort of abuse, and some of that was in the form of insulting or profane language.

Katherine COPSEY: How will the government ensure that this offence is not used to criminalise vulnerable people, such as those who are experiencing mental illness, homelessness or distress in public places, including retail settings?

Enver ERDOGAN: As with my answer to your earlier question, the new offences will only apply if specific elements are met, but at the same time I think our justice system does have the flexibility to respond. Victoria Police or law enforcement have the powers to issue cautions or divert people away when they believe it is not appropriate. Of course, if someone is then charged and convicted, judicial officers still have quite significant discretion, enabling them to take into account all relevant factors, including people's vulnerabilities. So I think there are existing protections more broadly in our justice system that would be applicable for people that are vulnerable.

Katherine COPSEY: Just to discuss now the proportionality of some of the penalties set out in this bill, why does the bill set a maximum penalty of six months imprisonment for this new indecent or offensive language offence, which is triple the existing maximum for similar conduct in public?

Enver ERDOGAN: I think the government has been clear in our intention to send the strongest possible message, and this penalty is designed to respond to data and consultation advice that there is a disproportionately high prevalence of this kind of behaviour in the retail, fast-food, hospitality and passenger transport industries. The sentences reflect the need to protect these vulnerable customer-facing workers from this kind of behaviour and to deter potential offenders from such acts. Therefore we believe there is a strong need to increase these penalties.

Katherine COPSEY: Does the government believe it is proportionate or consistent with community expectations in this state and in Australia, which has a great love of, in common usage, very direct language, in 2025 to impose a term of imprisonment for swearing or offensive language?

Enver ERDOGAN: Of course in all our justice settings we believe there needs to be a proportionate response, and that is why these are matters for the courts to consider in the circumstances. We know that obviously in the vernacular that people use there can also be a class basis for that. So I do accept that there are other reasons for the way people express themselves, but I think these are matters for courts to consider when assessing whether the conduct meets the criminal threshold. There is case law around this, existing case law, that has found that for it to be offensive it must be calculated to wound the feelings of or arouse anger or resentment or disgust or outrage in the mind of a reasonable person. The test more broadly is 'reasonable person', and that would be a test that is applied in a number of court settings, and on 'reasonable person' the court's assessment is based on the prevailing community standards at the time. So it is something that should be durable, as we said, with this law, and that will be something that the courts will need to consider.

Katherine COPSEY: If I could just put this in plain English, I have had outreach from community members, essentially, keen to understand what the government is trying to do with this new offence. They were curious as to whether it is the government's intent to criminalise someone who, for example, gets a cup of coffee that they do not like in a shop and says, 'This bleeping coffee is not what I wanted.' Is it the government's intention to capture that type of casual swearing?

Enver ERDOGAN: I think it is clear that the intention is to protect workers from abuse more broadly. It is a reasonable person test. We do know that even verbal abuse can have a dramatic effect

on workers' wellbeing, and they deserve protection. That is why we are here today. It is a reasonable person test that courts will need to consider, but obviously, before the courts, police will need to also consider it, as there is a lot of discretionary decision-making in our justice system. The reasonable person test is the same test that would apply to that.

Katherine COPSEY: Just finally, on your consultation with Victoria Police about the creation of these new offences, has there been assessment done by Victoria Police about how much time officers may use investigating and responding to new offences created under this bill?

Enver ERDOGAN: It is clear our intention is to provide greater protection, and therefore we would hope to see more use of these existing settings and the more general laws that do exist at this time. Victoria Police has been a member of our worker protection consultation group and was consulted on these reforms. But the application of this will still be up to law enforcement and the courts, which still have discretion to apply them.

Katherine COPSEY: Finally, does Victoria Police support the creation of these new offences?

Enver ERDOGAN: I can confirm that Victoria Police does not oppose these reforms.

Rachel PAYNE: Minister, you did touch on this just before in response to Ms Copsey, but I just want to clarify it. The data from the Racial Profiling Data Monitoring Project has shown that Aboriginal people in this state are overpoliced. As I highlighted in the second-reading debate, Aboriginal people are 15 times more likely to be searched by Victoria Police officers and are 10 times more likely to have force used against them, and this is despite Victoria Police claiming that racial profiling has been banned since 2015. So I am just wondering what protections this bill puts in place to prevent these new laws from further exacerbating any of these disturbing trends.

Enver ERDOGAN: That is a really important issue and an issue which is very close to my heart, because we hear these stories all the time. The research that I pointed out, the SDA 2023 national survey, shows that one in four workers – 25 per cent – experienced abuse based on their race, ethnicity or cultural background, including First Nations people. So people from these vulnerable cohorts are also more likely to be victims. But you are right: in terms of the way the justice system operates, including law enforcement and other stages – the court system – there are many discretionary exercises of power, so to speak. That will still exist, because that is the way the legal framework is. It is something we will need to monitor. That is why it is important we have the two-year review to see how many prosecutions in fact do take place, and maybe a piece of work that we should consider as part of that review is in terms of the profile of those who are captured by this legislation.

Rachel PAYNE: I was actually going to go to the statutory review, but you have answered my question on that one, so thank you for that. Just to follow on, has any modelling been done on how these new laws will impact rates of offending, and if so, what did the modelling show?

Enver ERDOGAN: We did not do specific modelling in relation to these laws, but we do know from the emergency worker laws that we have in place that we are expecting a similar uptake. We did see an increase in prosecutions and convictions in relation to these types of offences, to the different tests we have applied, and that is what we are expecting here.

Rachel PAYNE: There is a clear relationship between increased rates of violence in retail settings and cost of living. We know that this kind of violence is inexcusable, but while people are struggling to afford groceries, it is not unexpected. How is this government addressing cost of living at the same time that these laws are being introduced?

Enver ERDOGAN: Thank you, Ms Payne, for touching on an issue that is really, again, close to my heart. I think as a government cost of living has been our number one focus, in particular with our power saving bonus, the support we are providing for free child care and also for young families with three- and four-year-old kinder, and support for sports programs in the health sector. In every part of the work we do we are focused on cost-of-living measures to support Victorians. I do appreciate that

probably it is a broader question you are asking, which is outside the scope of this bill, but hopefully I was able to assist.

Rachel PAYNE: Just turning to other measures to support this legislation, what other measures are being put in place alongside the increased penalties to address rates of violence against retail, fast-food, hospitality and transport workers, if any?

Enver ERDOGAN: It is an issue that has been discussed at length during the contributions. We are also focused on introducing worker protection orders. These are in the form of intervention orders that will be in place next year based on what we have seen in ACT and South Australia that have been implemented. As well, I talked during my ministers statement today about our violence reduction unit, because we know a key goal needs to be about working with young people in particular to turn them away from a life of crime. One example is through lived experience mentoring. Others are done through programs at the school level. I know the Deputy Premier and the Premier were also out today talking about some of their partnerships, for example, with the Melbourne Storm, about having programs that engage young people in sport. I think we need to do that work out in the community as well as specific direct changes to the laws, such as worker protection orders, which we will be doing in the first half of next year.

Rachel PAYNE: This is my final question. It is intended that the new summary offence for lower level assaults will be used in place of the existing common assault offence. How will it be ensured that this occurs?

Enver ERDOGAN: I guess with these laws in place it is intended that, where the elements are met – that being a front-facing worker is abused – the police will have the discretion to apply the applicable law.

Evan MULHOLLAND: I am just wondering if this bill also applies to other customer-facing roles that might not be retailers. I have had a couple of local councils reach out, obviously acknowledging that many of their customer-facing staff have experienced incidences of assault. I am just wondering if I could get some clarification around that.

Enver ERDOGAN: The goal is to ensure that the protections are extended to all of what I would call traditional retail-facing roles. I did listen to your contribution, Mr Mulholland, which was a point that I have seen as well, to talk about retail, fast food and hospitality as being some of those traditional roles, including the commercial passenger transport sector. An example is convenience stores or petrol stations; they are expected to be covered, as they are front-facing roles. People that work in Chemist Warehouses – that is why the Pharmacy Guild was involved in the consultation, for example – are expected to be covered. We try and take a broader front-facing role, not necessarily extending it to what I would call a professional services level, but more the retail space.

Evan MULHOLLAND: Just to clarify, that is a no?

Enver ERDOGAN: Could you ask the question again?

Evan MULHOLLAND: I asked if the classification in this bill also applied to front-facing customer service workers, like at a local council.

Enver ERDOGAN: No.

Evan MULHOLLAND: It is important for clarification. Mr Galea in his contribution mentioned a reference group that he was a part of in relation to this bill. Would you be able to let me know who the members of that reference group are?

Enver ERDOGAN: Members of the worker protection group are brought together – they might not be permanent members. But groups that were part of and involved in this group were unions and obviously industry. The Worker Protection Consultation Group brought together a number of stakeholders, including the Office of Public Prosecutions, Victoria Police, the Australian Retailers

Association, the Transport Workers' Union, the Rail, Tram and Bus Union, the Pharmacy Guild and the SDA. All of those groups were consulted as part of this Worker Protection Consultation Group.

Evan MULHOLLAND: How many members of Parliament were on that group?

Enver ERDOGAN: Mr Michael Galea and the Attorney-General were on that group.

The DEPUTY PRESIDENT: If there are no further questions on clause 1, I will invite Mr Mulholland to move his amendment 1, which tests his amendments 6 to 8.

Evan MULHOLLAND: These amendments create a three-tier system that reflects the seriousness of assault. If an assault does not cause physical injury, the maximum penalty will be four years; if assault causes physical injury but not serious injury, the maximum penalty will be six years; and if an assault results in serious injury, the maximum penalty would be 11 years. These provisions are modelled on the New South Wales approach, which has been shown to be effective and was indeed endorsed by the Minns government. They ensure that the penalties have real force, rather than symbolic value, by making assaulting a retail worker a summary offence. Labor's legislation actually makes this assault a lesser offence than an assault that takes place elsewhere. I move:

1. Clause 1, lines 5 and 6, omit "assaulting, or threatening to assault," and insert "assaulting".

Enver ERDOGAN: I thank Mr Mulholland for his amendment. I wish to confirm that the government will not be supporting his amendment. We believe we have struck the right balance in sending a message, and this is an important step in addition to worker protection orders, which we will be introducing next year.

Katherine COPSEY: The Greens will not be supporting this amendment. As I spoke to in the second-reading debate, we consider the new offences created are not going to assist, and on similar grounds we will not support the Liberals amendment to strengthen those.

Amendment negated.

The DEPUTY PRESIDENT: Mr Mulholland, I invite you to move your amendments 2 to 4, which test your amendments 9 to 11.

Evan MULHOLLAND: I move:

2. Clause 1, page 2, line 9, omit "new offences" and insert "a new offence".
3. Clause 1, page 2, line 9, omit "assaulting, or".
4. Clause 1, page 2, line 11, omit "intimidates," and insert "intimidates".

These are basically the summary offences ones. They make assaulting a retailer a summary offence. Labor's legislation effectively makes assault a lesser offence than what exists elsewhere. As Mr Limbrick put it, it is a 'double illegal' bill, and this makes it have a bit more of a serious consequence.

Enver ERDOGAN: Similar to my response to the previous question, I believe we have struck the right balance, and we will not be supporting Mr Mulholland's amendments.

Katherine COPSEY: On similar grounds, the Greens will not be supporting these amendments.

Council divided on amendments:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David

Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negated.

Evan MULHOLLAND: I move:

5. Clause 1, page 2, after line 15 insert –

“(ba) to amend the **Magistrates’ Court Act 1989** to provide for the Magistrates’ Court to make orders to prevent and reduce unacceptable conduct engaged in by members of the public in certain workplaces; and”.

This amends the Magistrates’ Court Act 1989 to create workplace protection orders. Workplace protection orders have been called for by industry, by workers, by unions and by frontline workers. Workplace protection orders protect workers in a way that criminal charges alone cannot. They allow for early intervention. They provide a clear, enforceable barrier between offenders and staff. They are a proven tool. It is why such a broad section of our workforce supports them. It is why the Premier supported them, did not support them and then supported them again but not in time to put them in this bill. I am providing the chamber with an opportunity to support them within this bill.

Enver ERDOGAN: The government will not be supporting Mr Mulholland’s amendment, because we are already taking the next step and preparing to introduce workplace protection orders early next year. In April next year, as the Premier has outlined, they will be before this chamber, and I look forward to everyone’s support when they come to the chamber.

Katherine COPSEY: The Greens will not be supporting this amendment from the Liberals today. We note the government’s comments that they are progressing legislation in this regard. We will look at that with interest when it is brought forward. These orders may have some merit where they are in operation. They do, however, raise tensions. For example, what if someone is banned from the only food shop that is accessible in their home town? There are rights issues that need to be carefully worked through in the development of this sort of legislation. We look forward to seeing that scrutinised as it comes through but do not have the confidence that, if implemented today, that work would have been done. That is why we will not be supporting the amendment today.

David LIMBRICK: I am sympathetic to the idea of these orders. However, I do have concerns about how this might operate, so I will not be supporting this amendment today. But I will reconsider this issue when the government brings forward a bill early next year.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negated.

Clause agreed to; clauses 2 to 14 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:29): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:29): 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.

Justice Legislation Amendment (Community Safety) Bill 2025

Introduction and first reading

The PRESIDENT (17:30): I have received a 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**, the **Crimes Act 1958**, the **Criminal Procedure Act 2009**, the **Magistrates’ Court Act 1989** and the **Youth Justice Act 2024** and for other purposes.’

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:30): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move:

That the bill be treated as an urgent bill.

Council divided on motion:

Ayes (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, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (8): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:37): 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 (Community Safety) Bill 2025 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is in part, incompatible with the human rights set out in the Charter. The measures in the Bill constitute significant limits on the fundamental rights of children who are by their nature a vulnerable cohort, which require a very high standard of justification in order to be compatible with rights. While it is my strong view that the Bill is necessary to address compelling and pressing community safety concerns brought about by unprecedented incidents of serious and violent offending by children, my acknowledgement of incompatibility accepts the inherent difficulty in meeting this high standard of justification. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The purposes of the Bill are to:

- a. amend the *Crimes Act 1958 (Crimes Act)* to:
 - i. increase the maximum penalties for specified serious, high-harm offences. These proposed reforms seek to ensure that sentences for these offences adequately reflect the gravity of the offending, particularly in cases involving high levels of culpability;
 - ii. introduce a new knife crime offence, criminalising the use of a knife by a person in the commission of specified indictable offences;
 - iii. amend the existing offence of carjacking to include the presence of a child victim in the car as a standalone element of the offence; and
 - iv. make any other consequential amendments that are required;

(Crimes Act reforms)

- b. amend the matters the Children's Court must have regard to under the *Children, Youth and Families Act 2005 (CYF Act)* when sentencing a child, to reflect certain sentencing principles in the *Youth Justice Act 2024 (YJ Act)* with modifications (before the full commencement of the YJ Act), including:
 - i. the sentencing principle in section 204 of the YJ Act – protection of the community from reoffending ('community protection principle'); and
 - ii. the sentencing principle in section 207 of the YJ Act – impact on victims ('victim principle'); and
- c. amend two sentencing principles in the YJ Act before they commence:
 - i. the 'community protection principle'; and
 - ii. the sentencing principle in section 208 of the YJ Act – minimum intervention ('minimum intervention principle').

((b) and (c) together the sentencing principle reforms)

- d. amend the CYF Act and YJ Act so that the Children's Court no longer has jurisdiction to hear and determine specified serious, high-harm offences for 15- to 17-year-olds and to require uplift for other age cohorts and offences unless exceptions apply (**uplift reforms**).

Human rights issues

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

- the right to equality (section 8);
- the right to life (section 9);
- protection from torture and cruel, inhuman or degrading treatment (section 10);
- the right to the protection of families and children (section 17);
- the right to liberty and security of the person (section 21);
- the rights of children in the criminal process, including that children be brought to trial as quickly as possible (section 23);
- rights in criminal proceedings, including that a child charged with a criminal offence has the right to a procedure that takes account of that child's age and the desirability of promoting the child's rehabilitation (section 25);
- the right not to be tried and punished more than once (section 26); and
- retrospective criminal laws (section 27(2)).

For completeness, in addition to these primary rights affected by the Bill, it is acknowledged that the amendments in the Bill will cause more children to receive custodial sentences and longer sentences will be available than those currently imposed by the Children's Court. A sentence of imprisonment necessarily involves the limitation of other rights, including freedom of movement (section 12), the right to privacy

(section 13(a)), the rights to practice religion and enjoy cultural rights (sections 14(1)(b) and 19), freedom of expression (section 15(2)), right to peaceful assembly and freedom of association (section 16), the protection of families and children (section 17) and the right to property (section 20). This is the result of the deprivation of liberty and the powers held by officers in charge of custodial facilities that are necessary to maintain good order and security of the facilities and the welfare of detained persons. The family unit will also be affected when a family member is made subject to an imprisonment order. As all these limitations are a lawful and necessary consequence of a sentence of imprisonment, I do not propose to discuss these secondary impacts in detail, beyond acknowledging the wide range of human rights that are limited by a sentence of imprisonment.

General importance of the Bill

As my below discussion on the human rights limits imposed by the Bill will largely draw on a common purpose, to avoid repetition, I will set out the importance of the Bill's purpose first.

The Bill is aimed at addressing pressing and substantial concerns, which are of sufficient importance to justify limiting rights. The Bill seeks to address increasing levels of crime in Victoria and to respond to increasing threats to community safety from serious, violent offending, including by children. Following a rapid review into Victoria's justice system settings announced by the Premier in February 2025, government has progressed reforms to increase community safety, including strengthening bail laws. Despite these reforms, Victoria continues to experience high crime rates. Victoria Police report that child crime (aged 12 to 17) remains at the highest levels since electronic records commenced. Children are overrepresented in serious and violent crimes such as home invasions and carjacking with approximately half of alleged offences incidents for these offences in the past year being linked to offenders under 18. In the last year, Victoria Police has arrested thousands of youth offenders as part of Operation Trinity (home burglaries and car thefts) and Operation Alliance (youth gangs).

This Bill is a response to these significant incidents of youth crime, which are of deep concern to the government and the Victorian community. The Bill contains reforms targeting specific offending which, whether or not it is committed by children, has significant and harmful impacts on victims. Offending involving serious violence causes a wide range of serious harms. These harms affect not only the immediate victim but also the child, their family, and the wider community. The harms caused by violent offending tend to be deeper and more long-lasting than those associated with non-violent youth crime.

Home invasions and carjacking, particularly when aggravated, are some of the most serious offences because of the gravity of harm they cause, which can be wide-ranging and enduring. This includes physical harms as a result of violence in the commission of this offending, psychological and emotional harms arising from the loss of security of home and the impact on families (including young victims). There are also social harms from the resulting fear that in turn erodes community trust, increases collective anxiety and reduces social cohesion. There is also strain on emergency services and resulting costs to the economy relating to the destruction of property and the provision of increased security measures. This offending is high profile and ultimately contributes to a loss of public confidence in safety.

The Bill seeks to reduce the instances of this offending by increasing deterrence, accountability, punishment and statutory denunciation of such offending. This is done by ensuring that people who commit such offences are subject to higher penalties and liable to being sentenced to adult sentences, irrespective of them being children. This sends a strong message to offenders and the community that those who commit these offences will face severe consequences. The Bill prioritises community safety and recognises the impact of serious, violent offending on victims, including on the enjoyment of their human rights under the Charter.

Increasing criminal penalties***Promotion of various human rights***

Clauses 3 to 7 of the Bill increase the maximum penalties for, respectively, causing serious injury intentionally in circumstances of gross violence, causing serious injury recklessly in circumstances of gross violence, aggravated home invasion, and aggravated carjacking. As these offences involve a victim being seriously injured, or having their home or property interfered with, increasing the maximum penalties that apply for these offences increases the deterrence, denunciation and punishment for such offending, in order to protect the community. This in turn safeguards and protects various human rights of members of the public, including their rights to life (section 9), security of person (section 21), privacy of home (section 13), and where victims may be families or children, protection of families and children (section 17). It provides courts with scope to sentence serious offenders to a period of imprisonment that is proportionate to the gravity of their offending, facilitating community safety from further unlawful and dangerous behavior.

Clause 7 sets a higher maximum penalty for recruiting a child to engage in criminal activity, which promotes the right in section 17(2) of the Charter. This right provides that every child has the right to such protection

as is in their best interests and is needed by them by reason of being a child. Clause 7 recognises that children are particularly vulnerable and provides courts with scope to impose higher sentences for adults who recruit children to engage in criminal activity. This sends a strong message to the community that adults who recruit children to engage in criminal activity will face tougher penalties.

New offence of using knives in the commission of certain indictable offences and broader offence of carjacking

Clause 9 inserts into the Crimes Act the offence of using knives in the commission of certain indictable offences. Clause 10 amends the offence of carjacking in section 79(1) of the Crimes Act to insert a new element of the offence in relation to the presence of a child victim in the car.

Promotion of various human rights

The rights to life and security of person have been interpreted internationally to impose positive obligations on a state to take reasonable measures to safeguard life and protect against personal violence, including by ensuring its criminal law framework provides adequate and effective accountability for the commission of acts of violence. Similarly, the Charter imposes obligations on the State to ensure the protection of children and families (section 17).

Knife crimes can be fatal or cause serious, long-term injury. Criminalising the use of a knife by a person in the commission of the following indictable offences (see new section 195X(2), inserted by clause 9) recognises the serious impact knife crime has on victims and community safety:

- causing serious injury or injury intentionally or recklessly (sections 16–18 of the Crimes Act);
- assault (section 31(1)(a) Crimes Act);
- affray (section 195H Crimes Act); and
- violent disorder (section 195I Crimes Act).

Similarly, the presence of a child victim during the commission of a carjacking or aggravated carjacking offence can cause significant harm to the child. Amending the offence of carjacking to include the presence of a child victim in the vehicle as a standalone element of the offence protects the life of those victims while sending a strong message to the community that such conduct will not be tolerated.

In recent times, young children have been the victims of carjackings where offenders have stolen a parked car with a child in the back seat. Disregard for children's safety is an aggravating feature of this offending, which will now be appropriately captured by clause 10. This in turn promotes the protection of Victorian children and their families.

Right to be presumed innocent until proved guilty (section 25)

Clause 10(2) inserts an element of strict liability in the amended carjacking offence so that it is immaterial whether or not the accused knew that there was a child in the vehicle at the time of stealing it. This also impacts the offence of aggravated carjacking because committing carjacking is one element of that offence. The imposition of a strict liability element engages section 25(1) of the Charter, particularly when that offence is liable to a penalty of imprisonment. The right is considered a fundamental one, which requires a legitimate and sufficiently important purpose to justify any limit.

To the extent that the imposition of a strict liability element to an indictable offence punishable by imprisonment constitutes a limit on the presumption of innocence, in my view it is reasonably justified. The purpose of this amendment is sufficiently pressing and important and is directed at safeguarding the child victim from the inherently traumatic experience of being present during such an offence. A child passenger who is present during a carjacking is not simply a bystander but is a direct victim. The experience exposes them to a uniquely severe set of harms due to prospect of direct physical danger, acute psychological trauma, and developmentally specific vulnerabilities. These harms can be both immediate and long-term, including social, developmental, and family harms. Introducing a strict liability element is an appropriate response to the impact of carjacking on child victims, who in many circumstances have no capacity to protect themselves. This vulnerability to severe harm remains present regardless of whether the offender intended to commit the carjacking involving the child, or had any prior knowledge of the child's presence. In this way, the need for strict liability element mirrors that which is commonly accepted in a regulatory context where there is a need to protect the safety of vulnerable persons who are entirely dependent on the care and compliance with the law of other people. Finally, I note that the remaining elements of the offence of carjacking must still be proven by the prosecution, including the fault elements relating to the act of stealing the vehicle.

To the extent that the amended carjacking offence limits the right in section 25, it is a reasonable and justified limitation.

Right not to be tried or punished more than once (section 26)

Section 26 of the Charter protects a person's right not to be tried or punished more than once for an offence in respect of which that person has already been finally convicted or acquitted in accordance with law.

The maximum penalty for the new knife crime offence will be 3 years imprisonment, which is on top of the maximum penalty for the specified indictable offence.

Currently, knife-related offences focus on the possession, use or carrying of a particular weapon (for example, sections 5AA and 6 of the *Control of Weapons Act 1990*). There are also general offences, which capture the possession of an offensive weapon during the commission of the offence (e.g. aggravated burglary and armed robbery). In those matters, the use of a particular weapon such as a knife is considered during sentencing and the type of weapon is considered an aggravating factor. If the court determines that the use of a knife increases the seriousness of the offending, it may reflect this in the sentence imposed. However, consideration of whether such conduct aggravates a person's offending is not required by statute and accordingly occurs to varying extents.

I consider that providing for this new offence will not limit the protection against double punishment. Once the new knife offence is introduced, it is possible that elements of this offence could also establish other offences or be considered an aggravating factor in sentencing. Nevertheless, the new knife crime does not displace the common law rule against double jeopardy nor the rule against duplicity, which protect an accused from being the subject of multiple prosecutions or convictions arising out of the same set of facts. As such, an accused will still be protected from the court imposing 'double punishment' for the use of a knife in the commission of an offence.

Mandatory uplift reforms

The mandatory uplift reforms in Part 4 of the Bill will amend the CYF Act and the YJ Act so that children aged 15–17 at the time of the alleged commission of, and who are charged with, any of the following designated offences:

- aggravated home invasion (section 77B Crimes Act);
- aggravated carjacking (section 79A Crimes Act);
- home invasion (section 77A Crimes Act);
- intentionally causing serious injury in circumstances of gross violence (section 15A Crimes Act); or
- recklessly causing serious injury in circumstances of gross violence (section 15B Crimes Act) –

are removed from the jurisdiction of the Children's Court and (if the child is committed to stand trial) dealt with by the County Court, where they can be sentenced according to the *Sentencing Act 1991* (**Sentencing Act**), if they are found guilty (noting the Supreme Court and County Court also have access to sentencing options under the CYF Act and later the YJ Act in appropriate circumstances – see CYF Act section 586(1) and YJ Act section 241(1)).

Protection of children (section 17(2)) and criminal process rights of children (sections 23 and 25(3))

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 provision is modelled on article 24(1) of the International Covenant on Civil and Political Rights and its scope is informed by the Convention on the Rights of the Child and other relevant United Nations materials. The right protects important values, including bodily integrity, mental health, dignity and self-worth.

What is in a child's best interests will depend on the specific circumstances of the child or group of children and the particular decision being made or action being taken. The level of protection required will ordinarily differ depending on the age of the child, in recognition of the progressively developing capacities of the children. The scope of section 17(2) in the youth justice context may be informed by the United Nations Standard Minimum Rules for the Administration of Justice ('Beijing Rules'), which require youth justice systems to emphasise children's wellbeing and ensure that responses to children and young persons within the youth justice system are proportionate. The Supreme Court has indicated that the right requires the state to ensure the survival and development of the child to the maximum extent possible.

In the context of youth justice and sentencing, the right is given effect to by a youth justice framework that emphasises rehabilitation and diversion from the criminal justice system, and where the court is empowered to impose a sentence that is connected to the provision of relevant supports to address the drivers of a child's offending. The right also emphasises child sentencing principles that promote minimal intervention and mandate that a custodial sentence is only to be imposed as a last resort and for the minimum appropriate period.

Sections 23 and 25(3) of the Charter protect the rights of children in the criminal process. In this Statement, the rights in sections 23 and 25(3) are referred to collectively as ‘rights of children in the criminal process’.

Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for their age. Age-appropriate treatment may incorporate matters such as minimising stigma, preservation of family relationships, primacy given to rehabilitation when sentencing children, and the modification of the criminal process to promote the positive development of the child and protect their particular vulnerability. It also extends to requiring separate facilities for children deprived of their liberty, including distinct, child-centered staff, personnel, policies and practices.

Under section 23(2), an accused child must be brought to trial as quickly as possible. This right has been interpreted as imposing an obligation to take positive steps to proceed as expeditiously as possible within what the circumstances will allow.

Section 25(3) provides that a child charged with a criminal offence has the right to a procedure that takes account of their age and the desirability of promoting their rehabilitation. This right is directed at ensuring that children can effectively participate in the legal process. It may require procedures that are targeted to child defendants (such as ensuring the provision of age-appropriate explanations) and that assist them to effectively participate in the proceeding. The right in section 25(3) may also require courts to take steps to ensure that the trial process does not expose a child defendant to avoidable intimidation, humiliation and distress, and may require alternative measures to criminal proceedings to be adopted where appropriate.

The Bill is relevant to these rights because the mandatory uplift reforms will remove the Children’s Court jurisdiction to hear and determine certain offences committed by 15- to 17- year-old children. This will affect children’s substantive and procedural rights as follows:

- The higher courts can impose longer sentences on those children for the uplifted offences under the Sentencing Act, which were previously only available to adult offenders (other than in the limited existing circumstances of uplift). This affects a child’s entitlement under the section 17(2) right to a sentencing framework that emphasises rehabilitation and minimum intervention.
- It will require children committed to trial for those offences to instead stand trial in the higher courts, which are not a specialist jurisdiction dealing exclusively with children. This affects a child’s entitlement to an age-appropriate process that is best provided by the Children’s Court.
- It will increase the scope for children to receive terms of imprisonment that will be served in adult custodial facilities, where the conditions of detention are more burdensome than those which would apply in a youth justice facility and not designed for the developmental needs of young people.

Accordingly, I consider that these reforms limit the rights protected by sections 17(2) and 23(3) of the Charter. Under the Charter, these rights may be subject only to reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom taking account the relevant factors in section 7(2), which are considered below.

Nature of the rights

I have discussed the scope of the relevant children’s rights, above. These rights are ultimately directed towards protecting the vulnerability of children and as a result, are given particular weight above the rights of other members of the community. These rights require pressing and significant countervailing interests in order for any limitation to be justified.

Importance of the purpose of the limitation

As I said out above, the purpose of these uplift reforms is to protect the community from the threat of serious and violent offending by children aged 15 to 17 years by ensuring that they are sentenced in the higher courts, which are well equipped to deal with such offending and which have the capacity to apply the sentencing options that are appropriate to address the nature of the offending. The uplift reforms are intended to send a strong message to offenders and the community that these offences will not be tolerated and will be subject to severe consequences. These purposes embrace punishment, denunciation and deterrence. In this regard, the interests of the individual child are balanced with the interests of the community, including safety and maintaining confidence in the criminal justice system and the rights of the community to liberty and security (section 21) and their right to life (section 9).

Nature and extent of the limitation

The nature and extent of the limitation on these human rights will be as follows.

Adult sentences

The maximum length of a custodial sentence that can be imposed in the Children's Court is 3 years for any offence. As a result of the mandatory uplift reforms, children aged 15 years and over charged with any of the mandatorily uplifted offences will now face sentences as follows:

- aggravated home invasion and aggravated carjacking – up to 25 years (to be increased to a maximum life sentence under clauses 5 and 6 respectively);
- intentionally causing serious injury in circumstances of gross violence – up to 20 years (to be increased to a maximum of 25 years under clause 3);
- recklessly causing serious injury in circumstances of gross violence – up to 15 years (to be increased to a maximum of 20 years under clause 4); and
- home invasion – up to 25 years (maximum penalty not amended by the Bill).

The framework of the Sentencing Act has a much stronger focus on punishment and deterrence, as compared with the strong focus on diversion, rehabilitation and minimum intervention in the CYF Act and YJ Act. As a result, it is expected that the mandatory uplift reforms will lead to more children receiving custodial sentences than in the Children's Court, these sentences being longer than those imposed by the Children's Court, and more sentences of imprisonment being imposed (which the Children's Court does not have available as a sentencing option).

However, I note that the CYF Act already provides for certain serious offences to be outside of the jurisdiction of the Children's Court, and these matters are currently heard and determined in the higher courts.¹ This existing uplift scheme in the CYF Act is reproduced in the YJ Act but has not yet commenced. It was considered compatible with Charter rights in the statement of compatibility when the Youth Justice Bill 2024 was introduced. The Bill seeks to expand the range of offences for which the Children's Court does not have jurisdiction to include other serious offences that I consider cause similar grave harm to the community.

Aggravated home invasion and aggravated carjacking offences are currently known as 'Category A serious youth offences' under the CYF Act. Where these crimes are committed by children 16 years and over, they are currently subject to a requirement that they will be heard and determined by the higher courts unless exceptions apply. This is in recognition of the gravity of these offences and the grave impacts of this kind of offending on victims. In many cases children charged with these offences are already subject to the jurisdiction of the higher courts and may only be sentenced to a youth justice centre order or youth residential centre order in exceptional circumstances. Home invasion, intentionally causing serious injury in circumstances of gross violence and recklessly causing serious injury in circumstances are currently known as 'Category B serious youth offences'. This means that the Children's Court must consider uplifting the offence to the higher courts.

Currently under the CYF Act the tests for uplift of Category A and B serious youth offences operate only in respect of offenders aged 16 years and over. In making 15-year-olds subject to the mandatory uplift, the Bill represents a significant limitation of the rights of those children under the Charter because of their vulnerability.

Being subject to adult sentences under the Sentencing Act (meaning likely longer sentences and sentences in an adult prison) is a significant limitation on the right to protection of children, given that detention can be particularly criminogenic for children, and on the right of children convicted of an offence to appropriate treatment for their age.

However, as noted above, the Supreme Court and County Court have an existing power to sentence under the CYF Act (or YJ Act, when it commences) in appropriate circumstances. This will have the effect of ensuring that limitations on the right to the protection of children's best interests and the right of children to appropriate treatment, are in some cases justifiable and proportionate.

Limitations on procedural rights

The uplift reforms will have implications for a child's procedural rights, including that:

- preparation for trial before the higher courts may result in a comparatively longer period of time elapsing before the matter is heard than if it was determined summarily in the Children's Court; and
- the higher courts are not a specialist jurisdiction dealing exclusively with children, and do not provide the same standard modifications (both procedurally and in terms of the physical characteristics of the court) that are a primary focus of the Children's Court, which is focused on giving the best effect to a child's participation and prospects of rehabilitation.

That said, these rights are still afforded a level of protection in the higher courts, which will go some way to reducing the extent of these limitations. The higher courts may still give effect to children's procedural and

fair hearing rights under section 6(2)(b) of the Charter. This includes that the trial be conducted in accordance with established criminal procedures directed at safeguarding a fair hearing, and ensuring a criminal charge is determined without unreasonable delay.

A higher court will also still be obliged to modify its procedures to ensure the effective participation of a child accused, such as ensuring the provision of age-appropriate explanations and that the trial process does not expose a child defendant to avoidable intimidation, humiliation and distress.

However, I recognise that, in practice, a non-specialist court will not have the same capacity to give effect to a child's procedural entitlements to the same standard as the Children's Court, and that, despite the higher courts being obliged to give effect to these rights, in practice, it is more likely a child accused will experience a reduced standard of enjoyment in relation to their procedural rights in circumstances that may constitute a limit on the right.

Consequential limitations relating to accommodation in adult prisons

The expansion of the uplift provisions enlivens a broader range of circumstances for the imposition of a sentence of imprisonment, which will expose a child to the prospect of being imprisoned in an adult prison.

While a sentenced child does not have an express right under the Charter to be segregated from all detained adults, they do have a right to be treated in a way that is appropriate for their age, as well as their general right to protection as is in their best interests, having regard to their developmental needs.

The legislative framework and conditions of detention in adult facilities will be more burdensome than those which would apply in a youth justice facility and will constitute an interference with these rights. Adult prisons do not provide the same level of access to youth-specific, specialised rehabilitative interventions available to a child in a youth justice custodial facility. Further, there is greater prospect for isolation in prison, particularly on protective grounds where a child may be separated from other prisoners to ensure their safety, which can involve necessarily restrictive conditions to effect that protective separation, including time confined in a cell, reduced use of common facilities and limited communication with other prisoners. The conditions in adult facilities are such that they may result in a limitation of children's rights, as well as other rights associated with detention, to a greater extent than a child would experience in a youth justice facility.

However, for completeness, the reforms do not alter the discretions of the Adult Parole Board that exist in CYF Act and the YJ Act to transfer a child from prison to an available youth justice custodial centre where it is appropriate and suitable to do so, and where that child can reasonably be safely and appropriately accommodated there. Accordingly, the legislation will still provide for the child to be accommodated in an age-appropriate way, where the statutory criteria for doing so are satisfied.

Relationship between limitation and its purpose

I consider the expansion of the mandatory uplift is directly related to the overall purpose of punishing, deterring and denunciating this offending, and ultimately ensuring greater community protection.

However, I recognise that the interplay between criminal punishment and child offending is complex, and that there are contrary authoritative views as to whether such measures are capable of significantly reducing youth offending. These views go to the multiple interacting causes of youth crime, the developmental characteristics of children, and whether longer sentences more likely to be served in prison, standing trial in a higher court and potentially being subject to more burdensome conditions of detention, are as effective a deterrent for children as for adults.

Less restrictive means

In my view, and noting the multitude of interacting causes for this offending, I consider there to be no less restrictive means reasonably available. These reforms to mandatory uplift expand on an existing scheme, which do not appear to have struck the necessary balance to respond to serious, violent youth offending.

Conclusion

In my view, the reforms serve a pressing and important purpose, where there is no less restrictive means available. They expand the existing mandatory uplift scheme to new offences that are considered to be of the requisite seriousness to warrant elevation to this category.

However, on balance I acknowledge that the reforms interfere with fundamental protective and criminal process rights of children to a significant extent, in circumstances where other jurisdictions and international bodies have deemed such an approach to be incompatible with children's rights. I also recognise the body of evidence that questions whether harsher punishment is an effective deterrent for children. For these reasons, I accept that this expansion of the mandatory uplift scheme is likely to be incompatible with the Charter.

While the existing uplift scheme was considered compatible with Charter rights when the *Youth Justice Bill 2024* was introduced, these reforms, as noted above, represent an expansion of the scheme. In particular,

these reforms, in applying to children aged 15 to 17 years, are likely to affect a larger cohort of children, who by virtue of their age may be more vulnerable than those captured by the existing uplift scheme. Further, the scheme will apply to a broader range of offences, resulting in significant limitations on children's rights. I take very seriously the need to engage in the analysis contemplated by the Charter in introducing these measures. However, the Victorian Government considers these reforms are an important part of addressing serious, violent youth crime in Victoria.

Requirement of uplift for specified offences unless exceptions apply

The Bill also requires charges for the offences listed above to be uplifted from the Children's Court to the County Court when committed by children aged 14 years (at the time of the alleged offending) unless exceptions apply. Consequently, children aged 14 who commit relevant offences will be able to stand trial in the Children's Court only where one of the legislative exceptions applies.

Further, charges against 14- to 17-year-olds for carjacking (section 79 of the Crimes Act) will also be subject to the same requirement of uplift to the County Court unless one of the same exceptions apply.

The amendments provide that the Children's Court must not hear and determine these specified charges for children in these age groups unless: the child or prosecution requests the charge be heard and determined summarily, and the Court is satisfied that the sentencing options available to it are adequate, and any of the following apply:

- it is in the interests of the victim or victims that the charge be heard and determined summarily, or
- the accused is particularly vulnerable because of cognitive impairment or mental illness, or
- there is a substantial and compelling reason why the charge should be heard and determined summarily.

Protection of children (section 17(2)) and criminal process rights of children (sections 23 and 25(3))

As previously stated, the vulnerability and special status of children is recognised under several provisions of the Charter including when they are involved in the criminal justice system: sections 17(2) (best interests), 23(2) (brought to trial as quickly as possible), 25(3) (procedures that take into account age and rehabilitation) and 23(3) (treated in an age-appropriate way following conviction).

These amendments also engage these rights. As noted above, uplift to the County Court will affect the sentencing of affected children, and will likely mean that more children will receive custodial sentences that are longer than those imposed by the Children's Court.

For applicable circumstances, offences will be uplifted unless a number of specified criteria are made out. These may include that the accused is particularly vulnerable or there is a compelling reason why the charge should be heard summarily (in the Children's Court).

While the test for uplift of 14-year-old children is in parts, protective of children's rights, given it remains open to the Children's Court to consider these matters involving a 14-year-old accused in those circumstances (as opposed to the mandatory nature of the uplift reforms discussed above applying to 15- to 17-year-olds), I accept that the burden of satisfying the legislative criteria will lie with the accused, and this will likely constitute a limit.

Further, I recognise that the uplift test for carjacking will operate to treat children more harshly than adults, as an adult defendant can have a carjacking charge tried summarily in the Magistrates' Court without needing to satisfy legislative exceptions from uplift. This will also limit the right to equality (section 8) by directly treating a child unfavourably on the basis of a protected attribute, being their age.

Accordingly, for the same reasons as my discussion concerning the mandatory uplift, I also accept that the tests for uplift of 14-year-old children and 14- to 17-year-old children for carjacking are likely to be incompatible with the human rights in sections 17(2), 23 and 25(3) of the Charter, notwithstanding that the extent of the limit is more confined than the mandatory uplift provisions. While it is my strong view that these reforms serve a legitimate purpose to safeguard community safety and increase deterrence, denunciation and punishment for such offending, I accept these reforms do so in a way that significantly limits fundamental rights of children in circumstances that other jurisdictions and authorities have considered to be incompatible with these rights, and where contrary views exist as to the efficacy of longer custodial sentences for child offenders in terms of achieving the deterrent aims of the Bill.

Sentencing principles

Part 3 of the Bill relates to the sentencing principle reforms. Division 2 of Part 3 amends sentencing principles in the YJ Act. Clause 12 amends the community protection sentencing principle in section 204 of the YJ Act and clause 13 amends the minimum intervention principle set out in section 208 in the YJ Act. Clause 12 removes the reference to 'noting that efforts to support rehabilitation and positive development of the child are the most effective ways to reduce reoffending' from the community protection sentencing principle in

section 204 of the YJ Act. Clause 13 removes the reference to ‘with a custodial sentence imposed as a last resort and for minimum period appropriate and necessary’ from the minimum intervention principle in section 208. Since the YJ Act was developed and passed, the context of serious, violent offending by children and young people in Victoria has changed. The amendments seek to address concerns about the effectiveness of sentences to protect the community from further offending by a child and the need to protect victims of youth offending. While these provisions of the YJ Act have not yet commenced, I consider these amendments are relevant to rights under the Charter.

Clause 11 in Division 1 of Part 3 amends section 362 of the CYF Act to amend some of the matters to be taken into account when deciding which sentence to impose on a child. This clause amends section 362(1)(g) to provide for consideration of the need to protect the community from ‘any further reoffending by the child’, rather than ‘violent or other wrongful acts’. Clause 11 also adds the requirement to consider the need for the sentence to: recognise the impact of the child’s offending on any victim, provide opportunities for the child to restore any harm caused by the offending and take into account any steps the child has taken to restore such harm, to the extent the child has the capacity to do so.

Human rights protected by the Charter that are relevant to the sentencing principle reforms are:

- the protection of families and children, including the right to such protection as is in the child’s best interests (section 17(2));
- the right to liberty (section 21);
- children in the criminal process, including that a child convicted of an offence must be treated in a way that is appropriate for that child’s age (section 23(3)); and
- rights in criminal proceedings, including that a child charged with a criminal offence has the right to a procedure that takes account of that child’s age and the desirability of promoting the child’s rehabilitation (section 25(3)).

The scope of the rights protected by sections 17(2), 23 and 25(3) are discussed above.

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. 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.

