Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 4 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

CONTENTS

PAPERS
Children's Court of Victoria 5607
Report 2024–25 5607
County Court of Victoria 5607
Report 2024–25 5607
Supreme Court of Victoria 5607
Report 2024–25 5607
COMMITTEES
Integrity and Oversight Committee 5607
Report on the Appointment of a Person to Conduct the Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria 5607
Integrity and Oversight Committee 5608
Inquiry into the Adequacy of the Legislative Framework for the Independent Broad-based Anti-corruption Commission 5608
PAPERS
Papers 5609
PETITIONS
Responses 5609
BUSINESS OF THE HOUSE
Notices 5609
COMMITTEES
Economy and Infrastructure Committee 5610
Membership 5610
MEMBERS STATEMENTS
Tim Harte 5610
Valda Arrowsmith OAM 5610
Government performance 5611
Diwali 5611
Deeming family 5611
Gendered violence 5611
Our Mismanaged Forests 5612
Local government elections 5612
North Richmond medically supervised injecting room 5612
City of Melbourne Nativity scene 5612
Felicitations 5612
Northern Metropolitan Region 5613
Armenian National Committee of Australia 5613
Commonwealth Parliamentary Association 5613
North-Eastern Metropolitan Region schools 5613
Supermarket prices 5614
BUSINESS OF THE HOUSE
Notices of motion and orders of the day 5614
BILLS
Justice Legislation Amendment (Community Safety) Bill 2025 5614
Second reading 5614
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
Public sector review 5632
Public sector review 5633
Ministers statements: multicultural communities 5634
Suburban Rail Loop 5634
Vacant residential land tax 5635
Ministers statements: TAFE sector 5637
Department of Treasury and Finance 5637
Waste and recycling management 5638
Ministers statements: gambling harm 5638
Public sector review 5639
Illicit tobacco 5640
Ministers statements: economy 5641
Written responses 5641
CONSTITUENCY QUESTIONS
Eastern Victoria Region 5641
Eastern Victoria Region 5641

CONTENTS

Northern Victoria Region 5642
Southern Metropolitan Region 5642
Western Victoria Region 5642
Western Metropolitan Region 5643
Northern Metropolitan Region 5643
Eastern Victoria Region 5643
Northern Victoria Region 5643
South-Eastern Metropolitan Region 5643
Southern Metropolitan Region 5644
North-Eastern Metropolitan Region 5644
Northern Victoria Region 5644
Western Victoria Region 5644
Northern Victoria Region 5645

BILLS

Justice Legislation Amendment (Community Safety) Bill 2025 5645
Second reading 5645
Committee 5659
Third reading 5681
Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 5681
Introduction and first reading 5681
Statement of compatibility 5681
Second reading 5684
Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025 5687
Introduction and first reading 5687
Statement of compatibility 5687
Second reading 5691
Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025 5692
Committee 5692
Third reading 5717
Labour Hire Legislation Amendment (Licensing) Bill 2025 5718
Second reading 5718
Planning Amendment (Better Decisions Made Faster) Bill 2025 5727
Second reading 5727

BUSINESS OF THE HOUSE

Adjournment 5749

ADJOURNMENT

Housing affordability 5749
Cyclone Ditwah 5749
Landcare 5750
Banmira Specialist School 5750
Absentee owner surcharge 5750
La Trobe University Student Union 5751
Local government 5751
Local government accountability 5752
Ringwood East train station 5753
Avenel rail safety 5754
Outdoor recreation 5754
Education system 5755
Education system 5755
Seymour Health 5756
Sunbury Road duplication 5757
Responses 5757

Thursday 4 December 2025

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

Papers

Children's Court of Victoria

Report 2024–25

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:34): I present, by direction of the Governor, the Children's Court of Victoria report 2024–25. I move:

That the report be tabled.

Motion agreed to.

County Court of Victoria

Report 2024–25

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:34): I present, by direction of the Governor, the County Court of Victoria report 2024–25. I move:

That the report be tabled.

Motion agreed to.

Supreme Court of Victoria

Report 2024–25

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:34): I present, by direction of the Governor, the Supreme Court of Victoria report 2024–25. I move:

That the report be tabled.

Motion agreed to.

Committees

Integrity and Oversight Committee

Report on the Appointment of a Person to Conduct the Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria

Ryan BATCHELOR (Southern Metropolitan) (09:35): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table the report on the appointment of a person to conduct the independent performance audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria, including an appendix, from the Integrity and Oversight Committee. I move:

That the report be published.

Motion agreed to.

Integrity and Oversight Committee

Inquiry into the Adequacy of the Legislative Framework for the Independent Broad-based Anti-corruption Commission

Ryan BATCHELOR (Southern Metropolitan) (09:35): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table the report on the inquiry into the adequacy of the legislative framework for the Independent Broad-based Anti-corruption Commission, including appendices and extracts of proceedings, from the Integrity and Oversight 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.

Ryan BATCHELOR: I move:

That the Council take note of the report.

The Integrity and Oversight Committee is one of the joint investigatory committees of the Parliament and is tasked with oversight of our integrity agencies on behalf of the Parliament – agencies, such as IBAC, which are accountable to the Parliament. The IOC has a wide remit. One of the things that the committee decided to do was conduct a review of the legislative basis of the Independent Broad-based Anti-corruption Commission. Obviously, with IBAC now being more than a decade old and subject to a couple of tranches of legislative amendment over its history, the committee felt it was warranted to examine how the legislative framework for IBAC was functioning.

The committee over the last several months has undertaken a pretty comprehensive inquiry, hearing from a range of expert witnesses. I want to thank the committee staff in particular for helping us as a committee navigate through the complexity of some of the matters that present in an inquiry such as this. Sean Coley, the committee manager; the senior research officers, firstly Dr Stephen James and then Dr Chloë Duncan; Tom Hvala, the research officer; Whitny Kapa, the research assistant; Emma Daniel, the complaints and research assistant; Maria Marasco and Bernadette Pendergast, who assisted the committee with administration; Alex Li, an intern from Monash University who worked on the report; and Jessica Summers, who helped as an inquiry officer, made our task a lot easier.

The committee has made a series of recommendations to improve IBAC's legislative framework, including recommending that the government consider making some changes to the definition of 'corrupt conduct', particularly to clarify the intent of the statutory provisions relating to misconduct in public office under the definition of 'relevant offence' in section 3 of the act and insert statutory offences. The misconduct in public office element of the definition of 'corrupt conduct' in this state was inserted by legislation in 2016. Its operation at common law is ambiguous, and the committee felt that, as similar jurisdictions have done around the world, it would be preferable for the elements of that offence to be clarified.

We made further recommendations about giving IBAC the ability to make public recommendations that it currently is required to make which relate to matters for departments and agencies to improve the transparency of their operations. The committee examined the current arrangements for public examination, resolved that they were appropriate and did not recommend any changes on that front.

There was some interesting discussion about how particularly the relationship between the police oversight jurisdiction of IBAC and the public misconduct jurisdiction of IBAC interrelate and the operation particularly of section 15(1A) of the Independent Broad-based Anti-corruption Commission Act 2011 and the impact that that section has had on the way that IBAC has had to make decisions about certain matters. Certainly the committee has seen, following some reports from what was then the Victorian Inspectorate, now Integrity Oversight Victoria, that some of the matters that IBAC has had responsibility for in the police oversight jurisdiction, particularly around oversight of police-perpetrated family violence, have been found to be a bit lacking. So there are some recommendations

about improving the operation of and the relationship between the police oversight jurisdiction and the public misconduct jurisdiction. There was some particular evidence we received on some matters there, which people can go and have a look at. I think it is rather interesting and illuminating on that front.

It was a collegiate inquiry. There was a lot of evidence. I want to thank all of the witnesses who came and took us through some quite complex evidence. I also want to thank my fellow members of the committee: Ms Payne here; the chair, the member for Brunswick; the deputy chair, the member for Rowville; and also the members for Mildura, Hastings, Narre Warren North and Mulgrave. I commend the report to the house.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Australian Grand Prix Corporation – Report, 2024–25, together with an explanation for the delay.

Caulfield Racecourse Reserve Trust – Report, 2024–25*.

Crimes (Assumed Identities) Act 2004 – Report, 2024–25, under section 31 of the Act, by Victoria Police.

Dhelkunya Dja Land Management Board – Minister's report of receipt of 2024–25 Report*.

Environment Protection Authority (EPA) – Report, 2024–25*.

Forensic Leave Panel – Report, 2024.

Interpretation of Legislation Act 1984 – Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 116 *(Gazette S674, 3 December 2025)*.

Murray Valley Wine Grape Industry Development Committee – Minister's report of receipt of 2024–25 Report*.

Residential Tenancies Bond Authority – Report, 2024–25.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 119, 120 and 130.

Surveillance Devices Act 1999 – Report, 2024–25, under section 30L of the Act, by the Environment Protection Authority.

Trust for Nature (Victoria) – Report, 2024–25*.

Zoological Parks and Gardens Board (Zoos Victoria) – Report, 2024–25*.

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

Petitions

Responses

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: Minister for Police's response to the petition titled 'Online renewal portal for firearm licences and private security licences and registration'.

Business of the house

Notices

Notices of motion given.

Committees

Economy and Infrastructure Committee

Membership

Bev McARTHUR (Western Victoria) (09:54): I move, by leave:

That:

(1) Bev McArthur be discharged as a member of the Economy and Infrastructure Standing Committee;

(2) Gaelle Broad be a member of the Economy and Infrastructure Standing Committee; and

(3) Bev McArthur be a participating member of the Economy and Infrastructure Standing Committee.

Members statements

Tim Harte

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:54): I rise to congratulate my constituent and Gnarwarre resident Tim Harte, who has been selected as one of just four Victorian finalists for the 2026 Young Australian of the Year award. Tim's journey has been extraordinary. After acquiring multiple disabilities at the age of 19, he transitioned from a promising ballet career to championing global disability rights and advancing sustainable energy solutions. Now 26, Tim is a powerful advocate for equity, accessibility and innovation. His voluntary work spans environmental and youth affairs, local government and disability advocacy. Tim represented Australia at the United Nations 18th conference of state parties in June this year, highlighting the importance of inclusive policy and global collaboration. As a PhD researcher with Deakin University and the CSIRO, Tim is focused on developing new, sustainable, efficient energy storage materials, aiding our transition to a clean energy future. Tim is also a founder of the ChemAbility Network, which supports researchers with disabilities and promotes inclusion within the scientific community. Tim Harte's selection as a Victorian finalist is a testament to his resilience, leadership and commitment to building a more inclusive and sustainable future. I congratulate Tim on his well-deserved honour and wish him all the very best ahead of the Young Australian of the Year award in Canberra in January. Tim is also a member of the Victorian Disability Advisory Council and is speaking at this morning's International Day of People with Disability event here at Parliament House in the south library. I encourage everyone to go and have a cup of tea.

Valda Arrowsmith OAM

Nick McGOWAN (North-Eastern Metropolitan) (09:56): Valda Louise Anne Arrowsmith OAM was born on 13 November 1926 and was a valued member of our Mitcham community. Valda married Edward Arrowsmith in 1950, and they built their home in Mitcham under the war service homes scheme, completing in that same year their home. They raised their three children, Anne, Vanessa and Peter – both Anne and Vanessa join us in the gallery today. Valda will be remembered for her tireless contribution to the City of Nunawading. She was an active member of the All Saints Anglican Church in Mitcham, fulfilling many roles, including in the ladies' guild church council as an archivist. Valda served on council in the City of Nunawading from 1979 until 1990, including a term as mayor in 1987–88. One of her main concerns as a councillor was for the proper management of finances to keep rates as low as possible. She was renowned for her unwavering determination. She also provided ongoing support and mentoring for women councillors after she retired from council. In 1991 the Rotary Club of Nunawading presented the inaugural Community Service Award to Valda because of her strong community involvement over many years. Valda was a member of Community Aid Abroad and chair of the committee of management for the Nunawading arts centre. As mayor, Valda officially opened the Whitehorse centre in 1988, which has today been replaced by The Round. Valda received her OAM for service to the community of Nunawading and to local government in the Australia Day honours in 2003. Valda also served in the historical society for 22 years, from 1981 to 2012, including six years as president. Valda's legacy will be remembered and achievements celebrated for generations to come. Rest in peace, Valda Arrowsmith OAM, who passed away much loved, never forgotten.

Government performance

David LIMBRICK (South-Eastern Metropolitan) (09:58): To close out the year I want to reflect on where things are in the great state of Victoria – a state of the state report, if you will. Gross debt rose from $168.8 billion to $187.9 billion and is projected to reach $236.6 billion by June 2029. Failure to constrain escalating costs of major infrastructure projects and public sector wages continues to put pressure on the budget. There are predictions of electricity shortages as Victoria stumbles with the renewable energy transition, with rising costs and conflict over land access for transmission infrastructure likely to continue. Farmers do not want to let people on their land, and I do not think they are likely to back down. Our roads remain un-carworthy, with many potholes better described as craters causing damage to vehicles. Car insurance is up nearly 10 per cent in Victoria, as thefts and carjackings continue to surge. With arson, theft and aggravated burglaries, crime remains a serious issue. With the government's new censorship regime coming into effect shortly, free speech is also in decline. The government has struggled to get corruption under control, with the issues with the CFMEU persisting. Overinflated land tax bills and the government's new emergency services levy have led to a growing protest movement. In short, things are pretty grim in Victoria. There is hope, however. I believe in the Victorian people, and in 2026 there will be an election. In just under a year people will have the option to vote Libertarian and help get Victoria back on track.

Diwali

Lee TARLAMIS (South-Eastern Metropolitan) (09:59): Namatjira Park in Clayton South was electrified with a palpable sense of unity and community spirit over the weekend as the community came together to celebrate the 2025 Kingston Diwali. Despite challenging weather conditions, the Aumsai Sansthan Temple team, led by founder and president Mr Anil Kolanukonda, successfully delivered their second annual Diwali event, showcasing the rich multicultural fabric of our community and drawing thousands of people from all walks of life to rejoice in the triumph of light over darkness, good over evil and knowledge over ignorance. The event was a vibrant celebration of diversity, featuring traditional Indian cultural performances, including a sacred goddess Lakshmi Puja accompanied by Vedic chants for prosperity. The Nuba Mountains Cultural Society showcased the cultural traditions of the Nuba people of Sudan, while the Springvale Neighbourhood House mandolin music group performed a lion dance and the Zee Cheng Khor Moral Uplifting Society presented tai chi and changing-face performances. The Tamil community presented Parai, a remarkable 2000-year-old art form, and the Hare Krishna ISKCON group offered devotional chanting. The strong participation from diverse communities and faiths was a testament to the power of inclusive celebrations, as local families enjoyed a range of merchandise stores, food trucks, children's rides and a spectacular fireworks display. By facilitating engagement, participation and collaboration, events like this strengthen our community's cohesiveness, fostering trust, understanding and respect. I extend my sincere thanks to Mr Anil Kolanukonda, Mr Saseendra Amarneni, Mr Adinarayana Reddy, Mr Anil Karpurapu, Mr Vimal Srinivasan, Mr Rajmohan Murugaiah, Mr Madhavan Voleti and all the dedicated volunteers and generous sponsors who made this joyous event possible despite the many challenges.

Deeming family

Moira DEEMING (Western Metropolitan) (10:01): I had a rare day at home recently with my family, and we played a game called Beat the Parents. Even though my husband and I won this game, we did lose one of the challenges, which means that today my husband and I have to refer to our children as though they were royalty. To my three beautiful princesses and my wonderful, handsome prince: since none of you are married, just remember that royal titles in this instance come from the parents, so we are still the king and queen.

Gendered violence

Rachel PAYNE (South-Eastern Metropolitan) (10:01): Today I would like to reflect on the 16 days of activism, and this year's theme is 'No Excuse'. The tragic and entirely preventable deaths of Hannah Clarke and her children are once again in the news, but more needs to be said about the systemic

failures that led to them. Hannah Clarke reached out to the police multiple times. The police minimised and ignored the perpetrator's previous convictions and his escalating behaviour. When he breached his intervention order, they decided he did not pose a risk. The police officers who attended when he kidnapped his daughter told him how to challenge those protection orders. Yes, that is right, they told a man who had kidnapped his child to get friends to say he was a good dad. The police officer that Hannah was in regular contact with received no family violence specialist training, even though she tried her best. Hannah Clarke did everything we tell victims to do: she left her abuser and she reached out to the police. They knew about her allegations of assault, strangulation, stalking, rape and suspected child abuse. Even when Hannah and her children died, her story was still questioned by the police. The deaths of Hannah and her three children were preventable. You want to get tough on crime? Well, let us start here. No more excuses. It is time we prioritised and properly funded family violence prevention and intervention.

Our Mismanaged Forests

Melina BATH (Eastern Victoria) (10:03): I had the honour yesterday of launching a book by the name of *Our Mismanaged Forests*. The dedicated people who contributed to this book provided insight, understanding, wisdom and decades of experience that this government needs to listen to and act upon. They were 94-year-old John Mulligan from Gippsland; David Packham, a noted bushfire scientist; Vic Jurskis, a retired forester; John Cameron, a forestry and business consultant; Ian Caine, a beekeeper; Chris Commins from the Mountain Cattlemen's Association; Maurie Killeen, a former sawmiller; John Andrews from the Mountain Cattlemen's Association; Roger Underwood, a former Western Australian forester; Graeme Brownrigg, a CFA volunteer from Sarsfield brigade; Phil Cheney, a bushfire behavioural scientist; and Rod Incoll, a former chief fire officer. I want to thank them all for compiling this book. They have asked me to present this to members of Parliament, which I am more than happy to do. Members in this chamber will be receiving a copy. They write earnestly, they write with understanding, they write with compassion and they write with wisdom. I ask members to not just give it a cursory glance but read and reflect.

Local government elections

Bev McARTHUR (Western Victoria) (10:05): Last month mayors and deputy mayors were elected or re-elected across most of Victoria's councils. They come from every corner of the state and every walk of life. As Shadow Minister for Local Government, I congratulate them all on earning the confidence of their colleagues. I look forward to working with them to ensure that both councils and government become the ratepayer's best friend.

North Richmond medically supervised injecting room

Bev McARTHUR (Western Victoria) (10:05): I commend also Yarra city councillor and mayor Stephen Jolly for backing the relocation of the North Richmond injecting room. These facilities attract antisocial behaviour, and it is unacceptable to place one beside a primary school and family homes. The government should focus on prevention and rehabilitation, not enabling drug use.

City of Melbourne Nativity scene

Bev McARTHUR (Western Victoria) (10:06): I congratulate the Melbourne City Council and deputy lord mayor Roshena Campbell for ending the woke war on Christmas and restoring the Nativity scene in the CBD. Victorians hold many different religious views, and some of us have no religion at all, but for millions of people the Nativity is central to their celebrations. As the year draws to a close, I wish all Victorians a very merry Christmas.

Felicitations

Michael GALEA (South-Eastern Metropolitan) (10:06): As the year draws to a close, I would like to give a quick but very worthy shout-out to the amazing team that I have supporting me in this place – namely, Martyn, John, Eliza, Michael, Anthony, Emma and Adam. Thank you for your moral support.

It has actually been a true pleasure again to be serving in this place with everyone in this chamber for the good times, for the serious and very important times and for some of the other sillier times too. As we do draw to a close, I would also like to acknowledge all the incredible work of the parliamentary staff, including the Hansard and broadcast team. It is great to see broadcast in their bow ties again today. I wish everyone in the South-East Metropolitan Region a safe and very merry Christmas.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (10:07): It has been now over three years since I was elected to this place, and I would like to thank the good people of the Northern Metropolitan Region for electing me. We have achieved many great things over the past three years. The Liberal Party and I have worked tirelessly for you. I would like to sum up some of our achievements. Firstly, we saved the Glenroy RSL and forced the government to refund them for entitlements that were blocked by local governments. We of course saved the Wallan diamond from federal infrastructure review cuts. We successfully advocated for a bus from Greenvale to Craigieburn. We successfully advocated for a slip lane in Kalkallo and a footbridge too from Kalkallo to Donnybrook station. Of course we had Watson Street resurfaced due to dangerous potholes in Wallan. We had a huge victory and got Montego Homes and Chatham Homes victims' deposits refunded after the government resisted. We got up a successful Ombudsman inquiry into the Victorian Managed Insurance Authority, which we saw yesterday. We saved duck hunting here in this state. We of course saved the Lord's Prayer, an election commitment made in this place and publicly by the government, which the Premier recently at a Lebanese event said was not actually a commitment by the government. Of course we campaigned to open the Greenvale Reservoir Park, which will finally be opened next week. Merry Christmas to all.

Armenian National Committee of Australia

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:09): Today I want to congratulate the Armenian National Committee of Australia for their 50th anniversary. Three of their community centres are in the South-Eastern Metropolitan Region, and they have multiple groups in my area. Since its establishment in 1975 it has been the peak public affairs body representing more than 60,000 Armenian Australians, many of whom live in Melbourne and Sydney. Its work has ensured that the voices of Armenian Australians are heard in our democratic institutions, while also promoting civic participation, cultural preservation and the values of justice and human rights. Last weekend the Armenian Australian community at the ANC-AU gala event celebrated with all of their dignitaries, and many that could not come sent their tributes – fitting tributes to the organisation's achievements. They launched their 50th anniversary booklet, capturing the history and contributions of generations of Armenian Australians who have enriched our nation's cultural, social and political life. On behalf of this Parliament, I congratulate the ANC-AU for its leadership and the Armenian Australian community on its remarkable milestone.

Commonwealth Parliamentary Association

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:10): Recently I had the opportunity to visit Kuala Lumpur as the Victorian coalition's delegate to the Commonwealth Parliamentary Association conference on the role of Parliament in shaping the future of responsible AI. The conference explored key issues on AI policymaking, including the legislative and oversight responsibilities of Parliament, the broader societal implications of emerging technologies and the internal governance – *(Time expired)*

North-Eastern Metropolitan Region schools

Richard WELCH (North-Eastern Metropolitan) (10:10): One of the things I enjoy most about being a local member of Parliament is the privilege to attend and support student leadership and achievement awards in my community. Two such local award nights have already taken place, and there are many more to come between now and the end of December. I would like to congratulate

Olivia Chan, who on Wednesday 26 November was presented the Emmaus College Junior School Leadership Award. I would also like to congratulate Ava Wilcox, who on Friday 28 November was presented the Kingswood College Courage and Perseverance Award. Both Olivia and Ava were selected by their schools for their exceptional attitude to learning and self-discipline as well as care and respect for others. Olivia and Ava are an inspiration to their schools. Their families, I am sure, and their local communities are very proud of them, and I wish them all the very best for their future studies and wherever their journeys may lead them.

Supermarket prices

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:11): I want to shout out Price Check Guy on social media, who created a free browser extension that tracks Coles and Woolworths prices. Did you know that if you are part of the supermarket duopoly Coles and Woolworths you can call something a 'Black Friday deal' even if the item was cheaper the day before? Take, for example, Finish ultimate dishwasher tablets, which were listed as a Black Friday sale by Woolworths yet were $5 cheaper the day before. A tin of NAN toddler formula, a bottle of Cetaphil baby wash and shampoo, and a punnet of strawberries or cucumbers – I could go on – were all cheaper to buy in the weeks before they were listed as Black Friday deals at a higher price point. People are already struggling; they are budgeting. Especially over this Christmas period, they should be able to trust that a sale is legitimate. But even after a legal challenge – from the ACCC, no less – about their fake discounts and increased public scrutiny, Woolworths still feel confident ripping off the community. It is only because of the community that we have any semblance of transparency, with people taking photos of price tickets – people like Price Check Guy on social media. Check him out. Why are we relying on the community to expose price gouging? The Greens want this government to make price gouging illegal.

Business of the house

Notices of motion and orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (10:13): I move:

> That the consideration of notices of motion, government business, 278 to 1203, and order of the day, government business, 1, be postponed until later this day.

Motion agreed to.

Bills

Justice Legislation Amendment (Community Safety) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

> That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (10:13): I rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025. From the outset, I place on record that the Liberals and Nationals will not be opposing this legislation. We take this position not because we believe the government has finally discovered a genuine plan to restore community safety but because Victorians honestly need any improvement that they can get. For too long the government has refused to act on the community crime crisis that has been gripping our state. After front-page stories in newspapers and the months, if not years, of public anger, the government has rushed into the chamber with an urgent bill that represents an abrupt shift from a previous stance. The question that every Victorian is entitled to ask is: how did we actually get here? How did we reach a point where the government has spent more than a decade resisting calls to get tough on crime and is now trying to rebrand itself as the so-called champion of community safety? How did we arrive in a situation where the government has abandoned its supposed ideological principles overnight because it is frightened by the headlines?

This bill does tell a story. It is a piece of legislation designed to create a headline without actually offering substance. I spoke, on several other bills, about legislation via media release – legislation seeming more like a media release than an actual piece of legislation. I have said this before: this Premier, more than any other Premier – at least you knew what the previous one actually stood for – only acts when her job is on the line. We know the Deputy Premier is talking around and speaking to different unions and just biding his time, and so the Premier has been forced to act and get this into position – and not because she is genuinely concerned about victims of crime or has spoken with community members who are concerned about crime as an issue, because we know in several other iterations she has said, 'This is it.' I mean, the last bill we had was literally named the toughest, and that was it. There was no need for it. I have been in this chamber long enough to remember when the government was raising the age of criminal responsibility to 14. That was their stated position. And now we end up in a situation where the government wants to lock up 14-year-olds for life. How on earth did we get here?

The government wants Victorians to believe that this bill is a long-awaited shift to adult time for violent crime. Instead it is a shallow imitation of what the Liberals and Nationals under David Crisafulli in Queensland have actually introduced with strong results. Imitation is the best form of flattery, they say, so I am sure Premier Crisafulli and his Attorney-General Deb Frecklington are flattered by this government's attempt, such as it is, to imitate their laws. The Liberals and Nationals know that the most fundamental responsibility that we have in this place is to keep Victorians safe. That is why the Liberals and Nationals have been calling for years to stop trying to reinvent the wheel and to look closely at what other jurisdictions are doing.

Queensland has actually done the work. Queensland has shown that tough adult consequences for violent offenders can be implemented while also properly funding early intervention. They have actually done the work and looked at the model years ago. They implemented something very similar to what I have spoken about and what criminal justice reformers have looked at and what we have announced in our $100 million package, which is very similar to the Queensland package but also very similar to what reformers across Europe and also in states like Texas and Georgia have done – they have created what are called 'intermediate sanction facilities'. By a different name they are called 'discipline training camps'. They are facilities where people would receive educational training, TAFE training, discipline programs, behavioural programs, counselling and psychological support – that kind of wraparound service for someone who is on the pathway to a life of crime but has the ability to turn their life around.

The government's slogan was 'Real consequences, early intervention' – except for the last few years, the government in every single budget has funded the very early intervention programs that would deal with this. They have cut funding to programs that were successful for the African community to be able to rehabilitate offenders within their community, which is why as part of our community safety package we announced Restart and Youthstart – Restart so that we can have these facilities based on the Queensland model for better discipline, training, health, psychological support and educational support, but also Youthstart, whereby there is a structured program of mentoring within people's own community. I spoke at length both in my maiden speech and in a chapter in a book, *Markets and Prosperity* by Harry Stutchbury – a well-put-together book on reform that the centre right should take – and said that there is a difference and that we should always differentiate between the people we are afraid of and the people that we are just mad at. What the government is doing by introducing a bill like this and not properly funding, to catch people, the early intervention supports, the rehabilitation programs and the proper structural programs is locking up the people that we are just mad at, and that is going to end up with devastating consequences for young people in this state.

Again, Queensland's laws were based on years and years and years of very detailed work. I know people like our friends in the Greens and the crossbench might look at the slogans of the Queensland laws and say how terrible they are, but there is actually money there that goes into structured rehabilitation for people that enables young people to have a second chance in life. I think the idea of

a second chance in life is a universal principle, and it is not something that we should throw away. People are better than their worst day, and what we do by offering people no second chances is consign them to punishment for their worst day, not their best day. We know that people can turn their lives around, because the evidence says they can. This government honestly should be ashamed of the amount of rehabilitation programs they have actually cut, and they are putting forward a rushed bill. When the government announced it they spent more time in focus groups and drafting the slogans for pull-up banners than actually drafting the legislation. Having received legislation that has been turned around within three weeks, it is quite clear that this is more about a political fix for a Premier than actually dealing with the root cause of the issue.

We can have real consequences for offenders while also not treating those offenders like animals. We have to have a structure that properly turns their lives around. That is what we need, and that is what our policy offers. Our policy offers structured rehabilitation for people. The Queensland policy offers structured rehabilitation for people to turn their lives around, to get out of the justice system and onto a pathway – into careers, into education – to a better life. I do not think any of the Labor backbench have seriously looked at this legislation, because it does not do that. It says 'early interventions'. I would love one of the Labor members speaking on this in the future or the minister to provide some examples where the government is moving on early interventions. The government say they are adopting a Scotland model or whatever. Those are not the structured supports that we are talking about that will seriously work to turn people's lives around.

For years the Allan government has not acted on this issue. I remember clearly when we moved amendments to fix this mess and reinstate the offence of committing an indictable offence whilst on bail, and when we moved a bill to do the same thing, I was told by Mr Galea and others that I was doing it for a 3AW grab or interview or a *Herald Sun* headline against the government. That is what I was told. They were all repeating the same Premier's private office talking points, that crime just was not an issue with Victorians, that in fact people cared about the Suburban Rail Loop more than the issue of crime. Ms Terpstra in *Hansard* said, 'the government had a one-seat increase in their majority, so you must be wrong'. Now, looking at the opinion polls, staring down the barrel of electoral defeat, with the Premier staring down the barrel of losing her own job, they finally decide to act. They all have to eat humble pie because of the way they have acted and not listened to their communities. They have not listened to their communities.

Across the northern suburbs the evidence has been undeniable of a crime crisis. Police have reported repeated melees involving youths armed with machetes, knives and improvised weapons. In my electorate, particularly communities like Epping, Roxburgh Park, Craigieburn and Broadmeadows have been left to feel unsafe in their own neighbourhoods. It is not the Victoria we should accept, it is not the community people deserve and it is not the situation that would have arisen had this government listened when they were warned. Labor wants the public to simply forget about the last 10 years of being soft on crime, with repeat offenders cycling through the system and victims being told that the offenders have had a difficult upbringing and deserve another chance. Victorians know better. Nobody believes that for a moment, and nobody believes that this government are capable of fixing the issues that they have themselves created.

Queensland's model includes 33 distinct offences that constitute serious violent crimes eligible for the 'adult crime, adult time' framework. These offences include a wide spectrum of serious violent conduct, including manslaughter, rape, grievous bodily harm, kidnapping, armed robbery, torture, trafficking, unlawful striking causing death and numerous vehicle-related crimes involving lethal risk. This is a comprehensive and serious list. It provides clear consequences. It ensures that offenders who commit genuinely violent acts receive sentences that reflect the gravity of what they have done. It sends a message that community safety comes first. By contrast, this bill only creates five offences. So 'adult crime, adult time' in Queensland has 33 offences; 'adult time for violent crime', a copy-and-paste edit here in Victoria, has just five. It does not resemble a comprehensive scheme. It is not a serious package. It is not 'adult crime, adult time'. The government knows it cannot use that phrase

because it has presented something that bears almost no resemblance to the Queensland model. It is a focus-grouped phrase. It is a political fix for this Premier – for this deeply unpopular Premier. Not only is she deeply unpopular in the community, we know her negative approval ratings are actually worse than Peter Dutton's were at any point, possibly the lowest in recent history for any state leader, and we know it is even worse in the Labor caucus than it is in the community.

Other than waste and mismanagement, the government's hallmark feature is the inability to recognise a good idea if it is not wearing a Labor shirt. A good policy should be considered a good idea.

Members interjecting.

Evan MULHOLLAND: They are working on it, I tell you. The walls have ears, my friends.

Members interjecting.

Evan MULHOLLAND: Gab versus Ben – which one will it be? I know Mr Galea will support his friend Ben. A good policy should be considered a good idea. What the government has introduced here is 'adult time for some violent crime'. Even then, there is a further problem. The government loudly declared it would be giving 14-year-olds life sentences. That was the headline: 14-year-olds, life sentences. That was the spin. It created the impression the government had suddenly become the toughest law and order administration in the country. Firstly, how draconian is giving a 14-year-old a life sentence? When the detail of this legislation is examined, the claim falls apart – no 14-year-old is getting a life sentence under this bill. All the penalties are maximums. But seriously, I have not heard one member of the Labor caucus, particularly the bleeding-heart left caucus, promote the benefits of doing that, because they do not believe in it. No-one honestly believes in it. It was a headline for the Premier's political fix. In fact I know that when that headline came out both ministers and members of the Labor caucus were shocked – and so they should be. Who on earth thinks it is a good idea to lock up a 14-year-old for life without early intervention supports, without rehabilitation programs?

As I was saying, people are better than their worst day and people can turn their lives around, and a 14-year-old probably should not be locked up for life. This is the same government that two years ago wanted to increase the age of criminal responsibility to 14 – raise it – and now it wants to lock 14-year-olds up for life. Can you see the absurdity of this backflip? There is no consistency. As I said, at least with the previous Premier you knew where he stood on things. You just cannot with this Premier, because she is run by focus groups and polling rather than what is going on out there in the community or taking a particular stand for herself which is true. They create the illusion of toughness while maintaining the same revolving door that has been operating for years, and Victorians have honestly grown tired of the stunts. They know spin when they see it, and they have worked this Premier out. They have grown tired of being told that something is tough when the government knows full well that it is not.

We had a tough bail bill come to this place, and the government members basically said, 'This will be it. This is the fix.' It clearly was not the fix. We told you at the time the weaknesses. As my friend the member for Malvern has said, the loopholes were so big in that bill you could drive a stolen car through them. We told them this. We told them the solutions. We told them. We moved amendments, which they did not support, and they basically declared victory at the time, saying it was all going to be fine from then. And we continuously see the government coming back to the well on law and order issues. There has been no serious end to offending, and there have been no consequences under this government. That has been a hallmark of the Allan Labor government: It has consistently failed to deliver consequences for serious offending and has failed to deliver community safety for the community. The public is not safer, because dangerous offenders are repeatedly released. The public is not safer, because courts are flooded with bail applications and youthful offenders with multiple charges who have learned the system will not hold them to account. I have literally spoken to police officers in the north that will arrest someone and then rearrest them later that night because they have

been released on bail. They are continually having to arrest them. The public is not safer, because this government treats violent crime as something that can be excused rather than confronted.

At the other end of the spectrum is the question of crime prevention, which must be the foundation of any long-term approach to safety. I know many of my colleagues on the opposite side know this to be true in their hearts. They know that early intervention works. They know that when a young person receives support early in life, they have a far better chance of staying away from criminal behaviour. They know that with programs which support families to deal with trauma, address substance abuse and provide stability, they can change lives. Yet they know this government has run out of money and cannot fund any of this, like programs in the western suburbs which worked that have been cut under this government. They know that early intervention programs have been gutted. In fact I was at the African Music and Cultural Festival the other weekend, and they were telling me about the programs that help their community that had been cut. Supposedly there was an African working group which was meant to have enormous amounts of consultation but was not actually being told about programs that have been cut that had been working.

In Queensland the 'adult crime, adult time' laws are accompanied by a hundred-million-dollar package of early intervention supports. Queensland recognised that getting tough on serious offenders must be matched by serious investment into prevention. They recognise that every dollar invested early saves many more dollars later and, more importantly, saves lives from being derailed. Queensland understood that the justice system is not just simply reacting to crime but should be part of helping people avoid the cycle in the criminal justice system in the first place. But Victoria has none of that. Victoria has no serious prevention package. I believe it has a unit, or it is looking at a unit. That is not a serious crime prevention package. The Allan Labor government continues to waste money on unnecessary vanity projects while refusing to fund the programs that help keep kids out of the justice system. This is all occurring while at-risk young people cannot access the programs that would give them a chance at a better life. It is a disgrace.

Victorians want safety, not spin. They want substance, not media releases. They want measures that will take machetes out of the hands of criminals, not gimmicks like the so-called machete bins. We saw that $13 million has been spent on these bins, and from the looks of what is going on in my community, not a single one of them has actually handed any in. All law-abiding people with a machete have, but violent armed offenders are not walking into Craigieburn police station to drop off their ill-gotten machetes. We know the example from Broadmeadows Central, where almost every second day there is machete incident. The police station is literally across the road. It might have been taken away now, but there was a machete bin there. Do you think any of those offenders are going to walk across the road and hand in their machete? Of course they are not. This is the incompetence of this government – the absolute incompetence of this government. The government has spent $13 million, and Victorians are no safer. Victorians expect that those who commit violent crimes will serve sentences that reflect the seriousness of their actions. They expect dangerous offenders will not be allowed back on the street to reoffend. At the same time, they expect funding will be provided to programs to help young people stay out of crime in the first place. This is the balanced approach that the opposition supports, which is why a Wilson Liberal and Nationals government will commit $100 million to early intervention programs modelled on the successful Queensland approach. We have done what the government has not done. We have looked at the evidence that works. We have modelled our policy based on international examples, based on countless amounts of meetings and based on domestic examples that have worked.

The government started drafting this legislation after they designed the pull-up banners. Three weeks is not enough time to consider in detail the gravity of the laws that we are dealing with at the moment, and government members know this. Some of them are after a political fix. Others are completely shocked at the situation the government have gotten themselves into. On this issue the government have not earned Victorians' trust, they have betrayed it. The hardworking men and women of Victoria Police know this better than anyone. They put their lives on the line every day and they respond to

violent incidents involving knives, machetes, stolen cars and aggravated burglaries. As I said, they repeatedly arrest the same offenders. This is the same government that closed Malmsbury, then hinted at reopening it. They closed Port Phillip. And the cost of these decisions are borne not by government ministers but by taxpayers. These are decisions made in panic, without planning and without regard to the impact on community safety at all.

If the government had any genuine intention of fixing crime, it would replicate the 'adult crime, adult time' bill rather than seeking to rebrand a much weaker and less effective version. It would pick up the phone to Queensland Attorney-General Deb Frecklington and ask what kinds of supports they are giving, how their early intervention programs are working, how they are supporting people and how they are investing in early intervention and rehabilitation programs rather than cutting them. The government could introduce a full suite of measures next sitting week, maybe next sitting day. It could restore public confidence. It could protect Victorians instead of having this weak imitation that we have now, designed to create an illusion of action.

The Liberals and Nationals will not oppose this bill, because Victorians honestly deserve any improvement at all. But this bill is not the answer. It is not. It is a start only, in the most superficial sense. Victoria needs a government that takes community safety seriously, invests in prevention, listens to frontline police and provides real consequences for serious offending and that stops relying on headlines as a substitute for policy. I would like to inform the house that I did have a reasoned amendment, but I would like to withdraw it. I think the points were made in the lower house regarding our reasoned amendment. We think the government needs to go back to the drawing board. I understand there are a whole lot of other amendments, and I would like to inform the house that the opposition will not be supporting any of the crossbench amendments. The government needs to take a serious, hard look at itself. As I said, locking up 14-year-olds for life – even the possibility – is not a real solution. It is draconian. I know the Labor members are deeply ashamed of this bill, and the opposition will not get in the way of it.

Katherine COPSEY (Southern Metropolitan) (10:43): I too rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025. This is another shameful day in the chamber. I was reflecting on this week. I was wondering if this is the worst week of Premier Jacinta Allan's leadership – so-called leadership – of this government, and I had to, sadly, stop myself and say, 'Well, actually, it's only the worst week so far.' Labor under Jacinta Allan has abdicated responsibility for an effective justice system. With this latest frantic flurry of media releases and rushed bills Jacinta Allan scurries along in a perpetual race to the bottom, with a dysfunctional opposition, and she is grabbing madly now for the failed ideas of an interstate Liberal government. This is a bad law. It is based on a bad precedent. It will not make our community safer. But what it will do is do real harm to children in this state. The Greens will vehemently oppose this bill. We have seen under Jacinta Allan this government stumble further and further to the right and abandon any pretence of evidence-based policy. It is absolutely shameful. Under this Premier we are not living anymore in the state of Victoria; we are living in the prison industrial complex of Victoria as she madly grants more and more powers to police, more and more crackdowns on people's rights and more and more capitulations.

What is happening here today, and the reason this policy is before us in this chamber, is the Premier has chosen to throw the fight. She cannot put forward a coherent argument against an opposition that is a shambles, so she capitulates over and over again on important policy decisions – vitally important, because we do need safe communities and we do need to restrain the harm that the state can do through the really strong interventions that we make into people's lives through the criminal justice system. It is an absolutely shameful topic to continue capitulating on. We have got a Premier who has less moral authority than an FM radio shock jock. That is what she admits every time she gets up and puts out a media release to try and kill headlines and a story and get herself out of a mess. But those actions have consequences, and they have very severe consequences when we get piece after piece of rushed legislation brought to this chamber, the government not giving enough time for that important work

to be done so that we have good bills coming before this Parliament and the Parliament not getting enough time to scrutinise bills that will have huge impacts on people's lives.

All of this is in the context of a state that is crowing about having just signed the treaty. The ink is not dry, and we have seen two bills this week come through this place that we know have had inadequate, if any, consultation, not only with stakeholders broadly but most importantly in this context with First Nations stakeholders. Next Tuesday the Premier is going to stand up and give a formal state apology to First Peoples, apologising for, among other things – this is from her media release – 'laws, policies and practices that contributed to injustices against First Peoples in Victoria'. Notice the past tense in that quote. But what I observe in this place week after week is continued disrespect and continued bringing of legislation to this place that we know, based on the track record of the bail reforms that have been rushed through, will have a disproportionate impact on First Nations kids. The Premier has the utter gall and the complete shamelessness to roll this legislation out that will create a new wave of injustice and violence, targeting the next generation of young First Nations people. I will have that in mind when we attend the apology next week.

So what does this latest capitulation to the Liberals' policy agenda and the *Herald Sun*'s campaigning actually do? I was shocked when we received a briefing on this bill. We received a briefing late on Monday as a requirement for the government to bring the bill as an urgent bill. The Greens opposed the progression of this as an urgent bill. What we perceive as actually urgent is the Premier's need to shore up – I do not know – internal support, I imagine. What should not be rushed is the consideration of this legislation, which will have dramatic impacts, as the Attorney-General admitted in the statement of compatibility, on young people in this state.

Firstly, what this bill does is change where a list of serious matters involving children are heard – the court system that they have access to. Children's matters in this state are dealt with in the Children's Court, a specialist court that we developed and that we should be proud of in Victoria which is staffed by specialist magistrates trained in youth offending, child development and trauma and with a statutory framework around its work that centres rehabilitation and the best interests of the child. We have created that structure not only because we are required to under international human rights conventions that we have signed up to, including on the rights of the child, but because it works – because children have special developmental needs that we have previously recognised in this state and you get better outcomes when they are dealt with by specialised services and justice frameworks.

Ordinarily only a very narrow class of the most serious offences are excluded from the jurisdiction of the Children's Court, but this government is flipping that on its head. I agree with Mr Mulholland's comments that it is shameful, shocking and just absurd, frankly, to see this approach coming from a government that previously had the spine and the guts to stand up and recognise that we need to raise the age of criminal responsibility to 14. We have seen any kind of rigour and gumption completely erode in this government. It is like a balloon that the air is slowly leaking out of under this Premier. First they rolled it back and pretended that it was never a solid promise – the idea that they were going to raise the age to 14. We got it raised to 12. The government, because of the Premier's lack of moral fortitude, continues to erode its own legacy here. It is its own opposition. It is just, frankly, depressing.

For a list of selected offences under this Bill 15- and 17-year-olds will now be forced into the County Court in every case. For 14-year-olds that default is also uplifted unless the child can prove exceptional circumstances, such as a cognitive impairment, or where it is assessed to be in the victim's best interests that the matter be heard in the Children's Court. What this means in practice is that children will be tried in an adult jurisdiction, potentially in front of a jury. They will be exposed to more adversarial, formal and intimidating processes, and the maximum penalties that can be imposed on them will just skyrocket. From up to three years detention by the Children's Court, this government is proudly waving around that it will now expose children as young as 14 to sentences of 25 years or even life.

This bill will erode the role of specialist youth magistrates. I observed before that that is crucial because they understand the developmental, cognitive and trauma backgrounds of the young people that are coming before our court system, and they have been trained to apply those very important youth-specific principles. We have, as I said, been clearly warned since the media release on this – which came out, as has been observed, three weeks ago – by the howl of fury and disappointment and the clear, clear warnings from the sector that this law will fall most heavily on children who are already marginalised, children that this state is already failing, such as children in out-of-home care, Aboriginal children and those with a disability or significant mental health or cognitive impairments. They are the ones who are going to get sucked into this more frequently than their peers. The Victorian Aboriginal Legal Service and the Human Rights Law Centre have described this approach bluntly as 'inhumane' and 'a moral failure'. In reality this is just a race to the bottom, and the practical effect of this is going to be that it is going to deepen and entrench inequality.

Moving kids into adult courts is also, infuriatingly – the worst part of all this – ineffective. It will just increase the likelihood that, one, they are warehoused in prison for longer, cut off from family, culture, education and supports that actually help support people to turn their lives around. They are therefore made more vulnerable and more institutionalised and exposed to more connections with people who are also struggling to turn their lives around. Therefore the crazy thing about all this, and the thing that you should be most ashamed of – it is hard to pick with this bill, those on the government benches – is that this will not work to make the community safer. In fact it will entrench the problem. It will deepen it, because we know that the younger people are when they come into contact with the criminal justice system, the more likely they are to reoffend.

The second part of this bill is a direct attack on the sentencing principles that this Parliament only recently agreed should guide our youth justice system. In August last year – just last year – we passed the Youth Justice Act 2024, and we did so after many years of consultation with experts, community organisations and legal services. The contrast with this bill could not be more stark. We, as a Parliament, centred principles that reflected the overwhelming evidence that the best way to keep communities safe is to support children in their development and to rehabilitate them when they are on the wrong track.

We have a number of amendments to this bill. We have a reasoned amendment that the government go back and actually do the consultation that they have clearly not done in the three weeks since the Premier stood up and made this announcement. We also have amendments that preserve some of these important principles that we only put in place a year ago. I ask that the amendments in my name be circulated now. The amendments in my name aim to retain core principles of sentencing that will support rehabilitation, positive development and, importantly, detention as a last resort, which is an international rights obligation that Victoria has signed up to. The effect of my amendments is quite simple. They delete clauses 12 and 13 of the bill. In the government's bill, clause 12 removes from section 204 of the Youth Justice Act the principle that 'efforts to support rehabilitation and positive development are the most effective ways to reduce reoffending'. I cannot fathom a government that would bring a bill to this place that deletes that, as a core function of our justice system. The government's bill also, in clause 13, removes from section 208 the principle that custodial sentences for children must be a last resort and imposed only for the minimum period appropriate and necessary.

Stripping these principles out is terrible policy. It ignores proven and empirical evidence from criminology, psychology and social science that rehabilitation and positive development are the most effective ways to reduce reoffending. It is absolutely disrespectful, frankly, that the government is moving in this direction, because it disregards the years of consultation and advocacy that went into the Youth Justice Act and, as I have said, it is dangerous because it invites courts to impose longer sentences on more children without the guardrails that were deliberately built into the Youth Justice Act that we brought into practice barely a year ago. It is also, as I have said, inconsistent with our international obligations. The principle that detention must be a last resort and for the shortest appropriate time is the bare minimum required under article 37(b) of the UN Convention on the Rights

of the Child, and it is reflected in the UN's Beijing rules on juvenile justice. Removing it moves Victoria further away from accepted minimum standards for the treatment of children, in conflict with international law, and it just compounds issues that we have already seen in this state – issues around this government's need to comply with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We know that conditions in our youth justice facilities are challenging and that children are still not receiving the minimum that they need to have their human rights respected and support their rehabilitation and reintegration at the conclusion of their sentences.

The government's own statement of compatibility effectively admits as much – that we are breaching our obligations. It acknowledges that the sentencing principle changes are 'likely to be out of step' with children's rights – which is a huge understatement – as they are universally interpreted, and they may not be capable of being justified. Astonishingly, the statement of compatibility then says the government intends to proceed anyway and even applies these more punitive principles retrospectively to offences that have already been committed, exacerbating incompatibility with the charter. Let us be absolutely clear what the government is asking us to do today: this Parliament is being asked to knowingly pass laws that our own Attorney-General concedes are likely incompatible with the fundamental rights of children and that could see children who offended under one set of principles sentenced under a harsher regime after the fact. It is deeply troubling, and I hope that members will reflect on the sober occasion this is, the huge degradation of the role that we have taken on in providing good leadership and policy direction for this state and how far this government is taking us out of line with that.

Thirdly, this bill ratchets up maximum penalties for a suite of offences. The maximum penalties send a symbolic message about the gravity of crime, but they do not themselves reduce offending. The evidence from Australia and overseas is crystal clear: longer sentences do not deter youth crime or improve community safety. They may actually increase reoffending, because when embroiled in the justice system, children of course are cut off from education, work, family and culture, and the disruption of those supports can be devastating to young people's lives and increase the possibility of reoffending.

The Federation of Community Legal Centres, Victoria Legal Aid, Smart Justice for Young People and many other wonderful stakeholders, who I want to acknowledge because this has been a very, very difficult week for that sector, who do so much work to put the evidence before the government of the path that they should be taking and then have it thrown back in their face time after time, have all warned that this arms race on penalties will disproportionately capture children already experiencing violence, trauma and abuse, and it will fall most heavily on Aboriginal children, kids in out-of-home care and those with a disability. And all of this will cost a fantastically huge amount of resources and divert funding even further into prisons instead of the preventative supports that keep kids and communities safe.

This law is not a targeted response to this very small group of people that the Premier keeps talking about. It is a very blunt instrument, and it shifts the whole system towards being extremely punitive. It has not been mentioned much in debate, but these uplifts to the maximum sentences obviously do not just apply to young people. They are a really draconian shift in sentencing that will apply to all of these offences. I remark, again, that we are considering this bill a mere three weeks after the Premier got up and spewed out a media release, and we are doing this in Victoria, dramatically shifting our justice system, because Jacinta Allan has a political problem, not because of the evidence.

Fourth, the bill creates a new standalone knife offence which will make a separate crime of using a knife in the commission of certain offences, which will attract an additional three-year maximum penalty which can be sentenced separately to the underlying offence or accompanying offence. No-one in this chamber is unconcerned about knife violence, and we already have a wide range of offences that capture this conduct as evidence of that: armed robbery, affray, causing serious injury, possession of controlled weapons and more. Police do have tools available to them already to respond to violence

involving knives. The government's own second-reading speech concedes that these offences exist and that they already criminalise the use of knives in these circumstances. Layering on a new offence will not be effective in terms of making conduct that is already criminal more criminal, but it does create a risk of charge stacking and then longer cumulative sentences and adds further complexity and discretion to a system that is already complex and overburdened. As a result of this government's frenetic backflipping on its justice policy, we now see courts clogged, police cells overflowing and people serving entire sentences in police cells that may be longer periods of incarceration than they actually receive when they arrive to sentencing. The government is wilfully breaking our justice system for no positive benefit.

We know that the system, in layering on these new offences, is also likely to impact Aboriginal children and children of colour, who we have seen in the last few weeks, with new reports coming out, are already disproportionately targeted by police in the exercise of powers such as their stop-and-search powers. These kids are already overpoliced, policed more heavily and stigmatised, and the government is adding another tool for that to continue, sending another political signal that the answer to every social problem is a new criminal offence, more jail time and tougher penalties, when the government's own obsession with thickening the statute book is already increasing complexity, clogging the courts and overflowing our jails with unsentenced citizens of this state. There is no evidence that supports the government's approach of adding one more offence to the Crimes Act 1958 to stop a teenager in the middle of a fight from picking up or pulling out a knife. There is ample evidence that investing in youth work, outreach, mentoring, housing and mental health does reduce violence and harm, but this government is only interested in the media release. Finally, this bill also expands the offence of carjacking to include theft of a vehicle when a child under 10 is inside.