Protection of children (section 17(2)), criminal process rights (sections 23(3) and 25(3)) and the right to liberty (section 21)

As noted above, the sections previously added to the YJ Act that will be amended by this Bill promoted children’s rights in the Charter and, while these provisions have not yet commenced, the amendments to them made by the Bill remain relevant to the rights under sections 17(2) and 21 of the Charter.

The CYF Act amendment broadens the scope of the prioritisation of the protection of the community from violent and wrongful acts to protection of the community from any reoffending. These changes to sentencing principles and matters to be taken into account when imposing a sentence may increase the possibility that a court would impose a custodial sentence and consequently may limit rights under sections 17(2) and 21. Further, the amendments may limit the rights of children in the criminal process, namely the right in section 23(3), which provides that a child convicted of an offence must be treated in a way that is appropriate for that child’s age and section 25(3) that a child charged with a criminal offence has the right to a procedure that takes into account that child’s age and the desirability of promoting the child’s rehabilitation.

Under the Charter, these rights may be subject only to reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, taking into account the relevant factors in section 7(2), which are considered below.

Nature of the rights

As noted above, the rights in sections 17(2), 23 and 25(3) are ultimately directed towards protecting the vulnerability of children and, as a result, are given particular weight against the rights of other members of the community. These rights require pressing and significant countervailing interests in order to be justifiably limited.

In respect of the right to liberty and security of person (section 21 of the Charter), it is accepted that the right does not grant complete freedom from arrest and detention. Rather, the right in section 21 relevantly protects against arbitrary detention, and contains a number of procedural safeguards for the deprivation of liberty.

Importance of the purpose of the limitation

The purpose of the sentencing principle reforms is to ensure the YJ Act and the CYF Act better reflect that sentences imposed on children must consider community safety and impact on victims, while retaining the need for sentencing to promote whole-of-system responses and engage multiple service systems for rehabilitation outcomes to be achieved. The amendments seek to balance the interests of the individual young person with the interests of the community, including safety and maintaining confidence in the criminal justice system and the rights of the community and victims to liberty and security (section 21) and their right to life (section 9).

Nature and extent of the limitation

The nature and extent of the limitation on the rights protected by sections 17(2), 21, 23(3) and 25(3) of the Charter will depend on the relevant circumstances of the child being sentenced in accordance with the amended principles. In isolation, the sentencing reforms directly limit these rights by removing the reference to rehabilitation and positive development of the child from the community protection principle in section 204 of the YJ Act, and removing the reference to custodial sentences being imposed as a last resort and for the minimum period appropriate and necessary from the minimum intervention principle in section 208 of the YJ Act. I recognise that the principles being removed incorporate elements of international standards that some authorities regard as constituting the minimum standards for protecting human rights of children, or to which there is positive obligation to promote. Accordingly, this enlivens a question as to their compatibility, in terms of whether the removal of the statutory promotion of such principles is capable of being justified under any circumstances.

I do consider that any limitation of relevant rights affected by this amendment will be mitigated by the fact that the YJ Act will continue to explicitly provide that common law sentencing principles and rules applicable to the sentencing of children continue to apply, except to the extent of any inconsistency (section 202).

Furthermore, other YJ Act sentencing principles have not been amended by the Bill, such as considering the individual characteristics and vulnerabilities of the individual (section 206 of the YJ Act), rehabilitation and positive development of the child (section 203), and the specific sentencing principles that must be taken into account when the Court is sentencing an Aboriginal child (section 365). Accordingly, I consider the YJ Act framework still contains many appropriate safeguards in sentencing.

Relationship between limitation and its purpose

I recognise that there may be questions about whether the important purpose of community protection is rationally connected with the sentencing principle reforms. These principles have been reconsidered having regard to the changed context of serious, violent offending by children and young people in Victoria and are an important measure to address that offending and protect the community.

Less restrictive means

I recognise that less restrictive means, such as the fact that the YJ Act reforms had yet to commence, may be said to be available to achieve the purposes of the Bill and the sentencing principle reforms. As noted above, however, the context of serious, violent offending by children in Victoria has changed since the sentencing principles in the YJ Act were developed and passed by the Parliament. The more restrictive means proposed by the sentencing principle reforms seek to address concerns about the effectiveness of sentences to protect the community.

Conclusion

While these reforms will not interfere with common law protections and residual safeguards in the YJ Act that will continue to apply, I accept that the amendments to these statutory principles are likely to be out of step with the above human rights in how they have been universally interpreted, in a manner that may not be capable of being justified. This is particularly with regard to the removal of principles that promoted fundamental aspects of the children's rights. However, the government intends to proceed with these reforms notwithstanding the conclusion that they are incompatible with the Charter.

Retrospective effect of sentencing principle reforms

Section 27(2) of the Charter provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty applied to the offence when it was committed.

The sentencing principle reforms will apply to the sentencing of an offender on or after commencement, regardless of whether the offence was committed before the commencement of the reforms. In practice, I consider the right against retrospectivity is only engaged with respect to the amendment of sentencing considerations under the CYF Act. Given it is anticipated the Bill will commence before the YJ Act, amendments to the YJ Act sentencing principles will not have scope to operate retrospectively.

The retrospective application of amendments to the sentencing considerations under the CYF Act will limit section 27(2), as the practical effect of these reforms is that a child who has committed a relevant offence prior to the commencement of these reforms may have imposed on them a greater penalty than they may have received for the offence when it was committed. This may include imposing a sentence of detention rather than a community disposition, or imposing a longer sentence of detention than would previously have been imposed.

I consider these amendments rebalance the sentencing considerations to be applied under the CYF Act, which may influence the sentence that a court imposes. However, the amendments do not of themselves lift the maximum penalty that can be imposed, and do not otherwise affect a court's discretion to impose an appropriate sentence in the circumstances.

That said, I recognise that these transitional provisions operate on sentencing principle reforms in this Bill that I have already considered to be incompatible with Charter rights. I consider that retrospectively applying these reforms to offences that have already been committed is likely to exacerbate this incompatibility. Accordingly, I conclude that the retrospective effect of these reforms is, on balance, likely to also be incompatible with s 27(2) of the Charter.

Enver Erdogan

Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

¹ These offences are murder, attempted murder, manslaughter, child homicide, homicide by firearm, arson causing death, and culpable driving causing death: CYF Act s 516(1); YJ Act s 156(1)(a).

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:37): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into Hansard:

The Justice Legislation Amendment (Community Safety) Bill 2025 (Bill) will implement the Government's *Adult Time for Violent Crime* policy, delivering serious consequences for children who commit violent crimes that hurt victims and the community.

The Bill builds on significant reforms passed by Parliament this year to protect the community, including bail reform, strengthening victim safety and perpetrator accountability measures relating to family violence and creating a new 'post and boast' offence targeting those who publish material that seeks to glorify criminal behaviour.

Equally, the Bill lays the foundations to support the broader elements of the Government's Serious Consequences, Early Interventions plan to reduce youth crime and crime committed by children in Victoria.

Specifically, the Bill delivers on the Government's commitments to:

- ensure children aged 14 and above who commit specified violent crimes face the prospect of adult sentences in adult courts
- increase maximum penalties for the violent crimes of most concern to the Victorian community
- create a new knife crime offence, and expand the existing offence of carjacking
- change the sentencing principles that Courts must apply in relation to all children, to reflect the importance of, and give greater priority to, community safety and the impact of offending of victims, and to remove the statutory requirement that jail is a 'last resort' for children.

Children accused of high violence offending will be dealt with by an adult court and face the prospect of adult sentences if found guilty

Currently, few children face trial in an adult court with a jury. Under Adult Time for Violent Crime, we will change the status quo and deliver serious consequences for children who commit brazen, violent crimes that devastate victims and the community.

The offences of home invasion, aggravated home invasion, aggravated carjacking, and intentionally or recklessly causing serious injury in circumstances of gross violence will have to be heard in the County Court if the accused child is 15 to 17 years old – without exception. If the child is 14, the matter will be heard in the County Court unless certain circumstances apply. These circumstances include the accused child's cognitive

impairment or mental illness, substantial and compelling reasons why the matter should be heard by the Children's Court, or when it is in the victim's best interests for the matter to proceed in the Children's Court. The trial and sentencing of children aged 14 to 17 years old for carjacking will also be heard in the County Court unless these circumstances apply.

We know that there is a core group of young offenders engaged in serious and repeated aggravated burglaries and armed robberies – and the community has had enough. That is why the Bill provides legislative guidance that the Children's Court considers repeat and serious aggravated burglaries and armed robberies as relevant when it is deciding whether exceptional circumstances exist that will move the matter to the County Court.

Any related indictable offending that occurs alongside uplifted serious and violent conduct must also be heard in the County Court, unless certain circumstances apply. The Bill provides that a related offence means an indictable offence founded on the same facts as the uplifted offence, or that together forms part of a series of offences of the same or similar character (where, for example, the Court will weigh up things like how close together in time the offences were, as well as where the offences occurred, and their similarity to each other, in deciding whether they are related and uplift is warranted).

Longer maximum sentences, including life imprisonment, for violent offences

There is growing community concern that serious offenders are not being held accountable for their criminal behaviour.

To deter and denounce incidents of serious violent and confrontational offending, this Bill will introduce higher maximum penalties for certain offences that cause a high level of fear or harm to victims and which erode the community's sense of safety and security.

The Bill amends the *Crimes Act 1958* to increase the maximum penalties for:

- Aggravated home invasion, from 25 years' imprisonment to life imprisonment
- Aggravated carjacking, from 25 years' imprisonment to life imprisonment
- Intentionally causing serious injury in circumstances of gross violence, from 20 years' imprisonment to 25 years' imprisonment.
- Recklessly causing serious injury in circumstances of gross violence, from 15 years' imprisonment to 20 years' imprisonment
- Recruiting a child to engage in criminal activity, from 10 years' imprisonment to 15 years' imprisonment.

Maximum penalties provide guidance to courts about the Parliament's view of the gravity of a particular offence and are a mandatory consideration for courts determining appropriate sentences. Higher maximum penalties will give courts broader scope to impose more severe sentences for the most serious cases, better reflecting the community's expectations. These offences target objectively serious conduct. Increasing the maximum penalties denounces this conduct in the strongest terms and helps ensure that people who commit these offences will face appropriately strong consequences.

The Bill will also add recruiting a child to engage in criminal activity to a list of indictable offences that can be heard summarily, ensuring that the offence can continue to be heard in the Magistrates' Court where appropriate after the maximum penalty is increased.

Principles for sentencing children will emphasise community safety, recognise impact on victims and remove reference to 'custody as a last resort'

The Bill makes changes that will prioritise the consideration of community protection and impact on victims when young people are sentenced. Right now, judges are guided by legislative principles that are often out-of-step with the community's expectations and don't always recognise what victims have been through.

The Bill addresses this by changing the sentencing considerations that apply in the Children's Court under the current Children, Youth and Families Act and the principles that will apply when the Youth Justice Act commences in full. The amended decision-making principles in the Children's Court will reflect those used for adults. That means that:

- judges will be required to emphasise community safety in sentencing decisions
- judges will have to consider the impact of a child's offending on the victim, and provide opportunities for the child to try to restore the harm they caused
- 'custody as a last resort' will be removed from sentencing principles.

Together, these changes will guide judges to appropriately focus on protecting the community from reoffending and holding offenders to account.

New and amended offences will better respond to community concerns about knife crime and carjacking that puts children at risk

The prevalence of knife crime has had a significant impact both on community safety and the community's perception of safety – using knives to commit serious and violent offences increase the level of harm caused by crime, exacerbating community concerns and fear. To specifically target and denounce the use of a knife in this way, the Bill introduces a new offence into the Crimes Act that recognises the additional criminality associated with using a knife in the commission of certain serious offences.

While existing laws can capture the underlying conduct (such as causing serious injury) or carrying or possessing a weapon generally, they do not specifically criminalise the use of a knife in committing certain serious offences. The new offence provides additional accountability, sending a strong message that the use of a knife in this way elevates the seriousness of offending, and acknowledges the devastating impact that knife crime has on victims and the broader community.

The new offence criminalises the use of a knife when committing the following serious offences:

- intentionally or recklessly causing injury or serious injury
- assaulting or threatening to assault with intent to commit an indictable offence
- affray, and
- violent disorder.

The scope of the new offence captures antisocial conduct that is of increasing community concern but aims to minimise the risk of giving rise to overlapping charges or double punishment. Other offences such as carjacking and home invasion are also of significant concern, including when knives are used. However, they are not included in the new offence because they already have an 'offensive weapon' element (e.g. home invasion and armed robbery) or they have an aggravated version that involves having or using an 'offensive weapon' – such as carjacking, which is covered by aggravated carjacking, or theft, which is covered by aggravated burglary or armed robbery.

The new offence will carry a three-year maximum penalty. This is in addition to the penalty for the underlying serious offence. For example, if a person is found guilty of an affray and using a knife when committing that offence, they may be sentenced to a maximum of five years imprisonment for the affray and up to three years imprisonment for the knife crime offence.

A person can only be found guilty of the knife crime offence if they have been found guilty of the relevant underlying offence. However, the Bill makes clear that a person may be charged with the knife crime offence before they are found guilty of the underlying offence. It is expected that the relevant offence and the knife crime offence will generally be charged and proceed together through the court system.

The term 'knife' is not defined in the Bill so its ordinary meaning will apply. This is broad enough to capture a range of knives, such as machetes, that are often used in the commission of serious offences. The term 'use' is also not defined as whether or not a knife is used in the commission of the offence will depend on the circumstances of each case. For example, this could include using a knife to stab someone resulting in a serious injury or holding a knife and threatening violence during a public fight (affray).

Creating a stand-alone knife crime offence sends a clear message: anyone that uses a knife to injure another person or during a brawl, will face serious consequences.

The Bill also amends the offence of carjacking in the Crimes Act to provide that the offence will apply if a person steals a vehicle with a child victim under the age of 10 present in that vehicle. Currently, carjacking requires a person to steal a car and use force (or put or seek to put another person in fear of being subjected to force).

Recently, innocent children have been caught up in incidents where a person steals a car where a child is already inside. These alleged offenders may not have even turned their mind as to whether anyone is in the back seat. Such brazen acts of violence are terrifying for children and their parents and carers.

The Bill will ensure that in these circumstances, an accused person does not need to use force or put someone in fear to be prosecuted for carjacking. The fact that they have stolen a car with an innocent child inside is sufficient to constitute carjacking, which accurately reflects the seriousness of the conduct.

The Bill makes it clear that it is irrelevant whether the accused knew or was reckless as to whether the child was in the vehicle at the time. This is similar to the home invasion offence, which provides it is irrelevant whether the accused knew or didn't know that there was someone in the home.

As with the current carjacking offence, this conduct will attract a maximum penalty of 15 years imprisonment.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:37): I move:

That debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Council's amendments

The PRESIDENT (17:37): I have received a message from the Legislative Assembly in respect of the Early Childhood Legislation Amendment (Child Safety) Bill 2025:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the Education and Care Services National Law set out in the Schedule to the **Education and Care Services National Law Act 2010**, and to make Victorian specific modifications to that Law as it applies as a law of Victoria, to improve child safety in education and care services and for other purposes' the amendments made by the Council have been agreed to.

Justice Legislation Amendment (Police and Other Matters) Bill 2025

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (17:39): I rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2025. Every Victorian knows we are confronting a very, very serious crime crisis in this state that has been built over years of neglect, poor planning and a government that has been unwilling to accept the scale of the problem until very recently. It is a government that is more interested in what a focus group tells it about crime than what people actually care about in this state. That is what has motivated them, their political skin, not the safety of all Victorians, and they should be ashamed for that. They will not listen to Victoria Police, but they will listen to polls. For more than a decade of government the state has lurched from one reactive announcement to the next, shifting bail laws, changing the operation of our youth justice centres and closing key facilities at the time when they were needed most.

In 2023 they closed several youth facilities, and now just two years later they have conceded that some of them might need to be opened, including at Malmsbury, because the system is buckling under the pressure of youth offending and has surged to levels we have never seen before. This is more evidence of the Labor government in panic. It has lost control of crime, and it has no solutions for making Victorians feel safe. Not only can they not manage money, they cannot manage the crime crisis, and Victorians are well and truly paying the price. The result is clear: we now face a youth crime crisis that has become unprecedented. Violent offending involving young people has escalated in both frequency and severity. We are seeing attacks involving dangerous weapons, particularly knives and machetes, and violent confrontations in public that would have been unimaginable in previous decades. This is a situation that the government has let get out of control.

I have been long enough in this position that I was also the shadow representing the Shadow Attorney-General when the government weakened our bail laws. We begged them not to reduce and drop the test for committing an indictable offence whilst on bail – begged them not to. We moved an amendment to try to stop them, then introduced our own bill twice to increase that test that the government weakened, that Jacinta Allan weakened, that this Attorney-General weakened, that the Attorney-General, now Treasurer, weakened, which set off a cavalcade of events that has led to a huge crisis that they were in denial about. I recall, as I was moving these amendments and motions, and I am sure my colleagues do as well, they were saying that we were doing this because we were keen for a grab on 3AW and keen for a *Herald Sun* headline. Maybe if the government had been out of their ivory towers and in their electorate offices speaking with their constituents, they would have realised that there was a crime crisis too, and they might have realised that they were responsible for it.

Across the northern suburbs in particular, police have reported repeated melees involving youths armed with machetes, knives and improvised weapons, leaving communities in places like Epping, Roxburgh Park, Craigieburn and Broadmeadows feeling unsafe in their own neighbourhoods. We are seeing just huge summary offences, particularly in my electorate. We see almost weekly incidents at Northland shopping centre, whether it be machete melees, whether it be stolen cars driving through or whether it be a gang of youths going through and ransacking, basically, a retail outlet. We are seeing incident after incident after incident. It is to the point where many people, including the elderly that I have spoken to, do not feel comfortable to go to Pacific Epping, to go to Northland or to go to Craigieburn Central. This is not a situation we want to be in.

A major component of this bill concerns mask removal powers at protests. The Premier claimed these powers would unmask extremists who turn up to demonstrations to intimidate, threaten and assault others. We have seen such incidents. We have seen rocks hurled at police during protests. We have seen masked agitators infiltrate rallies to provoke violence, yet the provisions before us today are watered down and weak. They are not a real ban. They are a polite request. The Police Association of Victoria has described them as the equivalent of saying, 'Pretty please, will you remove your mask?' I think we all saw a month or two ago when Commander Cheeseman gave that press conference, dropping the chains and the rocks on the press conference floor to demonstrate the targeting of police – and we know they were wearing masks – and to demonstrate the weapons being used to assault police.

We know he called out the undercurrent of pure hatred in this state that none of these people ever talk about. You know who he mentioned was responsible? Far left-wing protesters. That is who he said was responsible: fringe-dwelling left-wing protesters, who we have not heard called out and who we have not seen a parliamentary inquiry into. You get these weirdos coming in with trolley poles and chains and rocks, cowardly hiding behind a mask and assaulting the very people that are there to protect and serve our community and keep people safe in the community and in their own homes. These police who do their darn best to protect the Victorian community have to drive in from places like Craigieburn and Kalkallo and Mickleham, where there is already a huge uptick in crime, and come in to babysit these fringe-dwelling left-wingers who, cowardly, hide behind a mask. And what this government wants to do is say the police have the powers now to say, 'Please will you take your mask off?' – once they have already thrown rocks at them; once they have already thrown a trolley pole at them, or chains. This is the authority this bill gives the government to de-mask them. Once it gets to that stage it is too late. We had a police officer seriously injured and hospitalised and several others injured as well, bloodied by these ridiculous protesters, who are obviously missing their Sunday ritual and have to come into the city every couple of weeks and cause trouble because they have got nothing better to do. These are the people we need to be going after. These are the people we need to be sending a clear message to. They probably miss the days when this place would mandate people wear masks. We should tell them to take off their masks if they are going to a protest – not say 'pretty please'. It is an absolutely pathetic attempt by this government and absolute weasel words by a Premier who has lost touch with the community, who has lost touch with our police command and who has lost touch with the police association and the people that do a darn good job to protect every single Victorian.

We need measures that will actually protect our community, and that is not what we are seeing at the moment. It fails to grant police the authority they need. Officers can only direct a person to remove a face covering if they suspect that person is about to commit a crime, and even then there are broad exemptions on religious, cultural or medical grounds. These exemptions, while well-intentioned, are so broad they undermine the effectiveness of the position. A senior KC has pointed out the absurdity of this, that a person could walk into a bank wearing a balaclava with their hand in a bag, appearing to conceal a weapon. Police might form the view that this person is preparing to commit a crime, but under the exemptions the individual could simply claim they are wearing a mask for cultural or medical reasons. This situation highlights how easily the law can be manipulated by those who intend to cause harm. The Zionist Federation of Australia, whose president Jeremy Leibler served on a working group drafting these laws, has expressed its deep disappointment. His concerns echo those of police on the ground – that if protesters can keep their masks even when police believe they are about

to break the law, then the law is fundamentally flawed. These are not the robust powers that were promised. The bill does not reflect the urgency of the situation or the needs of communities that are affected by hate-motivated violence.

We know both the Attorney-General and the Premier have been forced to backflip on promised mask laws by their bleeding heart, left-wing caucus, who have obviously pulled them back to this pathetically weak position that does not have any effect at all. Again, we have got rabid, disgusting, violent protesters attacking Victoria Police with sharpened rocks, trolley poles and chains. We know from both the police command and the police association that there is a serious problem with the masking of these cowardly, gutless protesters. And what does the Premier do? What does the bumbling Attorney-General do? After announcing they would ban them, after receiving a backlash from their left caucus, they have come back and said, ‘We’ve got laws that say, if a protester is wearing a mask and they’re committing an offence or attacking police, the police can pretty please ask them to take the mask off.’ That is an abrogation of duty. That is a shameful backflip from a Premier clearly keen to move on to the next issue, who promised there would be a ban on masks at protests, which there is now not. That is what we are getting from this government, and they ought to be ashamed of themselves.

Another area of concern is the Control of Weapons Act 1990. The government had the opportunity here to adopt Jack’s law, a proven system from the Crisafulli LNP government that enables police to carry out quick, non-intrusive scan procedures to detect knives. The system has removed more than 1000 knives from Queensland streets in a single year. In Victoria, by contrast, Operation Omni has seized only 129 knives across 39 operations. The difference between these figures is stark and demonstrates how ineffective the Victorian government’s system actually is. As I was saying, there has been an increased amount of crime. We are very keen to see Jack’s law in Victoria, which is why we have committed to that under a Wilson Liberals and Nationals government. Indeed, it was great to meet with Brett Beasley the other day. We know the machete bin program has now ended – and what a great use of taxpayer money that was! Instead of spending \$13 million on machete bins, encouraging farmers and tradespeople to hand in their tools, the government should be stopping criminals from carrying these weapons in the first place. A good example of that in my electorate, again, are the almost daily incidents at Broadmeadows Central. I have had several Hume council staff contact my office concerned about their own safety right nearby there and in the car park. We see machete incidents a few times a week at Broadmeadows Central. Exactly across the road is Broadmeadows police station, where there is a machete bin. You would think those incidents would stop if there was a machete bin right there. Well, that has not been the case. The government system has proven to be a waste of taxpayer money and completely ineffective. Every day that passes without Jack’s law in Victoria is another day when more lives are at risk. The government were willing to look to Queensland for their new adult crime laws – which they have not copied and pasted; they have copied, edited, watered down and pasted – but only after they saw a bad poll. It is not good enough to deliver a half-measure and claim it as reform. Victorians deserve the real thing, and they deserve laws that work. For that reason, I notify the house of opposition amendments that have been drafted, and I ask for them to be circulated.

The Police Association Victoria secretary Wayne Gatt has already warned that police powers amount to little more than politely asking protesters whether they have a lawful reason to be wearing a mask. He described the proposal as the ‘pretty please bill’ – so we had the ‘double illegal’ bill first and now we have the ‘pretty please bill’. Government members are usually quick to stand with unions – not the police union, though. The government claims to support police, yet police are telling them the bill is too weak and they proceed with a law that the very people tasked with enforcing it say will not actually work. Again the bleeding-heart left caucus of the Labor Party seem to know more than Victoria Police about what measures will protect them. Imagine sending officers to approach 100 masked protesters one by one to ask whether they have an exemption. It is completely unrealistic; it is absolutely unworkable. But this is the commonsense approach from this government. It is crap. This is why our amendments will remove these exemptions to provide clarity that police can direct a person to remove a mask when public safety is at risk. Again, you have had to come back to the well so many times, and

we spoke about it before on workplace protection orders. You had to literally announce twice that you wanted to do them, maybe once that you did not want to, and then you announced it again, only to come back in April. You are going to have to come back to this. This is why we saw multiple pieces after you finally admitted you were wrong and you should not have weakened the bail laws.

How many bills have we had now about the government's appearance of being tough on crime? It is clearly not good enough. You even changed the name of the bill to say they are the toughest bail laws and then had to come back to the well on several occasions. I am glad this chamber voted to get rid of the word 'toughest', because it is clearly not the toughest if you keep having to come back to the well because there is serious crime going on in our community, which this Premier is responsible for, by the way, because she is the one that weakened the laws in the first place. So I warn the government: they are going to have to come back to this and pass an amendment that is very much like this.

Our third amendment concerns clause 82, which seeks to include public displays of images and individuals linked to terrorist organisations and symbols that closely resemble banned extremist insignia. The intent is to stop extremists from using near identical symbols that the average person could interpret as being of a terrorist group. If a symbol is deliberately designed to evoke a banned organisation, it should not evade the law simply because it is not an exact copy. We have seen that in examples on Bourke Street right here in Melbourne, where we see almost exact copies of the Hezbollah flag or the ISIS flag but not quite. I am sorry, that is not good enough, and the law should interpret it in a way that sorts that out. Communities should not be forced to tolerate displays of imagery glorifying violent individuals or extremist causes.

Our final amendments relate to clauses 84 and 85, which address the definition of 'a meeting of persons assembled for religious worship'. It broadens the definition to 'religious assembly' to ensure that protections apply for all relevant activities. I urge the government to accept this change because it reflects the real way faith communities gather and interact. This is something many faith communities have spoken about.

The provisions dealing with confiscation are sensible. The changes to the Drugs, Poisons and Controlled Substances Act 1981 regarding the seizure and disposal of drugs bring Victoria into line with other states. There is a whole bunch of other stuff that we do not have too much of an issue with. But the central purpose of this bill is the promise to strengthen community safety. It is absolutely not achieved, and the government know it. They know it. We are given weak mask provisions, inadequate knife controls and a bill that fails to respond to the real challenges facing Victoria. The government now claims to have the toughest knife laws in the country. We know that is not true, because they have not implemented Jack's law. Queensland has the toughest knife laws in the country. We know it is working in other jurisdictions as well. Victorians deserve better. They deserve a government that listens, that adapts and that adopts ideas that work regardless of where they come from.

I will finish where I started. The government promised strong action to fight hate and improve safety. Instead, they have given us weak face-covering laws and incomplete knife reforms. They claim to have strengthened enforcement but have cut PSO numbers on train stations. They claim to support police, but they have failed to fund the resourcing required for effective operations. They claim to have improved laws, yet the very organisations involved in drafting them warn they are flawed. Victoria is in the grip of a crime crisis. This crisis has well and truly developed under this Allian Labor government, and it has been made worse by indecision, inconsistency, lack of planning, delays, not listening to experts and not listening to affected communities. Again, this government will only react when things reach a crisis point. They will not sit down with people. They would not even sit down with victims of crime, post their weakening of the bail laws. They did not want to hear it. Even though I had constituent after constituent coming into my office or calling my office about incidents of aggravated burglary, crime and theft, this government did not want to hear about it. They only ever react when it becomes a political problem, not when it is a genuine problem you are trying to fix. Admit you got it wrong. Admit it was a mistake to weaken the bail laws, after we warned you not to.

The people of Victoria deserve a government that is serious about law and order, a government that invests in resources and a government that invests and stands with victims, not this tired, decade-old Labor government, who has not delivered any real solutions but only empty slogans for titles of media releases to try to divert the news story away from its absolute failures. This government has all the hallmarks of a government on its last legs. Whether it is charging people for a pedestrian tollway, spending \$200,000 on plants for the Suburban Rail Loop Authority or continuing to bring through Mickey Mouse bills that are basically drafted as press releases, it is a government that has lost its way, and it is a government that I hope will be put out of its misery by the Victorian people in November next year. Until that happens, communities will remain at risk and Victorians will continue to feel unsafe in their own state.

Katherine COPSEY (Southern Metropolitan) (18:03): I rise to speak to the Justice Legislation Amendment (Police and Other Matters) Bill 2025 and make the Greens' firm opposition to this bill absolutely clear. This bill is a sweeping expansion of police and PSO powers that will erode the right to peaceful protest, that will criminalise longstanding forms of democratic expression and that will further entrench the overpolicing of already-targeted communities. There has been an open letter started by more than 100 civil society organisations sounding the alarm about Labor's draconian anti-protest laws that we debate here tonight. The right to protest is not a fringe privilege, it is a foundation of our democracy. The Greens have consistently spoken out against Labor's anti-protest agenda, which risks and is designed to stifle people's fundamental democratic right to speak truth to power and to call out injustice. These laws will have a chilling effect on our democracy. They are designed to do that by a tired, old government that does not want to listen to its critics and that does not want to admit its mistakes. Peaceful protest is the practical expression of grassroots democracy. It is ordinary people assembling to be heard. It is protected under our Victoria Charter of Human Rights and Responsibilities, a document that this government is showing shameful disregard for this week. This bill takes us further down a path of shrinking civic space and expanding coercive powers, all in the name of safety. The evidence shows that existing laws already give police extensive tools to respond to violence and to serious offending, whether that is in public or at protests.

Part 10 of this bill does four key things. In new subdivision 1, section 6B creates a broad new definition of 'public protest'. This definition will be the gateway for a whole suite of new police and PSO powers and offences. It is drafted so broadly that it could capture everything from a mass rally to a small community vigil or picket. In new subdivision 2, section 6D gives police a new power to direct a person to remove a face covering if they believe, on reasonable grounds, that the person has committed or intends to commit any offence at a public protest, with exemptions only narrowly provided for religious, cultural or medical reasons. In new subdivision 3, sections 6F to 6G create a new offence with up to 12 months imprisonment for using a lock-on device at a public protest where that is likely to cause injury or presents a serious risk to public safety, and these clauses are backed by extremely broad seizure powers, including expanded search warrants that police can use to reach into people's homes and personal lives. New division 3 amends the existing offence of disturbing religious worship, and then it layers on new offences, all of them carrying up to three months imprisonment, where a person disturbs a religious assembly or assaults, intimidates, menaces, harasses, hinders or obstructs a person attending a religious assembly. This set of powers is a significant departure from the sweeping changes that the Premier initially flagged in her media release, but it is still a vaguely drafted set of provisions that will create significant uncertainty.

Part 12 of the bill significantly expands PSO powers, moving PSOs into broader public spaces like shopping centres and effectively giving them the same powers as sworn police constables, including powers of arrest, detention and, worryingly, carriage of firearms – providing all of these powers to a cohort that receives about 10 per cent of the training that Victoria Police officers receive. Community legal centres and VALS have been very clear that PSOs are already contributing to an unsafe environment for vulnerable communities, Aboriginal people and people experiencing social disadvantage because they replicate Victoria Police's patterns of racial profiling and targeted behaviour for people experiencing homelessness, mental ill health and poverty. Giving PSOs the same

duties and powers as a constable at common law and then expanding the places where they can exercise those powers, including shopping centres and other busy public places, is extremely unsafe. PSOs, as I have mentioned, receive significantly less training than police, yet this bill gives them increased access to firearms and a wider range of coercive powers in environments where children, young people and people in crisis gather every day. Taken together, this is no modest tightening of the law; this is a draconian shift in how this Labor government shamefully polices public space, attacks public assembly and deepens disadvantage for already overpoliced communities.

Going now to some more details on these areas of change that I have addressed, on the mask ban, we all watched that initial media release where the Premier said that there would be a blanket ban on masks at protests. That plan was so obviously unworkable and unlawful that it had to be walked back after legal advice and a public backlash, so the government now is framing this as a targeted power and a reasonable compromise. It still is not. Under new section 6D, a police officer can direct a person at a protest to remove a face covering if they believe, on reasonable grounds, that the person has committed or intends to commit an offence – any offence, including very minor summary offences like failing to follow a move-on direction. There is no requirement that the suspected conduct be violent, hateful or even related to safety concerns that the government spends so much of its time publicly talking about. Civil society organisations, including the Human Rights Law Centre, have pointed out that Victoria Police already have very broad-ranging powers to respond to violence at protests and that these new mask powers are likely to have a discriminatory impact on people who wear face coverings for health, safety or political expression, as we have a great tradition of protest activity in Australia. We know who are going to be most affected by these new provisions: immunocompromised people who are still masking to protect their health, survivors of family violence and stalking or other folks who do not want to be identified in a crowd, workers and students who might fear employer retaliation and marginalised communities, who are already targeted online and in person for speaking out.

Community legal services proposed to the government an alternative to the conduct the government says it is worried about: limit the mask removal directions to cases where police reasonably believe a person has committed or intends to commit the serious vilification offence in section 195N of the Crimes Act 1958, rather than tying this power to any offence at all. That would have been a much more targeted enactment. It would still allow police to act where there is genuine incitement to hatred or violence but without creating this roving power for police to unmask people and to approach people and to engage in interactions with people where they think there may be low-level summary offences occurring. But the government has declined that civil society recommendation. Instead this bill contains the narrow exemptions and the broad police discretion, and they are a recipe for selective enforcement. We already know, and we have seen it this week, that there are discriminatory ways in which these discretionary powers are applied by Victoria Police. Still, to this week, new evidence is coming to light that racial profiling continues. It is not speculation. We already have a pattern of overpolicing black and brown communities in this state, and using the reasonable suspicion thresholds to justify disproportionate stop searches and use of force will just continue this. Communities are telling us that they are afraid of how these powers will be exercised in practice. The government ignores those pleas and just marches on.

The lock-on provisions: the bill's new 12-month lock-on offence is framed as a response to dangerous protest tactics. As the community legal sector has pointed out, police already have the power to seize items where there is a genuine danger to community safety. Once again we see the government making things double illegal, but they are targeting specific protest tactics that they know work. That is why they are doing it. Creating a new lock-on offence on top of existing powers that the police have does not fill a gap. What it does is criminalise a traditional nonviolent protest tactic that has been effectively used by climate and social justice movements for decades. Under this bill items like chains, bike locks and other simple devices which have been used for decades in peaceful nonviolent direct action, from tree sits to climate protests to Zelda D'Aprano chaining herself to the Commonwealth building for women's rights, become the basis for a criminal charge, carrying a year in prison. The Greens have

already warned that criminalising the use of these materials will stifle peaceful protest and will rewrite the history of the very movements that Labor likes to celebrate in bronze. We have all seen photos of the Premier standing in front of and taking selfies with the Zelda D'Aprano statue. The hypocrisy of then turning around and trying to criminalise these tactics – which they are cracking down on because they know they are effective and they secure change for marginalised communities – is just shameful.

Part 10 of this bill inserts a new section 6F in the Summary Offences Act 1966 about a thing or substance used to lock on or to otherwise secure a person to another person, surface or thing at a public protest. Crucially, it only becomes an offence if being locked on or unlocking is dangerous and presents an immediate risk to public safety. Particular devices and so on are not outlawed in and of themselves; the use of things and substances to lock on becomes the target of this offence if they are likely to cause injury or present a serious risk to public safety, and it is confined to conduct that could endanger the community. The explanatory memorandum crucially says expressly that this is not meant to cover peaceful lock-ons with no safety risk and notes that items like bike locks, glue, ropes or chains can only be seized when police reasonably believe an offence against section 6F is being or will be committed.

As I mentioned, the bill also enacts search powers. In terms of searching a person's home or vehicle, the police will need to approach a magistrate to convince them that there is a reasonable risk in order to obtain a warrant for that search. Police, as I have said, already have powers to respond where there is genuine community safety risk. They can arrest people for trespass, obstruction, public nuisance, criminal damage, assault and more, as many peaceful protesters over the years have found. They can also seize items that pose a danger. What this bill does is not fill a gap in the law. It creates a new, very vaguely defined, protest-specific offence, and it is designed to deter nonviolent civil disobedience. Once again, with these provisions, our experience across Australia shows us who ends up bearing the brunt of these changes: climate activists, First Nations land defenders and young people, who instead of being listened to when they raise legitimate concerns through peaceful assembly and through disruptive tactics that are designed to point out that business as usual under this government is hurting people, will be met with harsher criminal penalties. That is exactly what this Labor government wants to do.

The bill also expands search powers in designated areas under the Control of Weapons Act 1990, and it removes the requirement – this is frightening – for a parent, guardian or independent support person to be present when an outer search is conducted on a child or a person with cognitive impairment by a police officer or a PSO. The only requirement is that some other person be present, which in practice could just be another officer, I suppose. Any search can be invasive and traumatic. There is a power differential when people are approached by the police, and removing the safeguard of an independent adult dramatically increases the risk that a person who is vulnerable or a child will have their rights overstepped in what is already, by its nature, a coercive environment. This is a truly frightening expansion, and it just goes to the dramatic increase in police powers and the police state that this Labor government is trying to institute in Victoria.

Just over the weekend these new powers that police have for the extended designations were used, and they were explicitly used to target a weekend when they knew that there was going to be protest activity undertaken. I would dearly love to know how many police hours were put into that operation and how many searches were conducted to discover one article that police could proudly pick up and wave around afterwards to try and justify those searches. There were journalists searched over the weekend in the state of Victoria – people who were at protests to cover issues of public importance, stopped and searched by police. That is what this Labor government has produced. Those sitting here with their backs to me on the benches, I hope tonight you go home, and if you cannot look me in the eye while this bill is being debated, look yourself in the eye this evening. You have a draconian bill before this Parliament. Is this what you stood for election for? Is this why you put your hand up to come and participate in our democracy?

Gayle Tierney: You've lost me now.

Katherine COPSEY: I do not think we ever had you, Minister Tierney, because these sorts of bills and this trend that we have seen under an old, tired government that has lost its way under this Premier are eroding rights that were won over decades in this state and in this country, and you have the nerve to take the advantage that those movements have delivered –

Gayle Tierney: On a point of order, Acting President, the member is not speaking through the Chair and is then making accusations about certain members of the Parliament – who are sitting in the chamber quietly listening to her contribution – and making comments that are derogatory about our behaviour and our ability to listen to her in peace and is accusing us of things that are absolutely unjust.

Katherine COPSEY: On the point of order, Acting President, I withdraw my comments about the direction that members were facing in while they listened to our contributions tonight. But I consider the rest of it is relevant to the bill, relevant to this government's conduct, and I stand by it.

The ACTING PRESIDENT (John Berger): Ms Copsey, I ask you to direct any further comments through the Chair, and I ask you to continue with the contribution.

Katherine COPSEY: The trends that we have seen under this Labor government are truly shameful. They seem happy to take the power that has been delivered to them by social movements over many, many decades and then throw it back in those movements' faces by criminalising the tactics that have been used to secure social, environmental and economic progress in this state. It is hypocritical in the extreme of this government, and I hope that members feel ashamed of the bills that they are bringing through this place this week.

In regard to the religious worship elements, the bill creates new offences for disturbing religious worship or hindering or obstructing someone attending a religious assembly, with up to three months imprisonment. The Human Rights Law Centre has warned that similarly vague offences of disruption of a religious gathering could be used even to silence peaceful protests, including those that have been held by victim-survivors of clergy abuse protesting outside places of worship. I would love to get more clarification.

Ryan Batchelor interjected.

Katherine COPSEY: Mr Batchelor is interjecting that that is untrue. We are concerned about the vagueness with which this has been drafted. It is true that the government has had to walk back significantly the announcements that the Premier made in her media release because they were unworkable, they were unwise and they were disproportionate, onerous and draconian.

Protests, many of them, by their nature are disruptive. A silent protest can be disruptive. That is how people who have been ignored for decades finally force those in power to listen. Drafting offences around disturbance, hindrance and obstruction in the vicinity of religious gatherings without tight safeguards is to invite the use of these provisions against entirely lawful political expression.

Everyone does have the right to worship safely and free from hatred of course, and there are already strong laws to deal with genuine hate conduct, including the new vilification offences in the Crimes Act 1958 and the expanded civil anti-vilification protections passed in the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025. Those laws are aimed squarely at inciting hatred, serious contempt or revulsion on the basis of protected attributes, including religion. The existing offences under the Summary Offences Act of disturbing religious worship in section 21, the bill states, will be modernised and re-enacted with the same maximum penalty as the existing offence. The offences around assaulting, intimidating, harassing, hindering or obstructing people attending religious assemblies, which are the new sections 21A to 21C, are the new offences, and they also each carry 15 penalty units or three months.

The concern I have – and I want to explore this in committee, and I hope that I will find reassurance from the government's responses – is that a protest by its nature could be obstructive or a disturbance, and it could be located in the vicinity of but not directed towards people who are attending a place of

worship. So it is the vagueness of the drafting here. The government have tried to say that they have tightly drafted these laws. However, there is a lot of room for interpretation in them still, and I would like to understand where people will be able to lawfully protest in the vicinity of religious institutions free from uncertainty and fear that they will be unfairly targeted.

Coming back to the expansion of powers for protective services officers, part 12 of this bill, as I have said, dramatically expands their role and effectively gives them the same powers as sworn police, including carriage of firearms. The Victorian Aboriginal Legal Service has been unequivocal about how dangerous they consider this move, saying:

Putting under-trained PSOs in shopping centres with handguns is a danger to us all.

PSOs receive significantly less training than police, and they can be appropriate in some circumstances, but now we are asked as a Parliament to sign off on them wielding the full suite of coercive powers in environments where vulnerable people, including young people, Aboriginal people, people experiencing homelessness and people in mental health crisis, gather every day. Communities, as I said, are concerned that the PSOs will continue to replicate the same patterns of racial profiling, harassment and escalation that we have seen. Extending their reach, arming them further and broadening their legal authority without even basic consultation with Aboriginal and community legal services flies in the face of every lesson we have learned from reports and recommendations into deaths in custody and from IBAC investigations into police misconduct. If the government is serious about community safety in public spaces, the answer is not more guns and people with less training wielding more power; the answer is investment in housing, mental health, youth workers, community-based outreach and de-escalation, the very things our legal services and Aboriginal organisations have repeatedly called for.

This government says that this bill is about keeping people safe – safe from violence at protests, antisemitism, Islamophobia, racism and misogyny. Those aims are important. The Greens have consistently condemned antisemitic and Islamophobic attacks and all forms of hate. We are deeply disturbed that a Labor government is abandoning investment in the community supports that actually bring our society together and is turning its attention to a chilling of our democratic space. Safety is not built on overpolicing, vague offences and expanded coercive powers, which history and experience tell us will be most heavily used against First Nations people, migrants and refugees, young people and people experiencing poverty and distress. A different approach is possible. We could require that mandatory public reporting of the uses of all these new powers, including the numbers, grounds and the police's perceived ethnicity as well as the outcomes of all the search powers, be built into the two-year statutory review of these offences and powers against our charter; enforce the anti-vilification laws that this Parliament has already passed; and resource community-led responses to racism, antisemitism and Islamophobia rather than pushing all of that work onto police.