As I come to the end of my contribution today, I want to turn to who these laws are really about, because the children who are going to be uplifted to the County Court and exposed to life sentences are not a random cross-section of Victorian teenagers. The Victorian Aboriginal Legal Service has been very clear that these laws will see Aboriginal children, who are already massively over-represented in both child protection and youth justice, locked up earlier for longer and further away from country, community and culture.

We know from the Victorian Sentencing Advisory Council's *Crossover Kids* work that almost 40 per cent of children sentenced or diverted in the Children's Court have also been the subject of a child protection order. One in five of the children sentenced to a custodial order had been in residential care. We know from Victoria Legal Aid's data that two in every five children living in residential care face criminal charges within a year, and half of them within two years, and that is often for behaviour for which, if that kid was in a family setting, they would probably never be charged. They might be scolded, they might be reprimanded or they might be punished at home, but they probably would not get sucked into the criminal justice system. This disproportionate impact of these laws on kids that the state has responsibility for is a galling shame. In other words, many and perhaps most of the children that we are talking about who are going to be affected by this law are children that the state has taken into its care, children who have been removed from family because of abuse, neglect or violence and placed into systems that are supposed to take care of them. But too often they criminalise them and they deepen their trauma instead of healing it.

When the government gets up and tells the public that this bill is about thugs and brazen youth criminals, what it is actually doing is further abandoning children that it has already failed – children from families in poverty and crisis, children cycling through motels and residential units and children who have grown up surrounded by violence and instability. And instead of meeting obligations to care, to support and to repair, this Premier in all her gutless glory steers these kids on a fast track into adult courts and adult prisons. The Greens do not accept that this is inevitable, unlike the Premier, who just cannot find a fight that she can take up. We can keep our communities safer, and we can do that without sentencing 14-year-old children to life in prison, but to do that we have to stop pretending that

longer sentences and escalating rhetoric are the substitute for the hard work of prevention, early intervention and support.

Some of the things that we could do if we lived in a sane, evidence-based state would be to address poverty and housing, not demolish public housing, so kids are not couch surfing, sleeping rough or bouncing between unstable placements, and invest in mental health, family violence services, drug and alcohol support and youth work rather than this endless resorting to increasing prison and police budgets. We could keep kids in school and re-engage them in flexible and supportive education, like the Pavilion School, which we have seen highlighted in the media recently, where young people with complex needs, including those in care and in the justice system, are succeeding when they are given the right supports. The government urgently also needs to reverse its funding cuts to public education, which, when you consider the problems that our young people are facing, are just so deeply shameful. We should properly fund trauma-informed, culturally safe support which is led by communities, especially Aboriginal controlled organisations and those communities that are currently being overpoliced, overcharged and stigmatised through this government's acceptance of a tough-on-crime narrative.

It is galling that we are seeing cuts to all of these services that have been proven to work over and over. Why is the government at all surprised that when it cuts these proven programs we end up in this situation? It is a crisis of your own making. As much as it is a crisis, it is of your own making. You know what works, and you just cannot invest the funding to support those important programs. The government's own *Youth Justice Strategic Plan 2020–2030* and countless inquiries tell us that the best predictors of future offending are past trauma, disadvantage and disconnection and that every child in youth justice will one day return to the community, so if we do not support them to heal, to complete education, to find housing and to work, all programs like this and policies like this will do is harden them into more serious offending. While crime prevention and youth services have had their funding slashed, spending on prisons under this government has continued to rise. That is the choice that Jacinta Allan's Labor has made: cut what works and pour billions into cages. I cannot help but think that the most shameful part of the Premier's failure on this is that she just wants to warehouse these kids away from sight and wants the problem to go away, rather than to support them to recover in their communities to heal.

On behalf of the Victorian Greens, on behalf of the children who have already been failed by this state and on behalf of the communities who deserve real safety, which is built on housing, education, health, culture and justice, I urge this Council chamber to reject this bill today. It is within our power. We can choose care over cruelty, we can choose evidence over fear, we can choose pride in our work over capitulation and we can choose a future where children are given every chance to thrive in their communities instead of being written off and caged.

I move:

> That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government has engaged in meaningful consultation with First Nations stakeholders and legal and community experts to develop an evidence-based policy.'

Michael GALEA (South-Eastern Metropolitan) (11:12): I rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025. We have seen in past years troubling changes in the types of offending, particularly by youth offenders but also across the board. Indeed it is something that we have seen not just in Victoria but in other jurisdictions as well. We know that the actual rate of offenders is a figure that has largely stayed stable. What has gone up is the amount of crimes being committed per offender, and we are seeing at this much more serious end a number of types of offending that are wholly and utterly unacceptable to the community.

Good governments do not just get stuck in their way and say, 'No, we did this years and years ago. We did this 10 years ago, and that's what we're going to do.' That is what a stale government would do. But we have a good government here in Victoria that is prepared to listen, to learn and to respond

to evolving and changing situations. That is exactly what we have with this bill today, and that is why I am proud to stand with our Premier in making the very tough calls that she has made, because we must be able to fully hand on heart say: we need to keep Victorians safe.

Whether it has been out doorknocking, at street stalls or indeed from having people reach out to speak with me, I have heard from many of my constituents who have expressed to me their concerns and their valid and genuine fears about some of the types of offending that we have been seeing, particularly in our suburbs. I will not name this individual because I did not speak to him before about this speech, but I had one constituent reach out to me very distressed because he had been the victim of one of these crimes that is listed in the uplift provisions of this bill. He has not been getting much sleep now because he has to console his eight-year-old child every night because his child is too scared to go to sleep. As elected members of this place, how can we hear these stories – how can we hear these valid concerns from our constituents – and say everything is fine? There has been a change in the type of offending that we have seen in this state and beyond. This is a government that is responding to those changes, and that is what this bill before us today does.

We need to have serious consequences for violent offending. We also must have those early interventions, and that is why I am very, very proud as well to see measures such as the violence reduction unit, which is going to be novel for Australia but is indeed taking some of the world's best practice from places like Glasgow and from places like London to bring in these reforms to provide every opportunity. We must continue to provide every opportunity, because we know that early intervention programs, including the ones that we already have, by and large, are successful. They are not the types of offenders that are then going on to commit these crimes. But there are a very small number who, despite any opportunity given, will still offend, and that is what this bill is about today. It is not about anyone who gets in contact with the youth justice system. It is about targeted responses to specific types of offending at the most extreme level. That is why there are specific offences for which young offenders aged 14 to 17 will have their cases uplifted to the County Court. Those offences are aggravated home invasion, home invasion, aggravated carjacking, carjacking, intentionally causing serious injury in circumstances of gross violence, recklessly causing serious injury in circumstances of gross violence, serious and repeat armed robberies, and serious and repeat aggravated burglaries. I repeat: this is not the low-level 'made a few wrong decisions, did a few wrong things' type of offending. This is at the most serious end that we are talking about here, and it is why we are putting the most serious consequences for that most serious type of offending.

I note the comments from Mr Mulholland, who was attempting to walk both sides of the street by saying that we are somehow not doing enough but we are also doing too much. These eight offences have been specifically chosen to target that offending at the highest level, not just go to a broader brush like Mr Mulholland was appearing to suggest that we do in the vein of other states. I do actually note that in Queensland they do not have any cases uplifted to the District Court – their version of the County Court – at all. This is a Victoria-specific measure. For Mr Mulholland to come in here and say we are doing too much but we are not doing enough – just like the Liberals have been saying, 'Do this faster. But no, you are doing this too fast' – is disappointing. As other members like I think Ms Copsey went to, there are some other exemptions for 14-year-olds in terms of this County Court uplift where there are particularly relevant and pertinent circumstances which allow it. There are also, as has been noted, longer maximum sentences. I will not list every single one. But for example, the maximum penalty for intentionally causing serious injury in circumstances of gross violence will be uplifted from 20 to 25 years; that is of course for all offenders of any age who are covered by this, including adults.

There will also be a new knife crime offence. A new separate and standalone offence to target knife crime will carry a maximum penalty of three years for the use of a knife in the commission of certain indictable offences where knife use is known to be common. The six specific offences are: causing serious injury intentionally; causing serious injury recklessly; causing injury recklessly or intentionally; assault; affray; and violent disorder. For these offences where a knife is used, the offender will be sentenced for two or more offences, with a maximum penalty for the principal offence

effectively increased by up to three years from the inclusion of this new knife offence. Carrying a knife alone would not be sufficient to make out the elements of the new offence, but rather the actual use of a knife in the commission of one of those crimes. In order to acknowledge the very distressing circumstances of stolen cars or carjackings with young children inside, there will also be some changes to reflect the severity of a car being stolen if there is a child under the age of 10 inside. This will now attract a maximum penalty of 15 years imprisonment or indeed life if it is an aggravated incident.

Knife crime is something that is deeply, deeply troubling to many of us as well. I do note again the comments of the opposition on the machete bins program. We know from data we heard in the Public Accounts and Estimates Committee last week that 14,000 machetes had been handed in as of a couple of weeks ago – we will get the final figures, I am sure, soon – of which around 3000 to 4000 were from retailers. So that means clearly that over 10,000 people have surrendered their machetes or other bladed objects as part of the amnesty program. Mr Mulholland said, 'Well, the offenders are not going to put in their ill-gotten knives.' Where does he think they get the knives from? If they are stealing these knives from people, they are going to have less of an opportunity to do that, with 10,000 of these knives not in people's homes, on the street or in a place where an offender may be able to steal them from. The misinformation that has been put out about that campaign in particular is not surprising from the opposition. At no point have the government said, 'We're doing the machete bin amnesty, and that's going to fix every problem.' But this is one part of it, and it is an important part of it. Indeed, from those early initial figures, we know it has been a successful part of it, and I look forward to seeing the ultimate figures when they come out as well. I am sure, despite the disappointment of opposition members, that such large numbers being handed in is still a very, very good thing.

Whilst the opposition are happy to continue their infighting, focusing on crime but then knifing their leader, they are shown up by a government that actually acts and listens and delivers in the interests of the Victorian people. This is a government that is focused on community safety, keeping Victorians safe, responding to evolving situations as they develop and evolve and making sure that Victorians, like the constituent that reached out to me with his genuine concerns about his sense of safety and his son's sense of safety, can have some rightly deserved peace of mind. I commend the bill to the house.

Renee HEATH (Eastern Victoria) (11:22): I rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025. The Liberals and Nationals will not be opposing this bill. Our communities have been calling for action on crime, and when the Parliament is presented with measures that move in the right direction, we have a responsibility, I believe, to support them. But supporting a bill is not the same as believing it is adequate. This bill is a response to pressure, not a product of principle. This is a government reacting to headlines, not a government leading with conviction.

For years now Victorians have been raising genuine concerns about the rise of violent youth offending, about home invasions in our suburbs and our regions, about carjackings and robberies that have shocked families and left them traumatised – this is a reality – and about the growing brazenness of offences committed by young people who have learned that accountability is often delayed, diluted or even avoided altogether. A responsible government would have come and acted earlier. It would have listened to police, victims and communities. Instead, what we have today is a by-product of pressure and discomfort, not long-term policy work. When the opposition was briefed on this bill, it became immediately clear that meaningful consultation had not taken place. The government could not point to a single stakeholder – not one frontline justice organisation, not one community legal centre and not one peak body – who had been shown the substance of this bill prior to its introduction. When I reached out to those who work daily in our justice system, they confirmed this truth. These are the organisations that any competent government would have consulted with as a matter of course. Instead the government chose to move quickly with an eye on the media cycle rather than carefully working through this with an eye on the long-term consequences of this legislation.

Victorians were promised adult time for adult crime; that was the regime they were promised. They were told that the government would model its reforms on Queensland. They were told that eight serious offences would be treated as such and that penalties would increase significantly. But the bill

before us does not meet even those requirements. It does not meet the requirements set out by the Premier herself. Only five of the eight offences she announced were actually designated as serious. Only four carry an increased penalty. The reality is that half of what was promised is missing before the ink is even dry. That is the reality. Victorians expect honesty from their government, not policy announcements that evaporate when it comes time to legislate them.

The contradictions continue in the detail. Queensland's 'adult time for adult crime' regime is clear. Certain serious offences committed by youth offenders attract adult consequences because they are adult crimes. In Victoria the government appears to be introducing adult time for adult crime unless the offender asks not to be treated as an adult. This bill literally provides mechanisms for a carjacker to apply not to be treated as an adult. This is not what Victorians were told to expect. We cannot credibly tell the community that we are taking strong action on carjackers while writing into the law processes that allow offenders to apply for an exemption. If the government is serious about consequences, consequences cannot be optional.

There are also inconsistencies that highlight the rushed nature of this bill. Under these changes kidnapping a child in a vehicle becomes a serious offence and must be heard in an adult court, yet kidnapping a child from a pram on a street will still be sent to the Children's Court and attract far lower maximum penalties. The Attorney-General acknowledged that the distinction exists but could not explain the logic behind this. The location of a child should not determine the seriousness of the crime. The safety of a child is not conditional on where they happened to be the moment they were kidnapped. This is an example of what happens with legislation that is drafted in haste to address headlines, rather than moving with consultation to address harms.

This bill also proposes new penalties for the use of knives in the commission of serious offences and for adults who recruit minors to these crimes. These are areas where we absolutely need action. Knife crime remains a significant concern, especially in outer suburbs and regional communities. Organised adults targeting vulnerable teens for criminal activity is a major and growing problem. We welcome efforts to strengthen these areas, but again the legislation does not align with what the government has promised. Victorians were told that recruiters of minors would face life imprisonment. Instead the maximum penalty for this crime has been lifted from 10 years to 15 years, with the government saying it will introduce further offences later. It is again the government rushing through things to deal with a headline but saying, 'We'll actually deal with the detail and the substance of this later.'

The deeper issues with this bill, though, go far beyond these inconsistencies. The rushed drafting increases the risk of unintentional consequences across the entire sentence hierarchy, with maximum penalties being raised in isolation without adjusting related offences. Judges are left with distortions that make sentencing less practical, not more effective. That creates uncertainty, not deterrence. This bill also ignores a well-documented reality in Victoria's justice system. Prosecutors frequently engage in charge bargaining – it is a fact – especially with youth offenders. Legal bodies such as the Law Institute of Victoria and the Sentencing Advisory Council have for years warned that tougher offences can simply be negotiated around. If prosecutors downgrade charges and secure plea deals, the higher penalties that this government is relying on will never be tested in court. This undermines both the deterrent value and the public confidence that this bill seeks to restore.

Another critical omission is the lack of any plan for youth justice capacity. If more young offenders are to be heard in adult jurisdictions or detained for longer periods of time, the systems must have the infrastructure, staffing and security measures to manage this change. As it stands, this bill risks placing greater pressure on an already overstretched system and overstrained facilities. Overcrowding leads to violence, instability and higher rates of reoffending – outcomes directly contrary to community safety.

Finally, this legislation does nothing to address the causes that feed youth crime: disengagement from school, organised networks that deliberately exploit vulnerable teenagers, the growing influence of social media in encouraging notoriety-driven offending and the failure of early intervention programs in high-risk communities. All of these issues sit outside the four corners of this bill, yet they are

essential to reducing the problem. Tougher sentencing has a place, but it is not a substitute for a comprehensive approach that prevents crime in the first place.

As Liberals, we believe in personal responsibility. We believe in the rule of law and the right of every Victorian to feel safe in their homes and in their communities. We believe that consequences matter, but we also believe that rehabilitation must be real. We must have interventions that are meaningful and that work, because we have got to give young people off-ramps. We support giving young people the chance to turn their lives around, but that chance can never come at the expense of victims, nor should it undermine public confidence in the justice system.

This bill is not as tough as the government claims. It is not as comprehensive as Victorians have been led to believe, and it is not a product of the deep, considered policy work that genuine reform requires. But something that as an opposition we have put on the record many, many times is that we are willing to work with the government today, tomorrow or at any other time to take the necessary steps to strengthen laws that protect Victorians. We owe this to our communities. We owe them far more than that – we owe them honesty, coherence and a justice system that does what it says it will do. The opposition stands ready to deliver that. The question now is: does the government?

Rachel PAYNE (South-Eastern Metropolitan) (11:34): 'We know that disproportionate criminal justice interventions actually increase rather than decrease the risk of offending for children and young people' – that is what Minister Carbines had to say when introducing legislation to reform the youth justice legislation only last year. The worst part of this 'adult time for adult crime' bill – which is what it is – is that the government know it will not work in the long term. They know it will breach human rights, and they know it will force our most vulnerable into the criminal justice system. This government likes to talk about serious consequences when it comes to children, so let us talk about some serious consequences. These are so often children who have already been failed by the state – children in out-of-home care, living with disability, experiencing homelessness, trauma and family violence. This legislation will have the serious consequence of entrenching them in the justice system. It will increase the number of children in custody, increase the number of children on remand and perpetuate the over-representation of Aboriginal children in the justice system. Harsher sentencing, incarceration and adult processes all significantly elevate the risk of long-term involvement in the criminal justice system for these kids. But it does not really matter to this government, because all it cares about is looking tough.

Yesterday, not even an hour after someone disrupted question time in the Assembly to protest these laws, the government put out a media release to let us all know that they are not deterred and no MP will be able to leave this place until this bill passes. You want to sound tough, but you all sound incredibly weak. You are locking up kids and throwing away the key, all so you can stay in power for just that little bit longer. Shame on you. Shame not just on this Premier, not just on these ministers, but on every backbencher of this government who has remained silent. You could speak up publicly, but you do not. All you can say is that you want to stay in power for just that little bit longer. Your silence allows these laws to go through unchallenged by the major parties. This will fundamentally alter the trajectory of the lives of our state's most vulnerable children – and yes, these are children. Can anyone else remember when they were 14? You probably had not started shaving yet, and it was not that long ago that you had lost your baby teeth. You recently started high school. You really do not know who you are and you are just trying to find your place in this world. Now kids this age will be banned from social media in an effort to protect them from harm. Under these new laws, these same children can be sent to adult courts and potentially sentenced to life imprisonment. It is outrageous.

Alongside my colleagues on the progressive crossbench I will be moving amendments to try and address some of the most troubling parts of this new bill. In doing so I want to acknowledge the tireless advocates of the community legal sector, including but not limited to the Federation of Community Legal Centres, the Victorian Aboriginal Legal Service, Youthlaw and the Human Rights Law Centre. I will ask that my amendments now be circulated.

Under this bill, children whose matters are uplifted to the County Court are no longer able to bring a de novo appeal, losing a right they had in the Children's Court. A de novo appeal is an important part of the justice system. It is the right to a new hearing heard afresh in a new court. For this kind of appeal the higher court has no regard to what happened in the initial lower court, and the accused is not bound to their plea or evidence as it was presented in the initial case. My amendment seeks to address this issue by allowing a child whose matter is uplifted to appeal to the Court of Appeal, who would then order a new trial by the Supreme Court. I look forward to the government not supporting this amendment or any amendments that will help mitigate the harms of this legislation. I am sure this will make you all look very strong. You will forgive me for not believing it.

We are still about a year off from the election. Already the Allan Labor government has adopted so many Liberal Party policies on crime. Let us hope they do not continue their habit of introducing sweeping reforms to the justice system before past ones have even taken effect. There have been so many changes to the justice system laws in Victoria that I think we have all lost count. This government pride themselves on their increased incarceration rates as a result of these changes. All of these, alongside the whole CBD being a designated area for six months, are sure to land more people and more children in prison. The demands these changes will place on the already overloaded County Court system are massive, and these changes to sentencing will apply regardless of whether the offence was committed before the commencement of the reforms, so kids stuck on remand for months who thought they would go to the Children's Court will end up going through the adult court system. I could go on about the harms and the hypocrisy of this bill. Goodness knows we have been forced up here many times in the last year to speak on the government's kneejerk justice agenda. But again, this government already know exactly what it is they are doing and why it is fundamentally wrong.

'A society that treats its children in the same way that it treats its adults is a society that's lost its way' – these are the words used by Queensland's former human rights commissioner Scott McDougall when describing 'adult crime, adult time'. It is true: this government has lost its way. As Minister Carbines again put so well when introducing legislation to reform the youth justice system only last year:

> Children and young people are at a unique point in their maturation and development. They have a greater capacity for rehabilitation and change, as long as they receive the proper support.

This government knows better. Shame on you.

Ann-Marie HERMANS (South-Eastern Metropolitan) (11:41): I also rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025, and may I say from the outset that we are where we are today because this government has chosen to bring us to this point. They have chosen to allow young people to be targets for organised crime. They put them out there in a situation where they could be scooped up by mastermind criminals and organised criminals and used in the worst possible way, so that now we have crime spiralling out of control. And why all of a sudden is this bill being rushed through the house with all of its failures and loopholes? It is simply because we are on the cusp of coming into the election year of 2026. Suddenly this government realises that it has failed to bring crime into a situation where there is proper law and order.

Our communities do not feel safe. They do not feel safe in their own homes, because of the amount of home invasions, and these home invasions are becoming more and more violent and more and more prevalent. They do not feel safe when they leave their cars out in their own driveways. They do not feel safe when people can actually come to try to take their cars from them and be violent in the process. We have a failed machete bin situation that has cost the taxpayer enormous amounts of money, with the only people that are putting their machetes in there being retailers and good citizens. Those that are using them for violent crimes still have their knives and their machetes.

So what does the government do? It responds with an overreach, an ill-thought-of overreach that is long overdue in terms of trying to bring some sort of reform to law and order. This government simply does not know how to reform law and order. I have listened to what people have said in this house, and yes, we have situations when it comes to children where we need to be looking at how we bring

reform about. But clearly this government has failed when it comes to reform, and so we have a bill that is wanting to introduce extreme measures.

I would like to talk to some of the things that are coming in through this particular bill. This bill is not bringing in what the Liberals and Nationals wanted. We proposed a Youthstart and a Restart and a Smartstart program so that we could actually teach young people – youth offenders – discipline and responsibility. The Restart program was simply put together for that reason. It was for serious and repeat offenders aged 12 to 17. It is not a holiday camp. It was going to have strict routines and outdoor challenges and build resiliency and hopefully through therapy and behavioural support would address drug use, anger and trauma to allow criminals to turn around and have a new pathway in their lives. We also brought in Youthstart, a prevention and early intervention program that would keep kids safe from falling into crime in the first place, and then the Smartstart program for prevention and rehabilitation. Smartstart is what encompasses the Youthstart and Restart programs. Together they form a smarter, tougher model with discipline, education, therapy, mentoring and consequences working hand in hand. But this government has simply resorted to its so-called community safety bill. Yes, it is bringing in some really tough measures, but the reality is we should never have got here in the first place. Of course we are going to support the bill, but under sufferance, because it is too little, too late. It is not really well thought out, and the consequences are simply going to be that they may clean up the streets for a short period of time, but when the coalition gets into government in November 2026 we will be left with having to clean up the mess that they have made, even with these young people who will be incarcerated. We will have to look at how we bring in reform.

It grieves me, because I know that we have situations on our building sites where the CFMEU have actively recruited young people who have minor offences to come and work on their sites. And why would they do that? Because obviously they are wanting to turn young offenders into part of their regime, with their criminal activities that have been well published through the media. And we have these dreadful situations of bullying and harassment and forcing people to behave in ways that are just outrageous, quite frankly, in this day and age and completely unacceptable. We have a state that is under a regime of criminal activity, where somehow the criminals have been rewarded for going on rampages, and now we have young people, who should still by the law be considered to be children, who are out there doing the most outrageous, horrific repeat offences that are becoming more and more violent. So this is an overreach to correct a wrong that this government created through its lack of legislation, its lack of responsibility and its lack of accountability. We should never have got to this place in the first place, and it really bothers me to think that this is where we are and this is how we are going to deal with it. I am extremely concerned that we have brought in legislation or we are putting through legislation today that is going to affect so many people. I look at it, and I just think to myself, 'Why do we have to put this through?' Well, we as a coalition have to because we know that we have to have some measures that are going to keep the community safe. We have been arguing for a long time that the community must be safe.

We know that the purpose of this bill is to increase penalties for several violent offences, including raising aggravated home invasion and aggravated carjacking to level 1, which is life imprisonment. Now, that, to me, is an overreach, although for those people who have been in those situations, it is too little, too late. Think of how many people's homes and cars would still be with them today if this government had put in appropriate measures at an earlier time. The bill is going to create a new offence for using a knife in terms of indictable offences. It is going to expand the definition of 'carjacking' to include theft of a vehicle containing a child under 10, regardless of the offender's knowledge. These are things that I hope every criminal that might be out there watching this is going to tell the young people that might be doing their bidding for them – they need to let them know that they are going to get locked up. They are not going to be out there being able to continue to do this sort of thing, because they will be taken off the streets through such hard penalties for offences.

Members interjecting.

Ann-Marie HERMANS: On a point of order, President, I simply cannot hear what I am saying.

The PRESIDENT: I call the house to order. I did not hear the introduction, and sometimes a contribution may provoke interjections, but I will call the house to order.

Ann-Marie HERMANS: This bill is also going to alter sentencing principles for children to elevate community safety and victim impact considerations, removing the Children's Court's traditional last-resort approach to detention. It is going to restrict the Children's Court's summary jurisdiction over certain serious indictable offences when committed by 14- or 15-year-olds. That means it is going to result in uplifting cases to higher courts unless strict exemptions apply. It is going to make consequential and transitional amendments to support the new jurisdictional and sentencing framework. I look at what this is going to do to our community, and the initial result is that, yes, there will be some young people who are currently potentially out on bail or who have only been incarcerated for a short period of time who are now going to be at risk of being in prison with a life penalty.

There is the additional offence of recruiting a child as well, and I agree with this one. To recruit a child to engage in criminal activity is going to have a maximum sentence which will increase from 10 to 15 years. Honestly, to all those people who have been out there recruiting young people to do their bidding and to create these crime gangs: you deserve to have a longer sentence. You have been absolutely destroying the fabric of our young people, our society and the safety of our community. You need to know that the government is going to be tougher on you with these measures, and you need to be aware of the consequences of that too. The government has publicly committed to this offence and says that it could even carry a life penalty. It has been advised that the new offence of aggravated recruiting of a child to engage in criminal activity will be introduced next year, and this life sentence will mean that you will not be back out there doing the recruiting and with these young people doing your bidding. I get very distressed when I go to services and discover that particular professions are actively recruiting and looking for people with criminal offences, and it really, as I said, distresses me to think that this is in the construction industry of all places.

The bill is going to significantly elevate maximum penalties in the Crimes Act 1958, and these are the ones that it is going to be looking at: intentional serious injury and gross violence, 20 to 25 years; reckless serious injury and gross violence, 15 to 20 years; and aggravated home invasion, 25 years to life imprisonment. Take note of that one, young people: life imprisonment. Do you really need to go out and do that home invasion today or tomorrow? It could result in life imprisonment. There is also aggravated carjacking, 25 years to life imprisonment, and recruiting a child to commit criminal activity – I do not understand why this one is not life imprisonment – 10 to 15 years. I still think that if you are going to do this and you are going to bring the kids in line, well, bring the adults in line that are causing them to get into this situation.

It is going to change what the courts look at in terms of community protection. It is going to consider victim impact and opportunities for restoration. Youth sentencing will be strengthened in this. It is still difficult to see how this model is going to work in the court system. It will have the effect of making a bit of a clean-up before the election but at the expense of having young people in prison potentially for their whole life. The mandatory uplifts, as I said, will be for home invasion, aggravated home invasion and carjacking. There are a number of offences which we are going to see lifted as a result of this bill.

Personally, I know my area, and I raise criminal activities in my area and the feelings of fear that people have in my area on a regular basis. We desperately do want to feel safe in our homes. We want to feel safe in our community. It is completely out of control, and the south-east has numerous situations where the police are simply so run off their feet with domestic violence that they cannot even attend some of the scenes where criminal activity is taking place. They are getting there later and later, and they are unable to meet the demands on them. While this is going to clean it up and we are going to support it, it is actually not the best solution. It is full of holes and pitfalls, and it is going to be left to a coalition government to clean this up after November 2026.

Trung LUU (Western Metropolitan) (11:55): I rise today to contribute my remarks on the Justice Legislation Amendment (Community Safety) Bill 2025. Before I go into detail on the bill, I want to express the reason why we are debating this amending legislation today. What I am about to say is not about spreading fear. It is about bare facts, incidents, events and concerns that Victorians are experiencing in their daily lives every single day – what Victorians are seeing, what they are witnessing and what they are experiencing in our streets, our suburbs and our communities. The reason why we are debating this bill is the increase in crime, not just in marginal regions and disadvantaged communities but across the whole state; the increase in youth crime; the increase in violent crime, particularly by young offenders; and the regular abuse of our bail laws, where we see young offenders being bailed, abusing the privilege of this order and going on to commit crimes – not just any offence, but serious crimes time after time. Then we see these young offenders granted bail again – bail after bail after bail. There have been a string of fatal incidents as a result of these violent crimes committed by young offenders – by individuals, in groups and in gang-related incidents. There is fear in our communities and our families. Victorians are expressing it, and I am sure they have expressed it to many of the MPs in this chamber and in the other house. The most concerning aspect to me, as a former police officer who spent a lot of time dealing with offenders and victims, is the attitude of our young offenders to the consequences of their actions over recent years. That is alarming. That is why we are looking at this amendment today in relation to community safety.

When you weaken laws, soften the approach on crime and allow offenders to act with no consequences, you will see the repetition of offences. That is just natural. Repeat offenders is what you will see, and an increase in crime. Unfortunately, as a result, a crime crisis is what we are experiencing in Victoria at the moment. We heard contributions from members who said that this is overreach, locking up young offenders at a young age. Well, you are the one reason why we are in this mess. 'Let's reel back raising the age of responsibility and relax bail laws' – you advocated for that; hence we are in a crime crisis.

Victorians deserve to feel safe in their homes, on their streets and in their communities. Right now their sense of safety is being eroded. We cannot ignore the reality we are experiencing in Victoria at the moment: crime is rising, violent offences are increasing, and too many young offenders believe there are no consequences for their actions, and hence we see repeat offenders. It is about restoring accountability with this amendment bill, protecting the community and sending a clear message that if you commit a serious crime, there will be serious consequences that follow your actions. Bail is a privilege. It is not a right; it is a privilege when you have been granted bail. You must never abuse bail. Actions have consequences. Consequences follow your actions. We owe it to every Victorian family to act decisively in this chamber when we are making legislation, we owe it to every victim to ensure justice, and we owe it to our young people to set clear boundaries that prevent them –

The PRESIDENT: I am sorry, Mr Luu, I need to interrupt your contribution.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Public sector review

Bev McARTHUR (Western Victoria) (12:00): (1173) My question is to the Treasurer. Treasurer, today the government announced that in response to the Silver review, you will cut 1000 jobs. Specifically, from which departments and agencies will these jobs be cut?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): I thank Mrs McArthur for her question and the opportunity to again welcome the report from Helen Silver. As the question has identified, we released the report and the government response today. As part of that response, the government will be reducing the VPS headcount by more than 1000 positions. Mrs McArthur, you are welcome to take a copy of the report. The recommendations are very broad ranging. They cover the broad spectrum of the public service.

The jobs do not include frontline services; we have been very clear about that. But it affects every department and several agencies. Her recommendations break down where her recommendations led.

As you will see from the government response, we have accepted the majority of Ms Silver's recommendations either in full, in part or in principle. There are a couple that we have not accepted. The predominant reason that we have not accepted some of the recommendations is that it would have led to direct impacts on frontline staff and frontline services for the Victorian community. An example of that is she suggested that we cease the doctors in schools program. We are very proud of that program and the health care that it provides kids in their place of schooling. We are not in a position to accept that. Despite the fact that she recommended that perhaps others could deliver that service, we were not confident that slack would be picked up. In answer to your question, Mrs McArthur, which was 'Where will it impact?' it is very evident in the report, it is very evident in our response and it is a broad-ranging impact across every department within the government.

Bev McARTHUR (Western Victoria) (12:02): Treasurer, you have also said that $113 million on consultants will be cut. Which specific consultants will be cut?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:03): Mrs McArthur, the problem with the question as put is that engaging consultants is usually done project-by-project or for a particular activity that needs to be done. You are implying that there is a particular consultant that is identified. What we have announced in our response to this review is a commitment to further reducing the government's reliance on consultancy and labour hire by 10 per cent. We have been evidently demonstrating our commitment to reducing consultancies, and this is a further step in that commitment.

Public sector review

Bev McARTHUR (Western Victoria) (12:03): (1174) Treasurer, whenever you have been questioned here on the Silver review, on its recommendations, on staffing, on contract awards, you have been quite clear. You have said it is 'an independent review, a review that is at arm's length from the government'. Given this much-vaunted independence, how many times did you meet with Helen Silver between commissioning the report and her delivery of it?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:04): Thank you, Mrs McArthur, for your question. At the outset, I am concerned by the implication – that you are suggesting that meeting with someone that I commissioned to do an independent report in some way undermines the independence of that report. You have asked how many times I met with Ms Silver in between commissioning the report and receiving the report, or indeed after the report. I disclose my meetings in the usual way and in the diary disclosure. I think in the last disclosure you would have seen that I have met with Ms Silver. I am not sure the amount of times – several times. It was really important in her work that she had the opportunity to update me on where she was headed. It was really important for me to make sure that there were no barriers to the information that flowed to her in relation to the report – that if she was going down a particular arm of inquiry that involved a particular portfolio, there was an opportunity for her to meet with individual ministers. You will see in their disclosures that she met with not every minister but a couple of ministers in relation to exploring some of the topics that she was interested in. This is an appropriate way to conduct a review of the public sector, because she is an independent person; she has been out of the public sector for some time. In applying her expertise, her knowledge and her historical understanding of the public sector to enable the report to be the best it could be, meaningful and with recommendations that are able to be implemented, it was very important that she engaged firsthand with ministers, department secretaries and indeed those that run the public sector.

Bev McARTHUR (Western Victoria) (12:06): Treasurer, I can actually help you out in this matter, because you personally met with Ms Silver 11 times before she made her report – seven times in the first eight weeks of her work – and that is to say nothing of your staff. How can Victorians have confidence that this was an independent review and that you were not there to influence her?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): Mr Davis went close to attacking her credibility but did not quite go there, to his respect. I know you have a high regard –

Members interjecting.

Harriet Shing: Because she worked for a coalition government.

Jaclyn SYMES: She did. Mrs McArthur, the fact that you are disparaging of a highly qualified, appropriate person – you are effectively arguing –

Bev McArthur interjected.

Jaclyn SYMES: I have just explained the appropriateness of having meetings with someone that I have appointed to conduct a review. As evidence to counter your ridiculous claim that this is not an independent report, you will see from the response, which you probably have not had time to read, that the government has not accepted every recommendation that was made by the independent review. I would suggest that that is pretty much evidence of the fact that I did not author the report and I did not strongarm an independent person such as Helen Silver – and if you knew Helen Silver, you would know that is probably not possible. I like the work she did. We were not able to accept every recommendation. We have accepted recommendations that will produce $4 billion in savings for the Victorian people, which – *(Time expired)*

Ministers statements: multicultural communities

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:07): It is that time of the year when we all come together with our families, our friends and our communities to share in the values that we all cherish. Our diversity is one of our greatest strengths here in Victoria. It is part of what it means to be Victorian. Our multicultural communities are hardworking and generous, even in the face of adversity, or often hate from other parts of the community, sadly. It is not just through our words that we show this but in the decisions that we take as a government. That is why I am very proud that this year the Allan Labor government has supported over 500 multicultural community groups to deliver community festivals and events celebrating their culture with every Victorian. This is over $5 million in support this year alone, and it means that every weekend – in fact some weekdays as well – our multicultural communities are gathering together and sharing their faith and tradition, their music, their food and dance with every Victorian. I have had the absolute pleasure of attending many of the events that we have supported over the last 12 months, whether it was $20,000 for the Wyndham Holi Festival run by the Victorian Cultural Association, nearly $30,000 for the Australian Vietnamese Women's Association's Thrive festival or $26,000 for the Shepparton Albanian Society's Harvest Festival – one of my favourites. Each were fantastic celebrations of the vibrancy and traditions that our migrant communities have brought to every corner of Victoria and a strong reminder that no matter your background or who you pray to, here in Victoria everyone belongs.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:09): (1175) My question is for the Minister for the Suburban Rail Loop. Minister, the Department of Transport and Planning's strategic risk summary identifies that there is a high risk that the SRLA may be ineffective in managing system integration across multiple, concurrent work packages. Given the Department of Transport and Planning think there is a high risk of system failure, what steps are you taking to manage this high risk?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:10): Thanks, Mr Mulholland. It is always a pleasure to hear you inquire about Australia's largest transport and housing infrastructure project. As you would be aware, the Suburban Rail Loop is on time and it is on budget. One of the things that I want to be really clear about is the importance of this project having been recognised by

Infrastructure Australia as a priority project, recognised by the Commonwealth government and recognised by Victorians as being of fundamental importance to making sure that as we grow we can grow well. In addition to that, it is a project that can ensure that we deliver 70,000 new homes across those areas where for too long we have not seen that corresponding investment, which has been borne in large part by those outer suburban and peri-urban areas across the north and the west. We have a huge program of works underway, Mr Mulholland, as you would be aware. Metro Tunnel – I am looking forward to seeing you down in that tunnel. I know that Mr McGowan is a huge fan of the work that the Labor government has delivered.

But a risk register: let us just be really clear on the way in which risk registers operate, and your colleagues have acknowledged this. It is a live document. It is a live process which, again, undertakes, in accordance with the Financial Management Act and the reporting requirements that exist under that legislative framework, an assessment and a due diligence of risk that may be part of the framework for risk management, mitigation and governance. Proactive risk management enables us –

Evan Mulholland: On a point of order, President, I asked what steps the minister is taking to address the risk. I did not need an explanation of the risk – so relevance.

The PRESIDENT: I think the minister was being relevant.

Harriet SHING: Well, just on the point of order, you said you did not need an explanation of the risk. You actually do seem to need an explanation of the risk, because what you fail to acknowledge is that in delivering a project of this magnitude it is actually standard practice, Mr Mulholland, to identify, analyse, assess and consider a range of different types of risks in decision-making, in the planning that goes into that work and in the delivery of any complex project. If, Mr Mulholland, you are suggesting that risk should not be bottomed out as a matter which requires and responsibly demands contemplation, mitigation and practices in place to reduce its probability, that proactive risk management and mitigation is exactly the thing that is ensuring that this project is on time and on budget. So, Mr Mulholland, it is a direct consequence of understanding and bottoming out through a due diligence process that risk that we have a project which is on time and on budget. As much as it sticks in your craw, this is a project which will deliver fundamental improvements not just to this generation, not just to our kids, but to their kids, Mr Mulholland. It will enable a city to grow in the way that it needs to, a city to grow in a way that contemplates and manages that growth. That growth is in and of itself a risk, and this is where to do nothing, Mr Mulholland, is a risk which again demands a response. This is where your response to that is to cut it, to pause it and to sack workers. Our response is to get on and to build it.

Evan MULHOLLAND (Northern Metropolitan) (12:13): Minister, the strategic risk summary also states that there is a high risk the SRLA and its main works package delivery partners are unable to effectively meet delivery objectives and requirements operating under the collaborative arrangements. Does the minister retain full confidence in the Suburban Rail Loop Authority's ability to successfully deliver this project given the Department of Transport and Planning believes there is a high risk of failure?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:14): Yes.

Vacant residential land tax

Katherine COPSEY (Southern Metropolitan) (12:14): (1176) My question is for the Treasurer. Treasurer, in a housing crisis, Melbourne currently has more vacant homes than it did a year ago. The 2025 speculative vacancies report shows a sharp rise in vacant homes in Melbourne. Using water usage data, they have identified a 16 per cent increase in totally empty homes over the past year – now 31,890 dwellings, according to the report. A further 69,055 homes were underused, bringing the total of these homes that are sitting empty or barely occupied to over 100,000. That number of properties could house every applicant on the housing waiting list almost twice over. Whitehorse recorded the

highest number overall at 2677, which is one out of every 30 homes in that municipality. Treasurer, does the number of vacant homes being taxed accurately reflect the number of real homes that are sitting vacant in Melbourne?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): I thank Ms Copsey for her question and the opportunity to talk about the policy rationale for the vacant residential land tax.

Harriet Shing: And the short-stay levy.

Jaclyn SYMES: Thank you, Minister. That is all about addressing the concerns that you have raised. We know – and my predecessor brought this in – that there is arguably an unacceptable amount of vacant homes that could be activated, particularly for the private rental market, which takes pressure off all of the cascading areas, leading to social and public housing as well. That is the rationale for that policy objective.

As you have indicated and offered up in your question, one of the mechanisms to identify vacant properties is data matching with inputs from other agencies. One of the ones that the SRO tell me is the most reliable is water usage for properties, because effectively it is pretty difficult to demonstrate that someone is not turning on a tap if they are there. That is probably the best example of being able to identify and send inquiries to home owners when properties seem to be vacant. That is an enforcement and investigative function that is part of the SRO. I certainly cannot and would not expect the taxes applying to vacant residential lands to have captured all, because it is an ongoing process to indicate that. I think your question is very timely. I think it is a good opportunity to remind people that if they have got a vacant residential property, then they will be taxed unless they sell it or put it up for private rental, which is, we would hope, an incentive and an outcome of those policy settings.

As Minister Shing interjected, there are also other policy measures that we are bringing in place through the tax system to incentivise people to bring their homes. Whether they are vacant or whether they are put on a short-stay platform, we would like to see those properties made available to the rental market, and where they are not we can obtain a revenue, which we can put towards our record efforts in building more homes in Victoria.

Members interjecting.

Evan Mulholland: On a point of order, President, I cannot actually hear the Treasurer because of the noise on that side.

The PRESIDENT: I think there was a bit of noise on that side and a little bit from this side too. As I have said before, there was none from the side that actually asked the question. Maybe respect the person asking the question and the minister trying to answer. Unless they want to join in on the interjections – then maybe it is a different thing.

Katherine COPSEY (Southern Metropolitan) (12:18): Just over two years ago, during negotiations on the State Taxation Acts and Other Acts Amendment Bill 2023, the Greens secured a commitment from the government to trial an enforcement pilot program so that properties covered by the tax were assessed for liability. 1779 homes were taxed in 2024, up from 1013 in 2023. Outside of this trial, the government has failed to significantly curb widespread non-payment, leaving the vast majority of estimated vacant properties untaxed. Following the pilot program of increased enforcement, will the SRO permanently increase their monitoring and compliance activities to strengthen the effectiveness of this tax, to your knowledge, Treasurer?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:19): Ms Copsey, I think the best answer to your question lies in some of the material that I provided in my answer to your substantive question, in that the SRO are always looking for ways to better communicate people's obligations; it is literally their job. They continue to use data-matching activities, and that is now a permanent feature of the way that they will try and

communicate with Victorians. As I said, our policy settings are all about ensuring we make more and more homes available for Victorians. That is what the vacant residential land tax is all about, and enforcement efforts are always something that I speak to the SRO about. But in relation to directing them, I am confident that the measures that they are taking and any future innovations are always front of mind in the considerations of how they run their business.

Ministers statements: TAFE sector

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:20): I rise today to update members on the amazing achievements in the skills and TAFE portfolio that have occurred in 2025. We are getting on with building the TAFE infrastructure that we need. This year I have celebrated over 15 different capital milestones, including designs, sod turns and openings. Free TAFE has now helped over 225,000 students save an average of $3000 a course, and that is approximately 40,000 students this year. We are delivering on the apprenticeships taskforce recommendations and have launched the Apprentice Helpdesk so that apprentices can get the support that they need, and since 2019 we have issued almost 50,000 trade papers to apprentices. Victoria took home 19 gold medals at the national WorldSkills competition, including Melbourne Polytechnic's Lily-Grace Toohill, a jewellery-making student who took one home for the best in the nation.

There have been even more outstanding results from our providers this year, like Bendigo Kangan TAFE being named Large Training Provider of the Year at the Victorian Training Awards, as one of our most innovative and progressive training providers. This excellence is also shown in the latest National Centre for Vocational Education Research data, with more Victorian TAFE students completing their studies, with a 5 per cent increase in completions over the last five years. This is close to a 15 per cent higher completion rate than in universities. This Labor government saved TAFE after the cuts of the previous coalition government left our TAFE system in ruins. With public TAFE at the centre of our system, the Allan Labor government is delivering the pipeline of skilled workers that Victoria needs. And for those opposite, who closed 22 TAFE campuses: a closed TAFE campus means zero completions.

Department of Treasury and Finance

David DAVIS (Southern Metropolitan) (12:22): (1177) My question is for the Treasurer. Treasurer, will you confirm for the house that the former commissioner for economic growth and better regulation, Ms Cressida Wall, has been the recipient of an extraordinary and excessive employment settlement of up to $2 million following accusations of bullying of staff by Ms Wall?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:23): Mr Davis, I am not in a position to provide you information on that matter.

David DAVIS (Southern Metropolitan) (12:23): Well, that is extraordinary – an officer in the sector that you are responsible for. You would know about these matters.

Jaclyn Symes: It's not a matter for me.

David DAVIS: It is DTF, and you are the lead minister.

Members interjecting.

David DAVIS: You are the lead minister. Will the Treasurer confirm that Ms Wall was subject to bullying accusations by senior Department of Treasury and Finance staff?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:23): Mr Davis, as I said, I am not in a position to provide a commentary on this matter. I do not think it would be appropriate, even if it was within my portfolio. The minister for economic growth is a DJSIR minister, and that portfolio fits not within DTF. But in any event, I

am concerned about the fact that you have put on the public record matters in this way – alleged matters in this way. As I said, I am not in a position to provide any information in response to your question.

David Davis: On a point of order, President, the Treasurer is in a position to provide an answer on this matter. The matter of whether her staff were involved in this is a question that she can answer.

The PRESIDENT: I believe the minister did answer the question.

Waste and recycling management

Rachel PAYNE (South-Eastern Metropolitan) (12:24): (1178) My question is for the Minister for Environment, represented in this place by the Minister for Skills and TAFE. In your own department's 2023 regulatory impact statement for Victoria's waste-to-energy cap and cap licensing, it is noted that increased waste-to-energy capacity will reduce the government's waste levy revenue. Their modelling projected that over 27 years, with a 2 million-tonne cap on waste to energy, waste levy revenue would decrease by $2.836 billion and waste-to-energy operator revenue would increase by $7.453 billion. For the Sustainability Fund, which collects most of Victoria's waste levy, this means less funding for recycling initiatives and programs to help deal with climate change. Now the waste-to-energy cap is at 2.5 million tonnes can the minister advise how this will decrease waste levy revenue and increase waste-to-energy operator revenue?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:25): I thank Ms Payne for her question. It will be referred to the Minister for Environment. And again, can I thank her for her ongoing interest in waste-to-energy matters.

Rachel PAYNE (South-Eastern Metropolitan) (12:26): I thank the minister for referring that on. By way of supplementary, the Victorian *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2024–25* showed that the balance of the Sustainability Fund had ballooned from $66.8 million at 30 June 2022 to $545.7 million at 30 June 2025. Now, this fund is responsible for collecting most of Victoria's waste levy and is meant to fund recycling initiatives and other programs to help deal with climate change. Yet increasingly, this money is not being spent. So my question is: why is this money sitting in the Sustainability Fund instead of being used to help deal with climate change and funding recycling initiatives?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:27): Again, I thank Ms Payne for her supplementary. It will be referred to the Minister for Environment for a response.

Ministers statements: gambling harm

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:27): Last week I had the opportunity to speak at the gaming management summit, hosted jointly by Community Clubs Victoria and the Club Managers' Association of Australia. Held at the Mulgrave Country Club, one of our 43 account-based play trial venues, the summit focused on the practical realities facing club operators across our state. Clubs continue to play an important role in Victorian life. They employ local people, support junior sport and veterans programs and provide spaces where community can gather. In regional Victoria especially they often remain one of the few venues where social and community activity can take place. The summit brought together club managers and venue operators from across the state to discuss the practical pressures of their work. It gave them an opportunity to discuss several issues, including compliance, staffing challenges and the role of technology in supporting safer environments. They offered practical insights into how clubs operate today, which reinforced the need for reform to be both effective and workable. Supporting clubs and protecting patrons from harm must go together, and that is the approach we are applying to our landmark reforms. We are strengthening safeguards for patrons while working with venues to ensure reform is practical and can stand the test of time. The

direction is clear: gaming in Victoria must operate responsibly, protect people from harm and support community wellbeing. We will continue to engage constructively on the next steps of our reforms.

Public sector review

Renee HEATH (Eastern Victoria) (12:28): (1179) My question is for the Treasurer. Treasurer, in February you said you wanted to accept all of the Silver review's recommendations and that:

> It's needed to address the budget recurrent problem that we have.

You have accepted barely half of the recommendations. Does this mean you are only addressing half of Labor's budget crisis?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:29): I thank Dr Heath for her question and the opportunity again to talk about the independent review of the Victorian public service. The final report is available for members. I have got some copies in my office if anybody would like them. As we have indicated, we have accepted the majority of Ms Silver's recommendations. Some of them we have accepted in full; some we have accepted in part. Therefore we have accepted some and not others – particular recommendations. And there are several that we have accepted in principle; a lot of those are along the lines of the entity reform mergers and the like. For example, she might have suggested that we should look at merging four entities together, and we might have accepted to combine two and two. But it is 'in principle' because it is partly something that we want to implement immediately. It might be something that we look to do further down the track, particularly for some of those entities that have recently been created or recently received new functions. One of them fits squarely in my portfolio as the Minister for Industrial Relations. Her recommendation was to bring together all of the workforce regulators, for example. We have labour hire legislation in this chamber this week, and there are new tasks going to that organisation. We did not think it was the right time to accept that recommendation, to do it now, but we accept that there is merit in that, and it might be something going forward.

Dr Heath, of course I said I would like to be in a position to accept recommendations. There are some recommendations where there would be interest in an alternative government's view. We did not accept all recommendations because we were concerned that there would be an impact on frontline services for Victorians, and we are a government that will not cut frontline services. I know that you have to take a different approach on that side, because when you purport to diminish the revenue, if you were elected to government, you would have to make cuts to frontline services because that is the only way you could fund the promises that your leader has confirmed will be part of a Wilson government in the event of the government changing.

I thank Ms Silver for her work – $4 billion in savings. That implementation has already commenced. I also welcome bipartisan support for the entities bill that has been introduced into the lower house today and is bringing together some of the recommendations in relation to entity consolidation.

Renee HEATH (Eastern Victoria) (12:31): Treasurer, you said your response to the Silver review will save $4 billion over four years. Net debt increased by $7.2 billion while you sat on that review. How is your response anything other than a symbolic drop in the ocean?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:32): First of all, Dr Heath, as was indicated in the budget back in May, some of the interim findings from the report had already commenced. So, yes, there is $4 billion of savings. Some of that is already underway. I probably shudder with concern that we have an opposition that calls $4 billion a drop in the ocean. And it has been put out by your leader in her press release –

Renee Heath: On a point of order, President, either the Treasurer is deliberately misinterpreting what I said or she did not hear it.

The PRESIDENT: There is no point of order.

Jaclyn SYMES: Well, just to clarify, the Liberal Party's press release that was released today says:

> These supposed savings are a drop in the ocean.

I thought you were just repeating your leader's comments. I will release the budget update tomorrow. I will not give an indication of exactly what that says, but, Dr Heath, we are on track to deliver a surplus.