Implementing and properly funding independent police oversight becomes more crucial day after day under this government. Rather than handing Victoria Police and PSOs new discretionary powers without any kind of robust transparency and accountability, we must invest more in mental health, housing and social supports that actually reduce harm and conflict in public space, and we must implement the remaining recommendations of the Greens-initiated inquiry into far-right extremism. Crucially, this Labor government should recognise that the ability of Victorians to freely assemble and participate in rallies, protests and community gatherings is a crucial democratic right that in and of itself strengthens our community – it is not a problem to be managed away. All Victorians deserve to participate in protest in ways that protect their health, their privacy and their safety. Responses to violent and hateful ideologies need to be targeted, proportionate and focused on specific criminal conduct, not on limiting people's legitimate rights, and protected rights under our charter, to protest.

Around the world, attacks on protests are one of the first signs of a worrying slide towards authoritarianism. This government has form. They have enacted already this term harsher penalties and offences for forest defenders. They have stood with the forestry industry instead of those seeking

to protect our environment. They have cracked down on animal activists trying to expose the cruelty and abuse that we know continues unseen in our farming industry, and they continue today. These anti-protest laws are straight out of the Trump playbook – do not kid yourselves – and they risk sending us down that path. This bill does not make our community safer, but what it does do is make it easier for this government to silence dissent – plenty of dissent at this point in your reign. It makes it easier for police to target marginalised communities and to push the hardest conversations further out of sight.

Our task in this place is not to make our streets quieter by making our democracy weaker, it is to protect the nonviolent means which people have – and will continue, by the way – to seek change: the marches, the vigils, the sit-ins, the masked student, the survivor with a yellow ribbon on a cathedral fence. Under this Premier, in bill after bill we see that the Victorian charter of human rights is being treated as optional. Human rights are not a luxury for the few, they are hard-won rights for all. We will continue defending them, and for these reasons the Greens will strongly and proudly oppose this bill.

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

Ryan BATCHELOR (Southern Metropolitan) (19:33): I am very pleased to rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2025. I think this is another piece of legislative reform that the Allan Labor government has brought to the Parliament in recent times focused on community safety. We have been very clear both in our legislative program but also more broadly across the government that we understand the absolute importance of keeping our community safe. We know that more needs to be done, and that is what the government is absolutely doing. We are doing that through laws like this and other bills that we deal with to address dangerous conduct, to address serious violent crime and to improve community safety. We also do it through the range of measures that we are delivering and have announced will be further rolled out to assist those who may be engaged in crime to prevent further escalation of criminal behaviour and to prevent people from becoming involved in criminal activity in the first place. We do that alongside the serious and tough consequences that we are putting in place through a range of measures to deal with crime in the community. It is part of this bill today in addressing things particularly to do with conduct across the community and a range of matters to do with police powers and the criminal justice system.

We are also, as I mentioned, investing to help prevent youth crime. A range of prevention initiatives are being implemented across the community, including funding for wraparound supports, assistance for people to finish school and early intervention programs. The youth crime prevention program is just one part of the government's response to addressing offending behaviour by young people who are at risk of being involved in the criminal justice system, supporting young people long term over different stages of their journey, fostering strong connections and building stronger protective factors against further youth offending. The youth crime prevention program has been delivered in 15 areas across the state with higher rates of youth offending, and an evaluation completed in 2022 found that for young people who completed the program the incidence of their offending had dropped by 29 per cent. Participation significantly reduced the severity of young people's offending, with high serious offences down 24 per cent, including sizeable reductions in offences like breaking and entering, burglary, property damage and assault. There are also things like the embedded youth outreach program providing outreach services as part of a police response to young people at high risk of anti-social behaviour, criminal behaviour or victimisation. These are some of the initiatives we are taking in the prevention space, because preventing crime, preventing youth crime, is an incredibly important part of the suite of measures that we need to enact and are enacting to keep our community safe.

We cannot just do prevention; we have also got to make sure that the powers are there for our police and the consequences for criminal behaviour are there, they are serious and they are real. We have demonstrated our commitment across these areas – for example, by continuing to back Victoria Police to do their incredibly important job of keeping our community safe, with additional investment that helps them to do their job, investment that helps prevent crime. We invest in this system. We have invested more than \$4.5 billion to ensure our police are equipped with the resources and tougher powers they need to keep communities safe, with more police officers on the beat and investments of

almost \$1 billion to deliver new and upgraded police stations across the state, and we continue to invest in critical police infrastructure. As we go about all of these elements of our plan to keep our community safe, we will be doing things like bringing bills like this and others into the Parliament to make sure that the suite of powers, resources and support that the police need to do their job are there, and we back them in with investments. We do it through continually looking at the effectiveness of the range of laws that exist to keep our community safe, and we are unapologetic about making sure that those laws are right all of the time.

This bill today introduces a raft of changes, and it is reasonably comprehensive. I do not want to go through all of the aspects due to time constraints. I just want to mention a few. One of the things that is exceptionally important to the community at the moment is dealing with knife crime. You have seen the government take serious and clear action to make sure that we are giving police the powers they need, providing the resources that we need, to deal with knife crime. We have expanded Victoria Police's stop-and-search powers and implemented a nation-leading machete ban. The machete ban and the amnesty and disposal system are continuing to get thousands of knives off our streets. Since the start of the amnesty period, almost 9000 knives have been surrendered by members of the public and more than 5000 by a major retailer. Between what has been surrendered by the public and those coming from retailers, more than 14,000 dangerous weapons have been taken from the streets in the last couple of months.

I do want to point out that the Liberal Party – and Mr Mulholland in his speech – continues to try and attack the government over taking action on knife crime. We think what that demonstrates is they do not take this issue seriously enough, because if they did take this issue seriously, then they would not trivialise and undermine the efforts that the government is taking to deal with knife crime. We will find it difficult I think to listen to them seriously when they have more interest in getting cheap clicks on social media than they have in getting knives off our streets. I think that their approach to the trivialisation of the ban on machetes and the attempts to get machetes off our streets should stand condemned, because I think it demonstrates that they do not have the seriousness with which to tackle these issues.

The other thing I just wanted to touch on in this bill is the measures that are being put in place to stop harmful behaviours that will prevent or disrupt people from practising their faith. Those sorts of actions do not have any place in Victoria. I know because of the communities that I speak to in the Southern Metropolitan Region that particularly members of the Jewish community are concerned and have been concerned about protests that they have felt have impacted their ability to practise their religion. We do need to make sure that faith communities have the capacity to exercise their faith without fear of protest. In a multicultural and multifaith society such as ours, people should be able to gather and practise their faith free from intimidation and harassment.

The government is very clear that the changes that we are putting through with this bill today are setting out some very clear provisions about replacing an existing offence of disturbing religious worship with two separate, modernised offences. The first prohibits conduct that disturbs religious assembly and the second concerns the assault of persons arriving at or attending or leaving a meeting of persons assembled for religious worship. It is important to clarify this in the course of this debate, because we had some quite outrageous commentary from Ms Copsey on behalf of the Greens about this bill. She said that the bill was too vague and that these terms were too vague. In the course of legislative drafting, as legislators and as drafters of legislation, we cannot expect our legislation to precisely deal with every possible scenario that we might envisage. When matters are required to be left up to interpretation, what the courts have done – and I assume Ms Copsey is aware of this – is look at the materials that are presented and provided as part of the parliamentary debates to understand what the intention of the Parliament was in assisting the courts and the police and others in determining what the Parliament meant by certain things. Ms Copsey raised concerns, I think quite dangerously, that this bill would prevent, for example, the victim-survivors of sexual abuse from tying ribbons to the gates of churches, and that is just not true. It is disappointing that she would stand and say this,

having not read the material that was presented as part of the second-reading tabling and having not read the statement of compatibility that was tabled by the minister which addresses this issue specifically.

Katherine Copsey: On a point of order, Acting President, I do not contest Mr Batchelor responding to comments I made in my speech, but I just want to clarify that I do not think I represented in my speech that these actions would be prevented. Rather I seek clarification from the government around their intent, to ensure that there are not unintended consequences of the legislation they have drafted. It is not a point of order really.

The ACTING PRESIDENT (Gaelle Broad): Thank you for your comment.

Ryan BATCHELOR: It may assist Ms Copsey to read the statement of compatibility that was tabled with the second-reading speech in this place by the minister, because it says what is intended by this legislation. I quote here from the statement of compatibility:

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.

I appreciate that Ms Copsey may not be intending to muddy the waters of what the government intends, but it is a little difficult to suggest that that is not her intention when the clarity she seeks is in the documents that have been tabled.

Katherine Copsey: On a point of order, Acting President, I believe that Mr Batchelor is reflecting on a member. If he wants to make assumptions about my intent in this place, I would ask him not to.

The ACTING PRESIDENT (Gaelle Broad): Mr Batchelor, I will just bring you back to the bill.

Ryan BATCHELOR: The legislation is very clear about what the government's intent is, because it is in the statement of compatibility, and I am sure that all members who seek to understand what is intended could read these materials and it could be made very clear to them. It is a little difficult in the course of the debate to have to listen to members who have not read the statement of compatibility that was tabled with the bill when they seek to understand what the bill is intended to do.

Katherine Copsey: On a point of order, Acting President, I think that Mr Batchelor has continued to reflect on my conduct, and I would ask him to confine his comments to the bill. I will clarify my concerns about the government's drafting and the effectiveness with which it is realising its intention when we get to the committee stage. I do not appreciate Mr Batchelor making assertions about my conduct in making a good-faith contribution to a bill that is going to significantly impact the rights of Victorians to peaceful assembly.

Ryan BATCHELOR: Further to the point of order, none of my remarks since the last point of order have mentioned Ms Copsey.

The ACTING PRESIDENT (Gaelle Broad): Mr Batchelor, I understand that you were talking generally about the bill in that section, but I just bring you back to the bill.

Ryan BATCHELOR: As I am talking about the bill, its application, what is intended and the statement of compatibility that was tabled, I think we have made that pretty clear. We know that in a range of areas there needs to be more done to continue to ensure that our community is safe and feels safe, and that is exactly what this bill in certain parts and elements seeks to do. We do not resile as a government from having the safety of our community as a top priority. We will continue to invest in the sorts of prevention programs that are required to ensure that we prevent offending, particularly youth offending, and we will also continue to ensure that the consequences for those who do offend are serious. This bill is an important part of the suite of measures that the government is taking, and I commend the bill to the house.

Trung LUU (Western Metropolitan) (19:48): I too rise today to add my contribution to the Justice Legislation Amendment (Police and Other Matters) Bill 2025. This bill is an omnibus justice bill that amends various acts ranging from the Control of Weapons Act 1990 to 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 Surveillance Devices Act 1999, the Victoria Police Act 2013 and so on. Mainly there are a range amendments to acts dealing with criminal procedures, police powers and firearms as normal procedure to better police procedure and better policies and also to arrange improved regulations and legislation as technology advances to accomplish a couple of those areas. But also I note some of these amendments are trying to catch up on what has been lacking from this government in relation to the building crime crisis, and in doing so we do commend that they are trying to fix the problem they have initiated with watered down legislation in recent times.

Consolidating multiple operations and policy changes into a single legislative vehicle will support organisations like Victoria Police and other agencies in the justice system to assist them recording serious organised crime and related offences. There are so many acts being amended throughout this bill. I will touch on some of this legislation, which I would like to highlight – what it is trying to improve in relation to policies and legislation. For example, we have got the amendment to the Control of Weapons Act 1990. The amendments in this bill basically define what a planned designation of an area is in clause 9. This enables police and agencies to conduct various searches at declared zones, so they would be doing various searches for controlled weapons in those areas. It comes as a reaction to the various incidents that have happened in recent times in relation to the crime crisis. The issue with this is the government is trying to catch up in relation to searching for weapons, which has been an issue in relation to youth offenders using machetes. I will touch on the actual machete issue itself down the track. In relation to designated areas, we have seen a crime crisis happen across the board in Victoria, not just in one area, such as shopping centres or places of public transport where youth hang out. It is across the board, what is happening at the moment. Yes, the government is trying to amend this legislation to address some of the crime issues happening across the state. Unfortunately, having a designated area does not cover the whole state, whereas legislation like Jack's law would enable police to scan and stop people across the board wherever they want, if they deem it appropriate, to search for weapons.

It is a half-measure amendment, what the government is trying to do. I do understand what they are trying to do, but again, this is just a reactive government, not a proactive situation that we are looking at. Something happened, they are trying to react – but they are not providing full cover in relation to making amendments across the board. If they adopt Jack's law, as Queensland have, it would enable authorised officers like the police and PSOs to stop and scan – this is not searching; it is scanning – for weapons anywhere across the state, which is where crimes are happening at the moment. It does not happen in just one area. What this amendment does is enable a planned designed area. What it entails is the police having to advertise and publicise in relation to the area itself. This is good for people who attend the area at times, but it does not address the issue in relation to offenders and the crime crisis and people using weapons in those areas and in this time. It is addressing it, but it does not actually go for the full measure.

Other amendments are, for example, to the Firearms Act, which I do commend the government for doing. As technology advances, we know there is a crime issue in relation firearms in the state. There are a large volume of illegal firearms and unregistered firearms across the black market, and we know it is happening. Police are doing their darn best to combat this issue. Unfortunately, the technology has progressed so dramatically that firearms are no longer just a metal weapon but also can be made from plastics and through technologies such as 3D printers. This amendment to the Firearms Act enables police to search and prevent the distributing of manuals and instructions on how to print 3D objects such as firearms and weapons, and it is building forward in relation to technology that is happening at the moment. I do commend the government for doing something to keep up with technologies.

Just touching back in relation to the other amendment in the Victoria Police Act 2013. The PSO service clause 106 would enable police and protective services officers by definition to deploy models to enable them to have stop-and-search powers in designated areas. I mentioned earlier in relation to designated areas the bill does not fully address the crime crisis or the youth offenders across the state. Yes, it is detailed in relation to certain areas as being designated, but again, offenders do not just go to those designated areas carrying weapons. They know it is happening. They would not go there. That is the problem at the moment. In relation to law-abiding citizens, yes, they are being searched, they are being looked at and they are being scanned in those designated areas. Unfortunately, offenders know it has been designated, so it does not really address the issue.

Other legislation that is amended by this bill is in relation to wearing a mask. I know the government has talked about this, and the crossbenchers mentioned the wearing of masks. The wearing of masks has been going on for years. Unfortunately, during COVID there was an increased number of people who were wearing masks due to restrictions, and once restrictions were lifted the wearing of masks carried on, and that is where the issue lies. In combination with the crime crisis and the increase of youth offenders and in relation to the wearing of masks in protesting, this legislation has been brought forward to prevent people wearing masks and asking them to remove masks. Going back before this, due to the crime issues – people wearing masks and committing crimes during protests – the Premier promised a mask ban. This is a big issue for identification for police when activists protest.

Mentioning protests, I know the crossbench has mentioned peaceful protesting. Yes, we are all for peaceful protesting, and it is our lawful right to do so, but when it comes to violence – when you start throwing rocks, throwing weapons, throwing urine or throwing faeces at police officers during protests – that is not a peaceful protest. I do not know what definition of ‘peaceful protest’ you mean, but when this sort of thing happens it is not peaceful. Secondly, most of the time all these people – activists, so-called protesters – go to protests with no intention of protesting. They are there for one reason: to cause chaos and with violence. That is why they are there during protests. The police have been asking for the right legislation to define the removal of masks. They have been asking that for years. This did not happen recently after COVID, it happened before COVID. The identification of offenders is a vital key for police officers and law enforcement. It is not for people who actually go to the protests, it is for those who go there not to protest but to cause violence. I know we mentioned about religious rights. I do not know what religions wear masks other than those who have customs in relation to Islam for females wearing the burqa. I do not know any religions that actually wear masks as a religion. If you can find and show me anyone in a religion who wears a mask as a religion, I would love to see that. But you would be narrowing things down to a very small group of individuals you classify across the board under freedom of religion. Well, we are not referring to that. Please answer the question. When they see a female wearing a burqa, they will not approach that female. But we are talking about all these activists – male, female and whatever gender you want to define – wearing face masks, not a burqa, who go to these protests for one reason only, to cause violence, and with the tools to do so. So please do not use those religions and those diverse communities as your tools as defence for violence.

Secondly, we are talking about another piece of legislation about lockdown – lock in place. When you lock yourself down to an object or to the road, which causes chaos, that is not peaceful. You are actually causing mayhem and disruption to the general public and to the community. And I know she mentioned this in relation to the consequences in relation to some of the amendments the government has put forward. Well, for every action there are consequences, whether good or bad. If you act in good faith, there will be no repercussions, but if you act badly, there are consequences, and that is what legislation and law is all about.

With the remaining time I have left, I just want to conclude that in relation to this bill, there are some shortfalls. I understand there is some legislation the government is trying to rush through in relation to this bill to compensate for what has been going on. The coalition broadly support the bill and acknowledge that it has taken far too long for the government to bring this to Parliament. There are,

some would say, some weak elements, as I mentioned, in relation to the weapons bill, for example, and also the face covering component, which could be more strongly enforceable, because this bill only mentions a law officer being able to ask them to remove coverings. When you are in a situation where people are throwing rocks at you, throwing objects at you, throwing faeces at you or throwing urine at you, you have not got time to go, 'Please remove your mask.' You direct the person to remove the mask and identify who they are. But you cannot have police officers ask, 'Please remove your mask,' if incidents are occurring. We do not oppose this bill, but I do express some concern with some of the shortfalls which the bill does not fully address and with some of the acts this amendment is trying to cover.

David ETTERSANK (Western Metropolitan) (20:03): I rise to make a contribution to the Justice Legislation Amendment (Police and Other Matters) Bill 2025 on behalf of Legalise Cannabis. The bill expands police and PSO stop-and-search powers, it further restricts the rights of protesters, and it changes the rules around the destruction by police of seized drugs and drug-related equipment. We will come back with some questions about that in committee of the whole. It is the government's latest regressive so-called tough-on-crime bill. This one implements an unnecessary and harmful expansion in police and PSO powers and seeks to further erode our civil liberties – the edge of the wedge driven further into our democratic hearts with each populist stunt. Over 90 new police powers have been introduced in the last five years with no corresponding increase in oversight, a seemingly endless recycling of old laws that have proven to be ineffective, discriminatory and expensive, all in the name of community safety. But this is about a government attempting to shore up its re-election chances, and it is about a Premier who jerks reflexively at every *Herald Sun* headline and seems to mistake legislating for leadership.

I confirm from the outset, as you may have already guessed, that we will not be supporting this bill. Our vote makes little difference, as the bill has been enthusiastically endorsed by the opposition, and it is really getting harder and harder to distinguish between our two major parties on some of these issues. It seems that, if anything, the opposition feel the government's authoritarian overreach does not quite extend far enough. The bill hands more power to police to stop and search people without a warrant and without suspicion in key transit points outside a designated area – at bus stops and train stations or perhaps further on. America's justice system has many, many flaws, but the concept of probable cause and due process are enshrined to a degree that the police powers proposed in this bill would be struck down there.

There are practical considerations as to why this is a bad piece of legislation as well. It weakens safeguards for children and people with an intellectual impairment by removing the requirement that a parent, guardian or independent person be present for a search –

David Limbrick interjected.

David ETTERSANK: Yes, Mr Limbrick, it is disgusting. It requires only that another person be present, and that person can be a police officer. Random searches are also incredibly inefficient. Only 1 per cent of random police searches yield anything. Targeted ones have a slightly better hit rate of around 17 per cent, but it is still a lot of money for a pretty poor catch rate. There is gross potential for scope creep and misuse, particularly around police pre-empting criminal offences with no requirement to prove criminal intent.

We know these laws will disproportionately impact First Peoples in Victoria, along with all the other usual suspects. The cognitive dissonance of this government once again is stunning. Last month they passed the historic treaty bill – well done – and next week they will deliver an apology to our state's First People, one that will acknowledge the responsibility of predecessors for laws, policies and practices that contributed to injustices against First Peoples in Victoria. But that is apparently as far as they are prepared to go. The Minister for Police himself told the Yoorrook Justice Commission about the challenges of combating racism, discrimination and unconscious bias in our police force, yet the use of excessive and illegal force continues against people from those communities and other

marginalised communities with inadequate oversight. It is very disturbing, given the Centre Against Racial Profiling has found that profiling of Aboriginal, African, Middle Eastern and Pasifika communities has in fact worsened since the practice was outlawed by Victoria Police in 2016. Let us face it: police have never been known for using increasing powers lightly.

Protective services officers hold these same biases, these same patterns of racial profiling and targeted behaviour towards people who are homeless, people with mental health issues and people living in poverty. The difference is that PSOs get a mere 12 weeks of training. Youthlaw rightly notes that PSOs are not known for de-escalating situations. Sending them into more public spaces where children and teenagers hang out, like shopping centres, will intensify situations that should never involve force, let alone a firearm. Youthlaw's clients are young people who are already overpoliced, traumatised and unfairly targeted. They are disproportionately stopped, questioned and searched, too often without any lawful basis. VALS, the Victorian Aboriginal Legal Service, also noted PSOs' contribution to unsafe environments for vulnerable communities, Aboriginal people and those experiencing social disadvantage over the years, and we are going to let them loose into yet more public spaces, fully armed with guns, tasers and OC spray and with the power to arrest and hold people. Seriously? It is profoundly concerning. The government barely consulted with Victoria Police and not at all with the legal sector. They ignored Aboriginal community groups, entirely contrary to their newly minted treaty. I mean, how does that work? Jeremy King represents people making civil claims against police after failing to receive any remedy from our police complaint system. His firm, Robinson Gill, receives many complaints about PSOs, and he has no doubt that the increased use of PSOs will see a rise in complaints and a rise in claims.

Moving on, we find ourselves again debating protest laws for the second time in a matter of weeks. I said it then and I will say it now: it is our right as citizens to protest. It is a basic right, and the right to protest in Australia is protected and should be celebrated. As I mentioned just the other week, I cut my political teeth in Queensland protesting Premier Joh Bjelke-Petersen's anti-protest laws – laws handing police powers to approve protest applications and to declare a gathering of two or more people without a permit to be illegal. I found myself musing over how far off Victoria might be from introducing something similar if this sort of legislation goes through. Anyway, I was one of thousands of Queenslanders who went to the protest marches, and I was duly arrested and charged a dozen or so times and beaten up by the Queensland police a couple of times, and I have never regretted my actions, because it is about liberty, it is about democracy and it is about justice.

This bill proposes handing Victoria Police extraordinary powers to arrest and harass protesters where there is no danger to the public. I acknowledge some slight government amendments to soften the face covering offence, reducing it to an offence for not removing a mask when police ask you to, and some exemptions. But this is a gross violation of our rights and another example of that creeping normalisation of police being able to arbitrarily interfere in our autonomy and in our privacy. I am so sick of government and police spruikers saying, 'Well, if you haven't done anything wrong, you have nothing to worry about.' This whole spin is based on the false premise that the sole purpose of people's privacy is to conceal wrongdoing. It denies the possibility that someone may just want to conceal personal, embarrassing or sensitive information, and that should not be an offence. Why shouldn't someone who has been subject to gender-based violence, stalking, doxxing or other violence be able to protect themselves and their families by preserving their anonymity while protesting, or those who wish to protect themselves from racial profiling or, God forbid, from the unlawful and indiscriminate use of OC spray and tear gas by police? Police already have powers to remove face coverings if a crime is reasonably suspected, so where is the justification for these further powers? Where is it?

A member interjected.

David ETTERSHANK: Or the lack of intelligence.

Then we have the new lock-on laws. People who intentionally lock or affix themselves to something in a protest face up to a year in prison or a fine of 120 penalty units – that is over \$24,000 – or both. I

recently walked past Trades Hall, where there now stands a beautiful life-size bronze sculpture of Zelda D'Aprano, the historic unionist and campaigner for trade union and women's rights and I am sure an inspiration to many people in this Parliament. Looking at that statue, in one hand Zelda holds a placard with the words 'No more male & female rates. One rate only' – equal work, equal pay. In the other hand, heaven forbid, she holds a chain, and it was with a chain that she attached herself to the doors of the then arbitration commission to protest the glaring wage inequality for women. That was in 1969. Today this Labor government, without a 'u', would have locked Zelda up for a year and fined her 24 grand. Even Henry Bolte, the then Premier, would not propose such outrageous punishment, yet this Labor government will not only do it but positively brag about it. It is appalling. Those on the government benches should be ashamed. Your actions betray hundreds of years of protest by the labour movement, by the women's movement, by the anti-war movement and by the environmental movement, all of whom have had recourse to this method of calling out justice. Let us recognise that, by its very nature, locking on is a peaceful form of protest. We are talking about Violet Coco, not Violent Coco. Protest is disruptive, but it is also an integral part of our democracy. It may occasionally be inconvenient, and I am sure we have all sat in our cars as a demonstration passes. We may agree or disagree with their cause, but we must respect the right of those people to express their heartfelt concern. As the philosopher, author, Holocaust survivor and Nobel laureate Elie Wiesel said:

There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.

Sometimes you have just got to get people's attention, and sometimes it takes a bold action to capture the public's attention. It would all be much easier if everyone just stayed at home, but where would that have got us?

Let us recognise that once these powers are implemented, they are rarely or never ceded. For that reason many of us are concerned about the recent announcement of a six-month designated area being declared for the City of Melbourne. It is possible that these combined actions may reward the government with a boost in the polls – temporarily. Locking away more people in our overcrowded jails and remand centres may clear the streets a bit, and they may be able to scare enough kids away from shopping centres over the Christmas period. Who knows, the government might even be able to ride that bump all the way to the next election, but it will not make any difference to crime and violence in the long term. The shameful thing is that the government knows this. They know it because all the evidence shows that these types of policies are ineffective and they are expensive, yet they are still going to do it, and they know there are things that do work.

I understand the Premier was so taken by the remarkable work of the Scottish violence reduction program that she announced that we will be using that model to start our own violence reduction unit here in Victoria. I am not sure she entirely understands the Scottish model. That model is a holistic, system-wide approach to keeping young people out of jail. It is well resourced; it is evidence based. It requires that all sectors – schools, health, social work, homelessness services and police – work together to engage children with those foundational supports when they are first starting to show signs of disengagement. Its success has been in breaking the cycle of youth incarceration, not in finding further ways to incarcerate young people. It is cynical, it is tokenistic and it is a deplorable move by the government. I would draw the chamber's attention to the reality that with a \$2 billion budget the police allocate less than 1 per cent to crime prevention. I think that says it all. It also says that a \$20 million violence reduction unit is going to make almost no difference at all.

Before I finish, there is another clause that Legalise Cannabis Victoria is interested in. For various reasons the bill will authorise Victoria Police to destroy drugs and drug-related equipment subject to certain safeguards for fair trial rights. These safeguards include the ability to seek an independent analysis of samples and the retention of sufficient samples for forensic evidence for, say, the duration of any court proceedings or appeal periods. However, it is not clear how these changes will impact someone who disputes their charges on the grounds of, for example, the weight of a seized cannabis plant. The initial weight may include the entire plant and root system, soil and all, and the water content

of a freshly harvested plant can double the weight of the plant. The only sellable part of the cannabis plant is the dried flowers, and those can weigh less than a third of the entire plant. The difference in weight can mean the difference between a personal use quantity, a commercial quantity or a trafficable quantity, and that is quite a dramatic upscaling of offences just for being a good gardener and having the right soil conditions. We will seek some clarity on this clause in the committee-of-the-whole stage.

While we are talking about police resources, why are we continuing to waste them on policing cannabis? The 2025 Penington cannabis report has once again highlighted the ridiculous sums of money we waste. They write:

Prohibition of personal use cannabis continues to absorb billions in enforcement while failing to reduce cannabis use, instead funnelling everyday Australians into the criminal justice system.

We all know we cannot arrest our way to a safer community. Our Chief Commissioner of Police has said as much repeatedly. If the government is serious about community safety, it needs a different approach. It needs to fund those vital supports that help young people – youth workers, mental health supports, housing and early intervention – rather than continue to push them through the revolving door of the justice system. This is the world we have made, and young people are a part of it. They deserve support, not surveillance, and they do not deserve vilification. They certainly deserve better than to be sacrificed as fodder for the government's election campaign. We do not create community safety by placing ever more restriction on people's lives and by handing greater power to the police. It has not worked to date, and it will not work in the future.

As Steven Levitsky and Daniel Ziblatt wrote in their work *How Democracies Die*:

The tragic paradox of the electoral route to authoritarianism is that democracy's assassins use the very institutions of democracy – gradually, subtly, and even legally – to kill it.

I urge members to consider carefully what you are voting for today and to oppose this bill.

Renee HEATH (Eastern Victoria) (20:22): I also rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2025. I just want to start by saying, from what I have heard from Mr Ettershank and Ms Copsey, I just do not find how their concerns about masks and all these things are founded in this bill at all, and it is something I will be interested in hearing about in the committee phase. Also, when Mr Batchelor says that the government is continuing to back police and give them the powers they need, I do not see how that is founded in this bill. However, the government tells us this legislation is about cracking down on dangerous extremists at protests and protecting religious communities. Those are most certainly worthy goals – if only they were genuinely true.

Let me start with the face covering provisions, because this is where the government's broken promises seem to be most obvious. The Premier made a clear commitment in December last year. After the horrifying firebombing of the Adass synagogue, she announced that the government would ban masks at protests because they were used to conceal the identity of those engaging in violence and vilification. I do not see how Ms Copsey says what this bill does is criminalise nonviolent protests. That is just, quite frankly, not true. However, let me just make this point. The Adass synagogue and the chaos around that time was not an isolated incident. Since 7 October 2023 Australia has seen a surge in antisemitic incidents, including graffiti declaring 'Kill Jews', arson attacks on synagogues and threats scrawled across schools and community spaces. Let us not forget this is where this initial promise came from.

The Executive Council of Australian Jewry recorded more than 2000 incidents last year, and when we include online hate that number absolutely skyrockets to nearly 7000. Experts warn that antisemitism now occurs at rates far exceeding any other forms of hate – sorry, there is so much chaos going on down here, but I think Mr McGowan has finally found a bill report potentially.

Bev McArthur interjected.

Renee HEATH: Good, I will continue. Yes, we are facing an antisemitism crisis. When extremists hide behind masks to spread fear and violence, we need to act decisively and protect our communities and uphold the values that bind us together. As I said, that was the Premier's promise last December. But after waiting an entire year what we have here is fundamentally different. David Southwick in the other place put it clearly. He said:

They are not a ban, they are a 'Pretty please, take your mask off' request.

And he is not alone in that assessment. The Police Association Victoria secretary Wayne Gatt said:

... it amounts to our members having to ask protesters nicely whether they have a lawful reason for wearing a face covering ...

He went on to describe the practical reality:

Imagine going up to 100 people wearing black balaclavas and asking them one by one whether they have a lawful excuse for wearing them. We don't think it will make a significant difference to the protest environment our members work in.

So this problem is twofold. First, the threshold is impossibly high. Police must believe that a person has committed or intends to commit an offence before they can direct a mask removal. In a dynamic protest environment with thousands and thousands of people, many of them concealing their identities, this creates an operational nightmare. With thousands of people at a protest and countless numbers of them wearing masks and balaclavas, the police have to assess the likelihood of those individuals going on to commit a crime. It is a bit like going into maybe a bank that is about to be robbed and saying to the person with the balaclava, 'Oh, hang on a minute, do you have a lawful excuse or lawful exemption to be wearing that mask?' That is actually how ridiculous it is.

Secondly, the exemptions are so broad that it makes any of these changes essentially meaningless. Religious reasons, cultural reasons, medical reasons – these are legitimate, but they are so expansive that just about any person can claim them. That is why I have found Ms Copsey's and Mr Ettershank's arguments extremely interesting and potentially disingenuous, because there is a carve-out for just about everybody in this bill. As Mr Southwick illustrates, somebody could show up with goggles and a ski balaclava in the middle of summer and claim they were heading to the ski slopes. The Jewish Community Council of Victoria itself has expressed concerns that:

... including a cultural defence is so broad as to make the defence a catch-all and undermine the effectiveness of such a law ...

What if somebody is coming to a protest with a veil? That could be defended as a religious right. So you can see the problem that this creates: anybody could make a claim, and legally there is no way to challenge it.

This is where I believe the ideological confusion of the government becomes apparent. This government has framed the bill as a response to right-wing extremism, yet the legislation is so weak, so hedged with exceptions, so limited in practical application that somebody has to ask why. How can you explain this gap between the Premier's speech and media release in December and that commitment and what is being drafted here today? Part of the answer, I suspect, lies in the government's own ideological inconsistencies. The government recently voted down a motion against criminalising the desecration of the Australian flag, specifically the right to burn the Australian flag, and they said that was protected as a legitimate form of political expression. The ideological inconsistency is stark, and I believe it is inverse logic. I suspect what is actually happening here is that the government, conscious of its own contradictions, has deliberately watered down these provisions. The weakness is not an accident, but I believe it is ideological. The government cannot bring itself to legislate robustly against protest conduct because doing so would expose the fundamental inconsistency in its position on political expression and actually put itself against the protesters on the ideologies they actually agree with.

Mr Mulholland mentioned before the way this is being framed around right-wing extremism. Can't we just accept that extremists, whether right or left, are a threat to our community? Can't we just accept that? I find it so interesting that people have just skimmed over what Mr Cheeseman said, where there was the protest, the clash of – I cannot remember what it was called – the Put Australia First protest and the other protest that came with rocks, trolley bars and shards of glass. Mr Cheeseman stood up and said, 'Make no mistake, the people that were causing chaos here were left-wing extremists.' That is what he said, yet this bill claims to frame it around right-wing extremists. I think that is something that actually has to be acknowledged. It is wrong. It is mischaracterising what was actually promised and why it was promised back in December. This is selective framing, and it runs much deeper than flag desecration.

Let us just go through what actually happened to kickstart this whole thing, the firebombing of the Adass synagogue. That attack was carried out by violent anti-Israel activists, left-wing activists who oppose Israeli government policy – nothing to do with what was happening here. This government's own second-reading speech framing does not match the facts of the individuals that had targeted the legislation. Minister Carbines characterised part of this bill as a response to right-wing extremists, yet the attack came from the left in most of these –

Ryan Batchelor interjected.

Renee HEATH: I will continue on, if you will allow me. This is not a minor point. This goes to the heart of what this legislation is genuinely about and how it goes about protecting communities. We have seen significant violent protests that have cost Victorians \$300 million in policing costs and amount to an enormous amount of damage and countless numbers for business and tourism. I do not mind if Mr Batchelor disagrees, but this has largely been driven by left-wing activists. The Disrupt Land Forces movement caused substantial disruption and violence at the defence expo in 2024. We have seen counterprotests against the March for Australia, rallies that involved burning the flags and violence and pro-Palestinian protests for two years, but most of those incidents do not seem to generate the same legislative urgency. Why? Is it because the government is ideologically sympathetic to those movements, which explains its reluctance in restricting them? It shows that the government does not honestly identify who and what the real threats to the state's peace are and what the real threats to Victoria's stability are.

Farmers across Victoria who are engaged in legitimate disputes with government agencies over land access, particularly around forced acquisition of their land for transmission lines, and companies to fulfil massive government-approved infrastructure projects, get demonised. When volunteers and farmers widely protest against the government's draconian emergency services and volunteers levy, this new tax, those people get demonised. Of course, these are not extremists but law-abiding citizens defending their property rights against the government's overreach and unfair and destructive taxes.

I am concerned that, given this government's skewed view of reality, we will someday see these ordinary people sometimes labelled and described as far-right extremists. I will provide that to illustrate this government's ideological confusion about which forms of protest deserve protection and which forms of protest deserve restriction. You have to be clear-eyed about this and that we have been seeing this in the state of Victoria. We saw it during COVID lockdowns, where there was a certain group of protesters that were anti-mask, anti-vaccine and anti-lockdowns and were completely demonised and shut down by this government. But then when there was another issue around Black Lives Matter, all of a sudden it was like the health advice that they were claiming was out the window. We have to be clear-eyed to this government's ideological confusion.

Beyond the specific weakness in each provision, what generally concerns me is the inconsistency in this government's approach. It was only a few weeks ago that it voted down a motion that we put forward in a private members bill around masks. They were saying how stupid it was and how ridiculous it was. Fast forward a few weeks and here they are bringing in a law essentially legislating the exact same thing. It is the same with Jack's law, which has been brought up a few times: when we

brought it forward, it was absolutely ridiculous, but once the government flips it, it comes forward as something of urgency that we were so blind for not seeing. I think that what we have to admit here – which is not covered in this bill, no matter how Mr Batchelor would like to spin it – is that it is both left-wing and right-wing extremists that cause harm in this state, and both should be treated the same.

David LIMBRICK (South-Eastern Metropolitan) (20:36): This has been an interesting debate. I have been listening very carefully to the contributions, and a couple of them stood out in particular. Mr Mulholland's and Ms Copsey's contributions stood out, and they stood out because in many respects I agreed with them and in certain respects I disagreed with them. I will start with Mr Mulholland. For the second time today I have heard Mr Mulholland get up in this place and describe how a bill that the government is putting forward essentially does not do much and then go on to say that the Liberal Party is supporting it anyway, which is quite bizarre, because if you thought that something was ineffective law, then maybe you would not support it: you would vote against it, as did I earlier today. I intend to vote against this bill this evening as well.

What has actually gone on here is a failure of the major parties. We have had this unassailable, terrible crime problem, and the Liberal Party has been goading the government into action. The government said, 'No, no, no,' but they have not done much. Then all of a sudden they realised that there really is a lot of community concern about this, there really is a lot of crime, and maybe we had better do something. So let us do a total 180, come back and do – what? Basically what the Liberal Party was suggesting in the first place. The problem is, as the Liberal Party themselves have pointed out, these measures are ineffective. Now, of course the Liberal Party thinks that they can do better. Mr Mulholland brought up Jack's law, but Griffith Criminology Institute in Queensland have done extensive research into Jack's law, and they have concluded that it has resulted in no reduction in knife crime whatsoever. It is totally ineffective policy that should not be copied in Victoria.

The other thing that has happened in the process of the Labor Party responding and trying to act like they are tough on crime is they do not seem to acknowledge there is this fatal conceit in their thinking. The Labor Party seem to think that they can legislate these effective measures to counter crime, and yet there is nothing in their recent history that would provide good evidence that they are capable of actually doing this. They have taken action to try and counter far-right extremism. It has backfired spectacularly. They have taken action to try and counter antisemitism. It has backfired spectacularly. They have taken action to try and remove machetes from society with these machete bins. They have become the subject of ridicule – everyone in the state is laughing at it, and that was the Liberals' idea in the first place, so I do not know why the Labor Party keeps caving in to these crazy ideas from the Liberal Party.

What are they doing in this bill? Let us look at some of the things. One of the first things that has been very topical is around facial coverings at protests. I have been around this place long enough to remember when people were getting into trouble for not wearing facial masks at protests, and that is because the government had decided at that point in time that they wanted to tell you what you should and should not put on your face. Now they want to continue that, except they want to do the opposite. As has been brought up by many, if someone is committing a crime at a protest – they are throwing rocks or whatever – the police have the opportunity to arrest them. But if they have got a mask, what they are saying is that they will not be able to identify these people easily and catch them, and that is true. It will be harder. It will be a bit more work for them. They want to make their job easier and strip the masks off everyone so that they can collect intelligence on them. They have intelligence-gathering units in Victoria Police. They want to watch as many people as possible so that they can keep an eye on them, they can track them down easier and they can arrest them easier. But that is not what should be happening in a free society.

Let me tell you another society that stood up against authoritarianism, and actually these people are heroes of mine – the Hongkongers in 2019. They stood up against the Chinese Communist Party, and they wore masks. In fact masks were a symbol of their resistance because they knew that if they did not wear masks they would be identified by the police, they would be put in a database and they would

be hunted down like dogs. And that is in fact what happened. Eventually the Hong Kong government put in a mask ban for protests, similar to what we are doing in Victoria – what the government is seeking to do today, like in Hong Kong after it had been overtly influenced by the Chinese Communist Party. One of the saddest things that I have ever seen is we saw these people pushing back against the horror of an authoritarian regime in Hong Kong. They fought back bravely, but then they just went quieter and quieter and quieter. Now we hear nothing at all from these people. I have met some of the people that have left Hong Kong, escaped Hong Kong. In fact one of them, Mr Ted Hui, actually now lives in Australia. He lives in Adelaide. Our government very kindly allowed him to live here with his family. He told me about what happened in Hong Kong. He got arrested because he spoke out against the takeover. They banned masks, and that was for the purposes of gathering intelligence. We should not be doing this.

There are very legitimate reasons that people might want to hide their face. Many people consider the Labor Party as, you know, this socialist dictatorship and stuff, and they have their bad points and stuff, but they are not that bad, right? We are not Hong Kong, right? We are not that bad, but we might get that bad one day. Maybe it will not be under the Labor Party. Maybe it will be someone from this side, or maybe it will be someone else. They are still going to have these powers, and they are going to collect that data. Facial recognition technology is already here. Police have done experiments with it. We already know it works. There might be very legitimate reasons that people want to hide their face. Maybe they do not want to be tracked by the state. Maybe there is good reason they do not want to be tracked by the state. Maybe it is not because they are criminals but maybe because they think differently to the government, maybe because they want to protest against something that the government does.

I listened very carefully to Ms Copsey's speech, and again, I agreed with much of what she had to say. I think we are in agreement in opposing this bill and many aspects of it. Ms Copsey spoke – as the left tends to do, and especially the Greens – about all these minority groups and people who are in vulnerable communities and things like this. I am concerned about a minority group. In fact I am only concerned about one minority group, and it is the minority group that is under the most threat all the time: it is the minority of the individual. That is what we are not protecting with laws like these.

Let us look at some of the other things that this bill seeks to do. It seeks to enable pat-down searches for children or people with an intellectual impairment. They can be pat-down searched by Victoria Police without a parent, a guardian or an independent person there. There just has to be another person, maybe another policeman. Really, we are going to pat down intellectually disabled kids now, are we? Is that what Victoria has become? This is disgusting. How can the Labor Party support this?

The other thing we are talking about here is protesting out the front of or interrupting people at their places of worship. I acknowledge that there have been some horrible incidents that have happened around synagogues and mosques, of people doing hateful things, but as has been brought up in the debate, there are very legitimate reasons why people might want to protest against religious institutions. You only have to look at cases of institutional sexual abuse. Why shouldn't members of the public protest against organisations that cover that up and do that? If, for example, we wanted to protest out the front of a mosque because we saw someone that was preaching against the interests of Australia or talking about terrorism there, why shouldn't we be able to protest against that? It is a fundamental right to be able to protest against the government but also to protest against views we consider extreme in this state or when we think that harm has been done or there is an injustice. Taking away the right of people to protest against that is wrong. It is just wrong. We should not be doing it.

I will not be supporting this bill, because this is yet again another infringement on people's rights with no proof that any of this will work. The government is just seeking to say that it is doing something, and the Liberal Party are going along with it even though they have admitted – they have said here – that it is not going to be effective. They are still going to support it anyway, which is totally irrational. It does not make any sense whatsoever, but they are scared of being called names. If they do not support it, what is going to happen is Labor is going to point the finger at them and say, 'You're soft

on crime. We're tough on crime, and you're soft on crime.' They do not want to be called names, so yet again they are just going along with what the government is proposing here even though they have said this is going to be ineffective.

We should not be pushing through laws like this. I note today we have been given an emergency bill for something even more horrible. This is the wrong way to go about this. I urge the government to rethink their approach on this. I think that there are many people in Victoria that, if you explain to them that these sorts of severe actions will not be effective, will understand and will look for other solutions. I think that there are other solutions here, and taking away people's rights yet again – I just cannot support it. The Libertarian Party will oppose this bill.