Illicit tobacco

David LIMBRICK (South-Eastern Metropolitan) (12:33): (1180) My question is to the Minister for Casino, Gaming and Liquor Regulation. I imagine that very soon the minister's department will be training the reported 14 authorised officers for the new tobacco regulation and licensing scheme. They will be sent up against Victoria's vast organised crime network. And to give you an idea of what they are up against, there have been over 150 arson attacks; at least four murders; widespread extortion, intimidation and blackmail, most of which has not been reported; and the tragic incidental murder of an innocent person who was burnt alive. It was also reported that these same networks have been infiltrated by the Islamic Revolutionary Guard Corps of Iran and used for terror attacks. My question to the minister is this: how will you guarantee that these authorised officers will be safe?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:34): I thank Mr Limbrick for his question; it is a question and a matter of great public interest. We have seen reports of late of further growth of the illicit trade of tobacco, and it also puts into question some of the work we have done to minimise, more broadly in terms of the policy space across the country, smoking rates in the nation and how that data may be also affected by the growth of this sector. But our government is committed to stamping out crime in all its forms, especially in relation to illicit tobacco. That is why we have set up the first ever regulator of this state. As we speak, people are signing up to the new scheme to sell legal tobacco. We have introduced a fit and proper person test as part of that and obviously tougher penalties of imprisonment for up to 15 years and larger fines. We will have boots on the ground from next February. The key to that will be to have intelligence-led searches. But really, as you have outlined in your question, this is a matter of serious organised crime, and some of it, as you give an example of, has foreign interference. So this will have to have multiple agencies working across borders but in particular Victoria Police working more closely to where the criminal element is here to take action.

In relation to, I guess, workplace safety for the 14 operators, that is a very, very important question, and I think that will be an operational matter for the chief operating officer of our new agency to consider. I am obviously not going to share those details of how they will be operating in this forum, but that is something that they will be looking at very closely. And obviously they will be working closely with Victoria Police to see how that model can be rolled out, because the safety of workers is always paramount for the Allan Labor government.

David LIMBRICK (South-Eastern Metropolitan) (12:36): I thank the minister for that response. After talking with many councils, my understanding is that one of the reasons that the previous regulation scheme failed is because many CEOs were reluctant to send authorised officers out into these environments because they were too dangerous. They were worried about their own liability. In particular, they were worried about liability under the workplace manslaughter laws. As we confirmed when the workplace manslaughter laws came out, ministers are also potentially liable under these laws. I am wondering: what sort of consideration has the minister given to the potential liability of both department heads and himself under these sorts of dangerous environments that these authorised officers are going to be sent into?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:37): I thank Mr Limbrick for that supplementary question. One hundred per cent, the focus needs to be on worker safety, and I think that is something that the chief operating officer for the new regulator will be looking at. But as I stated, any searches, in particular where there is direct action, will need to be in coordination with law

enforcement, because the people that are operating in this area are organised criminals. We need to stamp it out, and that will of course need Victoria Police. But many of these operations, and we have seen a number of operations where people have been arrested of late, are across borders and across agencies and include the federal police and Victoria Police. I think there is a role for the regulator to identify and collect evidence, but definitely some of this enforcement will need to be done with police.

Ministers statements: economy

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:38): There were so many choices today, but I have gone with the Victorian economy because I did not want people to miss the good news from yesterday. Yesterday's Australian Bureau of Statistics national accounts figures show that the Victorian economy grew at 1.3 per cent in the September quarter – well above the national average of 0.4 per cent. The data shows that Victorian business investment was up strongly, at 3.6 per cent over the September quarter – the fastest quarterly growth in over two years. All of this is on top of the 120,000 new businesses, in net terms, that have opened their doors here in the last five years. More Victorians are also in a job than ever before. The share of working age Victorians has reached a record level of 64.7 per cent, and the participation rate is 67.8 per cent. This is especially true for women. Because of our investments in things such as Best Start, Best Life, free TAFE and women's health, the participation rate for women is now at the highest level ever – 62.8 per cent. Despite the grumbles and despite the gripes of some of those out there, the private sector is betting on Victoria as the place to invest, grow and bring more Victorians into employment.

There are some economic headwinds, though. Reckless commentators, like a broken record, constantly talk down our economy, champion failure and ignore the facts – and all for cheap political points. But our economic strategy to back Victorian businesses and workers is working, and yesterday's data is proof that our plan is moving Victoria forward. The plan, however, is at risk. It is at risk because an alternative government would rip $11.1 billion straight out of the budget. Callous, callous cuts are the only way an alternative government could achieve that outcome. It would affect Victorians, and it would smash the economy.

Written responses

The PRESIDENT (12:40): I thank Minister Tierney, who will get written responses, in line with the standing orders, from the Minister for Environment for Ms Payne.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:40): (2056) My question is to the Minister for Public and Active Transport in the other place. Minister, how will the Metro Tunnel help my constituents in eastern Victoria? We are connecting country Victorians to the city and the city to the country. We have invested in regional rail through V/Line, through station upgrades, through signalling, through new trains and through cheaper fares, and it is so good that eastern Victorians can connect to all the city has to offer and metropolitan Melburnians can get out into the regions and into country Victoria with everything it has to offer. It was fantastic to join the minister, the Premier and tens of thousands of Victorians on the first passenger train through the Metro Tunnel on the weekend. It was an absolute delight. Whether it is the line coming in from Gippsland or from Pakenham or whether it is freeing up the Frankston line through the loop for people on the peninsula, it is just so great that all Victorians can benefit from the freeing up of our network and the biggest investment in public transport in 40 years.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:41): (2057) My question is for the Minister for Environment. Residents in Inverloch are deeply concerned that the government has failed to act on

severe and worsening coastal erosion, which has placed homes, community infrastructure and the surf lifesaving club at risk. Freedom-of-information documents reveal the government received $3.3 million in federal funding three years ago for urgent on-ground erosion works, identified as essential to protecting Inverloch's foreshore and critical infrastructure. But the government has not spent a single dollar, despite its own department stating that works were a priority and needed to begin as soon as possible, with a two-year completion window. Since then Inverloch has lost more than 70 metres of foreshore, lifesavers have been forced to shift emergency access routes and locals have repeatedly warned the coastline is in imminent danger. Given that the funds were secured, the risks were identified as urgent and the locals have already endured years of delay, will the minister explain why the government has failed to begin these works within the required timeframe and outline to residents when they can expect it – *(Time expired)*

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:42): (2058) My constituency question today is for the Minister for Roads and Road Safety. My constituents ask: will the minister order urgent repair work to be undertaken on the Murray Valley Highway between Barnawartha and Cobram? The Murray Valley Highway has to be one of the most neglected highways in Victoria. Spanning 663 kilometres, starting at Euston and ending at Corryong, this highway literally carries motorists from one side of my electorate of Northern Victoria to the other. Running along the southern bank of the Murray River, this highway is vital for the tourist towns dotted along it, so you would think the minister would take the complaints of my constituents seriously and fix this road. Deep rutting and potholes east of Rutherglen and crumbling surfaces all along the entire length and breadth of this road make it treacherous for all road users. The rutting and potholes around Rutherglen have been there for over two years. The same can be said for the rough surfaces between Yarrawonga and Cobram. This is completely unacceptable. Regional Victorians deserve the same standard of roads as their city counterparts, not to be avoiding the same potholes and rutting for years. So my constituents ask: will the minister order urgent repair work to be undertaken on the Murray Valley Highway between Barnawartha and Cobram?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:44): (2059) My constituency question today is to the Minister for Skills and TAFE. It concerns the Silver review, and it relates to my electorate. I am concerned about what is flagged here at recommendations 8.7 and 8.8. It says:

> … consider further TAFE consolidation opportunities, ranging from targeted mergers to a single TAFE entity.

And it looks at long-term asset strategies to sell underutilised TAFE assets. I am asking the minister to announce publicly which of the TAFEs in my electorate will be either merged or sold.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:45): (2060) My question is for the Minister for Energy and Resources. The Environment Protection Authority Victoria has confirmed it is investigating Victory Minerals' Ballarat Gold Mine after a tailings dam leaked into the Yarrowee River on 31 October. The new tailings dam was green-lit by VCAT in 2024 despite local protests, submissions and public statements during the approval process repeatedly highlighting risks of leakage, inadequate safeguards and the close proximity of the dam to the Yarrowee catchment. Victory Minerals has a record of previous compliance breaches, including a fine issued by Resources Victoria for excessive blasting vibration in July 2024. A pattern of incidents suggests ongoing deficiencies in risk management, maintenance practices and transparency. Minister, will you establish an independent review of the Ballarat Gold Mine tailings facility, including its compliance history and the environmental impact of its operations?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:46): (2061) My question is for the Minister for Health. A mother from Point Cook contacted me after she could not get a GP or community health appointment for her feverish child. With no primary care available she had no choice but to take her child to Werribee Mercy, where she then waited for over 10 hours in that department before being seen. Both the North Western Melbourne Primary Health Network and Wyndham council have warned for years that population growth in the Western Metro Region is far outpacing health service capacity, and the Victorian Auditor-General's Office has confirmed that our emergency departments are already struggling and routinely missing basic timeliness targets. Is this crisis the result of flawed planning, or has the government allowed Western Metro families to fall behind because it assumes they can be taken for granted indefinitely?

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:46): (2062) My question is to the Minister for Health. Minister, my 60-year-old constituent from Preston was diagnosed with Parkinson's disease five years ago. To manage his health condition he has a Vyalev pump to administer his Parkinson's medication via a cannula in his stomach. He is now due for deep brain stimulation surgery at Austin Hospital. However, he has been told that Austin Hospital are, in his words, 'dragging their feet in buying some much-needed equipment for the surgery' to go ahead. Having access to the surgery for my constituent would mean a better quality of life. Minister, can you please advocate to Austin Hospital on behalf of my constituent and many others on the waiting list to ensure they purchase the necessary equipment so deep brain surgery can commence?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:47): (2063) My constituency question is for the Minister for Environment. It relates to something that I have been working on for a long time with the constituents down on the Bass Coast, and that is the Bass Coast cape-to-cape resilience project. It is overdue despite being launched in 2019. Labor declared coastal works were, and I quote, 'a priority' in information that I received recently. They said it was a priority back in 2022, and there was $3.3 million to spend on mitigation works. Meanwhile erosion is continuing to be such a significant issue both at Inverloch and at Silverleaves and in that coastal community. In the review that you also did a little while ago, Minister, the consultation said that there were community concerns, but they blamed negative feedback on the storm event and indeed a community petition that was tabled here by me only recently on behalf of the committee. Minister, on behalf of the Bass Coast residents, will you immediately release the final cape-to-cape resilience plan as soon as possible – before Christmas?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:48): (2064) My constituency question is for the Minister for Community Sport. Last week I received a very special handwritten letter from one of my youngest constituents, Maud Middleton from Woodend. This keen little skater wrote to me with a few suggestions about how we can improve the Woodend skate park for all users, young and old. This park is much loved in my community, but it is clear that it is in need of some TLC. Currently the concrete park has just a launch ramp, some boxes, a quarter-pipe ramp and grind poles. Maud has asked for a few fresh additions to ensure it can be enjoyed by everyone in the community. She has proposed a dip, some smaller jumps, intermediate jumps and even a few harder jumps. Will the minister commit to providing funding to upgrade the Woodend skate park?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:49): (2065) My question is for the Minister for Emergency Services, and I ask: Minister, while you have announced what you describe as the biggest ever round of volunteer emergency services equipment program grants, totalling more than $30 million, can you explain once again why people in the south-east have missed out? For

instance, Skye CFA has been completely ignored. Will you guarantee that one of these new vehicles that are being allocated will be allocated to the Skye CFA, so that our volunteers are not left to protect a growing community with unsafe, outdated trucks? Skye CFA is continually being forced to respond in trucks from 2002 and 1992, vehicles that are slow, unsafe and not fit for purpose in a growing urban community with new housing estates and factories.

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:50): (2066) My question today is to the Minister for Roads and Road Safety. Recently a child walking to school at St Kilda Primary School in my electorate was hit by a vehicle at the Brighton Road pedestrian crossing, which is near the primary school and is heavily used. The child was injured but thankfully not critically. There were several witnesses who confirmed that the child did exactly the right thing by waiting for the green pedestrian signal before stepping out onto the crossing. I note that those witnesses also thanked both paramedics and police for their immediate response and extraordinary care. Minister, will you urgently investigate and improve the safety of this pedestrian crossing, engaging the school community in doing so?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:51): (2067) My constituency question is for the Minister for Multicultural Affairs. In Box Hill a volunteer-run group known as English Corner has just celebrated its fifth anniversary. Every Saturday morning from 10:30 am to 12 pm English Corner brings together new migrants and longer term residents to practise English, share stories and build friendships. Founded and organised by Mr Minwen Wu, himself a migrant, English Corner is a quiet but powerful example of social cohesion and integration in action. As it has improved his own English, Mr Wu has also helped new arrival communities find their voice, participate more confidently in civic life and deepen their sense of belonging in our state. My question for the minister is: will she join me in congratulating Mr Wu and the volunteers of English Corner on five years of service?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:52): (2068) My question is to the Minister for Roads and Road Safety. A constituent from Elmore wrote to me to raise serious concerns about the ongoing danger at the intersection of the Northern Highway and Elmore-Raywood Road, right at the Elmore Bakery corner. This intersection is chaotic at the best of times, with vehicles turning in all directions and large volumes of through traffic. The situation becomes even more hazardous during harvest, with trucks travelling to and fro and frequent stock transports. My constituent says the traffic is a nightmare and a very serious accident waiting to happen. A local resident personally counted 67 trucks and around 60 cars and caravans in a single hour, with 98 per cent turning at this intersection. Sight lines when crossing into town are extremely poor, and residents genuinely fear that a serious accident is inevitable. Despite raising these concerns with Minister Horne and the Premier, they have received no satisfactory response. I invite the minister to meet with local residents at the Elmore Bakery to see firsthand the risks that locals face daily. Minister, will you commit to urgently reviewing the safety of this intersection to find a solution?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:53): (2069) My question is to the Minister for Roads and Road Safety, and it asks: can the minister confirm that VicRoads has no plans to close offices in the Western Victoria region, and can the minister confirm that funding will be provided after the alleged five-year extension in Maryborough, as announced by Martha Haylett? There is growing concern from residents in Ararat, Kyneton, Echuca and Portland that their local VicRoads office could be shut, and there is no guarantee that the one in Maryborough will remain open, given that the funding arrangements in place are temporary. Rural Victorians have had a gutful of governments and statutory authorities cutting services they rely on, be it the local VicRoads or Australia Post, as it makes it increasingly hard to live in these communities.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:54): (2070) My question is for the Minister for Roads and Road Safety. Will the minister commit to funding the upgrade of the High Street and Urquhart Street intersection in Woodend in the 2026–27 state budget? This four-way intersection is notoriously risky, with no traffic lights and a confusing layout with service lanes merging into the junction. In February I asked the minister to expedite the release of draft designs so that public consultation could begin. The minister did not release the designs, but Transport Victoria says that it has been privately seeking feedback from local residents and businesses. Final designs are supposed to be released online in late 2025, but it is December and nothing is available yet. Even if the planning is complete, no funding for construction work has been allocated. The Woodend community are desperate for this intersection upgrade, and it is a priority project for the Macedon Ranges Shire Council. The minister must fund the intersection upgrade in the next state budget.

Sitting suspended 12:55 pm until 2:02 pm.

Bills

Justice Legislation Amendment (Community Safety) Bill 2025

Second reading

Debate resumed.

Trung LUU (Western Metropolitan) (14:02): As I was saying, this amendment is a step forward to rebuilding our community's confidence in this government, strengthening our law back to where it was and making Victoria safer. Hence this side of the chamber, the Liberal–Nationals, do not oppose this bill. But I do want to reiterate regarding this bill that it is a softer attempt to adopt the 'adult crime, adult time' law that has proved to be highly effective since its introduction in Queensland – a law, I might add, introduced by the Liberal Premier of Queensland the Honourable David Crisafulli and amendments he took to the 2024 election that were resoundingly endorsed by the people of that state and have successfully curbed the crime trend in Queensland. Like Victoria, Queensland had a record crime rate under the Labor government before the people said enough is enough. It has been so effective that victim numbers in the first nine months have come down 6.5 per cent since the introduction of this law compared to 2024. A downward trend, a decrease in crime – something unheard of in Victoria.

We have here in Victoria a reactive government, unfortunately, not a proactive one. Labor does not do anything until their internal research shows there is an issue. Forget listening to the community; forget listening to the Crime Statistics Agency, which has shown that crime is up 19 per cent since Labor formed government and 15 per cent on last year's crime record. For years this Labor government have been dragging their feet, ignoring communities crying out, ignoring the Crime Statistics Agency. The reality in Victoria is that crime is real and it is out of control. The only reason we have even been debating yet another justice amendment bill of this nature is because countless lives have been destroyed. Unfortunately, some have paid the ultimate price, and unfortunately some of those are in my electorate. Families are being distorted, and communities are living in fear. We are going through a crime crisis. Victorians have seen wave after wave of young offenders causing terror and fear across the state, with violent crimes such as home invasions, aggravated burglaries, serious group assault and attacks on victims causing serious injuries, and too often there is a fatal result.

Why and how, you probably wonder? Well, like I said, if you weaken police powers and bail legislation, go soft on crime and lessen the consequences of people's actions so there is no responsibility, you generate a cohort who will continue to commit crime. The thing is, the main denominator or contributing factor is that under the Allan Labor government and her predecessor Daniel Andrews, in cooperation with the Greens, they have gone soft on crime over many years now. The Labor government has taken personal responsibility away from young offenders. They have weakened the laws and downgraded the crimes that are committed by young offenders and softened

the punishment on very violent crime. As a result, this state is now facing a crime crisis, and unfortunately many Victorians are paying the price.

Thankfully, today the Victorian Labor government have looked north and realised they need to do something about this crime crisis we are in, which has engulfed the state, before too many more suffer. While this bill before us, as I note, is substantially softer than the stronger laws in Queensland, it is something, and something is better than nothing, as they always say. The bill we are urgently debating is a lot softer than the one promised by our Premier only a few weeks ago. The Premier's office promised us the so-called 'adult time for violent crime' regime would see children aged 14 and above who commit certain violent crimes facing adult sentences. This bill seeks to implement only some elements of the policy they announced by amending the Crimes Act 1958, the Children, Youth and Families Act 2005, the Youth Justice Act 2024 and the Criminal Procedure Act 2009. The stated purpose of this bill is to increase penalties for several offences, including raising aggravated home invasion and aggravated carjacking to level 1, creating a new offence of using a knife for a specific indictable offence and expanding the definition of 'carjacking' to include theft of a motor vehicle containing a child under 10. These are some things which I do commend. At least they are trying.

One of the biggest gripes I have with this bill is the shortfall of offences designated as significant offences and the fact that the government intends to designate only five offences compared to what has been done up north, where there are 33 offences. The five designated offences which will see strengthened sentences include aggravated home invasion, aggravated carjacking and home invasion, which, although a designated offence, will not include an increased sentence. The two which I have concern about are intentionally causing injury in circumstances of gross violence and recklessly causing injury in circumstances of gross violence. We already have 'intentionally causing injury' and 'recklessly causing injury', and seriously, what is the definition of 'gross violence'? Who is going to define what 'gross violence' is? Is it a layman's determination? Who will determine that? There are serious injuries and there are injuries. Now, with the term for these two offences, it must be 'gross violence'. So that is something we need to speak about in relation to working with the government on what 'gross violence' is. Of the five offences that have been designated, compared to Queensland's 33 offences, two I have concerns about, which I have just mentioned. I have some concerns around this level of 'determining serious injury'. The bill also increases the maximum sentence for recruiting children to engage in criminal activities. The sentence is lifted from 10 to 15 years.

With the time I have got left I want to conclude my remarks and just reiterate that the coalition is not opposed to this bill, because we believe safety is paramount to our community. We must act now and act decisively. Even though this bill needs to uplift various offences and falls short in certain areas, we are addressing some of the things that are happening with the crime crisis. We are beginning to ram through certain bills, as the government has been doing in the past few weeks leading up to Christmas. That is not how you make legislation on serious issues such as youth crime at the moment. I acknowledge the government is trying to fix the problem, but you do not do it in this type of situation due to polling. What you need to do is listen to the community, listen to the victims and have time to consult in relation to the legislation – consult on what is really needed and how we implement the changes. This method of implementing legislation at half-measure on the run is how this government is addressing the serious issue of violent offenders and tackling violent crime, and it is not the way to go. There clearly has been very little, if any, attempt by the government to offer real consultation on this legislation, which is very important reform, I add. We need to do better when we are talking about legislation. It is an important issue and we need to address the finer detail, otherwise government will be just doing Victorians and those offending wrong with half-baked legislation.

Again, the coalition will not stand in the way of this legislation, and I and many of my colleagues stand ready to work with the government and the broader community on issues related to strengthening our response to crime issues, addressing the youth issue with violent crime, because the community expects us to do better in this chamber. In the last minute I want to stress that I do have concerns that there are various offences which are not being addressed here, and I will just quickly note them in the

time I have left. For example, assault with intent to rape, assault, attempted robbery, robbery, kidnapping, sexual assault – the list goes on – are all serious offences and yet they are not contained in the bill. So that is something I need to outline where we need to do better. Those sorts of offences I just quickly mentioned are happening, and we are experiencing that in recent times, so it is not something out of the blue. These sorts of assault are regularly happening in our crime crisis, and we need to address them as part of the bill.

Georgie PURCELL (Northern Victoria) (14:13): I rise to speak on this disgraceful bill by the government, and in doing so I also want to express, like many others have, my disappointment at their attempts to rush this bill through the Parliament this week at such short notice. This bill, in simple terms, is a bad bill, and I want to acknowledge from the outset that we all know that crime has become an increasing and very real problem in our state, and I fully acknowledge that there are many Victorians who do not feel safe, and rightly so. The comments that I make in this contribution do not seek to discount or minimise the experiences of any victims of crime in this state. But the reality is that the latest kneejerk so-called solution from the government is just not it; it is not the solution. It has been ripped straight from the Queensland Liberals' playbook by a government here that is unpopular and desperately seeking to win back votes ahead of the next state election. I remember watching the election coverage in Queensland on election night in absolute disgust that a government could commit to that, thinking to myself, 'I am so thankful that we are here in Victoria, where that would never happen.' Little did I think that only months later we would be staring down the barrel of very, very similar disturbing legislation.

I want to also thank, before I get into my remarks, the countless people and organisations who have reached out to me to express their concerns with this bill. I have noticed a really distinct shift and change in this bill compared to other pieces of legislation we have had come through here recently with the amount of members of the public who might have ordinarily supported other crime measures, who might have even supported the bail changes that we did in here, that just think this bill has gone too far, locking children up. The detrimental consequences it will have on children should not and cannot be accepted. Some of the groups that have written to me range from human rights groups, youth workers, researchers, legal experts and advocates representing Aboriginal people and other marginalised communities. In particular I would really like to thank the Victorian Aboriginal Legal Service, Youthlaw, the Federation of Community Legal Centres and the Human Rights Legal Centre for their tireless work and support and putting in the hard yards this week to brief us on the crossbench and to give us as much information as they possibly can, because again, we received a notification on Monday night that this bill would be introduced as an urgent bill and did not get briefed until Tuesday morning. I mean, it is Thursday afternoon. We have got six other bills to go through this week on top of all the other business of the Parliament. It is just not enough time to consider and scrutinise such serious legislation. So thank you to all of the wonderful advocates and NGOs who have helped us on this journey to get across it as much as we possibly can. These people are the ones who pick up the pieces when government panic replaces good policy, and we could be doing good policy in this area – that is the most disappointing thing. Their message has been clear and it has been consistent: this legislation will not make Victorians safer.

It is a headline-driven bill that only seeks to prioritise political optics over real safety outcomes, and we all want real safety outcomes. At its core it will give Victorians a false promise that longer sentences will deter violent crime, and that is simply not the case – we know that; that is not me editorialising. The evidence shows us the precedent is there, and we should be learning from it. What deters crime are actually functioning systems, and we do not have those here in Victoria right now. These happen to be the systems that the government has repeatedly failed to invest in. We have seen cuts to critical support services in recent times, and we will continue to see more cuts to those services. I am talking about things such as early intervention programs, bail and parole assistance and youth programs. We have seen a lack of stable housing, mental health support and limited family violence services, just to name a few critical services, which we have seen and heard about a reduction of recently.

Recognising that children and young people are vulnerable and need more protection is a foundational component of our legal system, and it seems that the government have forgotten that in introducing this legislation. Our current laws already have provision for the Children's Court to uplift matters to higher courts if they think it is necessary while still recognising fundamental sentencing principles. I am not for a moment suggesting that there are some youth offenders that do not need legal interventions – I do not think any of us are suggesting that – but there are processes that already exist in order for that to happen. To drastically expand mandatory minimum sentences in a way that removes judicial discretion is essentially to swing a blunt instrument at a complex, individual social challenge that we are facing in this state. It will cause collateral damage to our state's most vulnerable cohorts. They will inadvertently fall victim to a system that has been set up to fail them.

One of the most alarming consequences of this bill is the disproportionate harm it will inflict on Aboriginal communities. Aboriginal people in Victoria, we know, are already over-represented in our criminal justice system. Over 60 per cent of children in prison are First Nations children. The figures show us that they are more likely to be policed, charged and thrown in jail. At the same time they are also less likely to have access to the support and services that help to steer people away from crime. We only need to look at the tragic case of Veronica Nelson, which we have spoken about many times in this place throughout other debates of recent legislation, and the warnings we got about deaths in custody. Now we are putting that threat onto children – we are putting that threat onto Aboriginal children as well as adults.

What is perhaps most galling to me is the fact that this legislation was announced just one week after this government made history with the treaty in this state and mere days before the government issues an apology to First Nations communities. Next week we will all come back to do that, and that apology will address the past injustices towards Aboriginal people so that we as a state can build a stronger, united future. And dare I say that one day there will be another leader in this place that will be forced to stand and deliver an apology to our First Nations communities again, apologising for the harm caused by these decisions to push ahead with laws like this one and other ones that have recently gone through the Parliament that will cause destruction and devastation in First Nations communities across our state.

Tuesday's apology was a key recommendation of Victoria's nation-leading Yoorrook Justice Commission, and another key recommendation of the very same commission was for the government to give full effect to the right of First Peoples to self-determination in the Victorian criminal justice system as it relates to First Peoples. That has been blatantly ignored, and that is clear from this bill before us today. You only need to look at what organisations such as the Victorian Aboriginal Legal Service have said about this change. VALS CEO Nerita Waight has called this 'a pivotal moment in Victoria's history'. She says:

> If this Bill passes parliament … we will see children's rights, protected under international law, struck from the law in Victoria.