Georgie PURCELL (Northern Victoria) (20:47): I also rise to speak in strong opposition to the Justice Legislation Amendment (Police and Other Matters) Bill 2025. Being an elected representative in this chamber grants me the ability to voice my dissent on bills like this and many, many others which we are doing this week. This bill actively seeks to limit other Victorians' right to do the same thing. This bill is just like many acts across Australia intended to limit people's right to freely participate in protests. It also fits firmly within a global context where we are seeing a dangerous encroachment on people's right to assemble and to participate in protest, which is a fundamental part of a functioning democracy. Across the world we are also seeing a dangerous rise in authoritarianism, and history has taught us that this rarely appears out of nowhere. It comes from the gradual chipping away of our democratic institutions and individuals' right to participate in them and hold our leaders accountable.

When we talk about supporting people's right to protest, I am sure many others on the crossbench agree that often that means supporting people's right to participate in protests, even if we do not agree with them, if they are doing so safely. Protest is not always convenient; in fact many times it is meant to be inconvenient – it is meant to be disruptive. That is what it is designed to do. It is to bring about change, to hold leaders accountable and to bring attention to injustices that are going on locally or even around the world.

This government have argued that these laws are in response to growing extremism in Victoria and particularly the disturbing rise in far-right, neo-Nazi and white supremacist groups. I just want to be clear that this is undoubtedly a problem. I do not think you will find anyone opposing this legislation who thinks that there is not a concerning rise in neo-Nazism, in extremism and in really concerning behaviours, particularly from the far right. I note that a parliamentary inquiry did offer the government many solutions to address extremism, and this was not one of them. This was not one of the solutions that was offered up.

I think when I speak on bills like this one there is potentially particular interest in my view, because in a few weeks I am going to become a mother to a daughter who I am acutely aware will experience antisemitism in her lifetime. That concerns me, and that upsets me. I live in a household where we speak about this issue every single day, sometimes from slightly different perspectives but with the agreement that something needs to be done to address this behaviour. Seeing the rise in hatred of Jewish people in Australia as a result of this is something that I am acutely aware of; it is not something that I would doubt for a second. And it is something that I obviously have a personal interest in addressing for the safety of the people within my own household. I just want to make that clear: my opposition to this bill is not a denial of antisemitism. It is not a denial of this really serious problem that we have. We need to address extremism, and we need to address it at its very root.

What concerns me is that it is here, in the place that so many Jewish people and, importantly, people of other faiths and cultures once found safety and refuge. This state used to be a place where many people would come fleeing persecution, fleeing mistreatment, and they would be welcomed. That is something that we once had to be proud of. Of course in recent times we have seen completely confronting and concerning scenes of literal Nazis marching proudly down the street. Collectively as a Parliament, across the political divide, we do need to do something to address this really serious

problem. But I do believe that if the government wanted to act on the growing right-wing extremism, it would continue to do things like addressing extremism through forms of early intervention. There is some really good evidence to show that if we can capture this behaviour in its early stages, we can have the most meaningful change to address it. We could strengthen our vilification and hate speech laws, which we have already done some of, but there is still more work to do; importantly, we could target the organising of these groups before they even consider marching down the street with their masks and their banners.

Not only does this bill not effectively combat the rise of neo-Nazis, but it is also incredibly obvious that they are not the main targets. I know that they have been spoken about a lot in this debate, because it seems to be the most visceral and confronting component of extremism that we are seeing, but we just need to be really clear that the new powers and prohibitions in this bill clearly target the tactics used by those protesting the government's lack of action on issues like climate change and of course Palestine protesters. I know there has been a lot of conversation throughout this debate about how these laws came about, but they were actually first announced in response to an incident a year ago with the Myer windows, where an organised protest was to occur. I just do not see how these laws, if they were in effect at the time, would have done anything to address that gathering or any of the instances that the government has referred to as justification for introducing and passing these laws and limiting our right to assemble. We have not seen Nazis use attachment devices like this bill bans, and recently we have actually stopped seeing them wearing masks. We saw the scenes in New South Wales recently where Nazis had a literal permit. The permit said what their sign was going to say. They took their masks off, they followed the rules, and they were allowed to do that. That is under the system of a state that we are modelling some of this legislation from. We are seeing Nazis making the decision to either challenge the laws or just simply comply with the laws and continue to do what they do and spread their far-right hate and extremism across our country.

We have seen time and time again – and I know Mr Limbrick has canvassed this extensively and we have had many, many conversations about it when we have spoken about what we need to do to address this issue – the fact that Nazis view these laws as a fun obstacle. It is an obstacle course to them, not a real barrier. Nazis do not care about protest laws in our state. These people are hateful extremists, and we have seen them take great joy in finding new ways to circumvent or challenge laws. We have seen them challenge the other laws that we have passed in this place targeting hateful symbols and targeting salutes. They do nothing to hinder real extremists operating in our state, but rather serve to limit authentic, nonviolent protests and legitimate acts of civil disobedience that have a real purpose and a real cause and people behind them who believe passionately in what they are doing, and importantly, are doing so in a way that is nonviolent.

Police already have a range of existing powers which allow them to do many of the things in this bill, and I will not be the first person to say that this week in Parliament seems to be the week of overpolicing. We are giving –

Nick McGowan interjected.

Georgie PURCELL: They have gone mad. That is correct, Mr McGowan. They have gone absolutely mad with police powers, and we are going to see more. And there will be strong opposition from many of us on the crossbench. But it is always really interesting to see the government introduce legislation to combat something where police already have the power to do something about it, and they are just kind of not doing it. The police already can declare a designated area to stop and search anyone without any suspicion of intention to commit an offence, and we are seeing that carried out at the moment in the CBD. We have seen the recent declarations for the next six months, and a report from the Centre Against Racial Profiling found that people of Aboriginal, Pasifika, African or Middle Eastern appearance or origin are at least five times more likely to be stopped and searched by police than white people, and that is the impact of these laws – they result in profiling and overpolicing. The outcome of these searches, which are already occurring – that police already have the power to do – is that between 2021 and 2023 Victoria Police stopped and searched almost 24,000 people in

designated areas, with only just over 1 per cent of searches finding illegal objects or substances. I think what bothers me when we see this extension of police powers and more police powers is that we have, on the other hand, women across this state calling 000 begging for assistance when they are experiencing family violence or unsafe environments in their homes and they get told, 'Sorry, no resources, no time for this.' Meanwhile we are giving police more powers to do things like combat protesters, and throwing funding at them to combat protesters, when we are seeing people who legitimately need the support of police and other emergency services in this state be turned away. Our focus is on just the wrong area in this bad, bad bill.

I have spoken about this very extensively before, but I was an activist long before I became a politician. And one of the things that I have done on many occasions when participating in activism has been to cover my face, and I am not covering my face for any reason other than it is the safest way for me to undertake that work at that time. A very clear example of that is when I go out on duck rescue. I cover my face, and I cover my face because my personal privacy is important to me, particularly as I have been in this job and a lot of people know who I am, and these are people with guns and weapons and I am out on a wetland. I cover my face, and that is a personal safety decision. And many people have reasons to cover their faces. They might have jobs where they are participating in a legal protest, but it could be an issue within their workplace. They might have a medical reason to cover their face. They might have a religious reason. I know that there are exemptions in this bill, but they are yet to be tested and we do not know how they are going to carry out in reality. I have participated in a range of forms of civil disobedience, legal and illegal protests, some of which would probably be very confronting to many members of this place, and it has been an important tool in bringing about change. Many of the actions that I have been involved in have caught the attention of the government and have resulted in eventual legislation that has made Victoria a better place for animals, for people and for the planet. We cannot discount the critical role that protest and engaging in this very important part of our democracy has in the work that we do ultimately in here.

Many people have spoken about this person, but I just want to share a personal experience. When I was working in the union movement many years ago – it would be almost 10 years ago now – I walked early childhood educators off the job on Equal Pay Day in the fight for equal pay: again, another form of protest that has ultimately brought about early childhood educators securing a fair pay deal across the country, and that took many, many years. When I was working in this role, I received a call to my landline in the office. There was an old lady at the end of the phone and she said, 'I just wanted to call up and send a message to those brave women who walked off the job for equal pay'. I took her message and then I asked for her name, and she said, 'My name's Zelda.' I said, 'Is this Zelda D'Aprano on the other end of the phone?' And it was. She was calling me from her nursing home because she had seen these incredibly brave women walk off the job for equal pay. Everyone would be familiar with her story: that she chained herself to the Commonwealth building in her pursuit of equal pay for women. Under this legislation she would be arrested for having an attachment device. I was lucky enough that she told me an incredible story, actually: that she needed a chain to have this protest and could not get a chain. So she went down to the wharfies, and the maritime union actually gave her a chain and said, 'Don't tell anyone we gave you this chain'. She told me, years later, that that was the chain that she used. Under this legislation, that act that brought about incredible change for so many women and for equality in this state would be a crime. To see the Labor government do that when these are the people they previously championed – I mean, we have got a statue of her a kilometre down the road. We should all be very, very concerned by this decision and by this limitation on an activity that has been part of the base for the entirety of their existence.

This bill, it is also important to note, significantly expands the powers of protective services officers, including search, arrest and detainment and expansion of areas where PSOs can be on duty. It also removes the requirement for a parent, guardian or independent support person to be present when an outer search is conducted on a child or person with a cognitive impairment in a designated area by a police officer or a PSO. It seems to be a common thread at the moment for this government with their policies – these changes were made with no consultation with Aboriginal community groups or the

legal sector, despite the fact that Aboriginal and minority communities are consistently targeted more than white Victorians, as I touched on earlier. We have the evidence to show that in practice we know that is already the case. The precedent is there to show that this will have effects that are essentially racist, and to see these decisions being made in the whole portfolio of crime so soon after we have just signed a historic treaty with First Peoples is something that we should all find deeply, deeply shameful.

It will come as no surprise, for the reasons that I have covered off, that I will be opposing this bill. It is very, very disappointing that it seems that it will pass, because I think we will be looking back on this one day when we see the very serious harms that it will cause to a range of different communities across our state. More importantly, on top of this, it will do nothing that the government intends for it to do. It will not stop extremism. In fact it runs the risk of worsening extremism when we see literal Nazis take these laws as a challenge and as an obstacle for them to overcome or something for them to become a hero to their cause for. Protest is a vital part of a healthy and functioning democracy. It brought many of us here to this place and to this Parliament, and it is something that we should support all Victorians' right to participate in. Despite these laws passing, I will continue to support my community, the animal protection community and all the other groups that I work with in their right to assemble, in their right to gather, ensuring that they can continue their important work advocating for a range of different communities when these devastating laws pass.

Nick McGOWAN (North-Eastern Metropolitan) (21:05): I am not quite sure where to begin with this one. I have only been here three years, and I have seen some pretty extraordinary things in my time, and this is going to have to take the cake a little bit, I think. I had the opportunity throughout the debate today to listen to members Copsey, Ettershank and Purcell, and I found myself agreeing with much of what they say because they raised some very good points, some very salient points.

Georgie Purcell: Join us!

Nick McGOWAN: I do not share all their points. It is no secret, and nor should it be, because I think as I am sitting here reflecting and listening to all the speakers, there is one consistent theme that is here, and that is: how did the government allow us to get to this point? For three years they have been sitting on their hands, they have been in denial, and this is the root cause – it is the government. So I am going to somewhat focus my speech on the government. It will not be a surprise to those opposite that I would do that. And I will try and say it jovially, because you can lose your sense of humour here and concentrate too much, as some of the other members have. Rightly, I think member Copsey pointed out the value of the human rights charter in Victoria, which I have often equated to the value of toilet paper – although arguably toilet paper has greater value, because we all need it, we use it every day and we could not do without it. I certainly could not do without it. This government dispense with the human rights charter quicker than I dispense with toilet paper.

Katherine Copsey interjected.

Nick McGOWAN: They flush it, and they would flush it down the toilet at Ringwood East train station, but they cannot because there is no toilet there. That is how quickly they dispense with the human rights charter. It is not worth the paper it is written on, and in this whole bill, the entire work we have been doing in this place today illustrates that quite painfully to everyone here. If COVID was not lesson enough for all of us, then this is just further evidence that the human rights charter, as devised by those opposite, is nothing but toilet paper, because they themselves have proved it time and again, because whenever they want to, they ignore it with wilful disregard, without even taking the time to consult communities properly. It has been pointed out by member Purcell too – and others here, including member Ettershank – that they can get up and pat themselves on the back for the treaty and all these other conversations, and yet they are the very first people not to consult with Indigenous peoples right across this state when it comes to aspects of this legislation. At the same time that they are passing the treaty legislation then lecturing those who do not support their aspect of treaty, they are locking Indigenous people up in record numbers, as has been pointed out by member Copsey today.

You just simply cannot trust what those opposite say. Do not trust what they say; look at what they do, because in every area, no matter what they do, they just lie. They just lie. I saw a meme, and they were taking the micky out of *Wicked*. It is a lovely Hollywood production. They were taking the micky out of our party, and I lament that they had to get partisan political. We have got 12 months to go for that, boys and girls. Let us just holster our weapons for a minute, although clearly not under this legislation, but whatever. Nonetheless, they had to take the meme, because in *Wicked*, of course, it points out that their leader lies. Well, unfortunately this Premier knows nothing but lying. They have got so accustomed to it – it is the first, second, third, fourth and fifth gear of this government. That is the truth: it is the first, second, third, fourth, fifth and probably reverse as well. It has been on no better display than in this legislation today.

While I do not agree completely with those three speakers, although I give them credit for the points they make, particularly around human rights and particularly in their support for protest, I too support wholeheartedly the right of every Victorian to protest, particularly when it comes to those opposite. There is no lack of things we can protest about. But in all seriousness, and it is reflected not only in what those three members said but what I think our side have said and what we continue to produce in terms of the policy proposals and alternatives to the government of the day, we will continue to respect the fact that the right to protest is critical in this state. I think there are some aspects – and we will discuss this in committee and go through the protections that are there – that are arguable from both sides. I mean, I saw that even Wayne Gatt has said that the laws are unlikely to work in practice. I think all of those in here who have taken the time to read anything on this legislation and the act probably all concede that. But the truth is we are at this point because of the complete failure of those opposite to do their job for the last three years and take anything seriously and actually listen to the communities. They have had this knee jerk response to things, and instead of seeking the middle ground or somehow wanting to make sure that they are responding appropriately and commensurately and proportionately, they have literally got to the end of this year and they have had a whole lot of brainwaves and have suddenly panicked. Member Copsey said this just before. They have suddenly panicked. They have looked at the polls, and they have thought more about their future than they have about the Victorian human rights charter. They have looked at the polls, and they have thought more about their own particular seats.

I was even listening to some of the debates in the other place today around several aspects of criminal activity and their response to it and so on and so forth. One of the members, for Narre Warren North, in speaking with the local police officers suddenly discovered that there had to be consequences for crimes. Wow. What a brainwave. Yes, there have to be consequences. Somewhere along the line they suddenly got the memo. It was probably in the Minister for Police's bottom drawer. Remember that? Remember his bottom drawer? He would reach out. Well, if this is what the bottom drawer looks like, I do not want to see the others.

Enver Erdogan interjected.

Nick McGOWAN: There is more. There is plenty more.

Bev McArthur interjected.

Nick McGOWAN: To my mind the poor police minister has spent way too much time at the track and in the tents. It is time to get off the track and out of the tents. In speaking of Mr Ettershank's time fighting the Bjelke-Petersen government – and good luck to him too, because he was quite right to have done that – I would have probably found myself in a very similar situation. Somehow they thought in this state this was a great idea – 'I've got an idea. Let's put racing with policing,' because they're a pretty good match, aren't they? Who honestly thought that was a good idea? If this side of politics had done that, everyone – for weeks, if not months, if not years – would be crying out about the conflict of interest in having the state's Minister for Racing also governing police. I mean, are we serious? What is going on? Anyway, back to this –

Enver Erdogan interjected.

Nick McGOWAN: Minister, I would be happy to discuss it with you at great length, if you would like to.

Bev McArthur interjected.

Nick McGOWAN: The dogs, all those sorts of things. Just check out the social media any day of the week. I cannot keep up with those opposite actually. They have got so many coffee and wine chats; they are almost endless. The sad truth here is that, as member Purcell has just stated very clearly, we are investing all this money, very sadly, in these kinds of measures when we ought to be looking at and trying to prevent the sorts of behaviours we are talking about – and there is very little, if any, money. The number of women in this state, sadly, who go to Orange Door and simply get referrals on to other organisations that then have no places, no money and no accommodation and give no meaningful assistance for women who are trying to flee positions and circumstances of family violence is a state, national and international disgrace. That is the truth.

They have also just shut Parentline, which we know answered thousands and thousands of telephone calls from parents every year – every day, every week, every month of every year. It cost \$1.3 million to \$1.5 million. The government have just cut that service entirely. It was the front line in terms of preventative measures and giving parents the tools they needed to de-escalate situations to assist their children, to assist those they care for and to make sure they were not the very children who were going out and doing some of these things, behaving in some of these ways and doing the sorts of things we do not want young people – in fact any people – to do. But no, instead of investing in preventative measures in this state – that is simply not the case – what we are seeing time and again at the moment, and it is on great display, writ large, for everyone to see this week, is a government in its final throes – its death throes, I would say. In their desperation they are actually committing all this – I mean, it is unthinkable that those opposite are introducing some of this legislation. They are about to bring into this chamber 25 years for children, for 14-year-olds – from those opposite. So to any so-called high moral ground they thought they had – we know they have lost workers already. I have already debated that today, so I will not re-cover old ground. It is not even late. In fact it is very early in the evening, so I could cover it.

Georgie Purcell interjected.

Nick McGOWAN: It is early. That is right, member Purcell. We could well and truly cover that ground for them. But the truth is that those opposite are so desperate right now. They have lost their moral compass. Clearly that is in the bottom drawer. It has been packed away. It is not behind a padlock, because if they got a padlock, they could well be arrested, so they are not allowed to have a padlock. God forbid there are any chains. Poor old Miley Cyrus will never be able to come here with a wrecking ball. She would be arrested and sentenced and imprisoned within days. She would never see light of day, poor Miley Cyrus. She will not be welcome in Victoria ever again. A wrecking ball that size has to be extra, extra punishment. She would never get out of prison. Miley Cyrus, do not come to Victoria. You are not welcome. This government have made that very, very clear, because that is the sort of ridiculous approach those opposite are taking. They have absolutely covered themselves in no glory whatsoever.

While they continue this sort of Hollywood-style or East End, West End, Broadway sort of theatrical performance, of trying to make themselves somehow appeal again to the voters of Victoria, I think the voters of Victoria have actually got their measure. I think the voters of Victoria see this for precisely what it is: it is a dishevelled, half-arsed attempt at trying to fix a whole lot of problems, not doing anything particularly well, to the extent that we must support it or have to support it. Then of course we will have to do what we have to do, because the truth is the government have all brought us to this position and this circumstance where – and there is a very serious point here that I will end on – I for one do not want to see police officers continue to bear the brunt of anyone's wrath. I am all for protests,

and I have made that very clear in my speech tonight but – and there is a but – when you start to encroach upon the rights of others and particularly the safety of others, and I put police officers or security personnel in that category in the same way I did earlier today in terms of retail workers, then you have overstepped the mark. I absolutely, fully support anyone to engage in civil disobedience, and that is their right, it is their democratic right, but you certainly should not be hurting or harming others, and that includes horses as well.

In closing, I will also make particular mention, not only obviously of those who advocate on behalf of animals – and member Purcell is not here at this point in time, but her remarks remain relevant – who obviously cannot advocate on behalf of themselves but also, importantly, of those environmental advocates and those environmental activists. I wholeheartedly support their right to protest within the law and, on occasion, to act in civil disobedience. That is the heartbeat of a democracy. We have laws in place, and from time to time, members in this place – even like member Ettershank, who pointed out to us he had probably breached the rules. In fact he has been arrested on quite a number of occasions. That is the system working. He is entitled to do that. He is entitled to pay the consequences and be punished accordingly, as I am sure he was. But he has that right under our democracy, and that is a right we should be not only mindful of but we should be looking to protect and we should not be looking to overreach. And we certainly should not be looking, unfortunately, to the example provided by those opposite, who have simply had the blinkers on now for the better part of three years, have got to the end of the third year and are now panicking because they see the polls, and they are coming out with all these sort of odd solutions, in addition to which they are now saying that PSOs should be elsewhere in addition to the role they already have.

The PSO policy was brought in by a government of our persuasion over this side of the house. It was a good policy. It meant that not only every commuter but, importantly, women, the elderly, the young, pregnant mothers and carers could safely get from their station to their car if they wanted to be escorted at night-time. We know that that has been eroded by this government more than any other government previously. Now, what we actually see, in expanding the powers of the PSOs and actually pulling them off stations, which is actually what they are now doing, is they are now making our stations, our train stations – the majority of the metro train stations in Victoria are now going to be made less secure. This government is going to pull PSOs off those stations, which they are already doing but now they are going to do it writ large, and they are going to put them in shopping centres and they are going to put them in, potentially, other healthcare settings to try and fix the problem and fill that gap, because they have failed monumentally in so many parts of our community that they are actually now robbing Peter to pay Paul.

The truth is I think this is probably going to end up in a complete mess. They cannot even recruit enough police officers. They cannot recruit enough PSOs as it currently stands. We know that from the figures – that is public information. How they think this is going to work, I do not know. But what I do know and can guarantee is, unfortunately, that when I go and look at my local train stations, I am going to find fewer and fewer PSOs there, because this government has now made it their policy to pull PSOs off the public transport system and put them elsewhere because it simply has failed. It has failed the Victorian people. It has failed the people of Victoria in their first task, and that is to keep Victorians safe. Victorians know it. As they enter into next year, they will recall it, they will remember it and, hopefully, when it comes to the ballot box, they will also illustrate to this government what they think of their efforts in that respect.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise to make a contribution on the Justice Legislation Amendment (Police and Other Matters) Bill.

And in doing so, I would like to thank my good friend the Minister for Police and Community Safety in the other place, Minister Carbines.

And I would also like to thank my friend the Attorney-General, Minister Kilkenny, for her excellent work in pushing through the Allan Labor government's reform agenda with respect to tackling crime.

This bill includes a wide set of amendments to a number of acts.

This includes:

- 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

The Allan Labor government has been committed to comprehensive reforms to ensure we deal with criminal elements in our community with the full force of the law.

And today, this bill acts to keep our community safe.

It introduces new powers for Victoria Police, aimed at streamlining processes and dealing with masked protestors causing illegal or otherwise severe public distractions.

It also includes new provisions to protect places of worship and religious assembly, by empowering Victoria Police to stamp out hateful and vilifying conduct.

This bill is all about giving Victoria Police stronger new powers to crack down on violent, dangerous and hateful protesters and to help safeguard places of worship.

In Victoria, we are very lucky to have the right to protest freely.

But importantly, that right is to peaceful protest.

The moment that a protest becomes violent and hateful, and even if they start inciting violence, then these perpetrators should face serious consequences.

And what's worse is that some people think that they can get away with it.

That if you are masked, you can hide your identity and get away without any trouble.

We've seen extremist protestors from different persuasions try to hide their identity behind a mask and break the principle of a peaceful protest by either getting violent or espousing hate and bigotry.

That's why we are now giving police new powers to unmask protestors who they reasonably believe have committed or intend to commit an offence at a public protest.

Because you should not be allowed to hide behind a mask when you commit a crime.

Police will also be able to issue new penalties of more than \$1000 for those protestors who refuse to comply with a direction to remove their mask.

Masks are not a free pass to go break the law.

And in order to uphold public safety, Victoria Police needs the right to identify who is causing any sort of disruptive commotion, particularly if they are repeat offenders.

If we do not deal with these protestors who break the law repeatedly and try get away with it, it then sends a message that this sort of behaviour is okay.

Everyone has the right to protest peacefully, but no one has the right to spread hate or endanger others in the community in doing so.

If someone is coming to protests purely to cause trouble and endanger others, they will be dealt with under these new changes to Victoria Police's powers.

It builds on reforms we've already delivered which allow Victoria Police to direct someone in a face mask to leave a designated area for the protest if they refuse to lower their face covering.

It's about ensuring a safe, respectful, and peaceful environment for Victorians to express themselves without hate and violence.

Free speech and the freedom of protest is a right we are very lucky to have.

But it is not a free pass to be violent and hateful.

It is a right to peaceful protest and assembly, not a right to vilify and spew hatred.

If someone at a protest is engaged in a legitimate political protest or activity of some kind, they shouldn't be frightened of being identified.

And under these laws, they will be required to comply with directives to lower masks for identification should the police have reason to believe they are a repeat violent offender or disruptor.

President, another change in this bill is the new prohibition on using attachment devices.

These are the sorts of things some protestors use to attach and lock themselves on to objects at public protests.

These actions endanger not just themselves, but other protestors, the public, and first responders.

This reckless behaviour will now be met with upwards of one year in prison, on top of any other charges that may be laid.

President, another commonsense and non-controversial provision in this bill is the new ban on federal listed terrorist organisation symbols.

What this essentially means is that if a symbol or an insignia of other sorts belongs to a terrorist or extremist group, as deemed by the federal government, it will now be banned.

These reforms have been developed in thorough consultation with key religious, legal, and human rights organisations.

They include very clear exemptions for legitimate cultural, religious, artistic, reporting or educational reasons.

But what is clear as day is that the use of these extremist or terrorist symbols in circumstances that are not cultural, religious, or educational in some way is wrong and will now be banned.

It brings Victoria in line with federal enforcement standards on this issue, and ensures that extremist protestors are not allowed to get away with spreading hate and division.

President, on the topic of religious exemptions, it is important to discuss the new provisions designed to protect places of worship in this bill.

This bill provides stronger protection for people or groups attending religious worship meetings.

It will protect the right of people to gather and pray, free from fear, harassment and intimidation.

Victoria is a diverse state, with people of many faiths and backgrounds calling Victoria home.

By the latest data, around 30 per cent of Victorians were born overseas.

And just over 60 per cent of Victorians identify with a religion.

For too long, extremist hate groups have sought to divide Victorians, by demonising and attacking migrant communities and people with another faith to theirs.

This is unacceptable.

We should be embracing our diversity, not demonising it.

And everyone should feel welcome in Victoria, not vilified.

The bill's provisions move to modernise the existing offence of disturbing religious worship.

It introduces penalties for assaulting people at religious assemblies and creates new offences for intimidating, harassing or obstructing attendees at these assemblies.

Both of these offences will be punishable by up to three months' imprisonment under this bill's provisions.

It's a significant change which highlights the Allan Labor government's commitment to both protecting religious freedom, but law and order as well.

Victoria Police has seen a large boost in its investment by this Labor government.

Rising from \$2.4 billion in 2014–15, Victoria Police now has a budget of around \$4.5 billion for the 2025–26 budget year.

That's a rise of about 88 per cent in just a decade.

It's because the Allan Labor government is taking all the steps necessary to keep Victorians safe, and to make sure our police force is well equipped to deal with new emerging challenges.

And we are making the necessary investments both into the police force and into our prison system to accommodate this.

The 2025–26 Victorian state budget invested \$727 million to ramp up capacity in Victoria’s prisons and youth justice centres, to ensure we have enough beds to deal with the growing influx of criminals being brought in under our tough new bail laws.

The increased capacity in our prison system means we will continue to have the space to lock up repeat offenders who should not be in the community.

And this bill will now include these repeat violent protestors in that category too.

President, we have seen some alarming behaviour at protests as of late.

Over in New South Wales, we recently saw a neo-Nazi protest in front of their state Parliament.

Here in Victoria, we’ve had demonstrations from far-right neo-Nazi groups, who hide behind face coverings, spewing antisemitic hate and lies, seeking to intimidate members of the public.

These extremists hide behind masks to avoid being identified.

Now, Victoria Police can order them to remove a face covering or they can face the consequences of these more severe punishments.

Because if you not only break the law, but espouse this sort of hatred, your views do not belong in a multicultural, diverse, and modern Victoria.

You do not have a right to commit violence against another person, and you do not have the right to twist the concept of free speech as a way to attack others based on who they are.

And you should not be able to just keep a mask up and hide who you are and escape facing the consequences.

President, this bill not only empowers Victoria Police to crack down on this behaviour, but also streamlines processes so we can deal with cases quicker.

There is no reason why these cases should be backed up or take longer than they need to, and these reforms to help streamline the process mean Victoria Police can spend more of their time keeping the peace at these protests and protecting ordinary Victorians, and less time doing paperwork.

President, I know in my community of Southern Metro, for example, the community that has the largest Jewish population in the country, many have expressed concern about these extremists and the hateful behaviour they have been espousing.

Nobody should be made to feel unsafe or unwelcome just because of who they are.

The sorts of hateful and bigoted speeches being spread at some of these protests are appalling.

It is offensive and against the very spirit of what it means to be Australian.

I’ve had constituents as young as 10 reach out to my office because of these sorts of people.

My message to the Jewish community is that you are absolutely right to be proud of your identity, and you should never feel as though you need to hide who you are, or that you should stay quiet.

These fringe extremists do not represent Australia or the local community.

They are a small minority which seeks to divide people by way of spreading disinformation, bigotry, and hatred.

The Allan Labor government has been unequivocal that these violent and extremist views and groups are intolerant and offensive.

Which is why I’m happy to see the new ban on insignia and items from these registered terrorist or extremist organisations.

The federal government, of course, is the body that determines the country’s foreign policy, and that includes the designation of terrorist groups.

Because that is a Commonwealth responsibility not extended to the states.

But it is only common sense that these organisations, deemed by the Commonwealth to be extremist or terrorist in nature, have their insignia and symbols banned here.

There are also very rational and commonsense carve-outs in the legislation here.

For example, the use of these symbols for educational or reporting purposes is mentioned.

That is because these uses are not malicious, or dog whistles, or otherwise attempting to solicit a reaction at the expense of a minority group.

The carve-outs allow for news agencies, for example, to report on a situation without fear of legal repercussions.

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And it allows for schools and universities to properly and accurately teach about these movements and their histories.

But outside the specified carve-outs, these new symbols, items, gestures, and insignia will now be banned.

The Allan Labor government earlier this year moved to ban the Nazi swastika and the Nazi salute.

This was not an incursion against free speech.

It was justified and right for us to ban, because of what those symbols and gestures represented.

I am proud of that decision by this government to take a strong and unequivocal stance against antisemitism and the far-right extremists who are terrorising many in our community.

In that same spirit, we are banning the symbols of these extremist groups.

These are not groups designated as extremist or terrorists by the state government, but by the Commonwealth government, which has more access to resources and intelligence surrounding foreign movements and domestic threats to national security.

If there is a terrorist group somewhere in the world, then Victorians have no place in waving their signs around here.

President, the Allan Labor government will always champion the right to free, respectful, and importantly peaceful protest.

Victorians have a right to protest, demonstrate, or otherwise assemble in opposition or in favour of something if they choose.

But these should not be mediums by which to express hatred and bigotry towards vulnerable Victorians.

Especially the case when concerning places of worship.

You do not have the right to harass or protest at someone's church, synagogue, mosque, temple, or any place of religious worship with this extremist and intolerant rhetoric.

These reforms will strengthen the powers the police have to unmask and identify these criminal elements, and the ability to keep protests safe and peaceful.

It gives Victoria Police the power to help manage these crowds and help protect places of worship, so that everyone can feel safe and secure.

I've said already that Victoria is a vibrant and diverse place, but it is important to understand this point.

Intolerance and bigotry have no place in a multicultural society such as Victoria's.

It has no place anywhere in Australia.

And the right to protest enjoyed in Victoria should never be abused to harass, threaten, or inflict violence on anyone.

And this criminal behaviour should not be protected behind a mask.

These are the principles driving this very important set of reforms to police powers in Victoria.

The Allan Labor government will always support our hardworking police force, and we will always take the necessary steps to ensure that they are best equipped to keep the community safe.

And these changes to police powers are just another part of this government's plan to make sure all Victorians are both safe and secure in public.

I commend this bill to the chamber.

Jacinta ERMACORA (Western Victoria) incorporated the following:

I am pleased to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2025.

This bill is a wideranging bill that updates multiple pieces of legislation in response to new and emerging issues and the application of Labor's values throughout our justice system.

I intend to focus my contribution on protests and places of worship.

This bill will give Victoria Police stronger powers to crack down on violent, dangerous and hateful protesters.

Indeed, this will safeguard the right of citizens to peaceful protest.

This government stands strong against bullying, intimidation and violence.

Whether it is happening at work, school, or directed against retail and hospitality workers, or takes the form of stalking, or family violence: any form of bullying, intimidation, violence or threats are unacceptable.

We all deserve to feel safe and be safe no matter where we are and not matter who we are.

And the Allan Labor government does not shy away from upholding the same standards to public protests.

While people have the right to protest, they must do so peacefully. The moment they become violent or hateful, they should face serious consequences.

Together with our strong anti-vilification laws, this bill will empower Victoria Police to identify and prosecute anyone who is looking to stir up division and hate.

This bill will amend the Summary Offences Act to give police the power to unmask individuals who police reasonably believe have committed or intend to commit an offence at a public protest. A penalty of more than \$1000 will apply for failure to comply.

We've seen neo-Nazis and others attend protests to spread hate and threaten certain groups, simply for being who they are. Instead of hiding behind masks, these people will now have to show their faces.

With these new powers, police will be able to more effectively target the use of face coverings outside of the existing 'designated area scheme'. This will enable them to properly manage unplanned protests, like a spontaneous Nazi demonstration.

Those who wear a face covering for a legitimate religious, cultural or medical purpose will be able to continue to do so without being liable for an offence.

This bill prohibits the public display of symbols used by terrorist organisations listed under federal law.

Such symbols can cause profound distress, fear and harm to members of targeted groups in Victoria. They have no place in this state.

This new offence will complement existing Commonwealth laws and are modelled on existing laws such as our prohibition of the public display of Nazi symbols.

Using locks, zip ties, glue or anything else to attach yourself to something in a way that endangers the public, first responders and other protesters will also be prohibited, with penalties of up to a year in prison.

We are not outlawing legitimate protest behaviour here. Rather, we are ensuring that people do not protest in a way that causes danger to others.

With new search and seizure powers in the bill, Victoria Police will be able to enforce this new offence and proactively prevent dangerous lock-on behaviour before it occurs.

The last element of this bill I would like to speak to is the strengthening of protections for the right of people to engage in religious worship, free from fear, harassment and intimidation.

The bill modernises the existing offence of disturbing religious worship, introduces penalties for assaulting people at religious assemblies and creates new offences for intimidating, harassing or obstructing attendees. These offences are punishable by up to three months' imprisonment.

I am proud to be part of a government that stands against violence, bullying and intimidation in any context.

The right to protest does not include a right to incite hatred, to target others for their personal identity, appearance or beliefs, or to intimidate and threaten.

I commend this bill to the house.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (21:20): I want to thank everyone for the opportunity to sum up this debate on the Justice Legislation Amendment (Police and Other Matters) Bill 2025. It was a discussion where a range of views were expressed throughout on what this bill is or is not, some of which, although I did not call a point of order, I felt fell well outside the realm and scope of this bill. Nonetheless we endured those contributions, and I will keep my contribution brief.

Can I take the opportunity to first of all thank the stakeholders that were consulted – the Department of Justice and Community Safety, Victoria Police and many others – and that worked to prepare this legislation. These reforms are about making it easier for police to protect Victorians, respond to emerging threats and keep our community safe. I did notice that there was a long debate about what this bill does and does not do, and what it does is tackle dangerous, hateful and radical behaviour at protests as well as protect the right of people to gather and pray free from fear, harassment and intimidation. There was a lot of mudslinging left and right. Irrespective of where it is coming from and your views, the government wants everyone to be safe. We have seen that there has been foreign

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interference as well – not just coming from different political spectrums here, but also from abroad – that has endangered Victorians.

These reforms are important changes that will support Victorians' right to peaceful protest and practise freedom of faith, both issues that are at the core of our democratic rights, and this bill will also give police the powers they need to safeguard places of worship and crack down on violent and dangerous protests. We have seen prohibiting the public display of terrorist organisation symbols; banning 3D printing blueprints for firearms – some members in this chamber have concerns with that; strengthening search powers in designated areas where intelligence suggests there is a history or likelihood of weapons-related offending; supporting police in communities where they need to travel across state borders for a range of reasons, including safety, health care and emergency events; allowing the destruction of bulk exhibits of illicit substances, reducing costly and complex storage requirements; enabling PSOs to conduct hospital and crime scene guarding duties; and making a range of further amendments to support Victoria Police and the justice system.

The bill contains a comprehensive set of reforms to strengthen community safety, and it does this at a time when we as a government are focused on community safety and have already made a number of announcements and implemented a number of reforms that are targeted at the issues that Victorians are telling us are important to them. We have implemented a new active PSO deployment model, which allows the Chief Commissioner of Police to deploy our hardworking professionals to the places where criminal activity is occurring. Our adult time for violent crime reforms, which I understand will be debated in this chamber shortly, will mean young offenders who commit serious violent offences face adult consequences by uplifting more trials and sentencing from the Children's Court to the County Court. Our anti-vilification legislation has been referred to by a number of speakers already, but it is important reform about protecting people. We are amending sentencing considerations and principles for young offenders to better reflect community standards, with increased maximum penalties for aggravated home invasion, aggravated carjacking and recruiting a child to engage in criminal activity. I was proud, as I stated in my ministers statement today, of the announcement of establishing Australia's first ever violence reduction unit, which will operate across government and the community to identify and address the root causes of violent crime through early intervention. Taken together, all these reforms will improve community safety in Victoria.

It is a package of reforms – not just one but many – and it shows our government's commitment to getting this right. They reflect the continued commitment to backing in our community safety and our police and making sure that we have the appropriate powers and laws to keep everyone safe. I commend the bill to the house.

Council divided on motion:

Ayes (30): 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, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (8): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (21:32)

Evan MULHOLLAND: I am just thinking of a broad question that I thought I would ask. The Premier was very, very clear when she first announced a mask ban at protests, and then we kind of got some, I guess, murmurs that it could be watered down. Later on it was significantly watered down. Did the government receive advice that the original plan to ban masks at protests was not possible, incompatible or against legal advice? Was there any other advice that the Premier or the Attorney-General or the Minister for Police received to have a change of heart in that particular matter?

Enver ERDOGAN: I might just go to the box on that one.

I can confirm that the government always seeks legal advice when drafting legislation. We would have received advice about this bill also in its drafting.

Evan MULHOLLAND: Would you be willing to table that advice?

Enver ERDOGAN: I can confirm that the government is not willing to waive privilege in relation to those documents.

Evan MULHOLLAND: I want to ask: is there any particular reason why the government did not opt to specifically ban public displays of images of individuals linked to terrorist organisations but also symbols that closely resemble banned extremist insignia? We have seen several occasions in this state, and in New South Wales as well, where there have been flags very close to either ISIS flags or Hezbollah flags, which of course would be proscribed as banned if they were an exact replica. Is there any particular reason why the government did not, as part of this legislation, choose to go down such a path to ban symbols like that that closely resemble those kinds of symbols?

Enver ERDOGAN: As is the case at the moment, there is no Victorian specific offence for the banning of those symbols, so there was clearly a legislative gap from a Victorian law perspective. There is a federal law which has a higher threshold, and that is why our new offence is about providing a clear, simple offence to allow Victorians to address the display of these hateful symbols. We felt, as a policy decision, that the existing Commonwealth offence is the most appropriate in the circumstances, as it provides the greatest clarity and would be able to be applied in the quickest way possible.

Evan MULHOLLAND: This is just one based on conversations with several local police and command in the northern suburbs, where you and I both share an electorate. Are you concerned by the sheer number of police in stations, particularly in growth areas and other places, that are having to leave those areas in order to deal with unbecoming and violent protests in the city?

Enver ERDOGAN: I am not sure if this is in the scope of this legislation, but it is fair to say and well reported that the amount of police resourcing that has had to be directed towards some of the protests – some peaceful, some not so peaceful – obviously causes strain on our hardworking police officers. That is clear, and I think that is a concern for everyone.

Evan MULHOLLAND: Part of this is in response to what happened about a month ago in Melbourne. Those protests were described by commander Wayne Cheeseman as one of the worst days in Victoria Police history. I think we all saw the images of him dropping rocks and chains onto the floor of the press conference. He also specifically called out fringe left-wing protesters as the ones causing the most difficulty for Victoria Police during these protests. Do you agree with that characterisation?

Enver ERDOGAN: Sorry, do you want to repeat that?

Evan MULHOLLAND: Do you agree with commander Wayne Cheeseman, in his words, that the protesters that are causing the most issues for Victoria Police are left-wing activists?

Enver ERDOGAN: I was not there that day, but he clearly articulated what had occurred during that protest. There is no place for that kind of behaviour in our state.

Nick McGOWAN: Minister, what is your intention in respect to the PSOs? How many PSOs will you be taking off train stations and putting into other places?

Enver ERDOGAN: The goal is not to take police away. There is no change to the deployment model in this particular bill. The goal is not to take police away from train stations, as you describe.

Nick McGOWAN: No, I referred to PSOs, not police. This act specifically allows for PSOs to be redeployed or deployed elsewhere. So my question is: how many PSOs does the government anticipate it will take off train stations and put elsewhere?

Enver ERDOGAN: In terms of the deployment of PSOs, what it does do is provide additional duties the Chief Commissioner of Police can deploy PSOs to. It is an operational decision that the chief commissioner will make depending on the greatest need. It is deploying them to where the activity is – an example in here is to hospitals where they may be needed, but to really anywhere where there is criminal activity. It just provides more flexibility for their use, but it is not about taking away from somewhere else. It is about deploying them more effectively.

Nick McGOWAN: We may differ on the terminology, but the question is nonetheless the same. How many PSOs is it forecast that the government will remove from the current designated areas of service – from train stations – to any other place, be it a shopping centre or a health facility of any kind?

Enver ERDOGAN: Mr McGowan, you are asking really operational questions for the chief commissioner. He will decide as the need arises. If there is not a need, I guess they will continue to be deployed where they are. But these are operational decisions, depending where the need is. If the need is greater, then a larger number of PSOs will need to go to the area as the chief commissioner sees fit.

Nick McGOWAN: If there is no need, then there is no need for that part of the legislation at all. So I would suggest to you that given you have brought this legislation forward, there is a need, in fact, to redeploy PSOs from train stations – according to the government at least – and put them in both shopping centres and health facilities. Given that I understand that PSOs are actually already being rostered and will commence their duties at shopping centres next Wednesday, surely the government is in a position to tell the Victorian people how many PSOs will be redeployed from their current posts – that is, at train stations – to these other places.

Enver ERDOGAN: What this bill is focused on is giving the chief commissioner the option for that deployment. It does not affect his operational independence. So he will decide how many PSOs are needed, for the example that you gave, at a shopping centre or at a medical facility. That is a decision for him to make.

Nick McGOWAN: Minister, I am not disputing who has operational capacity or who is making these decisions in terms of the chief commissioner; I am simply asking you for the purposes of transparency and for any Victorian watching us right now. You put this legislation forward. Surely you know (a) how many PSOs we have serving on our train stations and (b) how many of those PSOs are now going to be diverted from their existing duties at train stations to these other places. It is a very simple question. It is the purpose of this legislation coming into effect. It is not the detail; it is the basics when it comes to the purpose of this legislation, which is to take PSOs off train stations and put them into either shopping centres or health facilities, whatever those facilities are. All I am asking is a very simple question, which is: how many PSOs will you take off train stations to put elsewhere?