VALS have told me about a young girl named Lily, who was charged with aggravated burglary and aggravated home invasion despite only having played a secondary role in the crime. Lawyers from VALS strongly advocated for Lily to keep her out of youth detention. She ultimately received a sentence that was proportionate in the context of the offending, and, positively, she was diverted from the criminal justice system. Lily has had no further contact with the legal system since then, but under the proposed changes in this bill it would be a very, very different story for her. Despite having no prior convictions, Lily would be committed to the County Court and exposed to the adult jurisdiction, and she would be facing a life sentence.

We also cannot forget the other people that will be caught up by these changes. These are kids from migrant backgrounds, from state care and from broken families and children with disabilities. Let us remember these are our state's most vulnerable children. They are young people who often carry histories of trauma. They have been subjected to childhood abuse and institutionalisation. To subject

them to automatic adult sentences is to completely abandon any hope of rehabilitation for them. It is a signal from lawmakers that their past trauma is irrelevant and they should be condemned for their future and given no chance to rehabilitate and to prosper. For many of these children the state is their parent, and it is clear that the state has given up on them.

Another point that too often gets lost in political debates is that real community safety is achieved when there are fewer crimes committed, not when more people are locked up. Jail is not a safe place for children, especially when we know children in youth prisons are likely to have suffered multiple traumas, such as childhood abuse and childhood neglect, family violence and educational exclusion. Further to this, a significant majority of children in youth prisons in Victoria have one or more disabilities, such as a brain injury or severe neurodevelopmental impairment, and over half of the children charged with offending have at least one diagnosed psychiatric disorder. These kids are the ones who are more likely to be disengaged at school. They are more likely to be maltreated, neglected and traumatised, and they are less likely to understand police and court processes. More than other children, they need specialised support. Today this Parliament is failing them and denying them that.

Last month the Ombudsman wrote to politicians and sounded the alarm on policies like this one. She pointed to a 20 per cent surge in complaints from prison and youth justice centres compared to the previous year. According to media reporting she said her office was predicting a 157 per cent increase in youth justice complaints – and that is before the 'adult time for violent crime' changes come into effect. That should be a cause for concern for everyone in this place. The breach of human rights is not just some dramatic claim. The government has admitted the bill breaches the Victorian Charter of Human Rights and Responsibilities. The Attorney-General's statement of compatibility acknowledges that this bill constitutes significant limits on the fundamental rights of children who are by their nature a vulnerable cohort. That is concerning. What is also concerning is the cost of this legislation, because locking people up is not cheap. The government has boasted that it intends to spend $730 million on new prison beds. If only that kind of money was spent on the intervention programs that I have spoken about, which have been backed by evidence and data and qualifications and have been proven to help young people break their cycles of offending. In contrast, the government is spending just a fraction of this on programs like them – a mere $135 million, in comparison to the $730 million. And just $1 million of this $135 million is for reconnecting kids in the youth justice system with school and education. I do have an amendment to this bill, which I ask to be circulated now.

The intention of this amendment is to allow greater time for courts, prosecutors and legal services to prepare for changes to sentencing for children for certain indictable offences in the bill, including by ensuring systems and additional resourcing are in place to effectively manage an estimated additional 450 cases – including an estimated 250 to 300 cases that will be subject to the mandatory uplift provisions – currently heard in the Children's Court that will be heard in the County Court under parts 3 and 4 of the bill. In effect these amendments would delay the operation of parts 3 and 4 of the bill until 30 September 2026. In Victoria there are 23 regional Children's Courts across the state. In comparison, there are only 11 County Courts, which are already full and have lengthy delays in hearing other matters. When this bill passes and the matters will be uplifted from the Children's Court into the County Court, there is simply no current capacity for them to take on this workload.

I touched on this in my opening remarks. We all thought that we would have the summer break to consider this legislation – knowing that the announcement came only weeks ago – and to truly understand this consequential legislation in its full detail. I just want to reiterate how appalling it is that the government has forced all of us to consider this bill in less than a week – in fact nowhere near a week, mere days – receiving a notification on Monday evening that it would be an urgent bill, being briefed on Tuesday morning and then being here in the Parliament debating it by Thursday morning. We have essentially had less than two days to analyse it, alongside six other bills in the house this week. That is disgraceful policy on the run, and the government should be ashamed of the way that they have handled this. They should be ashamed of not just the policy but the way that they have treated other members in this place and this Parliament, asking us to take on such a significant decision

in such a short period of time. But that aside, this bill is not only extraordinarily punitive but also defies decades of research and expert opinion. We are talking about a government that claim to care about vulnerable people, but with this legislation it is abundantly clear that they do not.

As I close, I just want to touch on the irony of the timing of this. From today there will be children across the country losing access to their Instagram and TikTok accounts. They will not be able to log in starting today, and by the 10th they will not be able to log in at all. Also today another Labor government is banking on passing this so that these same kids of similar age can face a lifetime in prison. Unfortunately, with the two major parties in lockstep on this issue, it is one of the rare instances where our votes on the crossbench will not count. But I think many of us are determined to do what we can to criticise and analyse and ensure that the government is held to account for this disgraceful decision. My vote will be recorded in the history books, which will be looked back on one day, as opposing this dangerous, harmful decision by the Allan Labor government.

Moira DEEMING (Western Metropolitan) (14:30): We are debating this bill in the middle of what we have all established is a public safety crisis that has been building and building for years, and we know that in the years in which it has been building and building Labor has been in power. It is a pattern that has been clear for over a decade, and we know that this pattern also extends to coming back to Parliament over and over again, tweaking the law, strengthening it, weakening it, tweaking it. I will not go through it again, because I have gone through it over and over and over with all these bills, starting in 2014. But basically, if we skip forward to this year, the crisis has returned worse than before, and in 2025 we are facing the highest crime figures in two decades. Now Labor is reacting again, but this time, in this bill, I have noticed there is something a little bit new. This time, for the first time, I think the government is trying to perform both sides of its contradiction in the same bill, having the appearance of harshness for a frightened and abused public and also the preservation of illegitimate leniency for the advocacy groups that they cannot afford to alienate. It is peak absurdity, peak symbolism, and it perfectly reflects the government's world view, which avoids personal responsibility, avoids ministerial responsibility and replaces genuine leadership with theatrical announcements.

The headline message is unmistakeable: 'Adult time for adult crime: life sentences for 14-year-olds'. They are words that are designed to be shocking, designed to look decisive, but legally and practically they are pretty misleading, actually. Fourteen- and 15-year-old's cases for certain designated offences are initially sent to the higher courts, the County or the Supreme. But the child can ask to remain in the Children's Court, and the Children's Court must seriously consider that request. In practice the Children's Court almost always finds that it is adequate that they stay in the Children's Court. The legal test is generous and the sentencing powers are broad, and Victorian courts have consistently kept youth matters within the youth jurisdiction. That means that the pathway back to the Children's Court remains fully intact. Nothing changes the underlying sentencing principles, which ensure that life imprisonment for a child in reality is actually pretty impossible in Victoria.

It brings me to the heart of the matter. If the government truly intended life sentences to be imposed, they would have had to change the sentencing principles, and they have not. We do not need to speculate about how courts sentence these offences. The Sentencing Advisory Council has already given us five years of detailed offence-level data. Across all higher courts, for sentencing between 1 July 2019 and 30 June 2024, carjacking had a maximum of 15 years; aggravated home invasion had a maximum of 25 years; gross violence, intentional, a maximum of 20 years; and gross violence, reckless, a maximum of 15 years. And what percentage of time do we think the maximum was actually used? Zero per cent – not once. Even the longest sentences fall well below the actual maximums. In fact the median sits at around 20 to 40 per cent of the ceiling. And why – because sentencing is governed by proportionality, parity with previous cases, youth mitigation et cetera, et cetera. So raising these maximums to life when the courts have never, not once, used the existing maximums is not even a reform; it is a performance.

In practical terms the bill does pretty much nothing to change sentencing outcomes, and the crisis that we are facing was not caused by lenient maximums, was it? It was caused by chronic police shortages – we are now more than 2300 officers down – over 1100 vacant positions, 43 police stations being closed or with reduced hours, clearance rates for cases falling 42 per cent in a year, weakened bail laws, reduced supervision, underfunded or non-existent early intervention and a refusal to apply low-to-high escalating consequences early and consistently. A maximum life sentence on paper does not correct any of that. It does not make arrests more likely. It is not going to bring our police forces back. It does not make supervision more effective. It does not restore early interventions. It does not restore trust, and it does not make anybody safer. It simply changes a number in the legislation while leaving the entire machinery – I was going to say 'machinery of justice in this state' but it is actually 'machinery of injustice in this state' – completely untouched. This bill misleads the public about what it can deliver; preserves the very pathways that already keep youth offenders in the youth jurisdiction and protect them from those life sentences; raises maximums that have never once been used; ignores police shortages, court delays and failing supervision; and pretends that symbolism is a substitute for good governance. Victorians deserve better than that. They deserve a government that confronts reality, spends money well and delivers actual help to young people who have gone off the rails and actual justice to victims. This bill is deceptive. It wastes time. It wastes money. Honestly, I do not know how Victorians put up with you people. I cannot wait to see if they get rid of you at the election.

David LIMBRICK (South-Eastern Metropolitan) (14:36): Just for a bit of context on how this bill is actually being approached, I must be special: I got notification of this slightly before Ms Purcell at 3 o'clock on Monday afternoon. I was told it would be an urgent bill on Monday night. I was briefed on it Tuesday morning, and the government expects us to pass it today. At least parts 1 and 2 will be law after royal assent, presumably tomorrow. It could be as soon as tomorrow. The only way that this bill can pass is through this unusual mechanism that we have at the moment. It is the third time this week that I have heard the opposition get up and say that the government's bill is terrible: 'We don't like it, but we're going to pass it anyway.' They are going to support it anyway. The hint is in the name 'opposition'. When something bad like this comes along, maybe they should oppose it like I am going to oppose it.

I will tell you a story. There is a used car salesman; let us call them 'the government'. And there is someone who is currently riding a bike around, but they really want an American muscle car. Everyone is hanging it on them – all their mates are laughing at them – because they are riding this bike, and they really want a muscle car. Let us call them 'the opposition'. Now, the used car salesman goes to this person on Monday afternoon, and they say, 'Have I got a car for you! It's just what you want.' And they say, 'Oh, is it one of those American muscle cars that we've been looking for? Because we want everyone to point at us and say that we're tough instead of saying that we're weak because we're riding around on our bike.' And the government – sorry, the used car salesman – says, 'Look, the truth of the matter is it's got a hole in the exhaust. The suspension's a bit clapped out. It's burning a bit of oil and the gearbox is a bit rough, but you've got until Thursday to make up your mind on it.' And the person goes, 'Oh, gee, if we don't take this car, people are going to laugh at us for riding around on our bike still, so we'd better just take the car.' So they take the car. Even though it is crap, they take the car because they are worried that everyone will laugh at them because they are riding around on their bike still.

We have this crazy scenario where the opposition acknowledges that this bill is not good law. This is a highly significant change to our justice system. And look, there are a few things in here that I would probably support, like clarification of ram raids as aggravated burglary – that sort of thing. But laws that are this significant should not be done this way through these urgency procedures. The government's lack of planning should not be Parliament's emergency. I acknowledge that sometimes things need to go through Parliament urgently. Through the pandemic we had situations where the courts could not function unless we authorised certain things. I supported those. There was another situation that I was more sceptical about, sacking a council, but the government managed to convince me that actually it was urgent because of very serious things that were happening and were happening

in a short timeframe. This is not an urgent bill. This is something that the government has sat on for ages and then had this panicked response about, probably because of polls or because they have had focus groups telling them that people hate the government because of crime. Crime is a real thing. People are really upset about it. They are really worried. Will this fix it? I do not think so.

This bill is proposing – and I agree with Mrs Deeming when she said that she thinks it is unlikely that it will ever happen – the idea of a 14-year-old kid getting a life sentence, and you want to rush that through without any sort of stakeholder consultation. This Parliament discussed in detail a very serious case about life sentencing, and we decided as a Parliament, unanimously, in the case of a man who murdered three women and posed an unreasonable threat to society, that is the sort of thing that is worthy of a life sentence. I do not think there are many people that believe a 14-year-old is incapable of reform and will be a danger to society forever. Certainly they must face consequences when they do these serious things. Breaking into people's houses, aggravated burglaries and carjackings are all serious offences that deserve punishment by the law. But the idea that somehow some kid is going to get sentenced to prison for the rest of their life – I am not convinced. That is just one example out of this bill. There are many others.

Just the fact that the government is doing it this way – Victorians should be outraged about this. Victorians should be upset, and they should hold to account the people that enable it, and that includes the opposition. I do not know if other members of the crossbench are going to support this or not, but if there are terrible effects from this, the people that enabled the government to do this should be held to account for it, because those people had the chance to stop it and they did not.

David ETTERSHANK (Western Metropolitan) (14:42): Could I just in opening commend the comments of Mr Limbrick and Ms Purcell, who preceded me, in terms of the outrageousness of legislation of this significance being dropped on us at short notice. The Premier announced this I think three weeks ago, yet suddenly on the last or second-last day of Parliament it is something we are expected to deliberate on, having had 72 hours to consider it, and of course we are considering other things apart from this legislation.

Dear me – another day, another piece of regressive legislation from a government intent on attacking young people in lieu of an effective justice policy. These cruel and ineffective new laws were cobbled together very quickly and basically commit children aged 14 to 17 to being tried and possibly sentenced in the County Court, where they will be treated like adults and receive adult sentencing. Stunningly, the government has also removed the principle of jail being a last resort for children, because for some crimes it should not be. According to the Premier's media release, the Children's Court only sentences 34 per cent of children and young people to jail for home invasions and carjackings, compared to 97 per cent of adults who go to jail for these crimes. The Premier glibly talked about children needing 'firm boundaries', as if locking up a 14-year-old for life is going to teach them a lesson. What might these children learn while they are locked up, at a cost, I might add, of approximately $2.7 million per child per year? While TAFE is free, prison is most certainly not.

We know that the overwhelming majority of children jailed have already experienced disadvantage and trauma, with many also having been in out-of-home care. Neurodivergent children and those with mental health disorders are over-represented in the criminal justice system. I just want to pick up a point from Mr Limbrick. We are not suggesting that if people do crime there should not be consequences. The question is: what is the appropriate consequence that they should face? This bill does not meet that test. What is the likely outcome for a 14-year-old serving a 25-year sentence? How is this 40-year-old going to cope once they are out? For starters, young people in long-term incarceration are isolated from their families and communities and may never reconnect. They are less likely to complete any sort of education, find stable housing, maintain employment or live independently. They will struggle to form healthy relationships and are far more likely to struggle with mental ill health and addiction. All of these factors are closely linked to recidivism.

We already know that our youth facilities and remand centres are filled to the brim. We are seeing more children – and they are children – end up in jail. Due to staffing shortages and overcrowding in our jails, these children are oftentimes kept in their cells for up to 23 hours a day – they get to walk around shackled for 1 hour in the yard for some exercise. And we expect these kids to rehabilitate and reintegrate into society? Is that really what is imagined by this government as an outcome of this legislation? Seriously, do we really need to explain why a young offender should be treated differently to an adult? Do we really need to explain why locking up children is unjustified and immoral? Children are immature and prone to ill-considered or rash decisions. They lack the insight, judgement and self-control of an adult. They are not able to fully appreciate the nature, seriousness and consequences of their criminal conduct. I repeat: there should be consequences for criminal conduct – but life sentences? Children have a much better chance of being rehabilitated, and that should be the principal aim of our youth justice system, but jail is far more likely to hamper than improve a child's prospects of rehabilitation.

The targets of this legislation are kids who have already been overpoliced, traumatised and unfairly targeted for most of their lives: Indigenous kids, out-of-home care kids, kids living with disability, kids experiencing homelessness or family violence – kids who have been failed by successive governments from a very young age. The government has basically given up on these young people: 'Lock 'em up!'

It really calls into question the government's commitment to treaty as well, because as this government well knows, Aboriginal and other children from marginalised backgrounds will be the most impacted by these punitive and harmful laws. To quote Nerita Waight, CEO of the Victorian Aboriginal Legal Service:

> It is not possible for the Allan Government to profess a commitment to Treaty and self-determination while at the same time causing irreparable damage to the future leaders of our communities.

At the same time the government is spruiking its plans to establish a violence reduction unit based on the groundbreaking Scottish violence reduction unit. Over 20 years that program has seen Scotland go from being the youth crime capital of Western Europe to seeing a 75 per cent decrease in youth crime, and they did not get it through locking up children. But we do not have time for long-term evidence-based initiatives to tackle generational problems, do we? There is an election on next year. While we are at it, let us cut all those programs that mitigate the root causes of youth crime – disadvantage, trauma and family violence – even though they are far, far, far cheaper and far, far, far more effective. The government is sacrificing a generation of young people as political collateral, all for the sake of burnishing its tough-on-crime credentials in time for the next election. It is a spectacularly cynical move from a government who should know better – and in fact does know better but does not care.

The laws breach protected children's rights under the UN Convention on the Rights of the Child, which requires children to be treated by the courts in a way that is appropriate for their age. The Attorney-General in the other place has already admitted that the bill is incompatible with our charter of human rights, yet the government is going ahead and pushing this through. You know it does not comply with our own charter, and you are going to push it through. The amendments also may breach section 10 of the Racial Discrimination Act 1975 due to their disproportionate impact on minorities, including First Nations people. So it will be interesting to see how these laws hold up in the Supreme Court going forward, but in the interim, push it through, push them into jail. That is what this is about. This is the theatre.

It seems to go without saying these days that the government did not bother to consult on the drafting of this bill – no consultation with the Aboriginal community or the legal community or youth justice sectors. Apparently the Premier has been listening to victims of crime – or maybe she has just been listening to her campaign advisers – and yet according to the Justice Reform Initiative, who reviewed the Queensland Liberal government's adult time for adult crime scheme, victims of crime are more concerned about the need for a justice system that reduces the likelihood of further crime or further

harm being committed. Indeed, a victim of sexual violence made a moving plea for investment in evidence-based and community-led programs to prevent future offending. She said:

> … it's not just about accountability and justice, it's also about putting evidence-based policies in place for community-led diversion programs that stop this before it starts.
>
> It's about justice programs that include historic injustice, and it's about seriously tackling the societal issues that lead to people's offences.
>
> I don't believe we can just jail our way out of this if we truly want a safe and just community. True justice goes beyond retribution.
>
> It is about fairness, accountability, and creating a society where harm is not just punished, it is prevented.

That is from a victim of a savage crime.

On an almost daily basis we are seeing rushed, flawed and damaging legislation that responds to whatever beat-up du jour the *Herald Sun* is hyping. Then we must sit through the deplorable spectacle of Labor members applauding and touting these regressive bills. We know those atrocious policies are supported by those opposite – and I take to heart Mr Limbrick's ridiculing of the opposition for their hypocrisy in this approach – but we hope that something can be done to mitigate the inevitable harms this bill will have on vulnerable young people. My colleague Ms Payne has moved an amendment to legislate de novo appeals to ensure children whose matters are uplifted to the County Court retain their right to de novo appeal, and we will be supporting amendments moved by our colleagues from the Greens and the Animal Justice Party. This is a desperate government enacting performative cruelty on its young citizens. It is another serious erosion of civil rights that impacts all Victorians and, sadly, another shameful day for Victoria.

Jeff BOURMAN (Eastern Victoria) (14:53): I am going to point out something. In fact I will quote Mr Ettershank in a moment. No-one that has opposed this legislation has with any real effort acknowledged the victims of crime. In fact last night one of my elderly neighbours came round to tell me about his home invasion – I am in a fairly good suburb – and I had to sit through and listen to him. He slept through it all, lucky for him. But Mr Ettershank made a comment: apparently the Premier has been listening to victims of crime. Well, whilst I appreciate the irritation with the rush with which this has been brought in here, why wouldn't you listen to victims of crime? We listen to – well, they should be listening to – other people about their rehabilitation prospects and this and that, but it seems that the victims are the ones forgotten in this, the people that have had the knives held at them, the people that have had their homes invaded or been carjacked or whatever it might be.

The young people that this will affect are not just kids whose high jinks get out of control. These are not just young people that think, 'I see that bike; I might just take it.' These are hardened criminals. How they have got there is not for me to say. Maybe it is a hard life and things like that. Maybe there is a program that will help them. But the reality of it is, until this bold experiment that we have been running has finished, we are not going to be in a position to know, because it is not working. Letting the kids run rampant is just creating more violence, because there are no repercussions – nothing of note. The ongoing bail saga is an example of that. No-one wants to put young people away, but in some cases you end up with that inevitability due to the nature of their crime.

But I will also point this out, for those that are distressed about the chances of a 14-year-old going to jail for life: let us talk about the sentencing problems. An assault on an emergency worker on duty is basically a penalty of six months imprisonment – it says maximum, but it is meant to be a sentence that everyone gets. Of 1071 charges – and in fairness, this was 2020 to 2023; it may have changed a bit – 43 per cent of them were jailed. And then there are community correction orders and fines and adjourned undertakings and all this other stuff. So without wild sentencing reform, as Mrs Deeming pointed out, there is little chance that a 14-year-old even convicted of murder is likely to spend their entire life in jail. Now, pick reasons why they are doing it. Each individual case is different, but the chances of a 14-year-old being put away, with all the hand-wringing that is going on that we are going

to just wipe them out, are fairly slim. As it stands now, the judiciary has the ability to sentence them whether they are an adult or not. The sentencing is more or less up to them.

But in conjunction with this I would have liked to see more work on police resourcing, and another thing I have noticed that is coming up more and more, again, is the delays in courts. With the amount of time people are spending on remand as we go on – I think someone mentioned it – they are starting to get to the point where the person on remand is spending more time on remand than they would have got for the original sentence. I believe court delays, whether it is resourcing or not – maybe we need to open some more courts. I am not the government; they can look that up. But police resourcing is a definite thing, because it takes time to compile a brief of evidence, and they can be fairly complex, particularly for serious crimes, because you do not want someone let off on a technicality.

This should be part of a suite. Will it fix the ongoing crime problem? We will find out. But someone needs to listen to the victims, and despite what a couple of people have said about being on the wrong side of history, I feel that despite the flaws with how this got here and despite even some flaws with the bill, I think it is well intentioned. I do feel it will be rolled back to some degree at some point in time, but we need to give it time to work. When it comes to it, there are some of us that think of the victims.

Anasina GRAY-BARBERIO (Northern Metropolitan) (14:58): I rise to speak on the Justice Legislation Amendment (Community Safety) Bill 2025. This is a piece of legislation that reeks of political posturing by an out-of-touch government and a really desperate Premier. You know that there must be an election around the corner, because all we are seeing from this government when it comes to policies that should be addressing challenges that Victorians are facing are policies centred around short-termism. It is legislation that is failing to meet the moment, failing to listen to evidence, failing to listen to the experts, failing First Nations communities, failing black and brown communities and, most of all, failing our next generation of leaders.

Added to this is the Labor government's approach to this bill, rushing it through both houses with no scrutiny, no accountability, especially with a bill that carries such huge implications for certain groups in our communities. It really showcases this government's standard operating procedure. Rather than following through with policy research, which would have led them to the overwhelming answer that funnelling children into prisons does not deter crime, instead it is a tick-box exercise to make it look like they are doing something about youth justice, but they are completely unwilling to go to the roots of the issues. This Labor government has no justification for bypassing the proper legislative process, and it is disappointing to find ourselves here again with this government refusing to implement policies that actually work to improve community safety. We know this hardline approach is driven by a law and order media narrative rather than evidence. For this government to model this legislation on Queensland's 'tough on youth crime' approach is lazy and counterproductive.

This bill seeks to take children away from being trialled in the Children's Court, with specialists trained in youth offending and child development, to matters being forced into the County Court, specifically for adults. It also changes sentencing principles to have maximum penalties, meaning that children should be locked up for life. I just need to say that again: children locked up for life – yes, it still sounds wrong. This legislation is incompatible with 16 human rights in the Victorian human rights charter, and it is really difficult for me to understand how this Premier and government sleep at night, knowing that they are actively breaching the human rights of children, children which the Premier herself acknowledged in her speech as a vulnerable cohort. Children who commit crimes are among our most vulnerable, often over-represented in harrowing statistics of abuse and trauma and economic and social disadvantage, and living with often undiagnosed disabilities and mental health conditions.

I would like everyone in this place to ask themselves the question: what would compel a child to commit a crime? What may be going on in a young person's environment where they would even feel the desire to offend? These are children who are more likely to be experiencing poverty and unemployment, to be from single-parent families, or to be experiencing homelessness, insecure housing or crowded dwellings. They have had experiences of neglect and abuse. These are children

who have had experiences of family and domestic violence and are more likely to be seduced by youth crime. We are talking about children who are always in survival mode, and we in this place are now debating bills which punish children for the circumstances that they have been born into. Research tells us that children with communication disabilities, challenges in expressing themselves and understanding spoken, signed or written language are over-represented in the system. An Australian health survey found that about 80 per cent of young people in custody had below-average speaking and listening skills, and 94 per cent had trouble understanding what they read. I wonder if this was factored into the drafting of this bill.

This bill fails to recognise that many children who commit offences have been victims of harm themselves. There is significant overlap between children who offend and children who are victimised. They are not two separate groups, and we must approach justice issues with the nuance and care that this reality demands. The Labor government's own *Youth Justice Strategic Plan 2020–2030* outlines the following principles which underpin the approach to youth justice in Victoria. It goes something like this:

1/ Recognises that children and young people must be treated differently to adults and delivers developmentally distinct and appropriate services

2/ Understands that prevention, diversion and early intervention are the most effective and fiscally responsible ways of reducing youth crime in the long term

3/ Builds community confidence in the system and enhances community safety by delivering evidence-based programs that reduce young people's offending

4/ Understands that Aboriginal self-determination and Aboriginal communities must be at the centre of efforts to address the overrepresentation of Aboriginal children and young people in Youth Justice

5/ Recognises that young people should be subject to the least restrictive intervention appropriate in the circumstances, with custody an option of last resort, cognisant of the need to keep the community safe in both the immediate and longer term

I would like to remind the chamber that these are direct quotes from the Department of Justice and Community Safety's website. How can anyone trust this Labor government when it is flip-flopping on its own principles and values? This so-called urgent bill is a sign something is going pretty wrong at ground zero for this government.