Enver ERDOGAN: I believe, Mr McGowan, I have answered your question. Neither I nor the Minister for Police decide where the PSOs are deployed to. That is a decision for the police commissioner, and he will decide how many PSOs need to be redeployed to the different areas. We are just giving him the option to deploy as needed.

Nick McGOWAN: It could well be a very long night, Minister, because that is clearly not an answer in any way, shape or form. I am not disputing whose role it is to actually roster and/or make those decisions. All I am asking is that for the purpose of transparency, the Parliament is being asked to consider a bill that fundamentally changes a very significant policy in this state and takes PSOs off their role at train stations and puts them elsewhere. So I am asking again: how many PSOs has the government been advised by Victoria Police it will put elsewhere, given that we already know they will commence their new duties next Wednesday?

Enver ERDOGAN: I think this has been asked and answered already.

Nick McGOWAN: Minister, with respect, how could you possibly say it has been answered? It is the simplest question. So let me ask a basic question: how many PSOs do we have then?

Enver ERDOGAN: It is an operational decision for the chief commissioner to make – how many PSOs need to be redeployed.

Nick McGOWAN: Again, these are not complex questions. Surely in all the briefing papers you have there and the advice you have from all your advisers sitting here tonight, someone can tell us (a) how many PSOs you have and (b) given that they are rostered already and they will commence next Wednesday, how many will actually be deployed to these new locations. I mean, this is the heart of this. This legislation enables that to occur. These are the basic questions about the operational reality of what you are proposing here in the legislation. You have gone nowhere near to answering the basic question of how many PSOs you have in total, much less how many of those PSOs will be redeployed to the new locations as envisaged, in fact enabled, by this legislation.

Enver ERDOGAN: This legislation does not call for the PSOs to be redeployed or change the number of PSOs that need to be deployed. It gives the police commissioner the power to do so as required.

David LIMBRICK: I have only got a couple of questions for the minister. The first one is around part 8, Amendment of Interpretation of Legislation Act 1984. Could the minister describe the genesis of this part and where it came from?

Enver ERDOGAN: Mr Limbrick, you would recall that when the police commissioner was appointed there was some potential ambiguity, and this is just clarifying the outstanding potential matters.

David LIMBRICK: Can I conclude from that answer that this part 8 is to do with the appointment of the chief commissioner? Is that correct?

Enver ERDOGAN: Yes.

David LIMBRICK: I thank the minister for that clarification. Does that mean that the amendment that we did last time did not actually correct whatever mistake was made and this is another attempt to fix that mistake? Because my understanding is that this is all around there being constitutional ambiguity around the appointment of foreign nationals to these roles. Are we saying that we did not actually fix it last time and now we are going back and fixing it again? Is that what is happening here? Because it does not look like it has anything to do with the rest of the bill.

Enver ERDOGAN: I think this is about the avoidance of any doubt. The previous legislation did sort things out for the chief commissioner, but this is for the avoidance of any doubt. We are making sure this amendment is included for that reason.

David LIMBRICK: Can I just ask one other question on that part 8: was this amendment intended to address any other appointments than the chief commissioner, or is it just the chief commissioner?

Enver ERDOGAN: I might clarify my answer to the previous question. It is more focused on the implicated officers than the chief commissioner himself. It was more targeted towards the implicated officers and the other officers involved there.

David LIMBRICK: My next question is around clause 42 and the display of seized things. Subclause (1) provides that:

The Chief Commissioner of Police may display a thing seized under a warrant issued under section 81 to the public ...

et cetera. Could the minister explain the genesis of this? Is this something that was requested by Victoria Police? They want to display seized drugs and things, I guess. Where did this come from? Did the government request this or did the police request this clause?

Enver ERDOGAN: Yes, Mr Limbrick, I can confirm for you that this originated from Victoria Police. They have similar powers under the Crimes Act 1958, so this was just making sure the equivalent exists in other acts.

David LIMBRICK: My next question is around 3D-printed firearms and accessories. I have had some correspondence with the Attorney-General's office on this matter, but I just want to clarify. I know that there are some people in Victoria that run businesses that 3D-print firearms accessories – so they do not make firearms with 3D printers, but they do accessories, like things that clip on to the firearms and things like that. Can I confirm that these people will still be able to legally run their businesses after this and that this will not incriminate them in any way – assuming that what they are doing already is legal, printing those accessories.

Enver ERDOGAN: The act is to ensure that a person must obviously have a reasonable excuse or a firearms dealers licence or an exception listed within 59D. So if they have an existing firearms dealers licence or an exception listed in section 59D or a reasonable excuse, then they should be covered and it would be lawful to do so.

David LIMBRICK: Further on 3D-printed firearms, the bill mentions machines used to build 3D-printed firearms, but my understanding is that rarely are these machines specifically for the making of firearms. In fact they are quite general machines. In fact one of my sons has a 3D printer that could conceivably be used to print 3D firearms, although he does not do that – not that I know of, anyway. Exactly what type of equipment are we talking about seizing? Because I am unaware of 3D-printing machinery that is specifically targeted towards firearms manufacturing.

Enver ERDOGAN: I think you are spot on, Mr Limbrick. A lot of the machinery we are talking about is for the deposition of 3D printers more generally – you have got specific plasma cutters, laser-cutting machines and computer numerical control milling machines that could all be utilised. There are many others that could be utilised. You are right: there are different price ranges, from what you might call a consumer level up to commercial grade, million-dollar-plus machines. All of them could be potentially used and are capable of building a firearm or constructing or manufacturing a firearm.

David LIMBRICK: So are we saying here that the main thing that we are actually targeting through the amendments related to 3D-printed firearms manufacturing is really around the software and not the hardware? Is that what we are really talking about? Because I note that there is a lot in there about software as well, and plans and things for firearms. Is that primarily what we are talking about?

Enver ERDOGAN: Yes. We are not talking about the machines themselves capable of doing this manufacturing. It is about the blueprints or instructions to be able to construct or manufacture a firearm.

David LIMBRICK: If someone possesses the blueprints alone with no intention to distribute or use them, does that constitute an offence under this bill? For example, if someone is curious – there are lots of young men especially that are interested in engineering – they might download these blueprints to look at how these things are built and how they are constructed. Would someone who

did that potentially be committing an offence under this bill, or do they require an intent to actually produce a firearm?

Enver ERDOGAN: Just to clarify, when we are talking about instructions and blueprints, we are talking about the code required to manufacture a firearm. Just a 3D model in itself would not land you in trouble. But if you had the actual code that can be inserted into these machines to print out a firearm – for possession alone, yes, you would be falling foul of these laws.

David LIMBRICK: That is quite an alarming answer, considering that there are lots of people in our country who like to research 3D printing and understand how things are made. You would be familiar with 3D-printed firearms being enormously popular in some other countries, notably the US, where there are lots of enthusiasts. I am concerned that there are going to be Australians that will look at this and be interested in seeing how it works and researching it. From what the minister is telling me, those people that want to educate themselves – they might be interested in engineering – about how these 3D firearms actually are made, if they download the code and look at it and inspect it, they will potentially face criminal charges under this bill. Is that correct?

Enver ERDOGAN: I think yes. There are of course exceptions more broadly. For an offence against new sections 59B or 59C, there are exceptions – I might read them to you, Mr Limbrick, because I think it will inform the chamber. If the person possesses or distributes in the public interest; for academic, artistic, educational, industrial or scientific purpose; or for the purpose of law enforcement, they may have an exception, but obviously the facts of the case will be important there. There is always a risk with this kind of legislation that people that have an inquisitive mind could be in a situation where they have this code and that could land them in a lot of trouble if they are not a firearms dealer and they do not fit within the exceptions or have good reason to have possession of it.

David LIMBRICK: The educational exemption is an interesting one. If I downloaded this code and inspected it to research it for my own education because I am interested in engineering, would that fit the educational exemption or not?

Enver ERDOGAN: That is a difficult question, Mr Limbrick, because I think probably the facts of each case would be different. If you are telling me it may be for the purposes of your research as a member of Parliament, the facts of the case will need to be –

David Limbrick interjected.

Enver ERDOGAN: For a member of the public I think it would need to be open to interpretation and obviously for the courts to consider, but I might seek some further guidance.

Mr Limbrick, we do have broad exceptions, and on a case-by-case basis it would be a matter for law enforcement to consider whether they believed that your grounds were reasonable in terms of the exceptions that fall within them, and it would be a matter for the courts also to consider if the police were to press charges.

David LIMBRICK: It is also the court's job to interpret the government's intent, so what is the government's intent for the educational exemption?

Business interrupted pursuant to standing orders.

Enver ERDOGAN: Pursuant to standing order 4.08(1)(b), I declare that the sitting be extended by up to 1 hour.

Mr Limbrick, you have asked a really good question because there is a lot of discretion and there is a level of subjectivity whenever you say 'for educational purposes'. That is something that will need to be considered by law enforcement at the time as to the true intent: is it for genuine academic or educational or industrial or scientific purposes, or is there another purpose behind it? There will be discretion for law enforcement to consider and then, if law enforcement wants to proceed, for the courts to consider in the case before them.

David LIMBRICK: In hopes of saving some curious young person in the future, I will make one last attempt: would the government rule out an educational exemption in a scenario where an individual was downloading this code to inspect and research it for their own educational purposes?

Enver ERDOGAN: As I stated in my previous answer, that would be very subjective and it depends on the person downloading it and their state. With all factors considered, law enforcement or the courts would need to see if that was for genuine educational purposes or if there was another ulterior motive involved.

Jeff BOURMAN: I am just going to continue on the firearms thing a little bit here. Minister, you mentioned at one point in time that the offence would be to possess the code for the instructions and – correct me if I am wrong here – it was not, say, architectural drawings, for the want of a better term, or engineering drawings. Is that correct?

Enver ERDOGAN: Yes, that is right.

Jeff BOURMAN: Minister, I am going to out myself as a nerd here – 15 years in IT before I came here. I have a 3D printer. I know how they work. To design something there are various CAD programs you can use – computer-aided design. I use the beginner one. I am not that good, but I can create, should I want, a fully functioning – when I say ‘firearm’, I will get to that bit in a minute. I could create that as a drawing, and from my memory I could do one on a bit of paper if I wanted. From that drawing, as I understand what you have said, that would not be an offence if I have not turned it into G-code.

Enver ERDOGAN: It needs to be in a format that would be able to be input into a machine, so if it was just a drawing and it was not in a format that could be used as code to be put into a machine, then that would not fall within this reform.

Jeff BOURMAN: I see a wild problem here because I use Tinkercad, which is very easy. I download a stereolithography file, which you cannot directly print from until you put it into what is called a slicer, which creates the code. My understanding of this legislation is that up until I import it into that software, no offence has been committed. Am I correct?

Enver ERDOGAN: Mr Bourman, we are getting into areas where there is an element of subjectivity, because there will be a need to look at the intention behind that. We have tried to draft the legislation in a format that is technology neutral. Obviously the goal is to have those blueprints that are ready to be printed at this stage, but you are right that in future there might be easier ways to convert what you are suggesting. We do not want a situation where models and designs for educational or academic purposes are criminalised, but I can foresee a situation down the track where some of those models, designs or instructions could be easily converted to a format that could be printed and be very dangerous. We have tried to keep an element of subjectivity. That would be, I guess, down to the intent, and that would be something where the police, law enforcement or the courts would need to decide whether to proceed.

Jeff BOURMAN: I was kind of making a point there. I had a fair idea where this was going. I want to unpack a little bit of something that Mr Limbrick got onto about firearms parts. I think your answer to him was that you would need to be a licensed dealer. If I take that answer at face value, there are a number of parts I can make out of steel and no offences are committed, because they are not regulated items. Will they be regulated items? I am a shooter, obviously. I use what is called a Picatinny rail – it is a rail that goes on top of your guns, which you can mount stuff on – or a tactical bolt knob. If I make them out of metal, they are not regulated parts. But my understanding from that answer is that if I make it with a 3D printer, it is an offence. I guess what I am after is a clarification. If something is not a regulated item now, is it going to be a regulated item if it is printed with a 3D printer or code?

Enver ERDOGAN: A firearms part that is not regulated is not intended to change – if it is already an offence to manufacture, then that is not changing.

Jeff BOURMAN: That is exactly what I needed to know. Moving on to new section 59C:

A person must not distribute in Victoria or partly in Victoria instructions for manufacture of a firearm, without reasonable excuse ...

Can you just let me know what a reasonable excuse would be, other than being a licensed person?

Enver ERDOGAN: We do not have a specific example of a reasonable excuse, but the purpose of inserting that into the legislation is to provide discretion and flexibility for the courts, because down the track there might be a situation that we have not foreseen in the drafting, where the courts might consider all facts before them and say, 'Oh, that person has a reasonable excuse in the circumstance,' and obviously 'reasonable' in the legal meaning is the community standard at the time that they view it as reasonable. That is why we are inserting that exception into the act.

Jeff BOURMAN: Minister, it kind of concerns me a bit. I will make this a statement. Obviously one of the things we do here is so that in the future a judge or a justice of some sort can look back and read these questions. They are not going to have a direction as to what a reasonable excuse might be. You have given me your answer. I cannot drag it out of you, but I just want to put that on the record. Whilst we are handy to new section 59, on 59D Mr Limbrick asked about academic and artistic and so on, but one above it is what got my interest:

A person does not contravene section 59B if –
the person possesses the instructions –
in the public interest ...

What on earth could the public interest be?

Enver ERDOGAN: Public interest has a broad meaning. There is a lot of case law on this, but it could be for presenting before Parliament. You are preparing for a speech and you need to refer to documents that will inform you. Or it could be part of your work as a committee member. The Legislative Council has some exciting standing committees that are inquiring, and you have an inquisitive mind. That might be of genuine public interest. I think it has a broad meaning, but there is a lot of case law that you could refer to about the meaning of public interest.

Jeff BOURMAN: I will not be bringing in sheets of G-code for people to read in here; I can guarantee that.

Katherine Copsey: You could hand them out.

Jeff BOURMAN: I can hand them out, but if you can understand it, you are doing better than me. The last thing I will get into is imitation firearms. I look on the internet, and there are a lot of what are clearly toys but in this state could be imitation firearms. Some of them are quite realistic. Just for the record, for all those watching, I have not downloaded any of them. I have got enough real ones. I do not need 3D toys. But where does a toy and where does an imitation firearm and where does a real firearm come into being in the context of this bill?

Enver ERDOGAN: An imitation firearm is a prohibited weapon. It is not intended to be included as part of these reforms. It is quite separate.

Nick McGOWAN: Minister, back to the PSOs: did the government consult the Police Association Victoria (TPAV) on their changes?

Enver ERDOGAN: I will keep it short: yes.

Nick McGOWAN: When did the government consult the police association on these changes?

Enver ERDOGAN: I would not have that detail with me, but we always have regular discussions with the police association about our reforms that affect their members.

Nick McGOWAN: So you can categorically assure the house and the people of Victoria that you consulted the police association on these changes before you introduced this legislation?

Enver ERDOGAN: Yes, Mr McGowan.

Nick McGOWAN: Were the police association in favour of these changes to the protective services officers?

Enver ERDOGAN: Mr McGowan, we would not go into the detail of their advice or the minister's conversations with the police association.

Nick McGOWAN: My understanding, at least from what the police association have said publicly, is that they are not in favour of these proposed redeployments of their protective services officers. Is that not the case? Are they in favour of them?

Enver ERDOGAN: I think the police association have stated their position publicly, and we respect that.

Nick McGOWAN: We are now slowly but surely getting somewhere. If they have stated their position publicly, what is their position, Minister?

Enver ERDOGAN: You are going to make me search for what they said.

It is fair to say that TPAV have made comments. I cannot find them right now, but they have said a number of things of late about some of the reforms. I cannot find that right now, exactly what they said about these specific reforms about PSOs. I will need to take that on notice.

Nick McGOWAN: I appreciate you taking that on notice, but with six advisers behind you I am sure one of them understands what the position of the largest representative organisation of the Victorian police force and PSOs in this state is given that this legislation is currently before the house. It is somewhat disappointing to know that nobody in this house, not a single adviser nor the minister, knows what the position of one of the biggest unions of every Victorian police officer is when it comes to a fundamental redeployment of every single PSO.

Harriet Shing: Keep it nice, Mr McGowan.

Nick McGOWAN: This is me being nice. I am being lovely. This is like me with caviar. This is about the redeployment of PSOs. Did the government consult the nurses union in respect to the redeployment of PSOs in hospitals?

Enver ERDOGAN: My understanding is that there was not a broader consultation about this specific change to place PSOs in hospitals, because it was obviously a change from police to PSOs.

Nick McGOWAN: There was or was not, sorry?

Enver ERDOGAN: There was not a broader consultation.

Nick McGOWAN: Minister, just to be clear here, as far as we can gauge, you think the government consulted with the union that represents every police officer, or certainly the majority of police officers, in Victoria, but you do not know what their position is, and as far as we know the government did not consult with one of the biggest unions in this state, the nurses union, in respect to the deployment of PSOs in hospitals to stand guard over accused perpetrators. Is that correct?

Enver ERDOGAN: As I stated, broad consultation was not done as this was an operational change that was very confined.

Nick McGOWAN: I find it somewhat quizzical, and maybe I have been in politics too long, but I do recall a time when your government actually opposed PSOs both in hospitals but also standing guard over alleged perpetrators, shall we say, in hospitals.

Enver ERDOGAN: Long before my time, Mr McGowan.

Nick McGOWAN: No, no, not long before your time at all. So to be clear –

Harriet Shing interjected.

Nick McGOWAN: Has the government taken any steps, then, to even consult with or engage with the AMA, the Victorian division, in respect to these changes?

Enver ERDOGAN: It is my understanding there was no broader consultation.

Nick McGOWAN: What about the Health Services Union and their workers in every hospital setting and other medical settings?

Enver ERDOGAN: No.

Nick McGOWAN: I am not quite understanding the government's hostile attitude toward unions, given they have so far in fact excluded just about every major union and the workers they represent in one of the biggest –

Harriet Shing interjected.

Nick McGOWAN: It does not matter if people are watching me. I will watch myself later, Minister.

Georgie Crozier interjected.

Nick McGOWAN: It is important. It is the biggest fundamental change to the way in which the PSOs operate. It is basically replacing police, as my colleagues opposite and those to my left-hand side have stated. With 12 weeks of training, you are now going to put them in hospital settings – in medical settings, that is, under the act – and you are going to put them in jailhouses. You are going to put them in shopping centres with their 12 weeks of training. There has been no consultation with the nurses union and no consultation with the doctors representative body. Seemingly we do not understand what the consultation actually resulted in in terms of those who represent Victorian police in this state, and yet this government has come here tonight with this legislation and put this forward without any consultation with these key stakeholders. What unions did the government consult on these proposals?

Enver ERDOGAN: I think this has been asked and answered already. There was no broad consultation on this matter.

Nick McGOWAN: So the government's position on the biggest fundamental change to the redeployment of PSOs was there was no broad consultation with stakeholders or the Victorian public on this change.

Enver ERDOGAN: I have already answered that.

The DEPUTY PRESIDENT: Minister, did you wish to answer?

Enver ERDOGAN: Asked and answered.

Katherine COPSEY: Just staying on this topic for one more question. Minister, can you confirm: were the Victorian Aboriginal Legal Service consulted on the elements of this bill relating to PSOs?

Enver ERDOGAN: Yes.

Katherine COPSEY: You are confirming that they were consulted on the elements of the bill relating to PSOs, Minister?

Enver ERDOGAN: I know they were consulted in relation to the legislation. I will ask about this specific clause.

I am informed it is yes to that as well.

Katherine COPSEY: I want to speak first about the changes that will allow increased searches of children and people with an intellectual disability. Part 3 of the bill removes the existing requirement for a parent or guardian to be present when a child or person with an intellectual disability is searched by a police officer or PSO. This will significantly increase the risk of harm, trauma and rights violations for children, young people and people with an intellectual disability. In the absence of having a guardian present, which is, I note, a critical safeguard that should not be removed, what specific, enforceable safeguards will be implemented with this change to ensure that searches are conducted in a manner that prevents harm and upholds the dignity and safety of young people and people with intellectual disabilities?

Enver ERDOGAN: Significant safeguards already apply to police and PSO searches in designated areas. This is recognition that these searches are commenced randomly, without a need for a warrant or reasonable suspicion. A graduated search regime exists where more intrusive searches are only permitted when police consider a person may be concealing a weapon. It is important to note and emphasise that police and PSOs must first endeavour to secure a parent, guardian or independent person. Additionally, designated area searches are conducted in a random graduated manner, with searches beginning with a scan of the person, using electronic metal detection, and only if metal is detected should a pat down or examination take place. Obviously particular rules already apply in terms of searches for children, but as a starting point for both children and young people, I think it is important to understand that police must first check that there is an independent person or parent or guardian available; that in itself is the main safeguard that is expressly retained, and it will not be removed. And obviously this bill makes it clear that rules around strip searches are unchanged.

Katherine COPSEY: So in referring to 'existing' safeguards, are you confirming that there are no additional safeguards added to accompany the significant change to this bill?

Enver ERDOGAN: Yes.

Katherine COPSEY: That is a very disappointing answer. On the same topic, the recently published data from the Racial Profiling Data Monitoring Project found that in 2024 alone Victoria Police were 10 times more likely to use force against a person that they perceived to be Aboriginal. The data also showed that Aboriginal people were 15 times more likely to be searched than white people; African people were nine times more likely to be searched than white people; and Middle Eastern and Pacific Islander people were five times more likely to be searched than white people. This data shows us that with existing powers, certain communities continue to be targeted by police, and it is particularly concerning when we consider the increased prevalence of use of force against those communities. What reporting does the government receive from Victoria Police about racial profiling?

Enver ERDOGAN: From the outset, I might just add that every Victorian needs to feel confident that policing decisions are fair and free from bias, and especially from racial profiling, and any allegation that people have should be reported and should be investigated thoroughly. Victoria Police did formally make it clear that it prohibited racial profiling in 2015 and continues to train officers to make decisions based on behaviour and not on people's background. In relation to these searches, they are designed to be short and non-invasive as a reasonable, practical step. That is why people are not asked to confirm personal details, including cultural background, unless an offence is in fact alleged.

Katherine COPSEY: The data shows that this is a continuing problem. How can you have confidence in the measures that you just spoke about, including training? They are clearly not working. What additional steps are you taking to understand the scale of this problem within Victoria Police and to stop it?

Enver ERDOGAN: I think it is clear that where an alleged offence has taken place this information needs to be captured, and I think that is an important step. But of course where this kind of behaviour occurs, it is important that it is also reported.

Katherine COPSEY: Minister, this is around police use of force against people and use of search powers, so leave aside offences, please, for a moment. There is ongoing evidence of disproportionate targeting of communities of colour by Victoria Police. The training that you spoke of is clearly not proving effective. What additional measures are you taking to ensure that this problem is stamped out?

Enver ERDOGAN: I thank Ms Copsey for her question and her interest in this important matter. In this legislation there are no proposed additional measures in regard to this matter.

Katherine COPSEY: Again, unfortunately, that is a very disappointing answer. What specific enforceable safeguards will be implemented to ensure that children from these communities will be protected against baseless searches and biased policing, given the statistics we have seen around the use of the existing powers and the huge expansion to search powers you are pursuing with this bill?

Enver ERDOGAN: I believe I have answered this question. There are existing safeguards in place, and there are no proposals to add additional safeguards as part of this legislation.

Katherine COPSEY: That is at least clear. Overall this bill provides a dramatic increase in police and PSO powers. In the last five years over 90 new police powers have been introduced, but the government has produced no accompanying new oversight system, such as an independent police ombudsman. The Centre Against Racial Profiling data that I referred to, which has been released very recently, shows very clear and persistent disproportionality in how Victoria Police stop, search and engage with Aboriginal communities and other communities of colour. Given how stark and devastating these disparities are, can you outline what concrete steps the government is taking to reduce and prevent racial profiling in Victoria?

Enver ERDOGAN: I have already outlined some of the Victoria Police policies that have been in place, in particular around racial profiling, since 2015. We have undertaken a broader piece of work as well around anti-vilification and about anti-racism strategy, as that affects all Victorians, not just Victoria Police, because this issue is not confined to law enforcement. The issue of racism occurs in different settings. We have heard this, and I have heard it as minister – whether it be in the courts, whether it be in the educational setting or whether it be in the health setting. So this issue is not an issue unique to law enforcement. I think some of the information is about educating people in the broader Victorian context, not just in a police context alone.

Katherine COPSEY: Minister, how do you intend to ensure the new police and PSO powers in this bill are not abused?

Enver ERDOGAN: We would say that the existing safeguards that exist within the legislation provide that check and balance. And of course where people are subject to a pat down, they can get information about the officer involved, and if they have complaints, there is a complaint mechanism in place.

Katherine COPSEY: So, Minister, in your view it is the current settings that are currently resulting in Aboriginal people being 15 times more likely to be searched than white people, African people being nine times more likely to be searched than white people, and Middle Eastern and Pacific Islander people being five times more likely to be searched than white people. In your view everything is working just fine with the current system and there is no need for the government to take further action.

Enver ERDOGAN: That is not what I am saying. What I am saying is that these searches are designed to be as short and non-invasive as possible, and where there is an offence alleged, police should be recording people's cultural background. It is the right of Victorians to expect the highest standards of integrity of Victoria Police and officers, and members overwhelmingly provide high standards of service to the community. Issues of racial profiling and racism are not unique just to law enforcement. I can say, as Minister for Youth Justice, I have heard stories of many young people of colour and shared their experiences, unfortunately, in sports, in education and in health settings. I think this is a broader community issue that as a government we are serious about tackling. That is why we

have released the racism strategy. We have a number of programs to kick out racism, so to speak, from our society. Police overwhelmingly do a good job and to the highest community standards, but there are clearly issues that are more broadly affecting the community, not just in law enforcement.

Katherine COPSEY: Minister, that is all well and good on a rhetorical level, but you must acknowledge that the use and exercise of search powers that are granted to law enforcement officials is a specific problem when those powers are being disproportionately exercised against communities of colour.

Enver ERDOGAN: I think we need to trust that Victoria Police will do their job to the high standards of service that the community expects.

Katherine COPSEY: So, it is not your problem. Turning to police powers more generally in relation to anti-protest activities that this government is pursuing, the *Guardian* recently reported that police have used excessive violence against protesters, with one protester observing two stinger grenades and four flashbang devices along with rubber bullets and VKS PepperBall guns being used at a recent rally. People have reported injuries, people who were not resisting arrests, and in circumstances where no warnings were given by police prior to the deployment of weapons. What guidance will be given to Victoria Police on the use of weapons against protesters who are lawfully exercising their democratic rights?

Enver ERDOGAN: Could you just repeat that last question?

Katherine COPSEY: Certainly, Minister. What guidance will be given to Victoria Police on the use of weapons against protesters who are lawfully exercising their democratic rights?

Enver ERDOGAN: That is a very operational question. It is an operational matter that I guess Victoria Police needs to consider in terms of what is appropriate use of force. There are established oversight bodies, if they believe there is any wrongdoing or excessive force used, that people could lodge their concerns with.

Katherine COPSEY: I hesitate to paraphrase you, but that sounded like police will determine what they think is appropriate in the circumstances, and if people have a problem with that, they can complain afterwards. That is the level of guidance that will be given to Victoria Police on the use of weapons against protesters who are lawfully exercising their democratic rights by this government.

Enver ERDOGAN: I feel it is largely out of scope because it is a very operational question about how police apply the law more broadly as well, not just in a protest. Obviously there is an expectation that what they use is reasonable in the circumstances, and where police do use excessive force then obviously there are bodies to investigate that misuse of powers.

Katherine COPSEY: Independent legal observers have recorded instances of police making sweeping requests to all protesters in an area to remove their face covering without a clear reason for a reasonable belief that all of those individuals were about to commit an offence. What safeguards will the government and police implement to ensure the powers in this bill are not used to effect an ultra vires ban, particularly given that the Premier initially recognised that a blanket mask ban risks a viable constitutional challenge?

Enver ERDOGAN: I think it is expected that Victoria Police use their powers as intended in the legislation.

Katherine COPSEY: I think we would all hope that is the case. My question was: what safeguards will the government and police implement to ensure that powers are not used to effect an ultra vires ban?

Enver ERDOGAN: Again, I feel I have been asked and answered these questions. I think there are existing oversight measures in place for Victoria Police conduct, so if there is a misuse of powers, then people will have the ability to use those established channels to raise those issues.

Katherine COPSEY: So just confirming once again: despite a significant expansion of powers no additional safeguards are provided by the government.

Enver ERDOGAN: No.

Katherine COPSEY: What public reporting will there be on the use of this mask ban to reassure the public that those powers are being used in line with the intent of the legislation, as you just stated? What public reporting will there be on use of these powers?

Enver ERDOGAN: There are no public reporting requirements in the legislation.

Katherine COPSEY: So, Minister, how will you assure yourself that police are exercising these powers in line with the government's intent?

Enver ERDOGAN: I think it is important to understand these are operational matters, and regardless of whether it is these powers or other powers, I think you know the public expects Victoria Police to provide high standards of service to our community, which the overwhelming majority of police do.

Katherine COPSEY: Turning to the medical exemption which is available for face coverings, people in occupations such as teachers, nurses and carers who regularly interact with people with disabilities or autoimmune or other medical conditions may wish to participate in protest and wear a mask to avoid putting the health of other people at risk. Will the medical exemption apply to those who are wearing face masks to protect other people in the community?

Enver ERDOGAN: Okay. I think that question is a really good question. I think the medical exemption will apply where a person wears a face covering reasonably and in good faith for a genuine medical purpose. For many people, as explained in the explanatory memorandum to the bill, the exception for a genuine medical purpose might be where a person is wearing a PPE mask to protect an immunocompromised household member or colleague, or related to their work. I think whether the exception applies to other members of the community will depend on the circumstance and will ultimately be up to the court to decide if that is where it ends up.

Katherine COPSEY: Minister, independent legal observers have already recorded instances of police telling demonstrators who want to wear a personal protective face mask for medical reasons that they were not allowed to do so and saying to people attending protests, 'If you're worried about your health, you can leave the area.' Do you think that is acceptable advice for police officers to give someone exercising their right to protest?

Enver ERDOGAN: I think that is a difficult question to answer, because these are obviously deeply operational matters that police need to determine on the ground at the time. But what I will say is that there is an exception for medical grounds, and where people have those grounds if police are satisfied that those grounds are genuine, then they should not be required to remove their masks. But it is up to police to be satisfied in the use of those powers that that is a genuine reason or a medical reason for the wearing of those masks.

Katherine COPSEY: What procedures will police use to establish this belief as to whether someone has a genuine medical reason for wearing a face covering?

Enver ERDOGAN: The bill does not require police to determine whether a person has evidence of a reasonable excuse before charging a person. Let me repeat that; that is actually an important point here. The bill does not require police to determine whether a person has evidence of a reasonable excuse before charging a person.

Katherine COPSEY: What protection does the medical exemption provide to someone who has a genuine medical reason for wearing a mask at a protest? What protection is provided if police can determine, based on no evidence, that they want to charge someone? If I have understood you correctly.

Enver ERDOGAN: It is effectively a legal defence to the offence of failing to comply with a direction. If the police require you to remove the mask, that is a direction. If you fail to comply, then obviously you will be committing an offence, and that medical exception would be a defence in court in the law.

Katherine COPSEY: I am trying to understand this. What you are saying is that, practically speaking, people may not be able to satisfy a particular police officer on the day that they have a medical reason for wearing a mask, and that will therefore mean that that person's right to protest is compromised or their right to wear the mask is compromised. The police will basically say they can do one or the other, and the only remedy available to that person is to engage in legal proceedings in order to prove that the police wrongfully gave them a direction to remove their mask. Is that actually what you are saying?

Enver ERDOGAN: Not in those words. But in terms of the evidentiary burden – I think that is the point you are focusing on here – that evidentiary burden on a person relying on the exception is necessary to support practical enforcement of the direction power, since the evidence of the exception will often be within the specific knowledge of an accused person. Therefore if you do not comply with the direction, you will be subject to the sanction, and the medical exception would be a defence in a court of law.

Katherine COPSEY: Therefore how does this bill preserve the right of someone who is immunocompromised to participate in peaceful protest?

Enver ERDOGAN: Police need to be satisfied at face value that a person has a reasonable excuse. If not, they will charge them and it will be a matter for the courts to determine. They also only come to this point when the offence or likely offence threshold has been met. I will add that in drafting this legislation we have had to finely balance competing rights here.

Katherine COPSEY: That is not a very fine balance if you have effectively created an unworkable exemption that does not allow people who need to mask up to participate in peaceful assembly. Can you expand please on what you meant by 'face value' in your previous response?

Enver ERDOGAN: These are really operational matters. Police attend a lot of protests, and they will need to be satisfied in the circumstances, at face value, using their professional judgement.

Katherine COPSEY: I will just note that the Greens supported a public health response during COVID, and there were circumstances in which it was required for people to wear masks to be in any sort of gathering. We do not dispute the necessity of that. It is just deeply ironic that this government has done such an about-face on this topic that it now apparently has so little regard for public health and for individuals' rights to be safe and healthy and at the same time exercise their rights to peaceful assembly and peaceful protest. How can you reconcile these positions that this government has held?

Enver ERDOGAN: I think what I have stated earlier is that we are balancing competing rights. Clearly, what we have seen, what has brought us to this point, is unfortunately the masked-up violence we have seen on our streets in Melbourne, which has meant we have had to legislate and trust the professional judgement of police that they can exercise those powers and be satisfied on face value that a person has a reasonable excuse. Where police are not satisfied, then they can issue a direction, and people could rely on their medical exception to, I guess, avoid penalty. But we have had to take this action because of the level of disgraceful behaviour we have seen on the streets, and therefore we have had to balance those rights. Obviously we have had to rebalance some of them in the current circumstances.

Katherine COPSEY: I am having trouble, Minister, with your seeming indifference to the legitimate reason that someone might be seeking to wear a face covering, a mask, for health reasons. I want to explore the logic you have just applied to that exemption in relation to religious face coverings. Are you asserting that a police officer might not be satisfied that someone is wearing a religious face

covering for a genuine religious purpose, and then they would direct that person to either remove that face covering or leave the area, and the onus would be on the person to later follow up and challenge that officer's determination? Is that seriously how you are saying these exemptions operate?

Enver ERDOGAN: I think the application of the laws would be very similar to the way I have described it for the medical exception. Of course where people have a cultural reason, police would need to use their professional judgement. Like I said, police are in our communities, they are on our streets and they are at protests, and I think they are well placed to make a decision about whether someone has a reasonable exception to have a face covering in the circumstances. But it will be up to the police.

Katherine COPSEY: Minister, in the busyness of a protest do you expect police to simply arrest people who decline to take off their mask and work out exemptions later? And do you have any concerns of the risks that this would have for our already overburdened police and courts system through unnecessary processing and criminalisation, let me add, of people who have, in all likelihood, done nothing in actual breach of the law?

Enver ERDOGAN: These are deeply operational matters. I believe, again, it has been asked and answered. I think police are required to determine whether a person has evidence of a reasonable excuse before charging a person, but they need to use their professional judgement on face value about that exception. They do make discretionary decisions every day, so in that regard it would be no different to them exercising their professional judgement around these matters. It is my expectation that they do that to the highest community standard, which many police do do as they undertake their work. But they will have those powers.

Business interrupted pursuant to standing orders.

Enver ERDOGAN: Pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to 1 further hour.

Katherine COPSEY: Minister, you were speaking about how these are operational matters. With respect, this is legislation that the government is intending to pass tonight and bring into practice. The police will need guidance in how they are to exercise these powers, and the public will need guidance in order to comply with the law. Will police accept a medical certificate once a direction has been made by a police officer, but before a face covering was removed, as evidence of a genuine medical reason for wearing a mask, and would the police rescind a direction to remove a face covering in these circumstances?

Enver ERDOGAN: It would need to be on a case-by-case basis, and that would be at the discretion of police using their professional judgement in the circumstances.

Katherine COPSEY: One of the purposes of this division around face coverings is to protect persons from the harms of vilification at public protests. The note attached to new section 6D provides that the offence may be an offence of vilification on the basis of a protected attribute. Can we take it from these statements and this legislative note that the types of offences sought to be covered are offences of vilification on the basis of a protected attribute?

Enver ERDOGAN: Police will be empowered to direct the person to remove a face covering at a public protest where they reasonably believe the person has committed or intends to commit an offence. The legislative note referring to the new anti-vilification offence is an example of an offence that may arise at a public protest and emphasises the government's intention for this kind of offending to be dealt with under this new power given to police.

Katherine COPSEY: If the government is really trying to target far-right extremism with this – which is one of the latest justifications that the Premier has been using for these sweeping powers – why not have this provision tied to this type of vilifying conduct? Why has it been drafted more broadly to capture broader criminal conduct?

Enver ERDOGAN: The requirement for a police officer to have a reasonable belief that a person has committed or intends to commit any criminal offence before issuing a direction is intended to provide flexibility to respond to a range of violent or hateful conduct at public protests. While this may include anti-vilification offences, it also includes violent conduct by protesters which puts others at risk, including those engaging in peaceful protests.

Katherine COPSEY: In relation to the ban on lock-on devices, the purpose of this section is targeted at preventing risks of serious injury at protests and also protecting peaceful protests. When the bill speaks about serious risks to public safety, is this definition of a ‘serious risk to public safety’ referring to peaceful or nonviolent conduct? How will ‘serious risk to public safety’ be defined?

Enver ERDOGAN: New section 6F makes it an offence for a person without reasonable excuse to use a thing or substance to lock or otherwise secure any person to another person or surface. I think it is intended that the serious risk to public safety from this offence is confined to the most serious instances where community safety is jeopardised so that it prevents extreme and dangerous behaviours. Whether the use of a thing or substance to lock or its removal poses a serious risk to public safety will depend on the specific circumstances at hand. We have brought broad guidance and broad laws here for police to utilise, so in either case facts will change and police are best placed to make those decisions.

Katherine COPSEY: So it is a serious risk to public safety. Does it need to be immediate?

Enver ERDOGAN: I think it will depend on the specific circumstances at hand.

Katherine COPSEY: Does the serious risk need to be hypothetical, or does it need to be readily anticipated?

Enver ERDOGAN: If it is a serious risk, irrespective of whether it is immediate or when someone is going to be removed, then police can take action.

Katherine COPSEY: I can read the words in the legislation. What I am trying to drill down to and understand is the government’s intent – what you intend for serious risk to mean in practice.

Enver ERDOGAN: We are looking where there is a risk of injury to another person, in particular physical injury. I think that is what we are really looking at here in this legislation in these parts. Where there is a risk to safety, whether that is immediate or could happen when someone is being removed, I think the clue is about the likeliness of causing injury to someone, in particular physical injury to another person.

Katherine COPSEY: The Victorian government helped support – everyone has talked about this tonight and I would love to hear your response on it – the creation of a statue of Zelda D’Aprano, an iconic women’s rights activist. It shows her holding the chains that she used to secure herself to a government building to protest against a ruling on equal pay for women. The Premier herself and other Labor MPs have happily taken photos in front of this Zelda statue. How does the government reconcile its support for figures such as Zelda with its targeting now of similar protest tactics?

Enver ERDOGAN: I think it is quite clear – I have heard this comparison in the other place as well by some members – and what I will say is that Zelda was not attached to the man that caused a serious risk to public safety or injury to another person. She is a great Victorian. I still do not have a photo in front of her statue, but I hope to. Yes, I need to go and get one, clearly. I think that is not a good example and the laws are not intended to be applied in the Zelda D’Aprano situation.

Katherine COPSEY: In relation to devices or substances used to lock on, the division includes extending search warrants to enter people’s homes for up to 72 hours before suspected commission of the relevant offence here. Police entering and interfering within a person’s home or vehicle is an incredibly serious incursion on the right to privacy and the sanctity of the home, and it is often a terrifying experience for people who are targeted for this type of action. Videos posted online and

media reporting of protesters have suggested that people are already having their homes raided by tactical police squads for relatively minor alleged offences, such as obstruction. What examples can the government provide of such seriously dangerous devices being used by protesters that it would justify this level of interference with the home?

Enver ERDOGAN: I think again that we need to look at case-by-case examples. The purpose of the reforms is to proactively prevent dangerous conduct from occurring to maintain public safety. I can think of an example that does come to mind. I know many in this chamber have talked about in the past the custom sleeping dragon attachment device protesters used to lock themselves to a truck blocking the West Gate Bridge in March 2024. There is the way of using concrete to fix people to the boot of a car blocking traffic like at the Land Forces exposition in September 2024 and a diverse array of things being used for locking on that have blocked access to the Port of Melbourne on numerous occasions throughout this year. I think these are some examples of the kind of stuff that we want to stamp out.

Katherine COPSEY: Thank you, Minister, for confirming your government's intention to stamp out peaceful obstructive tactics that are used to advocate for social, environmental and peace causes. It is shameful. Related to that, how does the government justify the framing of political protesters as bad and dangerous such that they are deserving of oppressive and heavy-handed police-led responses?

Enver ERDOGAN: Obviously these laws are subject to the court's authority, but I think I gave a good example: I think in the West Gate Bridge incident in March 2024 we all recall people that needed hospital care – pregnant women were affected and many others. I have given another example of the Land Forces exposition: what we saw at that protest was disgraceful, and I would not describe them as peaceful protests. Again, case-by-case circumstances, but I think we are being very clear that these are the types of events that need to cease going forward.

Katherine COPSEY: Turning now to the offences around disturbing religious worship, the proposed section 21C: has the government received legal advice about the constitutionality of this provision?

Enver ERDOGAN: The government regularly receives legal advice about legislation that it intends to bring to Parliament. I do not propose, and the government does not propose, to waive privilege on any advice received in relation to these matters.

Katherine COPSEY: In relation to 21C, how is 'disturb' defined?

Enver ERDOGAN: In this context I think it is best explained as someone trying to obstruct someone from taking part in religious worship.

Katherine COPSEY: Minister, I do not find that answer satisfactory, unfortunately, because there is a separate provision within 21C that talks about obstructing. I am going to ask you how that is defined next. So can you please check again: how is 'disturb' defined?

Enver ERDOGAN: It is intended that this offence will capture conduct intended to interrupt or interfere with a religious worship meeting, such as hostile, disruptive or confrontational behaviour. It is intended to capture anything that is intended to interrupt or interfere with religious worship.

Katherine COPSEY: There are several dictionary definition meanings of 'disturb'. It can mean 'to interrupt' or it can mean 'to create an emotional reaction'. What definition of 'disturb' is the government intending to apply in relation to your legislation?

Enver ERDOGAN: Interrupt or interfere.

Katherine COPSEY: How is 'hinder' defined in relation to 21C?

Enver ERDOGAN: I think the intention here is that there are narrower applications so far as it is confined to conduct that hinders or obstructs a person from attending religious worship, so the

intention is to hinder or obstruct arriving at, attending or leaving religious worship. It takes a narrower approach; it is not our intention to have the offence be made out if a person lacks the specific intent to hinder or obstruct the person arriving at, attending or leaving a religious worship meeting. I think the intent behind it is important as well.

Katherine COPSEY: Similarly, and finally, how is ‘obstruct’ defined? I will just add while you go and seek clarification: these terms are stated separately in the legislation, so I am trying to understand the government’s intent in doing that and what they mean.

Enver ERDOGAN: Ms Copsey, you do make a good point about the different words and different descriptions, I think, so that these kinds of conducts are captured and we make sure we have covered them. But in terms of ‘obstruct’ in relation to these provisions, it is about kind of blocking someone from attending or deliberately trying to block someone from taking part in their worship.

Katherine COPSEY: Minister, you spoke just briefly before about the intent. What is the relevant intent that needs to be established for a person to fall foul of 21C?

Enver ERDOGAN: I think the intent that we are targeting is that it is deliberately to prevent someone from attending their religious place of worship. That is the motivation for the behaviour.

Katherine COPSEY: So the intent is a combined intent. It is to obstruct or hinder or disturb, plus trying to do that in relation to a place or a practice of worship?

Enver ERDOGAN: Yes.

Katherine COPSEY: So a person who intended to obstruct someone, however, did not intend to obstruct them for the purpose of disrupting or preventing them from engaging in religious worship would not fall foul of this offence. That is the government’s intent?

Enver ERDOGAN: No. But obviously that is case by case, because what you are describing there – well, if that is the case, yes, then you are right. But I guess that would be up to people to interpret in a circumstance. But I think you are right in a broad way.

Katherine COPSEY: With respect, Minister, that is why I am asking these questions, because the courts will have to interpret this legislation, and they will look at what you have said tonight to try and figure out what this government was trying to do. So if you have drafted a piece of legislation that is vague as to the intent that a person needs to hold in order to fall foul of this provision, that is not very helpful, Minister, or a very responsible execution of the government’s duties. I will ask again: what is the relevant intent that needs to be established under 21C?

Enver ERDOGAN: I think the relevant intent is that you are trying to hinder attendance, arrival or departure from the meeting. I think that is the intent. Is your purpose for conducting yourself the way you are, your behaviour, to block someone from arriving at or departing their place of worship? If that is the intent, then you will fall foul of the laws.

Katherine COPSEY: So can you give guidance as to where people can protest in the vicinity of places of worship?

Enver ERDOGAN: There will be many instances. We are in the CBD, for example, where people have peaceful protests in the vicinity of places of worship. Around the Parliament building there are a number of places of worship. It is not intended to apply in those circumstances where the protest is unrelated to people’s prayers or religious practice.

Katherine COPSEY: So I think we will all acknowledge that many times – not always, but many times – protests are by their nature disruptive or disturbing. They aim to gain the attention of people in order to bring attention and focus to issues that people want to see change on. It is what makes them an effective and critical component of our democratic freedoms. And the disruptive nature of protests is protected under international human rights law. So how will the government ensure that this power

is not used to silence legitimate and occasionally loud and occasionally obstructive protests that may be occurring in the vicinity of a place of worship?

Enver ERDOGAN: As long as the goal or the intent is not to hinder people attending their worship or their meeting, then it would not fall foul of the laws as they are drafted.

Katherine COPSEY: A protest movement may, for example, decide to temporarily occupy a public space. This may have a flow-on impact on pedestrian traffic or, for example, trams along Swanston Street. That kind of obstructive activity would not fall foul of 21C unless there was the combined intent to prevent people from attending a place of worship?

Enver ERDOGAN: Good question. Yes, you are right, Ms Copsey.

Katherine COPSEY: Just a question now about the interplay between the powers for police to issue directions in relation to face masks – if someone refused to remove their face mask, the police could determine this was an offence – how does the government foresee the interplay between the new power for police to direct someone to remove a face mask if they believe on reasonable grounds they are going to commit an offence and the introduction of broad new offences outside places of worship?

Enver ERDOGAN: In relation to Ms Copsey's question, the direction power for removal of masks applies to any offence where the police officer has formed the reasonable belief of the person having committed or intended to commit the offence. Does that provide guidance?

Katherine COPSEY: How will the government mitigate the risk of racial profiling outside places of worship if police form the view that someone is going to disturb a place of worship and then ask them to remove their face covering?

Enver ERDOGAN: I feel we have gone over this ground, and there are no additional provisions or measures in this legislation.

Katherine COPSEY: How does this proposed 21C set of offences differ from the safe access zones that the government previously announced they would be introducing but have subsequently chosen a different approach? What are the key differences?

Enver ERDOGAN: The offence is designed to target behaviour that is intended to obstruct or hinder persons from attending a religious worship regardless of location. In contrast, safe access zones prohibit certain conduct around places of worship.

Katherine COPSEY: Would you agree therefore that this set of provisions has a narrower application than what was originally announced?

Enver ERDOGAN: Ms Copsey, you are right. This law is narrower than the safe access zones.

Katherine COPSEY: Are there places where people in Victoria will not be able to protest as a result of these laws?

Enver ERDOGAN: No.

Katherine COPSEY: Coming back to PSO powers, it is full circle. Would you like to jump in for a bit, Mr McGowan? I would love to grab a glass of water.

Nick McGOWAN: Just picking up, in terms of the capacity of police officers and their directions to remove face coverings, it says 'the person is at a place where a public protest is occurring'. We know under this act that a 'public protest' means an event that occurs at a 'public place, a non-government school or a post-secondary education institution' and so forth.

Enver ERDOGAN: A university.

Nick McGOWAN: Correct. So if a public place is the front steps of Parliament, and there is a protest occurring there but a person is in the 7-Eleven, are they covered by this in the 7-Eleven? If the person is in the 7-Eleven, the police have no power over that person, is that correct?

Enver ERDOGAN: I would say no. If you read the legislation clearly, you will remember reading a section where it talks about, for example – I might just leave it at ‘no’ instead of trying to expand on it at this stage of the night, because we are definitely going to go on a tangent.

Nick McGOWAN: To clarify, to make clear, notwithstanding that any number of members of the public can be part of a protest on the steps of Parliament here, all an individual need do is step inside the Imperial Hotel or Le Méridien or the 7-Eleven and they are no longer subject to any aspects of these laws in terms of the face coverings if the point at which the officer or officers approach the person they are situated in any one of those private places.

Enver ERDOGAN: Police cover public spaces. The police officer can exercise the direction power if they have just left the public protest. I think that was the difference in this legislation, to give police operational flexibility, because sometimes in the midst of the actual protest it might not be possible. But if someone tries to leave the direct area, police would still have the powers to ask them to remove their masks.

Nick McGOWAN: Thank you, Minister, for the answer, but the draft legislation here very specifically states the person ‘is at a place where a public protest was occurring’. So in order for them to be instructed to remove their face covering – I am not speaking to whether they have committed an offence in terms of the other aspects here – in order for an officer to give them that instruction, if they are in any one of the three places I mentioned, that instruction cannot be given because they are not at a place where a public protest is occurring, notwithstanding they are certainly adjacent to it or they could have just left. Is that right?

Enver ERDOGAN: I just answered that, Mr McGowan, but I will just seek some guidance.

Police will have the powers to still ask someone to remove their face mask. They can give a direction within a reasonable time after the person has left the public protest or the public protest is no longer occurring. The protest might have ended or moved on. For example, if you take part in a protest that starts at Bourke Street, the protest by this stage is on Elizabeth Street, you are hanging back on Bourke Street, the police can still exercise that power under 6D, just for your reference, because I know you are into references – 6D(3)(a)(i). Can you find that reference?

Nick McGOWAN: I will come back to that in a moment. I might just go on and then yield to my colleague at any point where she wants to pick back up in terms of PSOs. I did have the opportunity actually to do a little bit of work myself in terms of what the union for the police officers in this state had to think about some of these suggested changes. The police union in Victoria had slammed some of your suggestions in the latest plans as a poorly thought out – you know where I am going with this, right? – brain fart. Not my words. They were the union representative’s words – a brain fart. That is how they described these policies. Notwithstanding that, your chief commissioner then very helpfully – clearly he is better briefed than government – managed to provide a lot more detail to journalists than has been provided tonight. The police commissioner himself advised that an overhaul of the PSO strategy, which is obviously enabled by this legislation, means that some very small number – 32 train stations – will have a PSO presence all day and all night. Can you tell us which 32 train stations will have a PSO presence all day and all night?

Enver ERDOGAN: I believe we are getting into areas that are out of the scope of this bill, Mr McGowan. I think the chief commissioner could designate or deploy PSOs – that is all we are doing. We are providing additional areas where he can exercise his discretion. It has nothing to do with the public transport network or recent announcements regarding the shopping centres. This is about providing greater flexibility.

Nick McGOWAN: I am not sure, it could be the late hour perhaps, but it is entirely relevant to the legislation before us because what the chief commissioner has done is made a decision and given advice to government, obviously. The government has now taken that advice and put it in the form of the legislation here. And the police commissioner himself has identified 32 train stations. I am happy for the minister to take this on advice and come back to us tonight before we adjourn today, but the public have a right to know which 32 train stations will continue to have PSOs, given that what this legislation does is enable and free up those PSOs. I am going to go on to the other stations because there are some other characterisations the commissioner has made. It allows them to also put their hand up and volunteer – not my words but the police commissioner's words – for shifts at hospitals and shopping centres. Minister, can you tell us or undertake to provide to us the list of the 32 train stations, which I am sure the government has, because otherwise you would not have gone down this path of alleviating and providing an alternative for these PSOs to be able to go and be deployed elsewhere?

Enver ERDOGAN: I think this is a separate matter. The bill's enabling provisions are for limited function, separate to recent announcements. This bill does not relate to the train stations deployment model, and therefore I believe it is out of the scope of the legislation.

Nick McGOWAN: It is entirely relevant because this is what the chief commissioner requires, because in any number of articles and comments he has made publicly, the police commissioner has said that this new policy, this enabling legislation, will free up PSOs to travel not only to different stations but also to patrol shopping precincts adjacent to those stations. So this is entirely relevant to the piece of legislation that is before us at the moment. So, Minister, can you please provide the 32 train stations which will have PSOs present all day and all night and in addition to that the 72 stations that the chief commissioner has already told us will have PSOs present from 6 pm until the last train?

Enver ERDOGAN: I might ask, Mr McGowan, which legislation you are referencing in relation to the chief's quote? Because this legislation is not required for that model.

Nick McGOWAN: Thank you, Minister, for your question – not your answer. Nonetheless I will take the question and I will give you the question myself. There are any number of articles. This is from *ABC News*, but there are umpteen articles where the chief commissioner Mike Bush has been quoted, because what he is saying in effect is that in order to provide and alleviate the PSOs, to free them up to enable them to actually start what your government refers to as, under this chief commissioner, Operation Pulse – presumably he is looking for a pulse in this government, because it is starting to fade somewhat, as we know. But he has labelled it Operation Pulse. It is a 90-day program. I will remind the minister of his own government's policies and positions here, but it is a 90-day program which I am assuming starts next Wednesday; at least that is information I am told by my sources. So it is absolutely relevant.

All I am trying to do is understand on behalf of the public – because we know that there is little, if any, consultation with the union for police officers, we know there is no consultation whatsoever with any union in this state when it comes to these arrangements and we know that the enabling legislation is the legislation before us tonight. As my colleague tonight has said, these are very basic questions which not only go to the heart of whether this will actually work but actually speak to each and every aspect, because what you are doing is redeploying police officers or PSOs to any number of additional responsibilities, including in hospitals, including in prison cells – that is jailhouses – including in shopping centres and including in shopping strips. So I will repeat the question: can the minister provide or undertake to provide the list of the 32 train stations that will have a PSO present all day and all night and the other 72 stations that will have officers present from 6 pm until the last train?

Enver ERDOGAN: I think I have asked and answered these questions. I believe they are out of scope in relation to the legislation.

Katherine COPSEY: On 11 October 2025 a 63-year-old man died at Northcote train station after being handcuffed by protective services officers. IBAC has found that PSOs are at risk of engaging in

excessive use of force and predatory behaviour. What safeguards will the government put in place to ensure that PSOs do not escalate situations or harm or misuse force on Victorians enjoying public spaces like shopping centres?

Enver ERDOGAN: I believe this has also been asked and answered. There are no additional safeguards. There are existing safeguards, but we are not proposing any additional ones in this bill.

Katherine COPSEY: Minister, thank you for that answer, but I will just note that your position is that no change is required even after someone has died after contact with PSOs and that IBAC has found that they are at risk of engaging in excessive use of force and predatory behaviour.

Enver ERDOGAN: I think I have answered that question. We are not proposing any additional safeguards to what already exists.

Katherine COPSEY: There have been more than 600 Aboriginal deaths in custody since the royal commission into this topic. How can the government work towards implementing recommendations from that royal commission while expanding powers and engaging an undertrained class of protective services officers, who are more likely to engage in racial profiling, with powers to arrest and to carry lethal weapons, which is likely to result in more deaths?

Enver ERDOGAN: I think we are diverging from this bill, but we support the work of Victoria Police and PSOs. They do a difficult job on the front line in a challenging environment, and they overwhelmingly do a great job. Of course, like in any workforce and any profession, there are outliers, and it is important that those people are appropriately investigated, but overwhelmingly our PSOs and Victoria Police do fantastic work.

Katherine COPSEY: Australians are proud, and rightly so, of our strict gun control laws in recognition that proliferation of guns in the community does not make us safer and that they should only be used by highly trained individuals. Given PSOs receive a 10th of the training that police officers do, how do you expect Victorians to trust that PSOs will use their lethal weapons appropriately?

Enver ERDOGAN: We say that PSOs are appropriately trained and appropriately equipped to deal with challenging circumstances and, as I stated in my previous answer, police and PSOs do overwhelmingly amazing work in keeping the community safe.

Katherine COPSEY: The Victorian public already has disturbingly low confidence in Victoria Police's ability to exercise their powers fairly and to be held to account. Are you concerned that expanding these broad, sweeping powers and expanding the use of weapons to this class of individuals, who receive a 10th of the training of police officers, could further jeopardise people's confidence in police and PSOs in this state?

Enver ERDOGAN: I think overwhelmingly the majority of Victorians have strong confidence in Victoria Police and PSOs, and I think their presence will be welcomed in many communities.

Katherine Copsey: On a point of order, Acting President, the minister needs to be factual. There have been numerous reports that show high levels of dissatisfaction with Victoria Police as compared to interstate comparators, so if you could keep that in mind in answering this question, please, Minister.

The ACTING PRESIDENT (Michael Galea): There is no point of order. It is debating the question. Ms Copsey, do you have another question?

Katherine Copsey: I believe the minister was still answering my substantive question.

The ACTING PRESIDENT (Michael Galea): He has finished.

Katherine COPSEY: With the minister's indulgence, I will repeat it, because I did not catch all of it. How do you have confidence that with the expansion of more lethal weapons into the community, carried by people who receive a 10th of the training of Victoria Police, this will not negatively impact

people's perception of the ability of the police and PSOs to behave with accountability, transparency and responsibility?

Enver ERDOGAN: I think the overwhelming majority of communities would welcome more police and PSO presence as a community safety measure, and I think there are appropriate channels to raise concerns, as some of the examples you have given have been appropriately investigated.

Katherine COPSEY: What standards do PSOs have to comply with, and what mechanisms do the minister or the government have in place to ensure they are complied with?

Enver ERDOGAN: PSOs are professionally trained to deal with challenging circumstances, and like Victoria Police they overwhelmingly do an amazing job in responding.

Katherine COPSEY: That did not answer my question. I asked what standards they are required to comply with.

Enver ERDOGAN: I am informed that PSOs are held to the same professional standards as police.

Katherine COPSEY: Forgive my ignorance in this matter, but does that mean that PSOs are required to comply with the Victoria Police manual?

Enver ERDOGAN: Yes, they are.

Katherine COPSEY: In part this PSO proposal is designed to address retail crime and youth crime. With activities like shop theft, we know that significant drivers of this are cost-of-living pressures and systemic factors such as poverty, homelessness and lack of mental health and alcohol and other drugs support. What will it take for this government to stop diverting resources to surface-level solutions, not only financial resources but existing enforcement resources, as Mr McGowan has exhaustively pointed out, and actually address the driving factors behind this type of offending?

Enver ERDOGAN: We are really getting outside the scope of the legislation. In Parliament earlier today I talked about our violence reduction unit and the work we are doing in relation to serious consequences but also the early intervention work that our government are doing. But I really feel we are getting out of scope of this legislation in these debates.

Katherine COPSEY: With respect, Minister, I disagree. This is directly related to the purpose of the expansion of these powers. You spoke about violence just then, but my specific query was relating to shop theft driven by cost-of-living pressures. I would like to know why the government continues to pour resources into a policing response at the expense of taking systemic action to address addiction, poverty, homelessness and mental health.

Enver ERDOGAN: Again, Ms Copsey, this bill is not about retail crime. I think that was the previous bill. I think this is about hospital guarding and crime scene guarding. That is quite appropriate work for PSOs to undertake. In relation to your broader question, I think I have said before that the public expects us to do both to make sure that there are serious consequences and a strong deterrent in place to make sure people are held to account for their actions. They also expect that early intervention work that is addressing some of the systemic causes and making sure that we can address people's behavioural issues before they escalate.

Katherine COPSEY: I will take a little issue with your previous answer because central to this is deployment of PSOs at shopping centres. The deployment of PSOs to shopping centres for 90 days will cost \$2.3 million. This initiative is meant to address retail crime, including supermarket theft, which is, as I have just noted, driven by the cost-of-living crisis. At a time when Victorians cannot afford to feed their families, how can the government justify spending millions of dollars on a show of force from an under-trained set of protective services officers?

Enver ERDOGAN: I think the point we are making is that they are held to the same professional standard and they are an important part of our system of community safety and law enforcement. I would not question their ability to carry on their roles.

Katherine COPSEY: With respect, Minister, that question was about the government's priorities for expenditure of limited public funds. How can you justify spending \$2.3 million to deploy PSOs to shopping centres for 90 days at a time when Victorians cannot afford to feed their families?

Enver ERDOGAN: That is entirely outside the scope of this legislation, Ms Copsey.

Katherine COPSEY: With respect, Minister, I firmly disagree, but I will note that that is your answer. Minister, what modelling has the government done on the cost impact of this bill?

Business interrupted pursuant to standing orders.

Enver ERDOGAN: I move:

That the sitting be extended.

Motion agreed to.

Enver ERDOGAN: I think, Ms Copsey, that you would appreciate that parts of this legislation have some costs attached to them. Some large sections do not have any specific costs attached to them, but as a government we are prioritising community safety, so we will make all the investments as required for this sort of stuff. For some of the proposals it is difficult to predict demand, but where there is demand, we will make sure that investment is met.

Katherine COPSEY: What is that cost?

Enver ERDOGAN: We will invest as required.

Katherine COPSEY: Are you saying that you do not know how much this bill is going to cost to implement?

Enver ERDOGAN: I think I have been clear. I think the demand and need will be subject to what occurs on our streets. As we have seen, the last two years have been a lot more volatile than historical levels, but ultimately we will invest as required.

Katherine COPSEY: Minister, for a comparative cost, do you know the cost of the weekend operation by police to conduct – we do not know how many – searches across the designated area that they have established in Melbourne? Do you know what the cost of that operation was this weekend just gone?

Enver ERDOGAN: Ms Copsey, I think your question is definitely outside the scope of this legislation. What I will say in relation to police operations, all of those operations, is police will fund operations as required. As a government, obviously through the Public Accounts and Estimates Committee (PAEC) process, we will report in the usual way the investments we have made in this space.

Katherine COPSEY: You just spoke about that you will invest as the demand requires. How are you going to forecast the demand if you do not know how much existing like operations cost?

Enver ERDOGAN: I think the point I was making is these laws are very specific to protests, or parts of this law are – it is a very large bill with different sections. In relation to protests, we have had a more volatile period over the last two years than historical levels, where there has been a protest every week, at least one, in the CBD continuously now for some time. In terms of the historical levels and the future levels, I think police will be resourced to undertake this important work.

Katherine COPSEY: I really firmly disagree with your assertion that what we saw over the weekend is not relevant to the expansion of powers that you are proposing in this bill. Police have

explicitly used their existing search powers to target protest activity. That is a result of this government's deliberate policy choice to target increasingly protest activity, tarring huge movements that have been largely peaceful with the same brush as people who have individually behaved poorly. That is a policy decision of this government. It has been a huge drain on the resources of this state. It is shameful, frankly, that you have not considered the resources that this expansion of powers will require and will divert from other worthy causes, such as, for example – the discussion we were just having about the cost-of-living pressures – a \$2.3 million uplift in food relief for 90 days, which might make a significant difference. I will ask you once more, Minister: what modelling has the government done on the cost impact of this bill, and how do you propose to forecast the demand that you just spoke about earlier?

Enver ERDOGAN: We give Victoria Police a budget, which they manage in line with their priorities. The expansion of powers does not affect deployment. Deployment is still an operational decision for the chief, and we as a government always transparently account for our investments. There is a budget process, there is a PAEC process, for those figures to come out.

Katherine COPSEY: So, Minister, are you saying the police will be required to utilise these powers in the constraints of their existing budget?

Enver ERDOGAN: Yes.

Katherine COPSEY: If I get a satisfactory answer, this will be my last question. I hope that is even more of an incentive, although I know the minister is taking very seriously his role in this committee stage. Instead of spending what will no doubt be tens of millions, if not more, on this bill, would the government consider addressing the cost of living through investment in existing services, or are you insistent on this harmful journey that will continue to penalise marginalised people in our community?

Enver ERDOGAN: Cost of living has been the biggest focus of this government over this term of government. That is why we have invested in power saving bonuses, that is why we fund three- and four-year-old kinder, that is why we invest in a whole range of community sport programs – that is all targeted at cost-of-living pressures that families are facing. I think families expect us to do both. They expect us to invest in cost of living, and they also expect us to have a focus on community safety, and the work we are discussing today is that community safety focus.

Katherine COPSEY: Thank you, Minister, but you acknowledge that money can only be spent once, right? So the government has determined that whatever the budget of this bill, it is going to go into increased policing activity rather than community support.

Enver ERDOGAN: We have already, through a number of announcements, confirmed that we will be making greater investments in community safety.

Nick McGOWAN: Just following up from member Copsey's questions, I found the answers, Minister, somewhat intriguing, and perhaps there is just a lack of clarity here. To be precise, in respect to the PSO aspect – and that is the functions and powers as outlined here in the bill – what is the quantum, the extra spend, that is anticipated on these officers being redeployed to shopping centres? I am asking that very specific question because it does pertain specifically to these new functions and powers under this new bill and proposed act.

Enver ERDOGAN: I am not sure, Mr McGowan, where in the bill it references redeployment to shopping centres. That is not in this bill. I have been trying to make that point all evening.

Nick McGOWAN: Quite the contrary, it speaks specifically to the functions and powers of the protective services officers and enables them to be in any number of places in addition to their existing duties, including to be part of guarding crime scenes, guarding alleged perpetrators in medical facilities – 'medical settings' is the wording used in the act – and in an emergency. Now, an emergency relates to the Emergency Management Act 1986, which I will come to in a moment, but this widens

the scope of all PSOs in this state and where they will serve. The question is: in respect to their newfound expansion and where they will be expected to be deployed and where they are being asked to volunteer to be deployed, what is the expected budget or the cost to the budget – the extra cost that is? Because what you have said to member Copsey is that it will be absorbed within the existing budget envelope for the police, but that is not the case, is it? There will be additional money to fund the new operation as it expands, this 90-day trial or whatever it is – your Pulse operation – into shopping centres.

Enver ERDOGAN: Mr McGowan, when you are reading that section, it does not refer to shopping centres, because that is not part of this bill. That redeployment is not the same powers, and it is not in this bill.

Nick McGOWAN: Was the emergency management commissioner consulted in respect to the powers of the PSOs and their functions under this legislation?

Enver ERDOGAN: I cannot say specifically if that commissioner was consulted.

Nick McGOWAN: Notwithstanding that, the emergency management commissioner is the person responsible for coordinating the response to major emergencies, including ensuring appropriate arrangements are in place and operational effectiveness during class 1 and class 2 emergencies in this state. Are you telling me that there was no consultation with the emergency management commissioner in respect to the change to function of the protective services officers, which is stipulated, and their new role in an emergency, as it states in this legislation?

Enver ERDOGAN: It is my understanding that these powers are not new and therefore did not require any additional consultation. It just consolidates all the PSO provisions in one place in the act, so it was a drafting decision.

Nick McGOWAN: I am sorry, Minister, that answer to me is completely nonsensical. The whole intent and purpose of expanding the functions and powers of protective services officers is to allow those persons to perform their duties in an emergency. It goes to great length here when it talks about the Emergency Management Act 1986 and so on and so forth. That answer is completely inconsistent with what this bill does. In addition, in answering your further assertion before, this is the enabling legislation that allows PSOs to go into shopping centres. It says very clearly ‘police premises and certain places of public importance’. Places of public importance can include shopping centres and shopping strips, can it not, Minister?

Enver ERDOGAN: I will seek some guidance.

Mr McGowan, if you refer to section 52 of the current act, you will find that wording around emergencies. It has simply moved sections.

Nick McGOWAN: Thank you, Minister, for the answer, but I am actually now referring specifically to ‘certain places of public importance’. Public importance is designated by whom, and what definition does that take?

Enver ERDOGAN: In relation to places of public importance, they are referenced in the existing act – places like the shrine or Parliament, for example.

Nick McGOWAN: Thank you, Minister, for your answer, but it does not answer anything. All you have given me is one example of a place of public importance. What is the definition and what places are included? Where is the list?

Enver ERDOGAN: Look at the existing act.

Nick McGOWAN: This is a new act, Minister, not the existing act. This is your act. It is a new one. Who designates that?

Enver ERDOGAN: I think it relates to established interpretation of places of public importance. There would be a bit of law in relation to that. It is referenced in section 37 of the Victoria Police Act 2013. That is where 'places of public importance' is referenced – section 37 of the police act.

Nick McGOWAN: Minister, I am trying to understand why it has been widely reported in respect to the expanding powers or expanding functions and the place of function for PSOs that the police minister has said it would cost an extra few million dollars. Member Copsey asked what the budgetary implications of this legislation would be, and you were unable to give one. Is it a few million dollars or is it to be absorbed in the existing budget?

Enver ERDOGAN: The government allocates a budget to Victoria Police, and they allocate or decide deployment as required within their budget.

Nick McGOWAN: Minister, thank you for your answer, but I reiterate the same point here. What has been said and reported in respect to the police minister's comments is it would be an extra – that is not budgeted – few million dollars. So who is right: you or the police minister?

Enver ERDOGAN: I have been clear. The train deployment models and Operational Pulse are not related to this bill. They are within the existing powers.

Nick McGOWAN: It is completely related to the bill.

Enver ERDOGAN: It is not related to the bill. This is just about the hospital.

Nick McGOWAN: It is not about hospitals at all. I did not mention hospitals. The apparatus that the PSOs will have to have as part of this new legislation includes their handheld metal detectors. There has been lots of discussion tonight about their powers under the act. What is the cost of the 800 handheld metal detectors?

Enver ERDOGAN: That is not in the scope of the bill.

Nick McGOWAN: That answer is wholly unsatisfactory. A simple Google search would tell you \$940,000, yet as the minister here today, representing the Crown and the government, you are unable to give either me or member Copsey any answers in respect to the financial consequences of this piece of legislation and one narrow aspect of it – not the entirety of it, just one narrow aspect. It is absolutely appalling this government thinks it can ram through this kind of legislation at the end of the year and try and avoid any scrutiny in respect to the cost of the legislation and the expansion of the functions and powers of the PSOs. It just beggars belief. Will my local constituents at Blackburn station have any PSOs permanently stationed at the station?

Enver ERDOGAN: Asked and answered. It is an operational question.

Nick McGOWAN: I have never heard such a ridiculous answer. Every question we ask in this place is operational.

Enver ERDOGAN: Well, it is. That is factual.

Nick McGOWAN: Of course it is. If you do not want to be in government, I suggest you stand up and come over here, and we will swap places. Because if the basis for not answering a question is it is operational, that means you do not know the answer. You are required to know the answer because we are spending public money on every single aspect here.

Enver ERDOGAN: Like your colleague is on printing?

Nick McGOWAN: What colleague? Would the minister like to withdraw those comments? Because they are unparliamentary, and he knows what he is referring to.

Enver ERDOGAN: I am not sure.

Nick McGOWAN: Yes, you are. You know what you are referring to. I would ask the minister –

Enver Erdogan interjected.

Nick McGOWAN: On a point of order, Acting President, I would ask the minister to withdraw those remarks made against another member of this place with an accusation. There is a proper place to do that. They should be withdrawn.

Ryan Batchelor: On the point of order, Acting President, the minister did not name a member of this place. Mr McGowan is making exaggerated claims. There is no point of order.

Nick McGOWAN: Further to the point of order, Acting President, I heard very clearly what the minister said. The minister made an accusation against the member. Notwithstanding that he did not name the member, he should withdraw it.

Enver Erdogan interjected.

Nick McGOWAN: You do not have to name the member to cause offence.

Members interjecting.

Evan Mulholland: Further to the point of order, Acting President, if it helps, I recall very similar situations where Mr Batchelor was asking me and others to make motions by way of substantive motions where allegations are made against another member. I would ask the minister to do the same, otherwise to cease.

The ACTING PRESIDENT (Michael Galea): I understand that the member who is referred to needs to be the one to make the point of order, and they have not done so. There is no point of order. We will continue with committee stage.

Nick McGOWAN: On a further point of order, Acting President, it is a well-established practice in this place that I can take offence to an accusation made against another member. And as my colleague Mr Mulholland has pointed out, if members in this place wish to make a formal complaint against another member, they should do that in the formal way, not through –

The ACTING PRESIDENT (Michael Galea): Mr McGowan, I have ruled on your point of order. Ask the question or resume your seat.

Nick McGOWAN: I still have not got an answer to my question in regard to Blackburn station. Will Blackburn station have any PSOs present at it, day or night?

Enver ERDOGAN: Asked and answered.

Nick McGOWAN: It is a really simple question, Minister. I can do this all night and all morning long, so I will do it. I will be here as long as it takes. Will the constituents of Blackburn have PSOs at Blackburn station, day or night?

Enver ERDOGAN: Asked and answered.

Nick McGOWAN: Minister, you have never answered that question. Not once have you actually answered a question in respect to how many PSOs we have and where those PSOs will be redeployed. You have refused consistently to provide answers to any of the most basic questions in respect to the number of PSOs, how they will be deployed and how this act and the change in their functions and where they will be located and deployed will actually impact the budget or any other aspect.

Jaclyn Symes interjected.

Nick McGOWAN: Minister, the minister does not need assistance. He can answer the simple questions. They are the simplest questions humanly possible. Will Mitcham train station have any PSOs, day or night?

Enver ERDOGAN: I have answered this. This is an operational question for the police commissioner.

Nick McGOWAN: The people of Mitcham will note your answer, Minister. It is a disgraceful answer, because you owe the people of Mitcham an answer to that very basic question. You cannot even tell them whether they will have PSOs, day or night.

Jaclyn Symes: On a point of order, Acting President, I was watching in my office and thought I would come in and hopefully be of assistance. The questions Mr McGowan is asking the minister at the table he is not in a position to answer; in fact he is actually precluded by law, because the deployments of police officers and PSOs are operational matters for the police commissioner. It is section 10 of the Police Victoria Act 2013 which you are actually asking him to not comply with. I think the line of questioning is repetitive. The minister's answers are that he has answered the question, because they are operational.

Nick McGOWAN: On the point of order, I thank the Treasurer for her assistance to the minister, but Treasurer, that is complete nonsense. I have FOI-ed that same information, which has been granted to me under freedom of information. Any way that you should suggest that is not public information or information that cannot be shared with the public is fundamentally flawed because I have obtained the same information, which is accessible to the public under freedom of information.

Jaclyn Symes interjected.

Nick McGOWAN: It is not. It is absolutely within the public domain and able to be put in the public domain. Minister, Nunawading train station: will it have PSOs, day or night?

The ACTING PRESIDENT (Michael Galea): Mr McGowan, I am going to rule on the point of order. There is no point of order. I will take it as a comment. The minister has answered your question.

Nick McGOWAN: He has refused to answer the question. Minister, will there be PSOs at Nunawading train station, day or night?

Enver ERDOGAN: It has been asked and answered. It is an operational matter.

Nick McGOWAN: Will there be PSOs at Ringwood train station, day or night?

The ACTING PRESIDENT (Michael Galea): Mr McGowan, the minister has answered these questions. If you have a different question, you are entitled to ask it.

Jaclyn Symes: On a point of order, Acting President, according to the standing orders a member is not permitted to engage in repetitive behaviour, and this is excessive. I would rule his line of questioning out of order.

Nick McGOWAN: On the point of order, Acting President, I have not asked in respect to Ringwood train station, so it is not repetitive. You may not like the question; you may not like the fact that I am asking about each of the train stations in my electorate, but I am and it is not repetitive.

Jaclyn Symes: Further to the point of order, Acting President: Mr McGowan, I actually do not take offence to the questions you are asking; I take offence to the fact that you are repeating the questions despite the fact that the minister has answered them.

Katherine Copsey: Further on the point of order, Acting President, these questions may be similar in nature, but they are not the same questions. If the minister chose to answer these questions, there may conceivably be different answers because there are different train stations being named.

Jaclyn Symes: Further to the point of order, Acting President, if we were to follow the logic of Ms Copsey, it would be open to members to go through every single train station despite the fact that the deployment of police resources is not a matter for the executive; it is a matter for the chief commissioner.

Katherine Copsey: On the point of order, Acting President, the purpose of this house is to ask questions of the government around its policy intent in implementing bills. We are entitled to ask questions of the minister, and there is no time limit on the conduct of this portion of proceedings – a rare opportunity in this house, I will say.

The ACTING PRESIDENT (Michael Galea): The minister has been very clear that these are operational matters, and I am satisfied that the same answer will be given to these questions. Therefore I uphold the point of order. Mr McGowan, if you have a different question, I invite you to ask it.

Nick McGOWAN: Minister, can you tell me whether the citizens of Heatherdale that use Heatherdale train station will have PSOs, day or night?

Jaclyn Symes: I think it is pretty obvious what my point of order would be, Acting President. Mr McGowan is flouting your ruling.

The ACTING PRESIDENT (Michael Galea): I uphold the point of order. Mr McGowan, you are flouting the ruling I just gave. I invite you to ask a different question that is not related to operational matters that the minister has outlined.

Nick McGOWAN: On the point of order, Acting President, if it is the practice of this –

The ACTING PRESIDENT (Michael Galea): It has been ruled on. Please ask a different question.

Nick McGOWAN: Minister, will Heathmont station have PSOs, day or night?

Jaclyn Symes: On a point of order, Acting President, perhaps the Deputy President may wish to step in and reinforce the fact that the Acting President has made a ruling. Mr McGowan, you have made your point. He has made his ruling. You are flouting his ruling, and I request that the Deputy President take action.

The ACTING PRESIDENT (Michael Galea): I uphold the point of order, and I am very happy to vacate the chair to the Deputy President.

The DEPUTY PRESIDENT: I believe the Acting President did make a ruling around the operational matters. The minister has answered some very generously, but I think it is time we moved on to a new line of questioning, please.

Nick McGOWAN: Minister, will Ringwood East train station have PSOs, day or night?

The DEPUTY PRESIDENT: Mr McGowan, we have asked you to move on from operational matters. Can you stick to the subject of the bill, please.

Nick McGOWAN: I am more than happy to repeat the question. Will Ringwood train station have PSOs, day or night?

The DEPUTY PRESIDENT: Mr McGowan, it is the same question. You are defying a ruling. If you could move on to a new line of questioning, that would be good.

Clause agreed to; clauses 2 to 79 agreed to.

Clause 80 (00:33)

Evan MULHOLLAND: I move:

1. Clause 80, page 98, before line 15 insert –

“(1A) A person participating in a public protest must not wear a face covering other than for religious reasons.

Penalty: 30 penalty units or imprisonment for 3 months.”

This amendment removes and tightens the overly broad exemptions that allow individuals to avoid mask removal simply by citing a cultural, medical or religious reason.

Katherine COPSEY: The Greens will not be supporting this amendment. We are concerned that the government's exemptions around masks are vague, and the questioning tonight in the committee has not alleviated those concerns. However, we do not support the push by the Liberals this evening to create a more stringent mask ban and in fact share concerns that have been ventilated in this chamber prior to this debate that, as drafted, the amendment proposed by Mr Mulholland is impractical to enforce in practice.

Enver ERDOGAN: We will not be supporting this amendment. I will just leave it there.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negated.

Evan MULHOLLAND: This is the second amendment on face coverings, on the reasonable excuse clause. I move:

2. Clause 80, page 100, lines 13 to 16, omit all words and expressions on these lines and insert “reasonably and in good faith for a genuine religious reason.”.

Katherine COPSEY: For similar reasons to those I just outlined on the previous amendment, the Greens will not be supporting this amendment.

Enver ERDOGAN: The government will not be supporting this amendment.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negated.

Clause agreed to; clause 81 agreed to.

Clause 82 (00:45)

Evan MULHOLLAND: I move:

3. Clause 82, page 106, lines 2 to 6, omit all words and expressions on these lines and insert –
“For the purposes of this Division, a symbol is a symbol of an organisation if –
 - (a) it is a symbol that the organisation uses, or that members of the organisation use, to identify the organisation; or
 - (b) it is another symbol that so closely resembles a symbol described in paragraph (a) that is not readily distinguishable from a symbol described in paragraph (a); or

(c) it is an image of a leader of the organisation, or of a prominent member of the organisation.”

As I stated, this amendment seeks to include public displays of individuals linked to terrorist organisations and symbols that closely resemble banned extremist insignia. As I mentioned in my earlier contribution, we have seen symbols and also images of significant terrorists displayed on the streets of Melbourne, and we have seen symbols that very nearly replicate those of terrorist organisations like ISIS or Hezbollah but that are not captured by any legislation. Again, this is on the streets of Melbourne. This seeks to capture those extremist images, so I strongly encourage that this amendment be supported.

David LIMBRICK: I just have a clarifying question for Mr Mulholland. How do you determine if a person is linked to a terrorist organisation and therefore that it should be a prohibited image? Laws need to be well understood by everyone, and therefore there should be a list of people somewhere that are going to be prohibited and not able to be displayed. How would people know if they are linked to a terrorist organisation or not?

Evan MULHOLLAND: The federal government proscribes terrorist organisations, and there is an official list with our federal authorities and the Department of Home Affairs. As is the case with other interaction with Victoria Police, it would be proscribed from that list.

David LIMBRICK: The list proscribes the organisations, but it does not proscribe individuals related to the organisations. My understanding is that they are not listed, so how would a member of the public know that a person is on this list? They may know that a terrorist organisation is on this list and therefore they would not be able to show the flag, the insignia or whatever of that organisation. I accept that is a thing, and I accept that some of these groups have shown flags that are slightly different to the real ones. But I do not understand how a member of the public could identify which people are associated with these organisations and which are not, because there are some people that people claim to be associated with these organisations that may not be or where it may be disputed, so it seems ambiguous.

Evan MULHOLLAND: Again, those would be for authorities and for courts to determine. But if someone was, as has happened, to hold up an image of the supreme leader of Hezbollah, Hezbollah being a proscribed terrorist organisation, that would obviously be captured.

Katherine COPSEY: The Greens will not be supporting this amendment. Part of what the government have sought to do with their ban is to point out that there are images that may look similar to those used by terrorist organisations and those used by, for example, religious organisations. I think that the amendment that Mr Mulholland has proposed deepens that ambiguity and extends this clause to the point that it becomes quite difficult to operate in practice. I share the concerns that Mr Limbrick has just outlined around the breadth of the ban that is proposed on individuals. We do not consider this workable, and we will not be supporting the amendment tonight.

David LIMBRICK: I share Mr Mulholland's concern around individuals that wave these banners and show these pictures of individuals, such as Mr Mulholland has outlined. I do share the concerns. That does very much concern me when I see that sort of thing on the streets of Victoria. However, I do not think that the solution is to ban it. In fact I think it is very good that we can identify who these people are, that we have enemies in our midst and they out themselves. They need to be identified and watched by the rest of the people, and the rest of Victoria can exercise their freedom of association and whether or not they want to deal with these people or reject them. I think it is very important that they are identified, therefore I will not be supporting this amendment.

Enver ERDOGAN: The government will not be supporting this amendment.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negated.

Clause agreed to; clause 83 agreed to.

Clause 84 (00:53)

The DEPUTY PRESIDENT: Mr Mulholland, I advise you to move your amendment 4, which tests your amendments 5 to 7.

Evan MULHOLLAND: I move:

4. Clause 84, page 110, lines 29 and 30, omit “meeting of persons assembled for religious worship” and insert “religious assembly”.

This amendment addresses the definition of ‘meeting of persons assembled for religious worship’. Our amendment broadens the definition to ‘religious assembly’ to ensure that protections apply across all relevant activities that take place or learning for cultural events and for concerts. I think that those of us who are in touch with particularly our faith communities and multicultural communities across our electorates would know that it is not just worship that goes on at places of worship but lessons and classrooms and dinners and all sorts of different events. So this seeks to clarify this in the legislation and should be supported.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendment negated.

Clause agreed to; clauses 85 to 116 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (00:58): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

BUSINESS OF THE HOUSE

5464

Legislative Council

Tuesday 2 December 2025

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (00:58): I move:

That the bill be now read a third time and do pass.

Council divided on motion:

Ayes (30): 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, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (8): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

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.

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (01:02): I move:

That the consideration of orders of the day, general business, 3 to 5, be postponed until later this day.

Motion agreed to.

Bills

Transport Legislation Amendment Bill 2025

Second reading

Debate resumed on motion of Gayle Tierney:

That the bill be now read a second time.

Bev McARTHUR (Western Victoria) (01:02): I am pleased to have this opportunity to address the Transport Legislation Amendment Bill 2025, as I do believe it is an example of a bill which the parliamentary process has improved. That ought to go without saying, but I am afraid it is not always true. This legislation covers varied topics, including the long overdue modernisation of our public transport ticketing system, but perhaps more critically, the enhancement of safety and consumer confidence in the commercial passenger vehicle industry – for example, taxis and rideshares. As an opposition, we acknowledge the importance of this bill and the government's efforts to improve safety across the transport system. So I am happy to note that while we opposed the initial draft of this bill on important privacy grounds, the government's response and amendments have gone far enough to win our support today.

On the matter of ticketing, no-one could deny the necessity of modernising our legislation. In fact it is shamefully overdue. As the member for Bulleen said in another place in a long and detailed speech on ticketing, the current Myki system is functionally obsolete, and certainly many years if not decades behind other Australian cities, let alone global competitors. The history of Myki is unfortunately a history of government failure, cost blowouts and a persistent inability to deliver a simple, modern ticketing solution for the public. This bill is, we hope, the beginning of a long overdue correction of

these failures. The legislative changes update the technical definitions. Specifically, the bill changes the meaning of 'ticket' to mean 'an entitlement to use a public transport service'. This shift is far from cosmetic. It is the legal enabler that allows a credit card or digital wallet, defined as a token, to automatically act as a valid ticket without requiring a dedicated physical Myki card or prior purchase. This legislative step is what finally provides the legal framework for open loop ticketing and is a convenience that should have been afforded to Victorian commuters many years ago. We fully support this move to bring genuine accessibility and convenience to the millions who rely on our network. However, in addressing the Myki changes I want to talk about what happens outside the tram tracks. In some parts of regional Victoria we still have antiquated paper tickets for V/Line. While the high-tech digital upgrade is being rolled out across the Melbourne metropolitan network, the government has provided no clear, detailed transition plan to bring these regional communities into the digital age. Convenience for Melbourne should not mean digital abandonment for the regions, and this gap in the bill's vision needs to be dealt with operationally by ministers and transport operators.