This government intends to spend $727 million on increasing prison and youth justice centre capacity. Just imagine for a moment if this money was spent on early intervention and prevention reforms – holy crap, what a transformation that would be; what a generational change that would be. Except that is not the priority of this government, so we can let go of that imagination. How can this Labor government sit there comfortably knowing that it will be putting more children in cages, saying that they deserve to be locked up, that they do not deserve care? It is ruthless and completely alarming. The UN Convention on the Rights of the Child makes it pretty clear: children should only be detained as a last resort and must be segregated from all detained adults. What this government is proposing in this legislation is a total violation of its responsibility to young people, a complete disregard for their safety and wellbeing and a breach of their human rights.

Let us talk about 14-year-olds, shall we? According to the Office of the Public Advocate, people under the age of 18 – minors – are not presumed to have decision-making capacity. The Royal Children's Hospital research suggests that adolescence is a critical age when critical thinking and decision-making are developing – not developed but still developing. Nowhere in this ill-informed legislation does it centre children and the intersecting needs that must be considered: the complexity and the context of their families and communities in which they live. This should be the bare minimum for any decent public policy, but that requires commitment, right? It requires bravery, it requires coordination, it requires political will – all the things that we know this Labor government is completely lacking and refusing to do. UNICEF, the Australian Institute of Criminology and the Victorian Sentencing Advisory Council have all done research that found that harsher and longer sentences are linked to higher rates of reoffending and worse long-term outcomes for young people.

Incarcerating children not only traumatises them but exposes them to risks of long-term psychiatric and developmental harms and severs links with families, communities and cultures.

The evidence is clear: legislation must focus on prevention and early intervention. There must be investment in upstream resources, such as addressing the root causes of crime, education, disadvantage, poverty, disability and strengthening community. We hear all the time in this chamber about how every Victorian child deserves the best start to life or that we have nation-leading early childhood reforms. Well, that is great. We welcome these investments. But why does the investment shrink the moment children become adolescents? Where do all those millions of dollars go? It is not news that Indigenous adolescents and children are incarcerated in much greater numbers than non-Indigenous counterparts. Why do we allow these punitive legislative reforms motivated by short-term, short-sighted solutions to continue to target Indigenous children?

This Labor government, I tell you, for all its talk about treaty and self-determination, is still producing policies like this – racist, fearmongering, controlling and sensationalised policies that will only compound the harm First Nations people are already experiencing. How is this policy much different to the 1967 referendum which spoke to self-determination? This policy not only misses the mark on self-determination; it is all about management and control. When the Premier apologises to First Nations people next week, is she going to apologise for this too? Is she going to be able to look them in the eye and explain to them why she has allowed this urgent bill to come through to these chambers? Well, I will be watching quite intently.

Multicultural communities are already over-represented in youth crime statistics, particularly those from African and – my community – Pacific Island backgrounds. We know this is not because these communities are more likely to commit crime but because these communities face systemic overpolicing, underdevelopment and structural racism. This bill will only compound this by disproportionately and overwhelmingly targeting First Nations, multicultural and migrant communities. The Victorian government knows Victoria's justice system is racist, acknowledging how embedded racism is in the system within its own anti-racism strategy. God, how hypocritical can this government be? Locking up children will do nothing to protect the community but only repeat the cycle of trauma, poverty and underdevelopment of children. Like I said before, this government is effectively funnelling black and brown kids into prison. Successive governments have given up on teenagers, deeming them too hard and too complicated to deal with, resulting in years of withdrawal from the support young people need now more than ever. Now, when young people need governments to show up, what does this government do? It brings forward inhumane and racist laws that will disproportionately impact Aboriginal, black and brown communities.

The consequences of this chronic underfunding in youth programs have now reached a tipping point. The 2018 inquiry into youth justice centres in Victoria recommended the government develop programs to identify and respond to the causal factors contributing to the over-representation of multicultural groups in youth justice. Where is that investment? Once again, it is another round of lip-service with no action to follow through. Increasing connection between young people and their culture is a protective factor that reduces the risk of youth offending. Investment in culturally-led, community place-based programs improves justice outcomes. It improves social and emotional wellbeing. A well-rounded, holistic approach that acts against racialised social and justice systems is necessary to address the complex needs of children. The Greens know this is where investment is meaningful – investment that truly keeps communities safe.

We also need meaningful investments in schools. This Labor government has chronically underfunded public schools. You just need to look at the northern parts of my electorate of Northern Metro to see the resourcing gaps on full display. When you underfund schools, you are short-changing children's futures. The reality is this government is lazy, incoherent and ineffective when it comes to meeting its responsibilities to all members of the community. Evidence is being ignored – the same evidence that tells us what works. Ultimately we all know this is about priorities. This Labor government has failed to invest in young people. This is not about saving money. They are just shifting the cost and

responsibility back on our incredible but stretched frontline crisis services, into the justice system and back into communities carrying the burden alone. Most of all, we shift it onto children, who are still developing, still growing, still trying to figure out themselves and their place in the world. This bill strips them of that, strips them of their future, slamming the book shut before their stories can even begin. I think it is obvious to say I vehemently oppose this bill.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (15:12): I might keep my summation speech shorter than usual in light of the strong and long debate we will have, I am sure, during the committee stage. In light of that, I might just thank all members for their contributions on the Justice Legislation Amendment (Community Safety) Bill 2025. It is a bill that is a core part of what our government has made clear and what we are hearing from the community, and it implements our policy of adult time for violent crime. As the Premier stated when we made the announcement, this is a key pillar of our serious consequences and early interventions framework, our plan to reduce youth crime by reinforcing boundaries for children. The bill seeks to address increasing crime rates in Victoria and responds to serious violent offending, particularly by children. Victorians are seeing home invasions, carjackings and gross violent attacks, and as Minister for Corrections and Minister for Youth Justice, wherever I go, I continue to hear that the community expects firm consequences for the most serious youth crime. This is about a proportionate approach to the level of harm we are seeing unfold.

First, the bill amends the Children, Youth and Families Act 2005 and the Youth Justice Act 2024 to deliver adult consequences for serious violent crimes. Certain serious offences committed by children will be moved out of the Children's Court and into the adult jurisdiction of the County Court. In particular, this bill will uplift eight serious offences, a very targeted approach we are taking: aggravated home invasion, home invasion, aggravated carjacking, intentionally causing serious injury in circumstances of gross violence, recklessly causing serious injury in circumstances of gross violence, carjacking, serious and repeat armed robberies, and serious and repeat aggravated burglaries. This is mandatory uplift for the most serious offences, with a clear presumption that uplift is a starting point for 14-year-olds charged with those offences and for carjacking more generally, and clear direction and guidance to the court that serious and repeat armed robbery and aggravated burglary should be heard in an adult court. For this broad group of serious violent offences children aged 14 and over will face adult courts and adult sentencing, increasing the likelihood and potential of jail sentences.

Second, the bill amends the Children, Youth and Families Act 2005 and the Youth Justice Act 2024 to change sentencing principles for children. When the Youth Justice Act commences in full next year, it will set out a comprehensive list of sentencing principles for the Children's Court. The bill amends principles that relate to community protection and victim impact, ensuring that community protection is focused on preventing further offending and recognising the impact on victims. It also removes the reference to custody as a last resort from the minimum intervention principle, because for some serious crimes, it should not be. To ensure these changes commence sooner, the bill also amends the current Children, Youth and Families Act in a similar way. The Children's Court will be required to consider protecting the community from further offending by the child and to consider the impact of the offending on victims in every case.

Third, the bill amends the Crimes Act 1958 to strengthen penalties for high-harm conduct. It increases maximum penalties as follows: aggravated home invasion and aggravated carjacking from 25 years to life, intentionally causing serious injury from 20 to 25 years, recklessly causing serious injury from 15 to 20 years and recruiting a child to engage in criminal activity from 10 to 15 years. The bill also creates a new standalone knife-use offence, with a maximum penalty of three years imprisonment, where a knife is used in the commission of six indictable offences: causing serious injury intentionally, causing serious injury recklessly, causing injury intentionally or recklessly, assault, affray and violent disorder. It expands the carjacking offence so that it captures cases where an offender steals a car with a child under the age of 10 inside.

Adult time for violent crime changes the status quo of youth sentencing in Victoria, because we know the current settings are simply not working. As the Attorney-General has emphasised, when child offenders are sentenced in an adult court, most go to jail. Adult courts put more emphasis on victims, violence and community safety. Our focus is truly on community safety and violence here – and victims. This bill increases the likelihood that serious violent child offenders will go to jail and increases the maximum terms they can receive. It strengthens the sentencing principles in the Children's Court so that community safety and victim impact are front and centre, and it updates our offence framework to deal with knife violence and child-endangering carjacking.

We know there are no easy solutions to youth crime. Prevention and early intervention will always matter. But for a small group of children committing some of the most shocking violent crimes in our state, serious consequences are required to protect the community. This bill delivers those consequences, and I commend the bill to the house.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, 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

Amendment negatived.

Council divided on motion:

Ayes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, 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 (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:28)

Katherine COPSEY: Minister, the *State of Australia's Children 2025* report shows that the drivers of youth offending are overwhelmingly structural: poverty, homelessness, trauma, disability and disconnection from school. Why has the government chosen a punitive sentencing model approach rather than addressing these well-documented causes?

Enver ERDOGAN: I think it is clear that there are too many victims, and therefore we need to take action to ensure that repeat offenders are held to account.

Katherine COPSEY: But that does not answer the question. I agree, we should not have victims of crime increasing, and so if the drivers of youth offending are structural – poverty, homelessness,

trauma, disabilities and disconnection from school – and your government is surely aware of that, why would you invest in a punitive, expensive model and neglect those drivers?

Enver ERDOGAN: Ms Copsey, I think you would appreciate that there are too many victims and not enough consequences. As a government, we are focused on making sure that there are serious consequences for high-level offending and also that we do the investment in early intervention, and some of them you outlined, because they are key to getting better outcomes for most children – that is, education, engagement and making sure people's health needs are met. All those wraparound supports are crucial. But usually where there has been a high level of harm it is appropriate that there are serious consequences. Today the focus is on serious consequences.

Katherine COPSEY: Minister, you are going to have to do better with the questions this afternoon – and there are going to be a lot of them – than recycling Queensland Liberal talking points. You know as well as I do that investment in overcoming the structural drivers is going to be the thing that actually brings down rates of offending and therefore creates the outcomes for victims that you purport to be pursuing. That same report, *The State of Australia's Children 2025,* also shows that children from the most disadvantaged communities have far higher rates of police contact. Is the minister acknowledging that these reforms will disproportionately fall on children who are already facing entrenched economic and social disadvantage?

Enver ERDOGAN: The goal of this legislation is to hold people – and in this case children – to account for high level of harm-causing offences. The goal is not to have a disproportionate effect, but I do acknowledge that it may.

Katherine COPSEY: Minister, educational disengagement is one of the strongest predictors of youth offending, and absenteeism is rising across disadvantaged communities. Why has your government been silent on reforms to address school re-engagement strategies, and why are you focusing on sending kids to prison instead of sending them to school?

The DEPUTY PRESIDENT: Minister, you can answer if you wish, but I am just going to caution the member that the questions actually have to be about the legislation, not just random questions about government policy, unless you can tie them to a particular clause in the legislation. I will allow the minister, if he wants, to answer. It is his choice whether he wants to answer this question or not.

Katherine COPSEY: I note there has been no point of order called yet. I will take your feedback on board –

The DEPUTY PRESIDENT: Ms Copsey, there does not need to be a point of order called. It is actually in the standing orders that this is a committee stage about a piece of legislation. It is not question time, when you can ask broader questions about government policy.

Katherine COPSEY: My question relates to the pathways that this piece of legislation creates for children into prison.

The DEPUTY PRESIDENT: Can you repeat your question?

Katherine COPSEY: Why is the government sending children to prison rather than school?

The DEPUTY PRESIDENT: If the minister wishes to make a statement or answer, he can. But we are sailing close to the wind.

Enver ERDOGAN: I think the Deputy President is correct. I feel we are getting outside the scope of the legislation. I know that there is a big focus on broader government policy around educational engagement for young people and other policy settings for early interventions that our government provides and supports, but I think they are outside the scope. I do not want to set a precedent of getting into broader policies and work that the government is doing in the education space and in the health space, because then I think we are really departing from the purpose. As I said, they are all important, those early intervention works, but today's focus in this legislation is about the serious consequences.

So it is my view, so that we can set the debate going forward, that we focus on the clauses directly as they relate to the bill.

The DEPUTY PRESIDENT: Just to add to the minister's answer, the second-reading debate is the time when we make points about the impact of legislation et cetera. If we can keep questioning to the scope of the bill, it will help the committee stage.

Katherine COPSEY: Given the evidence that children's unmet needs drive contact with the criminal legal system and that meeting those needs, not imprisonment, keeps children and the community safe, why is the government proposing changes that breach Australia's international obligations by scrapping the requirement that incarceration is the last resort for children?

Enver ERDOGAN: I think as a government we have been listening to victims, and it is clear that there are too many victims and not enough consequences, especially where there is a high level of harm. I think the Attorney-General touched on this in her statement of compatibility, in fact – that there is a balance with these charters and obligations. We believe in the circumstances that what we are proposing is appropriate and proportionate to the level of harm we are seeing.

Katherine COPSEY: In April 2024 Scotland passed legislation, the Children (Care and Justice) (Scotland) Act 2024, which outlawed detention of under-18s in young offender institutions. There are now only nine children in Scotland who have committed offences who are in special, secure centres. How will this bill take Victoria close to achieving a goal of zero children in custody in Victoria?

Enver ERDOGAN: A lot of the work that our government does in reducing young people's contact with the criminal justice system does fall outside the justice system, for good reason, and that is in those areas that you discussed earlier, about education and health and support. In terms of our goals, I do not want to see young people come into contact with the criminal justice system, but by the time the goal of this bill is in place, already a high level of harm has been caused, and at this stage we do need to send a strong message that this is unacceptable. We need to also respect victims and their rights to be and feel safe and have appropriate, proportionate penalties in place, and I think that is what this legislation is about once a high level of harm has already been caused.

Katherine COPSEY: Minister, in Victoria we know there are currently two small, secure care units, in Maribyrnong and Ascot Vale. Each those is a locked 10-bed facility which provides a safer, different and therapeutic model of care compared to other custodial settings. As a result of the impact of this legislation, do you foresee that the government is going to need to build more of these units?

Enver ERDOGAN: As a government we have made a number of announcements about capacity in both our adult and youth justice systems this year. My most recent announcement was the reopening of the Malmsbury youth justice precinct. Therefore we have the capacity at the moment, we have got significant headroom, but we are also investing in unlocking further capacity with our announcement of Malmsbury.

Rachel PAYNE: I guess my question strikes to out-of-home care and some of the rationale behind the bill. One in three children leaving out-of-home care becomes homeless within 12 months. Given that there is a direct pipeline into offending, what is the rationale for prioritising harsher criminal penalties rather than housing, care and stability reforms for young people?

Enver ERDOGAN: Again, as a government we are focused on doing both the work in terms of having serious consequences for people that cause a high level of harm – in this instance, children – but also the work in terms of early intervention to get the best outcomes for young people. But I think the bill today is really focused on the serious consequences piece, about improving our sentencing regime to better reflect the level of harm caused and what we are seeing in Victoria.

Rachel PAYNE: Experts have warned that children in residential care are criminalised for behaviour that would never lead to charges in a family home. Why has the government not addressed the criminalisation of care-based conflict before introducing reforms that uplift these children into

adult courts? I have an example here, if that is helpful. For example, many aggravated burglary charges against children in residential care arise from conflict within that care environment, not community harm. So why is the government increasing the likelihood these children will face adult-style sentences?

Enver ERDOGAN: Ms Payne, I know this is an issue that you have touched on in the past in this chamber. But what our legislation is focused on is a new type of crime we are seeing. We are focused on addressing that, and that is why we have limited our uplifts to the listed eight or so offences that we are seeing are causing the greatest community concern. It is not about where the young person is staying or their accommodation settings or their carer settings. The focus is on where the harm has been caused and what we are seeing in Victoria.

Rachel PAYNE: Many children affected by these reforms come from systems that the government is responsible for: child protection, out-of-home care, disability services. What is the government doing to fix some of these failures within these systems?

Enver ERDOGAN: I am inclined to say that this is out of the scope of the bill, because the bill really is focused on, once the high level of harm has been caused, the appropriate response. If we could really focus our attention to the bill and the clauses within the bill, that would be helpful.

Rachel PAYNE: Evidence shows that increasing prison time for children who have already been in the government's systems will not result in safer communities. Why is this approach being taken rather than looking at a holistic system approach?

Enver ERDOGAN: I think it is because we are seeing a new type of crime. We are focused on doing both, but today's focus is on the serious consequences. Where there has been a high level of harm caused, it is incumbent upon the justice system to have an appropriate response, and clearly what we are hearing from the community and from victims is that the response was not appropriate to the level of harm caused for victims. Obviously as victims of crime, they have a right to be safe. Therefore we have rebalanced the justice system to reflect that.

Katherine COPSEY: The bill itself, the Attorney's second-reading speech and many contributions that we have heard throughout these debates assume that deterrence works – the idea that making sentences longer somehow scares people off crime. However, sentencing expert University of New South Wales emeritus law professor David Brown says that this actually simply does not hold up and calls deterrence 'sentencing's dirty secret'. The evidence, he says, is that increasing penalties has little or no impact on whether people offend. What matters is being caught at all, not whether the maximum is three years or life. So why does the government persist with the fantasy of deterrence?

Enver ERDOGAN: I think for some offences a deterrence is needed. We are getting to experts now. Dr Bagaric is an academic here at Swinburne University and someone that actually grew up in Broadmeadows, a working-class boy; he does not live in Broadmeadows at the moment. He would say that if you want to reduce crime, especially when you are talking about violent crime, you need a high likelihood of detection – so obviously enforcement – but you also need proportionate penalties, because if people know, even in our children's behaviour, that there are no consequences, then there is a propensity to repeat some of that behaviour. It is about setting boundaries, and I think that is what we talked about at our announcement. We are setting boundaries so people do not repeat these offences because the level of harm is so great.

Katherine COPSEY: Minister, we have not seen any – and I would be interested if you want to point to any – additional Victorian, national or international evidence showing that harsher sentences for children reduce reoffending.

Enver ERDOGAN: Dr Bagaric would say that recidivism rates for young people that have entered custody and those who are put into the community are relatively similar. That is what his evidence says. He has got a sentencing book I can refer you to, and in that book he says that actually the

recidivism rates are quite similar but what is 100 per cent guaranteed is that whilst they are incarcerated, obviously, the community is relatively safe during that period.

Katherine COPSEY: Maybe they will be incarcerated through to November 2026 – that would be useful for you, wouldn't it? The data shows that First Nations children already face the highest levels of justice system contact. Why is the government proceeding with reforms that every expert warns will increase First Nations children's imprisonment?

Enver ERDOGAN: The purpose of today's debate is about serious consequences, because we are thinking about victims and making Victorians be safe but also feel safe. I think that is a real goal of this legislation. This is not about targeting any specific groups in our community, except for those that have caused a high level of harm. A lot of our interventions which, in my view, fall outside the scope of this legislation are making sure that people do not make contact with the criminal justice system and that they do not participate in a high level of criminal behaviour in the first place.

Katherine COPSEY: Minister, respectfully, my question just then was about First Nations children already facing the highest levels of justice system contact, and unless I misheard you, I do not think in your answer you mentioned First Nations children once. So I will ask again: why is the government proceeding with reforms that every expert warns will increase First Nations children's imprisonment?

Enver ERDOGAN: As a government we remain very committed to reducing the over-representation of Aboriginal people in our criminal justice system, but we need to achieve that outside the criminal justice framework so that young people do not make contact with the criminal justice system. We are doing that work. We have very strong partnerships through the Aboriginal justice agreement and through many of our partners from the First Peoples' Assembly of Victoria and the Aboriginal Justice Caucus. We are committed to doing that work, but a lot of that work is to stop, as you say, young people coming into contact with the criminal justice system. The legislation we are talking about here is about, once young people have already committed a high level of criminal violence, making sure that there is a proportionate justice response. But obviously the goal is that young people do not make contact and do not participate in that kind of behaviour.

Katherine COPSEY: Minister, has your government conducted modelling on how many additional First Nations children, children in out-of-home care, children with a disability and children who have experienced trauma will be incarcerated as a result of these reforms?

Enver ERDOGAN: It is clear that, as the purpose was set out with the announcement from the Attorney-General, it is expected that we will see an increase in the amount of young people that will be incarcerated as a result of these justice settings. The groups that you referred to are already over-represented, so it is expected that they will also be over-represented in the increase in incarceration.

Katherine COPSEY: I note that you gave a similar response in relation to the bail reforms that we debated in this place recently. You asserted that it would continue to be the same disproportionate impact, but in fact what we have seen in practice is that the disproportionate impact has been even greater, so it has exacerbated the number of First Nations people who are coming into contact with the criminal justice system. You consider that it will create a continued disproportionate impact, but your government has not done modelling – did I understand your answer correctly?

Enver ERDOGAN: I will just seek some guidance from the box.

We are expecting an increase in the amount of young people in custody. Applying the logic that Aboriginal people are already over-represented in contact with the criminal justice system, we will see an increase in Aboriginal young people in custody as a result. We are monitoring and we are committed to monitoring that, once the legislation is in place, and our focus on reducing the over-representation is before young people come in contact with the criminal justice system.

Katherine COPSEY: Removing prison as a last resort for children overrides a protected right under our charter and under international law. Can the minister identify the exceptional circumstances that justify this overriding of children's rights?

Enver ERDOGAN: Ms Copsey, I accept, as tabled by the Attorney-General in the statement of compatibility, that part of this bill is incompatible with the charter of human rights. The Attorney-General also goes on to outline the justification in that document, and I think that justification is entirely sensible and compatible with what the Victorian community expects, as we say – and we have heard it loud and clear – that there are too many victims and not enough consequences. So some offending requires a stronger response than others.

Katherine COPSEY: How can the government reconcile these laws with the evidence that what it is doing is contradictory to improving community and child safety, given, quoting from the Law Council of Australia submission 195 to the Senate Legal and Constitutional Affairs References Committee inquiry into Australia's youth justice and incarceration system:

> Being arrested, remanded or sentenced to detention all increase the risk that a child will commit further offences and become involved further with the criminal justice system.

Enver ERDOGAN: Children need consequences, and that is what this bill is about. Ultimately, when someone has caused such significant levels of harm, there is a range of evidence about criminal justice and how to do it right. I believe where they have caused significant levels of harm, and we are talking about criminal justice and the scales of justice, we also need to think about justice for victims. Sometimes I feel that some of these moral equivalencies are not fair for victims, and that is what we have tried to do where high levels of offending have been created. That is why we have targeted and actually limited the scope in terms of the uplifts to what we are seeing in terms of the changing nature of youth crime in our state, focusing on those offences. We believe there needs to be an appropriate response.

Katherine COPSEY: Minister, with respect, you say you care about victims. How can you pursue a policy that will increase the risk that children will commit further offences and become further involved with the criminal justice system if that is the case?

Enver ERDOGAN: Children need consequences and need boundaries. When they have caused high levels of harm incarceration is appropriate, and that is the message we are sending to our courts through these amendments. I think we were finding that there were too many victims, and the consequences just did not match. Obviously, when young people enter into the criminal justice system, we have an obligation to provide them with a pathway for a better future, and that is why we do invest in services and treatment when people are with us in our youth justice system, to make sure that they can leave the system a lot stronger and less likely to reoffend. We are focused on both – consequences and early interventions – but this legislation is focused on consequences. Once that high level of harm has been caused, this is about what a fair justice outcome is in those circumstances for victims and the community.

Rachel PAYNE: Minister, you have repeatedly stated that this bill reflects the views of victims. Even yesterday you said that you acknowledge that people have different views but that you are listening to victims of crime. Could you please specify which victims, organisations or advocacy groups you have consulted with in the development of this legislation?

Enver ERDOGAN: In terms of this bill, this bill was a very clear policy decision of government because we have heard there are too many victims, and we have seen too many victims and not enough consequences. Every day in our roles, as ministers and as members of Parliament, we have heard from victims and communities, and there are many, many people that we have had discussions with over that journey. But more importantly, I think it was quite publicly visible that there were not proportionate consequences for some of these high levels of harm. The target list, so to speak, has offences that were being repeated in our communities. So it was a policy decision of government, and

following the announcement, there has been engagement with the courts, Victoria Legal Aid (VLA), Victoria Police, Office of Public Prosecutions, Victorian Aboriginal Legal Service (VALS) and Aboriginal Justice Caucus about these reforms. But the decision to make these reforms was based on what we know. The crime statistics are clear for everyone to read. There has been an uptick in youth crime in Victoria, and we are committed to tackling that.

Rachel PAYNE: With this policy development, what was the scope and nature of that consultation, if any? Was it formal and documented? Did it include any diverse victim cohorts, such as family violence survivors or child victims? You mentioned VALS. Were any Aboriginal communities consulted?

Enver ERDOGAN: The legislation was a policy decision in response to there being too many victims and increasing levels of crime, specifically those crimes that we have listed, which were creating the greatest harm and concern in the community and which we are responding to. Post the policy decision, there was engagement following the announcement. They were not involved in the development; the development of the policy was a government decision, as executive government has that prerogative. But following the announcement, there has been engagement with the courts, Victoria Legal Aid, Victoria Police, Office of Public Prosecutions, Aboriginal Legal Service and Aboriginal Justice Caucus. Were you asking about how that engagement was? Is that what you are looking for? I will see what detail I can provide – post announcement, I might add; it was after the policy decision. I think post announcement in the usual way – if the department or the minister's office met with these stakeholders to hear their views.