As a former member of the Scrutiny of Acts and Regulations Committee I want to quickly pay tribute to that committee and its staff, who in this case saved the government from some admittedly minor errors. It is often a thankless job on SARC, so I think we should acknowledge it when they prove their worth like this.

Now on to the heart of the bill, which are the safety measures for commercial passenger vehicles, or CPVs. They strengthen compliance and enforcement of industry laws by broadening the tools available to the regulator to deal with driver misconduct. The reforms also increase transparency in the industry by requiring relevant and accurate information to be made available to the industry regulator, Safe Transport Victoria. The opposition supports the decision to lift the ban on audio recording. The government is correct that relying on video alone is insufficient, as it could miss critical evidence of verbal assault, sexual harassment without physical contact and fare disputes. This is central to ensuring both driver and passenger safety.

The bill also introduces a new consumer protection idea, the two strikes rule. This requires the cancellation of a driver's licence if they are found guilty in court of specified offences twice in 10 years. We welcome the definitive nature of this mandatory cancellation for severe breaches. Actions such as refusing service to a passenger with an assistance animal or the dishonest conduct of failing to use the meter leave some of our most vulnerable Victorians stranded or subject to price gouging, and the penalty for such misconduct should be substantial. The measure protects the travelling public and ensures that accreditation is treated not as a right but as a privilege earned by demonstrated integrity and respect for the law.

However, while we supported the principle of safety, we strongly opposed the original mechanism due to its inherent threat to civil liberties. We feared the bill created a potential surveillance state in the hands of both government and private entities. Led by the shadow minister, the member for Nepean, we moved a reasoned amendment in the Legislative Assembly demanding the government publish a comprehensive privacy impact assessment, seek legal advice on the bill's compatibility with the Surveillance Devices Act 1999 and ensure legislated privacy protection rather than leaving these crucial safeguards to subsequent regulations. Our primary and most profound concern was the process of rule making itself. As originally drafted, the bill allowed the regulator to set the rules for storage, retention and destruction of this highly sensitive private audio data via a mere notice in the *Government Gazette*. This mechanism was unacceptable. It was an attempt to legislate by stealth, bypassing the necessary scrutiny of this Parliament for fundamental privacy protections. I have spoken at length on numerous bills in this place which have circumvented proper democratic consideration by requiring Parliament to write a blank cheque for secondary regulation. If the state demands the right to record private conversations inside a commercial vehicle, the safeguards governing that data must be fixed in primary law and be subject to democratic accountability, not administrative fiat. We must acknowledge that the audio data recorded belongs to the passenger and the driver involved in that vehicle, not the government and certainly not the booking service provider for its own commercial

data mining purposes. We also highlighted the conflict with the Surveillance Devices Act 1999, section 6 of which makes it an offence to record a private conversation you are not party to. While this bill creates a necessary legal carve-out for the safety cameras, the danger lies in the broad designation of private companies or booking service providers as authorised persons with dangerously broad access rights. We sought assurance that this data could not be used by those companies for their own commercial benefit or for unrelated business purposes.

I am pleased to report to the house that persistent opposition from us and various stakeholders appears to have paid off. In the view of our shadow minister, the government amendments we consider today ‘substantially address the core risks raised’. The critical changes are twofold. Firstly, the bill now mandates OVIC oversight. It requires mandatory consultation with the Office of the Victorian Information Commissioner when creating the minimum standards for data handling and privacy. This consultation embeds independent oversight from the start, a decisive and necessary layer of protection that was entirely absent in the original draft. This contrasts directly with the old plan to rely solely on the *Government Gazette*. Furthermore, the standards will be subject to a statutory review every three years. This legislative requirement ensures that the privacy rules must be regularly re-evaluated and futureproofed against rapidly changing technology and evolving security threats, proving this is a truly enduring improvement. Secondly, police access powers have been greatly narrowed. Police can now only access and use recordings in the course of an investigation and other related matters. This more precise language prevents the routine unrestricted trawling or fishing expeditions of private audio data for purposes unrelated to transport safety. Our win here is twofold, restricting police overreach and ensuring booking service providers can now only access the data to assist the regulator or police in specific defined matters, not for their own commercial data purposes.

We also sought detailed and specific responses on notice following the department’s bill briefing, and I am grateful to the shadow minister for passing on these responses. They confirm that the penalties for the misuse or leakage of audio data are appropriately severe: for individuals up to 240 penalty units, which is nearly \$50,000, and for corporations up to 1200 penalty units, approximately \$245,000. Furthermore, the legislation explicitly pierces the corporate veil by making officers and directors liable if they fail to exercise due diligence, which is a powerful deterrent against negligence at the executive level. We confirmed that the cancellation of accreditation under the two strikes process is not a simple administrative whim. A driver must be found guilty in court for the strike to count, and they retain the right to appeal any final cancellation to VCAT, guaranteeing due process and a fair hearing. Finally, regarding digital inclusion, Safe Transport Victoria confirmed they will maintain the phone line, ensuring that older Victorians and those without access to smartphones can still lodge complaints despite the introduction of mandatory QR codes. That is one which Mr Farnham raised.

This bill was initially a necessary but flawed piece of legislation. It would have created a massive unsupervised database of private Victorian conversations, eroding the trust of the travelling public. Because of the efforts of stakeholders and opposition parties and the response of the minister and his department, the bill is much improved. It provides the regulator and the police with the necessary tools to stop predators and scammers while simultaneously protecting the privacy of the travelling public through mandated independent oversight. In due course we will support the government amendments this evening.

Katherine COPSEY (Southern Metropolitan) (01:16): I too rise to speak on the Transport Legislation Amendment Bill 2025. This bill does three major things. Firstly, it will enable the introduction of audio recording into commercial passenger vehicles like taxis and Ubers, on top of the video recording that is already permitted, and it will regulate the collection, storage, use and destruction of the video and audio from those vehicles. Secondly, it will create a two-strikes system for drivers who engage in certain kinds of misconduct, including overcharging offences or refusing to carry people with assistance animals. Thirdly, it will enable the introduction of new forms of public transport ticketing.

On the question of audio and video recordings, the Greens understand the potential benefits that can come from being able to record audio as well as video when it comes to resolving complaints and investigating misconduct. We do hear, and I am sure others in this place do too, from constituents who face unacceptable behaviour on occasion from commercial drivers, including racist or sexist comments, refusals to take valid fares and refusals to carry assistance animals. Many women may have a story about a taxidriver or a commercial driver whose comments have made them uncomfortable when returning home after a night out or who may have developed tactics to protect themselves, such as asking drivers to drop them off a block away from where they actually live so the driver will not learn their home address. This is a lived reality that we should not accept or normalise. Of course the problems can flow in the other direction. In a profession with a high percentage of workers from migrant backgrounds drivers can be subject to racist abuse from passengers, for example, and we should not accept or normalise that sort of behaviour towards drivers either.

With things as they stand, complaints about these kinds of issues can be difficult to resolve with only video evidence, particularly where the conduct is verbal in nature. Audio recordings could help people see justice when these incidents occur, as well as deterring them from happening in the first place. This beneficial outcome must be balanced with the very real privacy implications of recording audio in commercial passenger vehicles. It has always been the case that conversations in a taxi or Uber can be overheard by the driver, but many people still do treat these spaces as fairly private, having conversations with their fellow passengers or via phone that they might not want or expect to leave that vehicle. It will be extremely important that passengers are made aware that video and audio will be recorded. In-vehicle signage will be a crucial aspect of this, but we would urge the government also to consider something like a public awareness campaign or notifications in booking apps.

Even if people are aware that this recording is taking place, it is crucial that the recordings are strictly controlled and only able to be accessed and used by a very limited number of people for very specific purposes. The bill authorises police and the regulator to access recordings for the purpose of investigations. We do expect that the government will have house amendments that will tighten up the purposes for which police can access them. The bill also provides for commercial passenger vehicle companies to assist police and the regulator in those purposes, but it also creates a very general provision which will allow any person specified in writing by the regulator to access the footage for any purpose they specify in writing. This gives the regulator significant power. The bill does not contain real safeguards to ensure that any additional access they authorise is proportional and appropriately balances privacy against other concerns. Because this action can be done by the regulator, the Parliament does not in effect get to weigh those concerns either. I will just note at this point that the practice of putting important rules in regulation rather than legislation is a concerning trend, and one we have seen on a number of topics throughout this Parliament, which I will return to later in my speech.

On the question of the two-strike system for drivers who engage in certain kinds of misconduct, including overcharging or refusing to carry people with assistance animals, again these are issues we have probably been hearing from constituents. It may be one thing for a new or inexperienced driver to make a mistake, but when there are systemic issues that are happening again and again it is appropriate to address them through measures like this. As I have mentioned, the availability of audio recordings will help to ensure that the repeated breaches are actually identified and able to be resolved conclusively and make these systemic issues, we hope, a thing of the past.

On the introduction of new forms of public transport ticketing, that introduction is something we have all been wanting – all PT users – for a very long time. The ability to pay your public transport fare with an Apple iPhone, not just an Android, and with a credit or debit card, as is possible in New South Wales and London and many other jurisdictions around the world, is something that Victorians are eagerly anticipating. But with that comes the introduction of new terminology to regulate these ways of paying fares, primarily because of the requirement for passengers to surrender their tickets to authorised officers in some circumstances if there is an allegation of fare evasion. For some time now,

authorised officers have been able to require passengers to surrender their ticket to hold it as evidence, but in a world where your ticket is not a physical piece of paper or plastic but instead some data on your smartphone or your debit card, that potentially becomes a much more onerous requirement. So this bill creates a distinction between 'tokens' and 'state tokens', where a state token is something that has been issued by the state, like a Myki card, and 'token' is a catch-all term that includes those state tokens but also includes, for example, your smartphone or your debit card. In the other place, the minister's statement of compatibility mentioned that this framework would allow things to be:

... appropriately constrained. For example, the provisions which empower an authorised officer to require a token to be surrendered are limited to State tokens.

That is not actually constrained in the text of the bill, which allows that:

... regulating the use of tokens, including specifying the circumstances in which a token, or anything that is claimed to be a token, is to be surrendered ...

The government have briefed us, and I thank them for their constructive dialogue on this bill, as we have raised similar privacy concerns and queries around the operation. The government has briefed us that this constraint will be enacted in regulation, and we note the current regulations contain similar constraints. But this speaks to a larger pattern that is quite concerning, which is that police, protective services officers and authorised officers are being given more and more powers over time – a very relevant observation after the debate that we just concluded – with little oversight, and those powers are increasingly being granted through regulation rather than legislation. In this instance, the minister of the day does seem to be using their power to regulate what must be surrendered in a proportionate and judicious manner, but this does not change the fact that the legislation gives this minister and any future minister powers that could be misused. And because those powers exist in regulation rather than legislation, that potential misuse of power would not come before the Parliament for the scrutiny that it deserves before it could be enacted.

In summing up, we have raised a number of matters with the minister's office, and we have had really constructive dialogue, as I mentioned. We did have concerns about the privacy implications of some aspects of the bill, and I understand that the minister will be addressing many of the topics that we raised in her summing-up contribution to this debate, so we anticipate that we will hear a lot on the confirmation of those matters that we had raised as concerns through the minister's contribution. We also do have some concerns about the way the bill grants some fairly broad powers to the minister and the regulator to make rules and regulations without parliamentary scrutiny, but overall, and with the improvements that we understand will flow from the house amendments, this bill takes some important steps towards making travel in taxis and rideshares safer for passengers and for drivers and for updating our ticketing system for the 21st century. Bring on Myki for iPhone. I will leave my contribution there.

Sheena WATT (Northern Metropolitan) (01.24): Thank you very much for the opportunity to rise and make a contribution on the Transport Legislation Amendment Bill 2025. This bill does two big things: it strengthens safety and accountability in the commercial passenger vehicle industry, and it modernises our public transport ticketing system so it is easier and more convenient for every Victorian and indeed visitors alike. This bill is about one thing above all else: safety – safety for women travelling home late at night, safety for older Victorians, safety for people who use assistance animals and safety for drivers who are simply out there doing their job. The Allan Labor government has listened carefully to the taxi and rideshare industry, to passengers, to disability advocates and to those who work with assistance animals. I am happy to say that we know that most drivers do the right thing, and most passengers do too. But we have also seen behaviour that is absolutely unacceptable: robbing at the meter, overcharging, abuse of passengers and in some cases – the most distressing cases in fact – mistreatment of people with a disability and wheelchair users. At the same time we have seen a regulator hamstrung by outdated legislation and slow processes.

This bill updates the law to match modern technology and community expectations by reforming the way security camera images and audio are recorded, accessed and used in commercial passenger vehicles. Security cameras are already a critical tool in deterring misconduct and protecting passengers and drivers. But at the moment, if a regulator wants footage, they often have to physically attend a taxi or depot and spend hours retrieving it, which is inefficient and delays justice.

The bill also strengthens penalties and enforcements across the commercial passenger vehicle industry. All drivers already undergo criminal history, driving record and medical checks before being accredited, but we know that a small minority continue to do the wrong thing. That is why this bill introduces a ‘two strikes and out’ system where if a driver is found guilty of specified offences such as fare overcharging on two separate occasions within a 10-year period, it will be mandatory to cancel their accreditation. Regulations will also allow other forms of misconduct, such as failing to operate a taximeter correctly or refusing an assistance animal, to be brought into this regime. Drivers will have the opportunity to correct their behaviour after the first offence, but repeat offenders will no longer be allowed to operate.

The message is simple: this government will not tolerate driver misconduct. This is backed by a strengthened public care objective. The act will make it crystal clear that discrimination, sexual harassment and other misconduct inconsistent with community standards are unacceptable and may trigger disciplinary action. The regulator will have clear powers to respond by cancelling or suspending accreditation, imposing conditions or requiring further training. Transparency is also being enhanced through changes to the public register. In addition to basic accreditation information, the register will now include relevant court orders, disciplinary actions taken and details of the conduct that led to those actions. That gives the public confidence that dodgy operators are being held to account and acts as a further deterrent against noncompliance.

The bill also improves visibility of drivers’ associations with booking service providers. With more than 90,000 accredited drivers and over 73,000 registered vehicles, we need sound information about who is operating and under which network. Drivers will now be required to notify the regulator whether they accept bookings, whether they are associated with a booking service provider and if so which ones. Booking service providers will in turn have to notify the regulator of all associated drivers. This helps close oversight gaps around independent and small operators, and it allows the regulator to better target compliance and education efforts. To support informed consumer choice, the bill creates a new offence for drivers who use the branding or signage of a booking service provider when they are not authorised or associated with that network. Passengers should be able to rely on the logo on the side of the car as a real indication of oversight and a clear avenue for complaints, not a marketing trick.

These reforms will improve safety, strengthen enforcement, enhance transparency, protect privacy and modernise the way Victorians move around our state so they keep faith with the community’s expectations of a fair, safe and world-class transport system. I commend this bill to the house.

Ryan BATCHELOR (Southern Metropolitan) incorporated the following:

I wish to discuss this bill, the Transport Legislation Amendment Bill 2025.

This government loves public transport.

In fact, not only do we love public transport but we support public transport.

We advocate for it.

We fund it.

And we build it – much like the recent Metro Tunnel that we funded, built and opened last Sunday.

There are some good stats here about Metro Tunnel patronage that I would like to share.

They are relevant to the bill I will be discussing.

People are loving the Metro Tunnel.

On Sunday the Metro Tunnel commenced operating, and we had some phenomenal numbers.

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State Library saw more than 22,000 passengers through its doors – followed by Town Hall station at more than 16,000, Anzac station at around 13,000, Parkville station at around 12,000 and Arden station at more than 8000 passengers.

And next year on Sunday 1 February will be the big switch, when we overhaul Victoria's entire train network.

On that day, we will fully integrate the Metro Tunnel into the wider network.

We will commence more than 1000 new weekly train services, and we will directly change the way half of passengers on the network move around Melbourne day to day.

To help with this influx of patronage on our network, we need to update and introduce modern ways for people to use our trains.

And that includes updating our ticketing and payment systems for our public transport network.

A modernised public transport ticketing system will be better for commuters and better for the state.

This bill will amend the Transport (Compliance and Miscellaneous) Act to support the introduction of alternate methods of paying for public transport, enabling the use of debit and credit cards as an alternative to Myki cards.

To enable this change, the bill will introduce new definitions and amend existing definitions relevant to public transport ticketing offences, defences, and evidentiary provisions.

But Victorians can already see and have already had a taste of what this looks like.

New, modern readers have been installed at barrier gates across the rail network and on select bus and tram routes.

We are changing the way in which Victorians and visitors interact with our public transport ticketing system. Tap-and-go ticketing is just around the corner.

From next year, the new readers will soon be able to support tap-and-go technology across our public transport network.

The new tap-and-go technology will enable customers to use alternative methods to tap onto ticket readers, giving passengers easier access to our public transport network.

Alternative methods can include debit and credit cards in addition to the current Myki smartcards and mobile Myki.

But we need this bill to enable that to happen.

Passing this bill will enable all Victorians and visitors to be able to choose what method of payment they can use to touch on and touch off at a train station or on a bus or tram.

Technology is continually changing.

So, this bill allows for new types of methods to tap on to be prescribed or provided for as new methods of payment emerge.

This means next year debit and credit cards can be used to tap on.

And it opens up the possibility of using other methods such as QR codes, which are a feature in other cities around the world.

The bill also provides powers to make regulations and publish notices on matters related to ticketing.

But don't worry, passengers will continue to be able to use our Myki products to travel on public transport.

Victorians want greater options for validating their entitlement to travel on public transport, whether it is a physical card or digital payment on their phone or smartwatch.

And it's not just Victorians that will benefit from these changes.

Anyone who visits Victoria and wants to use public transport will no longer need to purchase a Myki smartcard to travel on public transport.

This will make travel on our public transport network so much easier.

The government understands that it needs to take this opportunity now to modernise Victoria's public transport ticketing system.

Otherwise, we risk falling behind the rest of the world when it comes to public transport ticketing technology.

A modernised ticketing system will bring Victoria in line with the public's expectation that this government continues to find ways to deliver a world-class public transport system.

Conclusion

We are committed to improving public transport for this state, whether that is building the new Metro Tunnel, removing level crossings, providing free PT for seniors, under-18s and carers, or improving our ticketing system in Victoria.

What we have had over the past 11 years is a significant amount of investment, as evidenced from what I just mentioned.

As our communities grow and need to get around the city for work, education or social activities, we know the Victorian community expects our public transport network to keep pace with technological advancements and to be accessible.

Victorians want convenience and flexibility.

This government is listening to what Victorians want.

Victorians want to be able to use different methods – such as credit and debit cards – to pay for public transport services rather than always having to carry a Myki smartcard.

And this government is listening to what Victorians want.

The ticketing amendments in the bill provide flexibility for Victoria's ticketing system to progress, evolve and mature in the future.

It represents the Victorian government's continued commitment to improving access to our transport network and ensures we are delivering for our communities.

These are important investments – investments that secure the future for Victoria and allow us to have a world-class city with a world-class public transport system.

I commend this bill to the house.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise to speak on the Transport Legislation Amendment Bill 2025.

And in doing so I would like to first thank the transport minister in the other place for all the work she has done in her capacity as the Minister for Public and Active Transport.

The Allan Labor government has passed some of the strongest reforms and changes to our public and active transport system.

And none compare quite as much as our changes to the rideshare space and to the regulations surrounding gig economy drivers in Victoria.

This includes the introduction of the minimum standards of pay and conditions for gig economy workers such as rideshare drivers.

This bill continues on that reform agenda by taking on new changes to our transport legislation to ensure that passengers and drivers can continue to have a safe experience and to ensure that commuters are treated fairly.

President, this bill contains a wide set of reforms aimed at improving commuter safety and services while providing overall support for the industry.

It is aimed at improving industry outcomes, which carry with them safer working environments and safer passenger experiences for those on public transport.

President, this bill aims to achieve three primary objectives through the suite of reforms proposed.

It aims to strengthen commercial passenger and vehicle industry laws by way of improving industry transparency to address fare overcharging and other driver misconduct through amendments to the Commercial Passenger Vehicle Industry Act 2017.

The bill will improve the efficient administration of driver accreditation by repealing old and outdated offences applicable to people who fail to sign a paper certificate of driver accreditation issued by Safe Transport Victoria under the Bus Safety Act 2009.

And finally, the bill supports the introduction of account-based ticketing technology in Victoria by amending the Transport (Compliance and Miscellaneous) Act 1983, which will enable passengers to use new methods as a valid means to use public transport services.

As we know, President, consultation is a means to strengthen legislation by speaking to core industry groups and helping shape these bills to be more effective.

In that spirit, this government has consulted with Safe Transport Victoria and the public transport ticketing team regarding the ticketing changes.

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The government will also consult with the Ombudsman and other industry representatives, as well as the Transport Workers' Union.

As many in this chamber would know, I served as secretary of the Transport Workers' Union and served as its national president before being elected to this chamber, and therefore this bill is very important to me.

President, I would like to go through and explain in greater detail what is being proposed by this legislation.

First, this bill will amend the Commercial Passenger Vehicle Industry Act 2017 to strengthen compliance and enforcement of the commercial passenger vehicle industry laws.

It seeks to improve transparency in the industry through a series of amendments which will help achieve our objectives.

This includes reforms to recording and the access, use, and disclosure of data, images, and audio from commercial passenger vehicles, such as trains, trams, and buses.

It also introduces a two-strike policy for specified offences.

This would require the regulator to cancel a driver's accreditation if they are found guilty of any of the specified offences on two separate occasions within a 10-year period.

It will also require drivers and booking services providers to notify the regulator of the booking service provider that a driver is associated with in these matters and whether the driver is a small provider.

It also introduces a new offence for drivers who use a commercial passenger vehicle to display signage associated with a booking service provider if that driver is not associated with that particular provider.

And it also requires Safe Transport Victoria to publish disciplinary actions taken against industry participants on their public register.

President, this bill strengthens the public care objective applicable to drivers in order to better reflect the standards and expectations of the community in relation to the industry.

The bill will also clarify that the regulator can take disciplinary action against drivers for services provided that are inconsistent with the public care objective.

It amends the Commercial Passenger Vehicle Industry Act 2017 and the Bus Safety Act 2009 to repeal the outdated offences applicable to those who fail to sign a paper certificate of a driver accreditation issued to them by Safe Transport Victoria.

It also amends the Transport (Compliance and Miscellaneous) Act 1983 to introduce new definitions and amend existing definitions and provides for powers to make regulations and publish notices for the purpose of supporting new technology being introduced.

This is most clearly for the introduction of account-based ticketing technology across Victoria.

This will enable public transport commuters to use new methods as a valid entitlement to use public transport services.

That would allow for not just your Myki card but also for contactless payment debit and credit cards.

This is a big change which I know many Victorians are excited to see.

As we upgrade more and more ticketing gates across the network, it's key that we bring our system up in line with other modern cities around the world, and even across Australia.

This is one of the bigger changes which will help modernise our public transport network so that commuters can start using their debit and credit cards for contactless payments through the ticketing gates.

President, the crux of this legislation is modernising not just how commuters ticket and pay for their journeys – though that is extremely important – it is more centred on how we can ensure both drivers and passengers can have a more safe and protected journey and experience in our public transport system.

And that begins with strengthening the ways we protect passengers on these vehicles and with reforms to ensure wider industry compliance.

The public care objective is a provision in the Commercial Passenger Vehicle Industry Act 2017, which reads as follows:

The public care objective is the objective that the services provided by drivers of commercial passenger vehicles –

be provided to persons using those services and to other persons, particularly children and other vulnerable persons –

with safety; and

with comfort, amenity and convenience; and
be provided in a manner that is not fraudulent or dishonest.

President, this objective is the baseline expectation from the public in the care they should expect aboard a commercial passenger vehicle.

What this bill seeks to do is to strengthen the upholding of this principle.

It allows for the regulator to take disciplinary action against drivers that do not comply with this safety principle.

This is to ensure that the principle, which ensures that passengers are treated with respect and that their safety and comfort is placed in priority, is upheld and enforced by drivers.

And when that is deliberately breached, and the clause on fraudulent and dishonest behaviour is broken, then disciplinary action should be taken immediately by the regulators.

This way, we can ensure that there is a proper disciplinary process in place and that drivers and passengers alike are looked after.

President, this bill also includes provisions to improve transparency to address the issue of overcharging on fares and other misconduct from some drivers, contained within the suite of reforms presented to the Commercial Passenger Vehicle Industry Act 2017.

Back in 2023, this Labor government updated the regulations across Victoria so that drivers in these industries could no longer negotiate a price with customers above a regulated maximum fare.

It meant that drivers had to use their meters for trips from ranks or when hailed on the streets.

Those changes made sure that drivers were to always use the meter to calculate the maximum regulated fare for unbooked trips, particularly for periods of high demand as to remove any confusion and give more certainty to passengers.

Now, the Allan Labor government is building on that reform, with a new suite of regulatory reforms to tighten down against this behaviour in commercial passenger vehicles.

This begins with the ‘two strikes and you’re out’ policy that the regulator will be empowered to enforce under this bill.

It allows for the regulators to cancel the accreditation of these drivers if they are found guilty of breaching these offences twice within a 10-year period.

That is a definitive step to stamp out these offences and ensure fair compliance and adherence by drivers across Victoria, and ensures passengers are not being scammed or ripped off.

Collectively, these changes make it easier for passengers to report driver misconduct and mandate increased reporting of incidents by taxi companies, all while introducing harsher penalties for noncompliance and requiring enhanced driver accreditation and training.

The bill also reforms the bounds under which recordings, data, and audio can be collected and the privacy associated with that.

Safe Transport Victoria is also obligated under this bill to publish any and all disciplinary actions taken against a driver who has committed these offences and put them up on the public registry.

President, these are considered reforms which are designed to uphold the fundamental principles under the public care objectives and to stamp out unfair behaviour in the system to ensure that passengers have a fair, safe, and comfortable experience.

They are being put together through consultation with industry groups and departments to ensure that they are effective and can do well in reducing the number of these reported incidents.

It means that whether you’re on public transport, such as buses, trams, and trains, or if you’re in a private setting, such as with a taxi or a rideshare service, then you can rest assured that the drivers there are looking after your needs and that if overcharging, or other offences, come about, then they will be dealt with swiftly.

This information will be available to all passengers, with reforms in this bill to include the need for mandatory QR codes in both taxis and rideshare vehicles such as Uber, linking passengers through to information on their rights and, if needed, how to report a complaint to the regulator.

The rideshare industry, and the taxi industry, support some of the most vulnerable Victorians having access to basic amenities and essential services, and as such it is crucial we make sure that they have as safe an experience as possible.

The Allan Labor government is facilitating this with the introduction of the two-strike policy and the wide distribution and easy access of passengers' rights and entitlements in each vehicle.

They will, of course, be supported by the reforms made to recordings in these vehicles.

More specifically, this bill contains new updates to the rules around the use and storage of data from cameras, which will give carers the option to access live, in-vehicle camera vision, if this is offered by the taxi or rideshare company.

The reforms in the bill will also require that cameras in rank or hailed taxis record audio in addition to visuals, and it will also make it easier for operators to access footage so they can investigate complaints should they be reported via the QR codes that will be mandated into each vehicle.

That means for passengers, if you are a victim of these illegal charges, not only can you easily report the behaviour but the operators and the regulators will have a much wider set of information and can more easily gather data that can corroborate what happened.

And drivers with an established pattern of behaviour will be held accountable.

President, these are straightforward reforms designed to keep a more orderly environment for passengers, ensuring that commuters can feel safe when accessing commercial passenger vehicles.

The reforms contained in this bill will deliver significant improvements for passengers on public transport such as buses, trams, and trains, and will also strengthen the rights of those in the taxi and rideshare industry by improving compliance and enforcement.

These changes give passengers more ways to report illegal behaviour, more easily, and with more ways to verify wrongdoing with the new access to cameras, audio recordings and the easy-access QR codes.

Most drivers, President, are doing the right thing.

And they have nothing to worry about under these changes.

They are designed to protect the rights and safety of passengers, and it gives them more ways to report illegal behaviour, should it take place.

The vast majority of drivers, who comply with and follow the law, will not be impacted by these reforms.

It is passengers who will be empowered by these changes and who will feel more safe with these new reporting systems and these reforms which make it easier to confirm their reports.

President, I would like to spend just another few moments to highlight again the importance of another part of this legislation amendment.

I briefly touched on changes which would allow for account-based ticketing on public transport, namely the new system which allows for these readers at gates to allow for the use of contactless card payments from your credit or debit cards.

This is something which brings us in line with all the other major capital cities in Australia and with other major modern cities of the world.

To this day, we are one of the few major metropolitan public transport systems that only accept our ticket card of choice, the Myki card, as the only valid ticket.

If you were to travel to Sydney, you would be just as able to pay for your journey on the trains or the metro with your credit card or with the contactless tap of your phone should it be loaded with your card.

This is just a more convenient and modern way to travel around on the network, instead of fumbling around for a Myki card each journey.

This will allow for our public transport network to open up, when it is ready, for the use of contactless payments to make sure each journey is convenient, easy, and accessible for all Victorians.

President, this is a comprehensive bill with reforms for the transport industry from public transport to taxis and rideshare drivers.

But at its core, it's about keeping passengers safe and ensuring that they have the means to not just report bad behaviour but to ensure that drivers who break the law and the rights of passengers are dealt with proportionately.

With its substance, this bill will go a long way toward strengthening compliance and enforcement within the transport industry, and for that, President, I commend this bill to the chamber.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (01:29): Thank you to people in the chamber and across the other place for their work as part of a broader engagement with stakeholders

and the industry around what it is that these commercial passenger vehicle industry reforms will achieve. We have heard a fair bit of discourse in the chamber this evening about the intended impact and operation of these reforms. We do want to make sure that we are prioritising safety for people when they are travelling in taxi and rideshare vehicles, and that is what this bill delivers, which again the Leader of the Opposition outlined in her contribution. That also contemplates and addresses improved safety for the disability community; for women and non-binary people, as Ms Copsey also pointed out; for the elderly; and also for those most likely to be vulnerable to discrimination. I also want to make it really clear that the bill is intended to protect drivers and passengers. Again, it is about striking that balance, and I do want to go in the sum-up to a number of the areas that Ms Copsey touched on in her contribution just to put beyond doubt any of the issues of concern that have been raised, which have, frankly, been the subject of some really constructive and productive discussions between the minister's office and the Greens and indeed other members around this chamber. It is about cracking down on poor behaviour, and it is also about making sure that the act reflects the current evolution of technology and what the community expects by way of a response – quick engagement and demonstrated action by the industry and the regulator when poor behaviour has occurred.

There are security camera and audio reforms. They have been covered in some detail in the course of contributions. This is about reforming the recording, access, use and disclosure of data, and that includes images and audio. This will mean that we have got a more efficient and effective system of investigation by permitting security cameras and other approved audio recording devices installed to capture audio recordings. Again, a significant number of the cameras actually do have that audio capability. We are talking about an activation of that audio capability in the technology that already exists and a streamlining access process for security camera and audio recording data that does enable the police to examine and access that footage. That is the subject of a house amendment which I will move at the end of my sum-up, which then will hopefully be able to acquit some of the concerns, questions and suggestions that have been raised in the course of this debate. Streamlining that access is really important, but we also want to make sure that we have got flexibility for other authorised purposes to be set by the regulator. Again, the intention is that regulations would be made to enable booking service providers to use camera footage and also audio to manage complaints that are made about drivers. Faith in the industry, that industry confidence, is a particularly important part of this legislation and these reforms.

Minimum standards are also really important in relation to the way in which information is collected, possessed, transmitted, disclosed or destroyed. This comes to the privacy concerns and the questions which Ms Copsey raised and which I think Mrs McArthur raised in her contribution as well. This is about making sure that in protecting privacy we are requiring booking service providers to comply with minimum standards. The Safe Transport Victoria and Victoria Police partnerships, which already exist, would of course be subject to privacy standards in the Privacy and Data Protection Act 2014. These are critical changes that do enable us to address those problematic behaviours, and again, the examples which have been given in the course of tonight's debate do clearly indicate that there is a need to address these issues and to address them in a way that is fit for purpose.

We also want to make sure that we are addressing some of the areas for vulnerability around overcharging, for example. In the absence of audio, that can be something that is very, very difficult to establish. Making sure that we can have investigations conducted swiftly is something which is facilitated and improved by way of access to that information. The presence of a recording and an awareness that that is happening is in and of itself a really significant deterrent to poor behaviour.

There are strengthened reporting requirements to enable the regulator to have a better understanding of the players, the operators and the actors in the industry and also to make sure that we are in a position to crack down on taxidrivers who are potentially falsely using signage or booking providers that they are not associated with. That is a really important component of the reforms, which will also require an annual notification to Safe Transport Victoria of the booking service provider a driver is associated with and whether a driver is a small booking service provider, amongst other reporting requirements.

Enforcement reforms have been touched on by multiple speakers this evening, so I do not intend to go through them in any exhaustive detail. But this is about making sure that we do have a system of enforcement where the ‘two strikes and out’ system enables a commercial passenger vehicle driver to be kicked out for being guilty of two or more specific offences. This is also about making sure we are strengthening the public care objective applicable to drivers, and the bill puts beyond doubt any question that Safe Transport Victoria can publish information about those disciplinary actions taken against industry participants on their public register. This is a significant measure around transparency and disclosure of poor behaviour, which in and of itself has a deterrent effect as well.

Ticketing reforms are important, and these have been touched on by previous speakers. We do want to make sure that the ticketing system does actually make it easier and more convenient to travel around our ever-expanding networks. The ticketing amendments will allow passengers to use those multiple methods to obtain and prove an entitlement to travel, and people will continue to be able to access state-issued products like Myki smart cards to travel on public transport. But we also want to make sure that legislation is accommodating those rapid evolutions in tech to enable passengers to use other physical and digital options, such as credit and debit cards and QR codes, to validate an entitlement to travel. This is about making sure that we do have a modernised ticketing system.

Just turning briefly to the discussion that has been had with the opposition and the crossbench around the privacy elements of the bill in relation to commercial passenger vehicle reforms, I intend to circulate amendments, which I might do now, given the lateness of the hour, to enable people to perhaps have a look at them.

These amendments, which will be the subject of any questions that people might have or indeed might not have, given that level of detail that I can provide now in this sum-up, are about making sure that we do have the purpose set out in the way in which that information can be accessed and that the purpose is limited to the investigation of commercial passenger vehicle incidents and the investigation and prosecution of crimes. This is about making sure we are strengthening this important legislation and requiring the regulator to consult with the Office of the Victorian Information Commissioner before publishing standards and to review the standards every three years to ensure they are keeping up with modern privacy concerns and changes in technology.

The bill itself already, as people would be aware, contained provisions for minimum standards determined by the regulator around that data, but these are further mechanisms to strengthen the way in which that information and its collection, possession or storage are managed. Around the ‘two strikes’ rule I just want to address that in relation to the matters Ms Copsey raised. In regulation 19(1A) a driver must ensure there is a fare calculation device, so a taxi meter is operational and used. In regulation 19(3) a driver must ensure a fare calculation device such as a taxi meter is stopped immediately at the end of the commercial passenger vehicle service. In regulation 22 there is a requirement to provide a receipt with required information. Really importantly, and to a point that Ms Copsey raised, in regulation 26 there is a requirement not to refuse assistance animals. This goes very squarely to one of the objectives of the bill – namely, to remove and reduce those areas of vulnerability, particularly for people living with disability or indeed for the elderly, as I mentioned earlier.

Safeguards to detect and investigate unauthorised use of camera and audio data – all authorised persons are required to comply with those minimum standards, as I mentioned earlier. There are some really significant penalties as they relate to any breach or failure to comply, so as many as 1200 penalty units for a body corporate. There is a power established for the regulator by notice published in the *Government Gazette* to determine those minimum standards, and they might relate to collection, possession, transmission, disclosure or destruction of an image, audio recording or other data obtained from the use of a security camera or audio recording device installed in a commercial passenger vehicle. Those minimum standards will be broadly based on the information privacy principles contained in the Privacy and Data Protection Act 2014, and in most cases we expect the standards not only to mirror the information privacy principles but to be narrower and more specific. Those

standards are expected to include matters like an authorised person, so who is permitted to access camera footage and audio, and that the standard should require the authorised person to restrict access to camera footage and audio and nominate which staff, for example, if it is a body corporate, are able to access that information. And the authorised person needs to keep records to which employees and staff have access. Again, that is an important measure, I think, Ms Copsey, to go to one of the areas of concern or interest that you raised.

Capacity to notify the regulator is another important component of this, whereby the authorised person would be required to notify the regulator if there were any substantive changes in circumstances. There is also the collection and the way in which information is collected and the keeping of records when data is accessed or downloaded from a security camera installed in a commercial passenger vehicle, including records about who collected the data, when it was collected and where it was stored, and a requirement to notify the regulator if data is unlawfully collected, such as by a person not authorised or nominated. In relation to possession, how data is stored and secured by the authorised person, the standard will require that an authorised person must securely store the data such that it is only accessible to nominated staff, including requirements relating to the encryption of data, and the standard would specify the period of time data must be kept.

We heard examples earlier from contributions in the chamber about that concern or trepidation about the way in which information might be gathered or used, particularly for women and particularly for people in vulnerable circumstances, whereby a geographic location might be disclosed in a way that might cause fear, intimidation or another unintended consequence. For transmission and disclosure, how this information is shared or given to another party, under the standard it would be required that when the authorised person provides that data to another party, if they are permitted to do so, they do so in a specified manner such that the data is sufficiently encrypted – this is, again, another important measure of protection that is germane to this bill – and that records are kept if data is provided to a third party, including details of how and when data was disclosed.

On to the point about destruction, how that information is destroyed also includes the way in which an authorised person would need to follow any specified procedures, so ensuring that data cannot be readily recovered. There are standards around the keeping of records about when data was destroyed, by whom and the manner of destruction and requiring an authorised person to keep records of any time that data is accessed, including by whom, when it was accessed and the purpose for which it was accessed, and Safe Transport Victoria has powers to require persons to provide these records to it. New regulations can require mandatory reporting as a notifiable incident, such as where a data breach or unauthorised use has occurred, or require reporting at regular intervals, and the frequency of audits is ultimately up to the discretion of Safe Transport Victoria as an independent regulator. Our expectation is that the regulator will audit regularly and adjust based on their intelligence, and that that is an iterative and ongoing exercise.

In relation to authorised persons, Ms Copsey, that goes to clause 16 and new section 271. We are considering making booking service providers authorised persons – in other words, companies that run taxis and rideshare. In Victoria it is only unbooked taxis that currently must have a camera installed. This is being done so that booking service providers can quickly respond to disputes that may not reach the threshold for being investigated by police or that might take an extended period of time to investigate by a regulator. Complaints such as a customer claiming they were overcharged or a driver complaint about racial abuse could be dealt with efficiently and appropriate action taken if taxi operators can view the footage or access the audio. It is in the interest of the regulator of course to make sure that there is a limitation on the use of authorisations as much as possible. The government, for avoidance of any doubt, is not contemplating other authorisations.

Around review of the minimum standards, that is set out and referred to in the house amendment. It is not only best practice but it is also about our expectation that the review take place every three years and that that will be published, again in the interest of transparency, Ms Copsey, and the matters that you raised in your contribution.

Now on to state tokens. The existing regulation – that is, regulation 21 of the Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017 – limits when a ticket needs to be surrendered.

The PRESIDENT: Minister, your time has expired.

Harriet SHING: *(By leave)* I am nearly done. I am just getting through the detail, which I understand is important for people to put onto the record. Following passage of this bill, the regulations will be updated to ensure that mobile phones and bank cards do not need to be surrendered as part of a ticket offence investigation. In relation to, Ms Copsey, your query about the breadth of clause 27 of the bill, while it mentions ‘token’ and not merely ‘state token’, a state token is a subset of a token, so clause 27 needs to refer to ‘token’ and not ‘state token’ because the regulations need to specify what is not required to be surrendered – specifically, tokens. Tokens that are not state tokens will not be required to be surrendered.

On the computer system issue in the question that was raised around clause 27(d), that clause does not create a centralised concession database. It is an enabling provision designed to futureproof the public transport ticketing system in the event that a platform for validating concession entitlements is developed and ensures that the process of validating concession is undertaken lawfully. And for avoidance of doubt, section 221 of the Transport (Compliance and Miscellaneous) Act deals with the use and disclosure of public transport movement information, and this framework would extend to the use and disclosure of information relating to concessions. It is also a framework that enables regulations to be made regarding use and disclosure of such information or the minister to issue a direction regarding use and disclosure, and it would be an offence for entities to use or disclose information contrary to this framework. Authorised persons would only be able to access data if the regulation or minister’s direction authorises the use for an authorised purpose, and this ensures that the right protections are in place if and when a concession entitlement is developed.

I hope, Ms Copsey, that that addresses some of the matters which I know have been the subject of extensive, exhaustive discussion between the Greens and the minister and also that that addresses a number of the areas, Mrs McArthur, that the opposition has raised. We do want to make sure that we are improving access to the transport network but also making sure that we are making and keeping people safe and prioritising accessibility. We are modernising the legislation. That is what these technological reforms and acknowledgement of the rapid pace of the evolution of technology are all about, and we also want to make sure that we are cracking down on poor behaviour and developing deterrent mechanisms as a consequence of that greater measure of transparency. This bill reflects the concerns and priorities of the community. Making real changes to make a meaningful difference to Victorians’ lives is also about making sure that we are not only developing but preserving confidence in the public transport system, including commercial passenger vehicles, across the board. On that basis, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (01:49)

David LIMBRICK: I thank the house for indulging me at this very late hour. I would normally go to the minister’s advisers on this, but this was only brought to my attention late this afternoon, so I think it is appropriate to ask it in committee of the whole. My question is around clause 7 and the public care objective, in particular subclause (1), where it says:

... without discrimination, sexual harassment or other conduct that is inconsistent with community standards of acceptable conduct ...

It was brought to my attention that there is actually a rideshare service for women and by women that has women drivers and women customers.

Harriet Shing interjected.

David LIMBRICK: Shebah, yes, that is right. That is correct. And that necessarily requires discrimination on the basis of sex. How can a business like this continue to operate with this objective in place, because it says ‘without discrimination’, but Shebah or other businesses like that necessarily discriminate based on sex?

Harriet SHING: Discrimination is an element of consideration of unintended consequence that ordinarily considers the way in which the impact of legislation or changes might be experienced by consumers, in this case passengers of a commercial passenger vehicle situation. It is necessary and has been tested in numerous situations to acknowledge that there will be specific businesses that cater to the concerns, needs and user experiences of particular groups. It might be that there are exemptions created and sustained by the Equal Opportunity Act 2010 in the allocation of goods and services, and the exemptions that might apply there. Women’s safety is an area where, again, in the commercial passenger vehicle industry, we have heard from numerous speakers in this place and elsewhere that that is a really big concern, that a woman getting into a taxi with somebody who they do not know is. And I know this. I cannot see how everybody else in this chamber who has gotten into a taxi with somebody they do not know late at night would not then have apprehension about the safety of that arrangement. That is not something that is unique to taxi and rideshare vehicles; it is in the accessing of any good or service that might then create a situation of actual or perceived vulnerability. This is something which will apply to the industry as a whole. It is about the changes which are contemplated to assist with ensuring accessibility; addressing the importance of safety; deterring bad behaviour, which in and of itself has often been the reason for establishing these businesses in the first place; and making sure we do have those minimum standards that apply in the provision of those goods and services.

There is not within the scope of contemplation of this bill, I would suggest, an opportunity to perhaps reprocose the entire basis by which a women’s-only taxi and commercial passenger vehicle enterprise can operate. This is about making clear how, in the operation of those services, we make sure that these changes do not create any unintended consequences that cause in and of themselves disadvantage.

David LIMBRICK: I thank the minister for that answer, but I do not feel that it really satisfies my concern, because what we are inserting here is we are saying ‘without discrimination’. And yet in this particular case where we have a rideshare service by women for women, the safety is brought about by the discrimination itself, by saying only women can use this service. Therefore are we saying that they would need an exemption in order to continue operation? How are they going to continue operation? That is my concern. What I am concerned about is that when this becomes law, this company will all of a sudden be in breach because they are blatantly discriminating based on sex. I think that it sounds like, from the minister’s point of view, you think this is a good thing to have this sort of service for women. I think it is a good thing too, but I want to make sure that they do not go out of business because of this bill. How do we make sure that they stay in business?

Harriet SHING: Just to be really clear, discrimination is unlawful on a number of grounds unless there is an exemption that is granted. Discrimination includes discrimination of the type contemplated by the operation of a commercial passenger vehicle service that provides services to women. An exemption can be sought and can be granted; that has occurred in this instance. The commercial passenger vehicle operation that is operating continues to be able to operate where that exemption from the Equal Opportunity Act requirements around discrimination in the provision of goods or services is maintained.

David LIMBRICK: If I am hearing the minister correctly, there is already an exemption in place in this particular instance that we are talking about and that exemption would continue to operate under this new bill, and therefore there would be no change to their operations effectively.

Harriet SHING: Yes. This is not intended to displace any exemptions that have been provided in accordance with the Equal Opportunity Act and the exemptions based on discrimination for specific purposes.

Clause agreed to; clauses 2 to 15 agreed to.

Clause 16 (01:56)

Harriet SHING: I move:

1. Clause 16, page 13, lines 12 and 13, omit “the purpose of carrying out the police officer’s duties;” and insert –
 - “(i) the purpose of investigating or prosecuting an offence; or
 - (ii) the purpose of investigating an incident in relation to a commercial passenger vehicle service;

Note

See section 56 of the **Victoria Police Act 2013** in relation to the execution of process and warrants.”.

Katherine COPSEY: I just put on the record the Greens will be supporting this house amendment. We welcome the government’s constructive engagement with all sides of the chamber, it sounds like, on the privacy concerns raised in relation to this bill. We will be supporting this amendment because it puts in place more safeguards for how data will be used by narrowing the circumstances when police can access the footage.

Bev McARTHUR: We support the government’s amendment.

Amendment agreed to.

Harriet SHING: I move:

2. Clause 16, page 14, after line 11 insert –
 - “(1A) Before the regulator publishes a notice under subsection (1), the regulator must consult with the Information Commissioner appointed under section 6C of the **Freedom of Information Act 1982**.
 - (1B) The regulator must cause a review of the minimum standards published in a notice under subsection (1) to be undertaken every 3 years from the date of the first notice being published.”.

Katherine COPSEY: The Greens will be supporting this amendment. It will provide more oversight of the regulations via consultation with the information commissioner and via the regular reviews.

Bev McARTHUR: The opposition also supports the amendment.

Amendment agreed to; amended clause agreed to; clauses 17 to 32 agreed to.

Reported to house with amendments.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (01:58): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

ADJOURNMENT

Tuesday 2 December 2025

Legislative Council

5481

Third reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (01:58): 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.

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (01:58): I move:

That the house do now adjourn.

Apprenticeships

Sonja TERPSTRA (North-Eastern Metropolitan) (01:59): (2173) My adjournment matter this evening is for the Minister for Skills and TAFE, and the action I seek is for the minister to outline what this government is doing to support apprentices in Victoria. I stand here as a mother of two apprentices and someone who has had strong interest in the apprenticeship system, so I was absolutely dismayed when I heard another member of this chamber, Mrs Ann-Marie Hermans, make a number of assertions last sitting week disparaging our strong apprenticeship system. In regard to the claim that apprenticeship contracts have halved, it is my understanding that the data the Apprenticeship Employment Network is drawing from represents administrative activity undertaken by –

Wendy Lovell: On a point of order, President, the member made some claims against another member of this chamber, and I believe that if you are going to make a claim against another member of the chamber, it should be by substantive motion.

The PRESIDENT: I think that you cannot make an accusation against a sitting member.

Sonja TERPSTRA: I did not. The statement was made in this chamber, so she made it on the record, and I am responding to it. Further to the point of order, President, there is no point of order because I am not making an accusation. It was a statement that was made by this member in this house.

The PRESIDENT: Continue.

Sonja TERPSTRA: So again, in regard to the claim that apprenticeship contracts have halved, it is my understanding that the data the Apprenticeship Employment Network is drawing from represents administrative activity undertaken by the Victorian Registration and Qualifications Authority, not apprentice and trainee commencements within this period. Training contract commencements are not recorded according to when the paperwork arrives in the training contract management system but rather the commencement date on the training contract. The latest National Centre for Vocational Education Research data on national VET funding shows funding is being directed towards areas of national priority, including the care, construction and health sectors, which means we are prioritising our investments in apprentices and trainees in those areas.

The latest Jobs and Skills Australia data shows exactly the same thing, with the 2025 jobs and skills report finding that since 2019 there are 53,000 more apprentices in priority areas, and the biggest growth has been in electricians, carpenters, motor mechanics and care economy occupations, which have grown 10 per cent since 2019 and now account for 36 per cent of all commencements. In fact we have issued almost 50,000 trade papers since 2019. Those opposite scrapped trade papers when they were in power; that is how much they care about apprentices. Most apprentices study through TAFE,

and we know what those opposite did to TAFE when they were in power: 2000 jobs were cut and 22 campuses were closed.

Country Fire Authority Axe Creek station

Wendy LOVELL (Northern Victoria) (02:02): (2174) My adjournment matter is to the Minister for Emergency Services, and the action that I seek is for the minister to fund a new fire station for the Axe Creek fire brigade in the 2026–27 state budget. Victoria has a tragic history of deadly bushfires that have devastated our state, and we rely on our brave and dedicated volunteer Country Fire Authority brigades to be first on the scene to fight local fires and prevent them from breaking out and spreading across the state. It is absolutely essential that CFA brigades have the facilities and equipment they need to maintain high levels of operational readiness and be able to react quickly when they are called upon.

Members of the Axe Creek fire brigade have reached out to me regarding the condition of their station and the urgent need for improved facilities. The station has no change rooms for males or for females and only a single portable toilet connected to a sewer tank for the whole brigade, which is the only place that a female can get changed in private. There is no running hot water or proper handwashing station. There is no storage space for their turnout gear, meaning members often transport contaminated gear in their cars to wash it at home. There is no compliant area to wash their breathing apparatus, leaving crews to wash equipment in buckets of cold water on the truck apron, which is contrary to CFA standard operating procedures and requires them to write up and submit a CFA safe application each time. There is also no meeting room at the station, so when the brigade has a meeting they must pull out one of the trucks to make room for a circle of chairs in the engine bay.

The biggest effect of this lack of adequate facilities is that it impedes operational readiness. Everything takes longer, and the brigade is simply unable to be as fast and efficient as it could be if it had appropriate facilities. It also poses safety risks to the volunteers themselves as they manage multiple tasks in a shared space, wash gear where they can and take it with them when they must. It is easy to see why this severely hinders recruitment, making it harder to find and keep new members, especially women, who need privacy when changing and hygienic spaces if they are to feel welcomed and safe.

Earlier this year a senior CFA officer advised Axe Creek CFA that they were first or second in line for a station refurbishment, but more recently they have been informed that they are slipping down the list and may miss out. The brigade has reached out for support to their local member, Premier Jacinta Allan, but they have not even received a response, which is disgraceful. Axe Creek CFA volunteers are dedicated and hardworking, but they need modern, up-to-date facilities to enable them to deliver the best firefighting service possible. The minister must fund upgrades to Axe Creek fire station in the 2026 budget.

Kangaroo control

Georgie PURCELL (Northern Victoria) (02:05): (2175) My adjournment matter is for the Minister for Environment. Earlier this month the lifeless bodies of two adult female kangaroos, one adult male kangaroo and a joey were dumped outside Entrecôte restaurant in the inner-city suburb of Prahran. My office was sent the disturbing CCTV footage, which showed the moment a man drove his car behind the restaurant, opened his boot and discarded these animals like they were pieces of trash. The incident took place just metres away from people's homes, public transport and members of the public who were walking nearby with their children and their family pets. We do not know how these kangaroos died. Did they fall victim to the state's road toll crisis, or were they victims of this government's brutal kangaroo harvest management plan?

In Victoria kangaroos can be legally shot under authority-to-control-wildlife permits or under the government-sanctioned kangaroo harvest management plan. Under these systems kangaroos are shot and killed simply for being perceived as an inconvenience. The shooting takes place at night, where missed shots are commonplace and compliance is virtually non-existent. Under the national code of

practice for shooting kangaroos, the rule is that if a female is shot and has a dependent joey, the joey must also be killed. The prescribed so-called humane methods to kill joeys include decapitation or a forceful blow to the head, often done on a car's tow bar.

What is so disturbing about this incident in Prahran is that the perpetrator felt emboldened enough to commit such a horrific offence in broad daylight with no care or concern for who might see and then drive off as if it was business as usual. I ask myself constantly how we as a nation have become so complicit in this disrespect to one of our country's most iconic and much-loved animals, and now it is playing out on inner-city streets. My office lodged a formal report to authorities about this incident, and last week I wrote to the conservation regulator again requesting an update on the matter. However, the response I received was not satisfactory. I am still left with more questions than answers, and the public has a right to know too. These kangaroos deserve justice. The action that I seek is for the minister to provide a more fulsome update on the status of this investigation so we can know what really happened and if the perpetrators will be held accountable.

Emergency services volunteers

Jacinta ERMACORA (Western Victoria) (02:07): (2176) My adjournment is for the Minister for Emergency Services Vicki Ward. This year the Allan Labor government delivered a record \$30 million in volunteer emergency services equipment program grants – double on last year – providing equipment for emergency services volunteers with grants of up to \$250,000, and \$2 for every \$1 raised locally. The action I seek is for the minister to provide an update on how this is strengthening community resilience.

Meadow Heights road safety

Evan MULHOLLAND (Northern Metropolitan) (02:08): (2177) My adjournment matter is for the Minister for Public and Active Transport, and it concerns the urgent need to improve local bus services and road safety in Meadow Heights. Minister, the action I seek of you is to act on the request made to you by Hume City Council recently regarding the dangerous bus stop at the intersection of Hudson Circuit and Paringa Boulevard. It is a topic that you might be familiar with, as it is one I have advocated to you from this place quite recently. I want to thank the Hume City Council for their productive discussions, particularly the mayor Carly Moore and Cr John Haddad. They have written to you outlining serious safety concerns at this location, and I strongly support their combined advocacy. This intersection is a key connector between two childcare centres, a shopping centre, ICMG Meadow Heights Mosque and Meadow Heights Primary School. It is also where my office is located, and many surrounding homes as well. According to the council, when a bus stops at these locations drivers move to overtake the bus at the roundabout entering into the roundabout, which has caused many frightening near misses and crashes as well, and local residents have been reporting incidents for far, far too long.

We see these issues every single day. We witness the congestion, the risky manoeuvres and the genuine frustration of residents who simply want a safe, reliable local bus network. This is exactly the type of safety upgrade in the north that should be able to be done. Communities like Meadow Heights unfortunately have been neglected for too long. I want to acknowledge the mayor Carly Moore and Hume City Council for their advocacy. They have been proactive, constructive and collaborative and have persisted in calling for bus stops like this one to be indented so that passengers and drivers have a clear thoroughfare into the roundabout at this dangerous intersection. So I ask you to seek the action of the Department of Transport and Planning to assess the situation and to meet with the council and me as well. This leadership stands in stark contrast to the inaction of this government.

Police conduct

Katherine COPSEY (Southern Metropolitan) (02:11): (2178) My adjournment matter is to the Minister for Police. Victoria Police have declared the CBD, Docklands, Southbank, the sports and entertainment precinct and parts of East Melbourne and South Melbourne designated areas for six

months. For half a year police and PSOs will be able to stop and search anyone in those areas – no warrant required, no reasonable suspicion required, no questions asked. Community legal centres and human rights organisations and the media are ringing the alarm. Inner Melbourne Community Legal has described this as a ‘vast overreach’, and Premier Allan in enabling this has effectively turned the city into a permanent stop-and-search zone. The Federation of Community Legal Centres, Liberty Victoria, the Victorian Aboriginal Legal Service and the Human Rights Law Centre have all warned that these expansions are the opposite of fair evidence-based law making, and they will entrench racial profiling, because we know from previous experience, recent experience, who is going to be targeted and searched.

In the same week that this declaration occurred, new data from the Centre Against Racial Profiling confirmed, based on Victoria Police’s own data obtained under FOI by these organisations, and the report revealed, that Aboriginal and Torres Strait Islander people were 15 times more likely to be searched than white people in 2024, despite being less likely to be found with prohibited items. In other words, communities of colour are stopped more and searched more, and police find less. This affected far more communities of colour as well, and it is textbook unreasonable, discriminatory policing. Police were 10 times more likely to use the force or threat of force against communities of colour. African, Middle Eastern and Pacific Islander communities were also disproportionately targeted, with African community members eight times more likely to be searched than white people, seven times more likely to be subjected to force and 24 times more likely to be pursued by police vehicles.

Racial profiling does not just discriminate, it creates a racially stratified community. Despite their formal ban on racial profiling since 2015, the latest search data shows that for Victoria Police this practice remains widespread, and the Allan Labor government should be ashamed that it is happening on its watch. We have also seen journalists searched over the weekend under these powers, and just today we have seen that police, due to a legal blunder, have been conducting illegal searches using their designated area powers. So the action I seek is the minister immediately revoke the six-month CBD designated area declaration, halt any further expansion of designated areas and tackle systemic racism in policing by establishing an independent police ombudsman. You need to invest in community-led safety and work with community, legal and human rights experts to end racial profiling in Victoria.

Housing

John BERGER (Southern Metropolitan) (02:14): (2179) My adjournment matter is for the Minister for Planning in the other place, Minister Kilkenny. The Allan Labor government is moving towards the biggest shake-up of the state’s planning rules and regulations in generations. These changes are designed to empower more Victorians by helping more first home buyers achieve that long-held Australian dream of owning their own home. For too long the housing supply has not kept pace with the growth of population, and for many Victorians that has meant that they are forced to move to the urban fringes of Melbourne, far away from where they grew up. It is estimated that these reforms to boost housing will unlock more than \$900 million worth of economic value each year. The action that I seek is for the minister to update the chamber on how many homes we expect to approve in my community of Southern Metro once these changes come into effect and how much time developers and builders will be saving thanks to the new streamlined model.

Bushfire preparedness

Melina BATH (Eastern Victoria) (02:15): (2180) My adjournment this evening is for the Minister for Environment, and it relates to bushfire preparedness or lack thereof in this forecast summer season. We saw only last week that the seasonal bushfire outlook for 2025–26 has a heightened, increased bushfire risk. We have heard the Premier speak about the dangerous bushfire season ahead of us, yet we have a thing called the fuel-driven bushfire management data on the government’s website which is 18 months old. We have been told by the government that there is going to be a significant bushfire

risk season. We are being told by experts – Emergency Management Victoria and the AFAC have spoken in detail on this. We know that there are dry landscapes. There has been high rainfall and lots of fuel load. We are going to have high fuel. Ironically the government make commentary about how Victorians should be looking after and reducing vegetation around the home, something I entirely endorse during a bushfire season, yet they are not doing what they are asking us to do.

We have got a thing in this state called the Safer Together – and what a misnomer that is – statewide fuel reduction risk. What happens for that 70 per cent residual risk is that the government incorporates out-of-control bushfires that have occurred in their data as part of its fuel reduction program in order to meet their targets, which are flawed. Over the last 10 years it has produced an average of under 1.5 per cent annual fuel reduction, whether that be by preparatory burns or through mechanical means. That is 1.5 per cent, whereas the 2009 Victorian Bushfires Royal Commission made commentary, recommendation 56, that stated that the government should set a target of 5 per cent on an annual rolling basis. On top of that, we have Unimogs and G-Wagons offline, and the government is begging interstate to have these fire fleet vehicles to help support both preparedness and bushfire threat.

The action I ask from the minister – and Victorians deserve transparency, not spin – is that this summer, rather than burying the truth, you release Victoria's 2024–25 bushfire risk management report so that every district can be aware and can try and prepare as best it can, in the face of these deficiencies, for the bushfire season ahead before it is too late.

Altona North train station

David ETTERSHANK (Western Metropolitan) (02:18): (2181) My question is for the Minister for Public and Active Transport. *Victoria's Infrastructure Strategy 2025–2055* stresses the importance of Altona North as a major activity centre and recommended that the government prioritise the construction of a train station at Altona North. According to Dr Jonathan Spear, CEO of Infrastructure Victoria, a new station would allow the growing number of nearby residents to reduce travel times and access three times more jobs within 45 minutes of their homes.

Altona North has not had a train station since the closure of Paisley station in the 1980s, and the section of line from Newport to Laverton via Altona North has the longest gap between any stations on the metropolitan train network. Dr Spear said more trains could run to service the new station, providing extra weekend and evening services to passengers travelling from Footscray to Newport and Laverton to Werribee. Investing in such transport infrastructure and rezoning the land around a new Altona North station would also open it up to more homes. This is a great plan. The strategy also recommended the creation of three rapid bus routes – West Tarneit to Highpoint, Point Cook to Watergardens and Melton to Broadmeadows – by 2030.

I have spoken before about the need for more public transport to ease the horrendous congestion in the outer west. The strategy also recommends more active transport, with priority corridors to make cycling safer for young and old and people using micromobility devices like electric scooters. The western suburbs of Melbourne are one of the fastest growing regions in Australia. It is past time for the Victorian government to recognise this and fund the much-needed infrastructure for the increasing population. The action I seek from the Minister for Transport Infrastructure and Minister for Public and Active Transport is a commitment to build the Altona North train station by 2030.

Suburban Rail Loop

Michael GALEA (South-Eastern Metropolitan) (02:20): (2182) My adjournment matter is for the Minister for the Suburban Rail Loop. This week the Metro Tunnel officially opened, a fantastic game-changing day for Melbourne, for Victoria and indeed for the south-east. What a wonderful event it was to embrace our new tunnel, better known as the Munnel. The action that I seek from the minister relates to another game-changing transport project, and that is the Suburban Rail Loop, which will benefit –

Georgie Crozier: You do not believe that.

Michael GALEA: I certainly do, Ms Crozier. It is a fantastic project linking universities in the east and south-east. The action that I seek is that the minister meets with me to update me on the progress of the SRL.

Police conduct

Trung LUU (Western Metropolitan) (02:21): (2183) My adjournment matter is for the Minister for Police in the other place in relation to the accusations that police are racially profiling law-breakers, criminals and offenders. The action I seek is for the minister to form some courage and officially back our Victoria Police, the men and women in blue who serve our great state to keep us safe, against the ridiculous claim. Recent reports say Victoria Police are supposedly racially profiling people. This is nothing but a fabrication, and it is gutter reporting and is nonsense, misleading the community on the issue at hand. Police are dealing with a crime crisis as a result of the watering down of legislation and the weakening of police powers by the Labor government. Criminal activists acting on behalf of offenders cry victimhood every single time when they start seeing the consequences for their actions. I must make two things absolutely clear. This is not about racial profiling and is not about racism, it is a tactic deflecting the administration of justice. These groups constantly try to subvert police power and move towards their preferred style of the so-called community-led alternative to policing. Victoria Police are trying to do their job to keep us safe and our community safe. Why does this government always seem to bend to the woke media on this issue and not come out strongly to refute these claims? I have heard nothing from the minister since the report from the Centre Against Racial Profiling delivered their so-called findings, no doubt from some so-called resource or complaint of those in custody and their criminal associates.

Victoria Police has denied engaging in so-called racial profiling. Our law enforcement body, which is trying to deal with a criminal crisis under the Allan government and to keep communities safe, said they are not racially profiling. We ask these men and women in blue to risk their lives every single day, yet this government believes the words of criminals, offenders and activists over these people who are willing to put their lives on the line day in, day out. Police respond to behaviour and incidents. It is not racially driven, and I can attest to that. No matter whether you are black, white, yellow or green, if you commit an offence or are about to commit an offence, you will be dealt with appropriately. Too often activists prey on and target vulnerable individuals of diverse heritages and backgrounds, who may have crossed to the wrong side of the law and are unfamiliar with the legal process, to do their bidding. They mislead these individuals with false information and empty promises to exaggerate various claims and allegations. For the benefit of the community and those seeking to diminish our upstanding Victoria Police, racial profiling was officially outlawed in 2015 in this state, and as a result police training methods and procedures were transformed a decade ago. We know criminals utilise various means to avoid convictions and prison. This side of the chamber will always back our police, and we call the minister to do the same.

Police conduct

Anasina GRAY-BARBERIO (Northern Metropolitan) (02:24): (2184) My adjournment matter this evening is for the Minister for Police. The action I seek is for the minister to mandate the collection of ethnic appearance data for all police stops, including vehicle stops, and all police searches, including those in designated areas. This data is essential for understanding systemic issues in policing, particularly racial profiling. On 24 November the Racial Profiling Data Monitoring Project released its 2024 findings, revealing that Victoria Police continue to disproportionately target First Nations, African, Middle Eastern and – my community – Pacific Island communities. The report highlights the disproportionate use of both physical force and threats of force such as tasers. Before you say that there is zero tolerance for racial profiling, Minister, the evidence says otherwise. The Racial Profiling Data Monitoring Project found that people perceived as Aboriginal or Torres Strait Islander were 15 times more likely to be searched than white people yet no more likely to possess drugs or weapons.

African communities were nine times more likely to be searched, Middle Eastern communities 5.3 times and Pacific Islanders, my community, 5.2 times. Less than one in four searches across all groups resulted in a find. Furthermore, the data demonstrates that these differences are not justified by offending rates, highlighting the disproportionate targeting of non-white communities compared with white people.

Victoria lacks proper accountability mechanisms to monitor racial profiling, and it is a mockery to suggest current complaints systems prevent these practices. Minister, relying on the *Victoria Police Manual* is inadequate for addressing community concerns related to misuse of power. Internationally, stronger monitoring is standard. The UK has collected and published ethnicity data for 30 years through its stop-and-search initiative, New York's stop and frisk data program responds to racial disparities and Canada's 2024 race-based data collection initiative requires officers to record perceived race to identify systemic bias and to understand the outcomes of police public interactions in the use of force, wellness checks and arrests. Minister, it is clear that there is merit and an urgent need to make the collection of ethnicity data mandatory for all stops and searches by Victoria Police. Furthermore, it is urgent that the racial disparities in everyday police practices are closely monitored by an independent body. Minister, will you commit to ensuring this practice is embedded in a system that desperately needs it?

Suburban Rail Loop

Lee TARLAMIS (South-Eastern Metropolitan) (02:27): (2185) My adjournment matter is for the Minister for the Suburban Rail Loop, and it follows on from the action sought earlier by member for South-Eastern Metropolitan Mr Galea. The action I seek from the minister is that I also be allowed to join that briefing about the transformative Suburban Rail Loop.

Australian Health Practitioner Regulation Agency

Georgie CROZIER (Southern Metropolitan) (02:27): (2186) I have an adjournment matter this evening for the attention of the Minister for Health. Over the last couple of years a number of Jewish doctors and healthcare professionals have spoken to me about their vulnerabilities and fears following the 7 October Hamas terrorist attacks that killed more than 1200 and where 254 hostages were taken. Following 7 October Australia and in particular Victoria have very concerningly seen a huge surge in antisemitism. The Prime Minister in July 2024 appointed Jillian Segal AO as Australia's special envoy to combat antisemitism. The Segal report found that from October 2023 to September 2024 antisemitic incidents surged by 316 per cent, with over 2000 cases reported and threats, assaults, vandalism and intimidation. In October and November 2023 alone episodes increased over 700 per cent compared to the previous year, reflecting incitement by those with extremist views and misinformation in the media and online. These figures exclude much of the hate online, where antisemitism has exploded.

Not one of her recommendations have been adopted in Victoria. Antisemitism has been allowed to run rife and become normalised, with the firebombing of the Adass synagogue, which was found to be a terrorist attack; the attempted arson attack on the East Melbourne synagogue; the vile graffiti being displayed on school fences and on our streets; and the obvious antisemitic activism occurring in weekly protests. And it has not stopped there, with many instances on social media, including from healthcare professionals. But it is not only on social media where antisemitism within health has occurred; it has also been evident in our hospitals. The shocking antisemitic statements made have been well reported, with anti-Israel stickers plastered all over hospitals and staff wearing political clothing and badges. I have raised this on a number of occasions in this place, but I was appalled last week when I had a call from a Jewish doctor who made me aware of the most violent, appalling and threatening verbal abuse of a young family member, with threatening phone calls and hate messages being sprayed across private property, which is not acceptable in any way.

It has also come to my attention what is occurring in the Australian Health Practitioner Regulation Agency, the regulator, and medical boards. AHPRA appears to have a problem with governance, training and operations. They refuse to accept the envoy's definition of 'antisemitism' yet

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astonishingly present us with statistics. They appoint anti-Israel activists to judge our healthcare workers and have provided their staff with no training on antisemitism, as they see it as only a social media issue. There is no transparency as to how they are investigating complaints about Jewish health professionals. How can the health ministers meetings meet the federal minister's request to report back on antisemitism when they refuse to define it or screen their own staff for it and are untrained? It is a failure of leadership. AHPRA of course is a national body, but we need our healthcare workers and the community to have trust and faith in the regulator. Governance is essential for AHPRA to be able to conduct its role in good faith. The action I seek is for the health minister to urgently intervene and speak with her interstate and federal counterparts to request that an independent investigation into AHPRA be undertaken.

Bike Life

David LIMBRICK (South-Eastern Metropolitan) (02:30): (2187) My adjournment matter is for the Minister for Police. I recently spoke to a man called Jordan Forte. He is a young man who is a leader of the Bike Life movement in Australia. You might have seen these boys enjoying a group bike ride in the city on the weekend. A lot of them are from the outer suburbs, in electorates like mine in south-east Melbourne. Bike Life is a worldwide movement that is about young people getting outside and having fun with their mates. It is not political and it is not a protest, it is just young people getting away from their screens. One of the slogans of the movement is 'Knives down, bikes up', but for some reason this seems to cause a moral panic. The boys are always encouraged to follow the road rules, but Jordan has shown me footage of them being harassed by police. What is worse, some boys have received fines for minor infractions. This might be the first interaction they will ever have with police, and it creates a lifetime of ill will. Kids riding their bikes with their mates is not anyone's problem to be solved. My request to the minister is to discuss the Bike Life movement with police with a view to assisting them or at least leaving them alone to enjoy the rides.

Metro Tunnel

Sheena WATT (Northern Metropolitan) (02:32): (2188) My adjournment matter tonight is for the Minister for Public and Active Transport. Given the opening of the Metro Tunnel, many folks are asking how their commutes will change. Minister, where can commuters find out about the new timetable for the summer start in the lines going through the Metro Tunnel?

Burke and Wills monument

David DAVIS (Southern Metropolitan) (02:32): (2189) My adjournment tonight is for the Minister for Creative Industries, and it relates to the oldest piece of public art in the city – that is, the Burke and Wills monument, an important piece of public art originally built in 1865 to commemorate the expedition of Burke and Wills across the continent. Robert O'Hara Burke, William John Wills, John King and Charles Gray were the first Europeans and perhaps the first people ever to cross the continent, and they reached the north of Australia, the Gulf of Carpentaria, in 1861. They did not all get back to Melbourne, sadly, but one did, and that was John King, the sole survivor of the expedition. He did get back to Melbourne. The expedition was supported by the Royal Society of Victoria. I say this is a very important statue and it ought to be retained. It ought to have pride of place. It should have pride of place in the City Square, where it was intended to be and where it was for many, many, many decades. The truth is the government took the wrong approach when it built the Metro Tunnel. Obviously the Metro Tunnel needed to be built and a temporary arrangement needed to be struck – we all understand that – but the government did not fess up at the start and say what would happen with this important statue. Now they are seeking to put alternative arrangements in place.

I say that the statue should go back to the City Square. It should be in pride of place in the centre of the city. It is our oldest piece of public art, and we should be prepared to stand up and say that these intrepid and courageous explorers did play a significant role in opening up our country to the full settlement that has occurred. That is a part of our history. It cannot be airbrushed away. It cannot be willed away. I know some in this Parliament and some in the government would seek to airbrush

European and British history and the settlement of Victoria and Australia out of history, but the fact is they did happen, and we need to come to terms with that. Destroying statues and moving them to obscure places is not the solution. Actually honouring those statues and the people that they represent is the way. I say it should go back to the City Square and that that is a sensible step. I am calling on the Minister for Creative Industries, although others will have an interest. The Minister for Local Government will have an interest because the city council appears set on stripping out European heritage at every turn. The council officers have already tried to close Cooks' Cottage, but that was forestalled, and it is time that they were told, 'No, we admire our own history.'

Uranium mining

Sarah MANSFIELD (Western Victoria) (02:35): (2190) My adjournment matter is for the Minister for Energy and Resources, and the action I am seeking is for the minister to close the loopholes in Victoria's Nuclear Activities (Prohibitions) Act 1983 to prevent the mining and export of commercial quantities of uranium, as will be the case with Astron Corporation's Donald rare earths and mineral sands project. Astron Corporation's Donald rare earths and mineral sands project is in the Wimmera town of Minyip, in my electorate of Western Victoria. It was earlier this year given the green light by the Victorian Labor government and was recently granted major project status by the federal government. It is set to become the fourth-largest rare earths mine outside China. The project has been given the go-ahead despite major community distress regarding the impacts on farming, the environment, water availability and the health of residents. Of considerable concern is the apparent mining and export of uranium under the guise of rare earth mining. Despite a supposed ban on uranium mining in Victoria, Astron will be able to export commercial quantities of the stuff, and this is all apparently fine with the government because uranium, and to a lesser extent thorium, are considered by-products of this project's rare earth mining and, at least according to Astron, the concentration of radioactive material in the mined ore will allegedly fall below the limits specified in the Nuclear Activities (Prohibitions) Act.

This loophole has allowed this project to proceed despite the clear intention of the company to process the uranium in the USA. According to public reporting, Astron will ship rare earth concentrate to Utah, where a US nuclear fuel manufacturer, Energy Fuels, will purchase and process it to extract rare earths and uranium. According to this same reporting, a memorandum of understanding was signed between the two companies that indicates the uranium would be onsold to US nuclear power plants. In a statement to shareholders Energy Fuels have indicated that they expect to yield 20 to 45 tonnes of low-cost uranium per year from the project. Essentially, Energy Fuels is getting their costs for extracting uranium covered by the profits from the rare earths component. As one wonderful farmer has said, they get to have their free yellowcake and eat it too. This project has exposed gaping loopholes in our laws that supposedly ban uranium mining in this state. With rare earth and mineral sands mining expanding all over Victoria, there is an urgent need to close these loopholes to prevent the expansion of uranium mining.

Suburban Rail Loop

Ryan BATCHELOR (Southern Metropolitan) (02:38): (2191) The Suburban Rail Loop Authority has recently been undertaking community consultations about the offset and new parkland being provided at Sir William Fry Reserve in Cheltenham. My adjournment matter is to the Minister for the Suburban Rail Loop, and the action I am seeking is a meeting to provide an update on that community consultation process and the feedback from stakeholders, particularly with the new skate park that is going to be built at the Sir William Fry Reserve as part of the SRLA works.

Health workforce

Nick McGOWAN (North-Eastern Metropolitan) (02:39): (2192) It is fitting that I ask this question of the Minister for Health at 2:40 in the morning. It is fitting because at 2:40 in the morning very many workers, very many healthcare workers for that matter, including cooks, cleaners, orderlies, security guards, ward clerks and allied health professionals, are working very busily in our hospitals. However,

very sadly, on this Thursday coming very many of our healthcare workers will go on strike. They will go on strike because in hospitals like those in my local electorate, Maroondah Hospital and Box Hill Hospital, unfortunately this workforce, which is thousands of unsung heroes – they are the unglamorous jobs but essential jobs, the very people we relied upon during COVID, as I said, those who cook for us and clean for us while we are having hospital stays – very sadly, at this point face the uncertainty of losing their jobs because one hospital after the other, including Eastern Health, are in the process of privatising their jobs.

The Health Workers Union in this case have tried to negotiate, at least with Eastern Health, but before they could negotiate they enacted their rights under their bargaining and sought to understand what it is Eastern Health seek to do. Two years ago they provided a consultant's report – that is Eastern Health to the union. They have also provided an executive summary to the private organisation which would actually take over these jobs and effectively sack these cooks, sack these cleaners and sack these orderlies, leaving them without a job and effectively farming out and privatising all these vital services which currently are provided, as I said, by locals who provide that indispensable service and assistance to our patients in Maroondah Hospital and Box Hill Hospital. Yet this Eastern Health authority are relying upon the very firm they intend to sub out to privatisise these services to.

My request of the Minister for Health is that she intervene in Eastern Health to save these thousands of jobs across the state, but in particular those jobs in Maroondah Hospital and in Box Hill Hospital, of the very people that we turned to and relied upon during the COVID epidemic but also continue to do so day in and day out. They are some of the lowest paid in our hospital system. Very sadly, at this point the government has refused to come to their aid, and the health authority, Eastern Health, have refused to provide the kind of transparency that this union is entitled to have access to. Rather than giving them access to that, they have had to take Eastern Health to the arbiter to try and get the information which they so richly and rightly deserve.

The PRESIDENT: The minister has given leave for a 21st adjournment matter. I will call Mrs McArthur, but I want to put on the record that there are only going to be 19 tomorrow. We are going to have 21 this morning, and we are going to have a maximum of 19 this evening.

Treaty

Bev McARTHUR (Western Victoria) (02:43): (2193) Thank you, President. I am indebted to you and the minister and everybody else who is going to bear my indulgence.

My adjournment matter is for the Minister for Treaty and First Peoples. As part of the Public Accounts and Estimates Committee inquiry into the 2024–25 financial and performance outcomes the Department of Premier and Cabinet provided a comprehensive questionnaire to the Parliament. Buried within section H, 'General', is a reference to a review commissioned titled the 'Interim scoping commission on compensation issues'. This review cost \$150,000 of taxpayer funds, yet the department confirms that it has not been published, nor is any justification provided as to why Victorians are not allowed to see what they have paid for.

Compensation issues, particularly those involving government decisions, compulsory acquisition or harm suffered due to failures of public administration, are matters of profound public interest. The issue of compensation for Indigenous land loss is particularly sensitive, given how far-reaching the consequences could be. Compensation or restitution claims in regional Victoria may affect families, farmers, workers and local communities. Transparency on how the government approaches these questions is essential for public trust, yet we have a secret review. There is no information about who conducted it, what it found or whether the government intends to act on its recommendations. What is so politically sensitive that this government believes citizens should not know how compensation matters are being scoped and treated?

A Google search for 'interim scoping commission on compensation issues' returns no hits whatsoever except those within a Victorian government departmental website. At a time when public confidence

in integrity and accountability is already strained, secrecy only deepens cynicism. If this review contains sound policy work, why hide it? If it contains warnings or criticism, surely those affected deserve to understand the risks. The action I seek is clear: the minister must immediately release the interim scoping commission on compensation issues in full, including the identity of the authors or consultants paid to produce it, and detail any policy work underway in response to its findings. If the minister refuses to publish it, she must provide a detailed explanation to this Parliament and to the people of Victoria as to precisely what is being concealed and why taxpayers should be expected to simply accept yet another secret Labor government report.

Responses

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (02:46): This evening, with the indulgence of the house, there were actually 21 adjournments, noting that later today there will only be 19. I just want to put on the record a belated happy birthday to Sally. I am so sorry that you had to spend it in our company over the last 24 hours. There were 21 adjournment items. There were a number of matters that will be referred to the relevant ministers for response in accordance with the standing orders. There were three matters identified by Mr Galea, Mr Tarlamis and Mr Batchelor for me in my capacity as the Minister for the Suburban Rail Loop, all seeking meetings, discussions or advice in relation to progress of the Suburban Rail Loop and its work across communities. I would be delighted to continue the conversations that we are having, and I look forward to scheduling those conversations and meetings at a time of our mutual availability.

Business of the house

Parliamentary privilege

Right of reply: Linda Mullett and Cheryl Drayton

The PRESIDENT (02:47): Because we all love staying late, I have got some business I need to acquit. Under standing order 21.03 I present separate rights of reply from Ms Linda Mullett, representing the Kurnai Aboriginal Corporation, and Cheryl Drayton, elder and member of the Kurnai Aboriginal Corporation, relating to statements made by the Honourable Lizzie Blandthorn on 28 October 2025. During my consideration of the application for the right of reply I notified Ms Blandthorn in writing and further consulted with her on the submission. I remind the house that the standing orders do not require me to judge the truth of any statement made in the Council or any submission insofar as the right of reply goes. In accordance with the standing orders, the right of reply is ordered to be published and incorporated into *Hansard*.

Reply as follows:

Dear President Leane,

I write on behalf of Kurnai Elders and Native Title Holders pursuant to Standing Order 21.02 to request a **Right of Reply** in relation to statements made in the Legislative Council by **The Hon. Lizzie Blandthorn** during the Treaty debate on 28 October 2025.

In her contribution, Ms Blandthorn stated:

“The name *Gellung Warl* has been approved by the Gunaikurnai Land and Waters Aboriginal Corporation after consultation. The community members mentioned by those opposite are not native title holders for Gunaikurnai.”

This statement is factually incorrect and has adversely affected the reputation and standing of the **Kurnai Elders and Native Title Holders** of Gippsland by implying that we do not hold recognised native title and by misrepresenting the cultural authority of our people.

To clarify:

- The **Federal Court of Australia** formally recognised the **Kurnai (Gunai/Kurnai) people as native title holders** on 22 October 2010. Under the *Native Title Act 1993 (Cth)*, native title rights are vested in the native title holders themselves, not in the Prescribed Body Corporate (PBC).

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- The **Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)** acts only as the PBC and must consult with, and obtain consent from, the native title holders before making decisions that affect their rights and interests.
- The reference to *Gellung Warl* in the Treaty Bill was made **without the free, prior and informed consent of Kurnai Elders** or the cultural custodians who hold authority over that sacred symbol.

These inaccuracies have caused cultural harm and have undermined the integrity of the Kurnai Elders by suggesting they lack standing in relation to their own Country.

Accordingly, we respectfully request that an appropriate correction be incorporated into the parliamentary record to:

1. Affirm that the **Kurnai people are the determined native title holders for Gippsland**, as recognised by the Federal Court.
2. Note that the PBC (GLaWAC) operates in an administrative capacity only and does not hold native title rights.
3. Acknowledge that the use of *Gellung Warl* without consent of Kurnai Elders breaches cultural protocol.

We seek this correction to protect the reputation and cultural integrity of the Kurnai people and to ensure that the official record of the Victorian Parliament reflects the truth of our legal and cultural status.

Yours sincerely,

Linda Mullett

On behalf of Kurnai Elders and Native Title Holders

Reply as follows:

Dear President,

Pursuant to Standing Orders of the Legislative Council, I submit this written request on behalf of the Kurnai Elders and members of the Kurnai Aboriginal Corporation, whose rights and reputation have been adversely affected by statements and conduct of a Minister of the House concerning Native Title and Traditional Owner matters in Gippsland.

The submission relates to comments made by the Hon Lizzie Blandthorn during debate on the State-wide Treaty Bill on 28 October 2025, where she spoke on behalf of the Hon Natalie Hutchins, Minister for Treaty and First Peoples, who was not present at the time.

The comments concerned Native Title and Traditional Owner matters in Gippsland, and in my view, misrepresented the standing and legitimacy of the Kurnai people as the determined Native Title holders, and incorrectly implied that other groups were the Traditional Owners of the area, which they are not.

These remarks have caused reputational harm and confusion regarding the lawful and cultural position of the Kurnai Aboriginal Corporation and its Elders, particularly in relation to Native Title rights, cultural authority, and community representation.

We respectfully assert that:

1. We have been determined by the Federal Court of Australia as the legitimate Native Title holders under the Native Title Act 1993 (Cth). This Federal determination establishes the Kurnai people's enduring rights and connection to land and waters.
2. The Minister's public comments and parliamentary references have misrepresented our standing, suggesting that our Corporation or Elders' concerns lack legitimacy. These statements have caused injury to our reputation, our dealings with others, and our ability to engage freely in cultural, legal, and community matters.
3. Under Standing Order 9.59(1) and (2), we therefore claim that our reputation and dealings have been adversely affected, and that our privacy and community integrity have been unreasonably invaded.

I wish to note that the **Gunai/Kurnai determination has often been misrepresented or misunderstood**, leading to ongoing confusion regarding who holds recognised rights under Commonwealth law, and who may properly be identified as Traditional Owners in Gippsland.

Inconsistency between the Settlement Act and the 2010 ILUA

We wish to draw the House's attention to a fundamental inconsistency between the Traditional Owner Settlement Act 2010 (Vic) and the 2010 Gunaikurnai Indigenous Land Use Agreement (ILUA).

The Settlement Act clearly provides that Native Title will not be extinguished by the transfer of freehold title of relevant land parcels from the State of Victoria to the Gunaikurnai Land and Waters Aboriginal

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Corporation (GLaWAC). However, the 2010 ILUA states the opposite – that Native Title will be extinguished by such transfers.

This contradiction is not merely administrative but goes to the heart of the validity of both instruments. The Settlement Act is a State instrument, whereas the ILUA was registered under the Native Title Act 1993 (Cth) – a Commonwealth law. Where the two conflict, the Federal Native Title Act prevails under section 109 of the Australian Constitution.

The Kurnai people never entered into or consented to the State's Settlement process. As such, we retain our Native Title rights and interests as recognised by the Federal Court determination. Any exercise of authority by GLaWAC under the Settlement Act in relation to Kurnai Country requires our prior and informed consent, consistent with Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and section 203BC of the Native Title Act 1993 (Cth).

We have not, and will not, provide that consent.

This inconsistency and the resulting administrative actions under the Settlement framework require urgent investigation on legal and procedural grounds, to ensure that the rights of determined Native Title holders are not unlawfully overridden or diminished by State mechanisms inconsistent with Federal law.

Truth Telling and Accountability

Beyond the legal inconsistencies outlined above, the ongoing Truth Telling process in Victoria must be brought to the forefront of parliamentary and ministerial accountability.

The continued avoidance of genuine engagement with the Kurnai people under the banner of “Truth Telling” is unacceptable. Truth Telling cannot be a political slogan or selective narrative; it must include the voices of those who have lived the truth of dispossession, removal, and ongoing exclusion from decision-making about their lands and heritage.

All political parties, agencies, and corporations operating within this framework must be held to the same standard of transparency, honesty, and cultural respect. The truth of the Kurnai experience – including the misuse of Native Title, the disregard for consent, and the distortion of representation under the GLaWAC structure – must be front and centre in this State's record.

Until Truth Telling is grounded in lawful recognition of the rightful Traditional Owners, it remains incomplete and misleading.

Yours sincerely,

Cheryl Drayton
Elder and Member
Kurnai Aboriginal Corporation

The PRESIDENT: The house stands adjourned.

House adjourned 2:48 am (Wednesday).