Rachel PAYNE: Were any children who are victims of crime or have been victimised themselves consulted? The reason I ask is because we know that Aboriginal, African and Pasifika children are disproportionately targeted by police and PSOs, so we are just wondering if the bill actually incorporated any of their views or concerns.

Enver ERDOGAN: I think it is an ordinary part of business. Post announcement we heard from many people. Many stakeholders wrote to us as ministers – namely, the Attorney-General's office and the department. I know our youth justice commissioner has had many conversations with many stakeholders on their views, and I can say there is no one single view. There are different views with different stakeholders within the justice system and also broadly in the community.

Rachel PAYNE: Was the victims of crime commissioner, whose statutory role is to represent and advocate for victims, briefed or consulted on this bill?

Enver ERDOGAN: Yes, I understand their view was sought post announcement. The policy decision was a government decision, but post the decision, yes.

Rachel PAYNE: So it was post announcement that the victims of crime commissioner was briefed. Can you explain how the government reconciles that with the obligations under the victims charter and the commissioner's mandate to ensure victims' voices inform justice policy?

Enver ERDOGAN: I just refer to my previous answer. I think there are too many crimes, and that is what the statistics are showing – an increase in Victoria – and not enough consequences, and many victims have told us that directly in the course of our usual role as justice ministers. So in the end, following what we are seeing and the data, the government made a policy decision to rebalance the justice settings for these specific offences.

Evan MULHOLLAND: I might take this in a little bit of a different direction. Obviously, you have got adult time for violent crime. You also have adult time for adult crime in Queensland. The framework here only contains five offences. The framework in Queensland contains 33 distinct offences that constitute serious violent crimes eligible for the adult time framework. These include manslaughter, rape, grievous bodily harm, kidnapping, armed robbery, torture, trafficking, unlawful striking causing death and numerous vehicle-related crimes involving lethal risk. Did the government

consider a broader of range of offences to add to this bill? If so, why were they not included? And why did the Victorian government opt for such a small number of offences?

Enver ERDOGAN: I think that is a very fair and good question. It is definitely a change of tack. Let me start from the outset by saying that some of those crimes that you have listed unequivocally are serious crimes that are appropriately reflected in the crimes statute book and are treated as such. But I do think it is important to distinguish Victoria from Queensland. These Victorian laws are designed for what is occurring here and what we are seeing here, so they are based on what is happening in Victoria to support the operation of the Victorian legal system. I know you can fall into the trap of looking for inspiration from Queensland. The other day I was reading that the Queensland Premier himself was saying that Queensland is the youth crime capital of Australia, so we do not want to be like that. That is not our approach, and that is not the outcome we are replicating. The issues in Queensland are a lot bigger. You can look at any data. They have a higher offence rate, for example. So we are not aspiring to get there. The list of offences are what we are seeing in particular in Victoria, and we are taking an appropriate approach. It is definitely not to say that the other offences are not very serious, but this is what we are seeing in Victoria, and it is a targeted approach for our state.

Evan MULHOLLAND: Why wasn't rape included as an offence in the adult time for violent crime laws?

Enver ERDOGAN: I think rape, from the outset, is one of the most serious crimes that someone can commit, including children. I think there are existing provisions where cases of rape can be elevated to a higher court. This bill is really focused in particular on what we are seeing in terms of, based on the data, some of these offences that we have seen a substantial increase in from historical levels. We have tried to put a laser focus on those elements.

Evan MULHOLLAND: The Crisafulli government boasts the success of its laws is largely to do with some of the intervention measures included in the broader package. Yes, there are serious consequences for violent crime, but they also had a very similar one to what we have announced, a $100 million package of specific intervention supports, including both camps and facilities, to help people with discipline, training, educational training and psychological support. Did the government look at a similar intervention model to Queensland?

Enver ERDOGAN: For consistency's sake, I do not want to digress. We made an announcement about serious consequences and early interventions and we are committed to doing both, but today is more about the serious consequences piece. But I think it is worth adding that we have had a number of announcements following our serious consequences announcement that are focused on reducing violence, such as the violence reduction unit that is based on best practice from Glasgow and London, for example, which are focused on lived experience mentoring and turning young people's lives around. We are most wholeheartedly committed to doing that work. But I think the focus of this bill is on serious consequences today.

Evan MULHOLLAND: Can I ask about the Scotland intervention unit?

Enver ERDOGAN: Ask away.

Evan MULHOLLAND: I am just keen for a quick clarification on something that I found quite amusing. In response to questions in the lower house during question time the Premier was boasting about this model and said that as a result, crime in Scotland and London had decreased. Police-recorded crime in London has increased. Compared with about 10 years ago there has been a roughly 30 per cent rise in offences in London. Would you acknowledge that as a result of those programs crime has increased?

Enver ERDOGAN: As I said earlier, I want to be careful about being consistent in my responses to people in the chamber, but I think your questions about the violence reduction unit are important. I think the goal here is about taking a data-informed approach so that we can tackle the root causes of

crime more broadly, and our initial investment is about making sure that there are positive role models in mentoring. I think the results are clearly a lot better in Glasgow than they are in London – I think anyone that looks at the data would acknowledge that – but the whole approach and challenges of every city are different and the demographics are different. That is why even our violence reduction unit – the lived-experience mentoring is one example and is one that we have already announced – is focused on connecting with those communities that we do see over-represented, as a starting point. But I do not want to digress, because today is about too many victims and not enough consequences, and I need to be consistent for everyone in the chamber, so I want to just focus on the sections of this bill, please.

Evan MULHOLLAND: When we were, a couple of years ago now – maybe even a year and a half ago – having a conversation in this place that everyone was engaged in about raising the age of criminal responsibility, we made the argument, both at 14 and at 12, that older, more sinister criminal elements would use children to carry out serious offences. I think we have seen several examples of more sinister criminal elements using children to carry out firebombings, aggravated burglaries, tobacco shop arsons – all sorts of horrific crimes. Do you acknowledge that that is the case? You have obviously got 14 as the appropriate age threshold. How did you come to that age figure? What evidence was that based on?

Enver ERDOGAN: Good question. The age of criminal responsibility is 12, and I will not be relitigating that issue today. In terms of 14, we know that young people do have different developmental stages, and we felt that 14 was the appropriate age to lift it to. It was, again, a policy decision based on the fact of young people's development, and I guess in terms of the conduct of these kinds of behaviour we felt 14 was appropriate in the circumstances to raise to adult courts. Any younger we did not believe was appropriate, from what we are seeing.

Katherine COPSEY: Did the government consider focus groups in developing this policy?

Enver ERDOGAN: I think on consultation, our focus – I believe I have already answered this question. Ultimately, this legislation came about because we did see a changing nature of crime. We have seen the statistics of an increase in these types of crimes in particular. There are just too many victims and we felt the consequences were not appropriate. So it was not based on focus groups, it is about what we have seen occurring in Victoria.

Katherine COPSEY: Where did you see that?

Enver ERDOGAN: There are crime statistics, but I would not just rely on crime statistics as well. It is also based on the number of victims we are seeing and obviously, as members of the executive but also as members of Parliament, what we are hearing in the community.

Katherine COPSEY: Minister, turning to the impacts that this will have on girls and non-binary children and young people, how does this bill take into account the specific and unique needs of young girls and non-binary people? Girls and young women, especially from Aboriginal and African backgrounds, experience compounded gendered violence and will be disproportionately impacted, as you have admitted, by these laws, funnelled into the system and then subjected to all of the things that occur when someone is institutionalised. Will there be a targeted strategy to support girls who are criminalised as a result of this bill?

Enver ERDOGAN: I am very tempted to say we have very, very few young girls incarcerated in Victoria, but that work that you are talking about is more programmatic on the ground level, so it is not necessarily in this bill. We are not doing carve-outs per se. That work you are talking about is more on the ground level. But I can say, as Minister for Youth Justice, it is a good statistic; there are very few young girls incarcerated in our state.

Katherine COPSEY: I think we are going to get into familiar territory to your answers to the anti-protest laws that we passed in this place early on Wednesday morning. In your response there, you are

acknowledging that there are some existing supports but there will be nothing additional despite the additional impacts this bill will create.

Enver ERDOGAN: That is not what I said. We are doing increased engagement in terms of early interventions and, as I have stated to Mr Mulholland, I do not want to get into that space because I want to focus on serious consequences today. And there are going to be a whole bunch of government announcements. There have already been some about, for example, work in the school environment – again, outside this portfolio and outside this bill. There is work in schools, so in the classroom. There will be work with lived experience mentoring. That will all go to addressing and intervening for all young people, irrespective of gender, to support them. But I want to focus on this bill today, if we can.

Katherine COPSEY: Minister, you have acknowledged that this bill is going to disproportionately affect Aboriginal children, and I note that African children and Pasifika children, in particular, and other communities of colour are already overpoliced and face disproportionate impacts from our justice system. How does this bill not constitute indirect racial discrimination?

Enver ERDOGAN: The direct goal of this legislation is to ensure that where a high level of harm has been caused, especially in relation to these listed offences, there is an appropriate, proportionate response by the courts, and that is why we have elevated these offences to adult courts, because we know the level of harm it causes to victims, and that is my focus here. The issue of proportionality – I feel we have already touched on this issue earlier. A lot of these issues are because we do not want these young people to come in contact with criminal justice in the first place, so a lot of those supports need to happen, and a lot of it is happening outside the criminal justice setting.

Katherine COPSEY: I just want to take you up on a point you made in your response then. You said that there need to be proportionate responses and that is why you are uplifting things to the adult courts. Are you asserting that sentences passed through the Children's Court are not proportionate?

Enver ERDOGAN: I want to make clear that that was not what I was saying and I had no intention of reflecting on the courts. As we know, we have an independent judiciary. This is about legislative reform, making sure that there are the appropriate settings to hear these matters, and we feel that the County Court is better placed. We do know, as the Attorney-General outlined in her announcement, that when young people go to the County Court they are more likely to be incarcerated and get a jail sentence, and they are some of the policy objectives. We are saying for these offences a jail term is appropriate. It is a clear policy decision. For these offences jail is appropriate, and it is reflected in the community's expectations for these offences. That is why we have elevated it. The Children's Court, as you reflected earlier – I did listen to your contribution during the second-reading debate – is a specialist court. I want to thank them for the work they do, but I have no intention of reflecting on any of our courts. It is just factual that in the County Court in these matters there is more of a likelihood of incarceration, and that is the goal. For these offences we are sending a strong signal that we expect a term of jail.

Rachel PAYNE: Minister, just a question about how committal hearings will work under these changes: when a child is charged with a death-related offence they first appear in the Children's Court for a committal hearing. Will this be the same procedure for the offences nominated in this bill?

Enver ERDOGAN: I can confirm the same process will apply.

Rachel PAYNE: What we have heard from experts is that children require child-specific procedures and environments to effectively participate in legal proceedings. My question is: has the government considered the impacts of the lack of these services in the County Court? And will the government consider establishing a specialist children's list in the County Court?

Enver ERDOGAN: We are committed to appropriately resourcing the court, but establishing a specific list is a matter for the court.

Rachel PAYNE: In relation to that being required by the court, the County Court facilities will need to meet child safe standards, such as separate waiting areas, trauma-informed staff and no shared space with adult defendants. Is that correct?

Enver ERDOGAN: Yes.

Trung LUU: I just want to go on to the framework relating to designated offences. I know you mentioned earlier it is a response to what is happening in Victoria. I just want to clarify – there are two that have been mentioned in here. I know in the Crimes Act 1958 there is already intentionally causing injury and there is already intentionally causing serious injury, whereas this one uplifts designated offences to intentionally causing injury in circumstances of gross violence. Can you just define 'gross violence' and what the classification of gross violence is and who determines what is gross violence?

Enver ERDOGAN: Thank you, Mr Luu, for that really informative question. 'Gross violence' is defined in the Crimes Act, so it actually has a definition. It includes conduct planned with the intent to or implied knowledge it would cause serious injury; serious injury caused by the offender in company with two others; the offender planning to be armed with an offensive weapon, including weapons such as a machete – and using that weapon to cause serious injury; continuing to cause injury after the victim has been incapacitated; or causing serious injury while the victim is incapacitated. So gross violence is defined in the Crimes Act. We will be using that definition.

Trung LUU: I want to ask a question in relation to injury. There is 'causing serious injury' and 'causing injury'. You just said 'gross violence in company'. Does this offence only apply when it is in concert – more than two offenders? Secondly, when you say gross violence, serious injury, the definition in the Crimes Act says it is multiple injuries, not just one. So what is it? Why are we creating a new offence which complicates regarding intentionally causing serious injury with gross violence – does it contradict itself or is it the same offence?

Enver ERDOGAN: No, that is not what my intention was. That is not what I was saying. We are not creating a new offence in that sense, but I think gross violence is more defined as and includes – I was giving examples of what it includes. That was my focus.

Trung LUU: I am still not quite clear on the difference between the offences being put forward – and as you said, there is no new offence – between intentionally causing injury in circumstances of gross violence and intentionally causing serious injury, which in the definition is part of gross violence. Can you define the difference between the two? Because assaults are happening at the moment. Respectfully, what is happening in Victoria are 'intentionally causing serious injuries', which are all the offences happening at the moment.

Enver ERDOGAN: I think the goal here is to uplift some of these offences that are already defined in the Crimes Act to the adult court, for children. That is the real purpose. Many of those offences you have described are already defined in the Crimes Act. All we are doing is making sure that when they are perpetrated by a 14- or 15- or 16- or 17-year-old they can go to the higher court. That is the real goal here. I do not know if that assists. Causing serious injury is one offence; causing serious injury with gross violence is another, more serious offence. They are both different levels of the offence. They already exist. All we are saying here is where a child perpetrates them, it could be heard in the adult court. That is what we are trying to do. That is the goal here. These offences already exist.

Trung LUU: So 'intentionally causing serious injury' is part of this 'intentionally causing injury in circumstances of gross violence', I take it?

Enver ERDOGAN: Yes. That is a more serious offence, and it will be elevated to a higher court for a young person.

Trung LUU: So are you saying intentionally causing injury in circumstances of gross violence is another offence which is more elevated?

Enver ERDOGAN: Than just causing serious injury.

Trung LUU: So in relation to all the offences occurring at the moment with all those injuries, they are not particularly gross violence?

Enver ERDOGAN: I now know where you are headed. You are right that causing serious injury is not part of this bill, so we are not elevating it. If you cause serious injury alone, it will not be automatic – it will just be subject to the existing provisions of the Children's Court, where on a case-by-case basis the court may see fit to elevate it. But it is not part of this bill.

Trung LUU: So we definitely know now that it is a different offence – intentionally causing injury in circumstances of gross violence. That is different from intentionally causing serious injury. I just want to ask the minister: who defines and where do we classify gross violence? Is it the courts or the police putting forward the charges?

Enver ERDOGAN: I think, in the usual way, police will decide what charges to bring. So if they bring the higher charge, then obviously following the committal process if it is going to be committed for hearing it will go to the higher court.

Trung LUU: I understand the police decide the charge, but there are two offences at the moment – causing injury and causing serious injury. Gross violence is not a charge; it is something being put forward today as a designated offence in the Crimes Act – intentionally causing injury in circumstances of gross violence. I just want to know: is it the police who determine the points of proof for gross violence before they type the charges – because every time you type a charge you need to certify that the points of proof have been ticked off – or do the police charge the offender with causing serious injury, at which point they bring it to the court and then the magistrate or the judge deems it to be gross violence after it has been brought to court?

Enver ERDOGAN: Gross violence is defined, and police bring evidence to prove gross violence. The court determine if the evidence stands. Like with any charge, it is up to police to bring evidence to prove gross violence.

Trung LUU: I am not really sure you answered the question relating to the points of proof of gross violence with these types of charges, but we will move on. I take it that the police bring the charges. Whether they type 'gross violence' or 'serious injury', it is something the police I think need to consider during the procedure.

Just moving forward, because we are going back and forth here in relation to those two offences, in relation to the five charges, you stated earlier that they are designated in response to what is happening in Victoria. It is fantastic that you are responding to it. I just want to ask you in relation to the response in Victoria: there is one particular charge in Queensland, trafficking in dangerous drugs. It has been noted in this chamber that in one location alone, the medically supervised injecting room in Richmond, there were over 1100 overdoses. I was wondering, in response to what is happening in Victoria, is drug trafficking in Victoria serious enough to be put as a designated offence? There have been over 1100 overdoses at one particular location. How many overdoses in Victoria would make it serious enough to respond to what is happening in Victoria in the crime space?

Enver ERDOGAN: I will take that almost as a statement, Mr Luu, but I thank you for sharing your concern. I think what we have tried to do today is respond to what we have heard from the community, as we are members of the executive but also members of Parliament. These are the offences causing the most concern: home invasions, aggravated home invasions, aggravated carjackings, intentionally causing serious injury, carjackings, aggravated burglaries and armed robberies. With some of these what we are seeing is a lot of serious and repeat offending, so we have had to have a bit of a focus and limit them. I do understand that the offence that you referred to is something very serious, similar to the offence that Mr Mulholland raised; these are very serious offences. But in the Victorian response these are what we are subjecting to the higher court, and we have focused on these offences. I can

understand that there are many other serious offences, but these are the ones that we have made a policy decision to elevate.

Trung LUU: Just one more question before you finish off: under the human rights charter and under this bill, are there any exemptions for young offenders based on ethnicity and religion?

Enver ERDOGAN: No, not proposed in this bill.

Katherine COPSEY: Minister, just on the topic of ethnicity that Mr Luu just raised, is there any work underway to monitor the impacts of increased incarceration of young people through the admissions process into court systems? You seem quite aware of the number of First Nations young people impacted. What kind of information do you get, and do you foresee that there need to be changes to record whether or not this is having a different impact on young people from different ethnic backgrounds?

Enver ERDOGAN: I think that is a really important question. I think data collection is an issue and a matter that I know both of us share concern about. In our youth justice system we do a great job of collecting not just First Nations but also ethnicity data, and I think that is important. In adult corrections that is a bit different. We only collect country of birth, which is not the level of detail that we sometimes require. In terms of what the courts collect, I might just seek some guidance. But we do want better data so we can make better decisions and better investments as a government. I might just seek some guidance about what the courts collect through that charging process as well, but I am all for trying to get as much information as we can. The other side of it is that we can target those early interventions where they are needed most. Let me seek some guidance about what the courts collect, but in youth justice we collect ethnicity, race, religion – all that information – and obviously gender. The adult system only collects country of birth, but I will see what the courts collect. One moment.

Ms Copsey, I am not sure if you are already aware, but now at the charge stage police do in fact keep data on ethnicity as well as race data.

Katherine COPSEY: In relation to an independent statutory review to monitor this reform's impacts, including any imprisonment of First Nations or other marginalised children, why has the government not included a two-year statutory review?

Enver ERDOGAN: We are committed to monitoring our new laws, as we do for all our reforms. But these are permanent changes to the criminal justice settings.

Katherine COPSEY: So there is not a timeframe in which you would be committed today to reviewing these laws?

Enver ERDOGAN: No.

Katherine COPSEY: If the government intends to override the rights of children under the charter of human rights, as we have discussed and acknowledged is going to occur, you are aware that requires exceptional circumstances under section 31(4) of the charter. How is the government going to monitor when those exceptional circumstances have concluded?

Enver ERDOGAN: I think we are going over similar ground, but this bill is necessary to address compelling and pressing community safety concerns brought about by unprecedented incidents of serious and violent offending by young people. We would say, and I think the Attorney-General addressed this issue in her statement of compatibility, that we do not have an override declaration in this bill. It is not necessary. The incompatibility with the charter is due to the inherent difficulty of meeting the high standard set by the charter and the challenges that come from legislating in the criminal justice system. We believe that overall the priority of community safety needs to come first, and that is what we are focused on today.

Katherine COPSEY: Minister, how long therefore do you plan to infringe on the rights of children, and what are you going to be monitoring in order to determine whether that is still necessary?

Enver ERDOGAN: As we do for all our laws, we will be monitoring the application of these laws going forward. Like with all our reforms, if there are further reforms needed, we will not hesitate to make changes.

Katherine COPSEY: That is a good segue to my next question, Minister. Why is the government not committed to data collection and monitoring, as recommended by the Australian Human Rights Commission? They would wish to see that any reform premised on reducing youth crime must measure outcomes, equity and harm. What kinds of structures will you have in place to collect data on these outcomes?

Enver ERDOGAN: Ms Copsey, you would appreciate we have existing datasets, both Victorian and national datasets, that we obviously keep a close eye on.

Katherine COPSEY: That was quite a broad answer. I have heard you refer to crime statistics previously as a justification for this policy. What other data are you speaking about in terms of that dataset that you just referred to?

Enver ERDOGAN: I am just referring to many of the publicly available reports, such as the Australian Institute of Health and Welfare reports, the reports on government services, which we all see, and of course youth justice's own internal reports and data.

Rachel PAYNE: Minister, the *State of Australia's Children 2025* report shows children with disabilities, especially children with cognitive disability and neurodevelopmental conditions, are significantly more likely to come into contact with police and the criminal justice system. Has the government built any disability-informed safeguards into these reforms, and if not, why not?

Enver ERDOGAN: For 14-year-olds and for the offence of carjacking, some of those provisions and considerations are built in for the uplift, but not for the other offences.

Rachel PAYNE: Children with undiagnosed disability are over-represented in youth detention and are less able to navigate those adult court processes, it would be assumed. Why has the government not included specialist protections or screening requirements before uplifting a child to the County Court?

Enver ERDOGAN: I refer to some of my earlier remarks. It is our view that serious offending requires serious consequences. The focus of this bill is solely on community safety, and therefore we do not believe it is appropriate to have any carve-outs of that nature for these targeted offences.

Rachel PAYNE: In relation to police complaints and accountability, 15 per cent of IBAC's investigations and preliminary inquiries are into the corrections and youth justice sector, making it the third-most investigated sector after local government and Victoria Police. How does the government intend to keep children in custody safe and what consideration has been given to monitoring, improvement and oversight of child detention facilities?

Enver ERDOGAN: This is an issue I am very passionate about. In Victoria we have robust oversight mechanisms in our youth justice systems. We of course have dedicated commissioners, which you are well aware of; we have IBAC – and the statistics that you shared I think are an indication that people can make complaints and that they are appropriately reviewed; we have the Ombudsman; we have the independent visitors. In our settings we have healthcare professionals that have sworn an oath and we have many educational providers, so there is existing oversight. We have WorkSafe. Also we have a department that is committed to keeping the community safe but also providing a safe environment for people in custodial settings. So I believe we have a robust framework of oversight in Victoria in our youth justice settings. I will take your statistic as an indication that it is working; people can make complaints and matters are followed through and reviewed.

Rachel PAYNE: I too am quite passionate about the integrity space as someone who is on the Integrity and Oversight Committee. We often receive feedback from both integrity agencies – IBAC and the Ombudsman – that funding is an issue. With the fact that we will see an increase in young

people in detention due to these changes in legislation, is there any intention then to reflect on the budget restraints around that investigative or oversight process?

Enver ERDOGAN: You would not find an agency or an organisation that would not ask for greater resources, I am sure, if they were unlimited. But I think no – no specific additional resources.

Rachel PAYNE: Thank you, Minister; that is helpful. In the current financial year the government has invested $4.51 billion in policing and $727 million to increase beds in Victorian prisons and youth justice centres. Can I just clarify: with that $727 million, is there an equivalent investment, or is it captured, in offering childhood behavioural programs, including funding of youth legal services, youth alcohol and drug services, family violence counselling, youth homelessness services and community- and Aboriginal-controlled organisations delivering services for First Nations communities? Is it all captured under that budget, or would that be considered under a separate budget?

Enver ERDOGAN: I just wanted to double-check before I gave a response on record. Yes, some of the community safety package is for organisations – you gave an example – like VLA, VALS and others as well. So they incorporated some in custodial services but also outside custody.

Katherine COPSEY: The Yoorrook Justice Commission has made a number of recommendations based on truth-telling and extensive evidence around what will address the over-representation of First Nations people in custody. The changes in this bill are, to put it bluntly, inconsistent with the findings and recommendations made by the Yoorrook Justice Commission. Why has the government decided to ignore the evidence, advice and guidance of Yoorrook in tabling this bill?

Enver ERDOGAN: I think I have given a similar answer, so without repeating myself, there have been too many victims and too many serious offences and serious harm. So there need to be serious consequences in place to respond, and that has been the main focus of these reforms. Yes, we are balancing different rights here, but victims have been the greatest focus to make sure there are appropriate sanctions or appropriate sentences in place for those people that cause that high level of harm.

Rachel PAYNE: Just on consultation, a hundred community organisations have written an open letter to the Premier strongly opposing these laws and the lack of consultation with frontline workers and services on the ground who work with these children every day. Why has the government developed these significant departures from current youth law justice sentencing practices without consulting with legal and community experts?

Enver ERDOGAN: I think, as good governments do, we have heard the community's broader concern loud and clear, and there was concern about a lack of serious consequences for this high-level offending. Therefore we have taken it on ourselves as the executive to set about a policy which recalibrates the system where there will be adult time for violent crime, because that is appropriate for some of these offences. We do not want people incarcerated for low-level offending, but the offences we are targeting in the bill today are fairly and squarely very high level and cause a high level of harm, and we believe an appropriate response is needed. But I do want to thank those organisations. Many of those organisations are our partners more broadly in the justice system, and we will continue to engage with them. But in relation to this policy, I think it is the high-level harm that we are focused on.

Katherine COPSEY: Minister, in the Statewide Treaty Act 2025 there are safeguard provisions that require not only that consultation occur but that responses are considered in good faith and that there is a response by your government to any issues that those bodies raise. Do you believe that the level of consultation for this bill met the government's obligations under treaty?

Enver ERDOGAN: As a government we are proud of the treaty act and changes it will bring to self-determination for First Nations people, and as a government we remain very committed to that relationship. But in the formation of this bill, as I think I have already stated, the focus was on making sure that we act to contain this acute problem being driven by a small group of serious offenders, and

there were just too many victims and not enough consequences. You will note even under the treaty there is an obligation to consult, but ultimately as the government of the day we will need to make these tough decisions, and that is what we have done today.

Katherine COPSEY: Yes or no: do you think that you met your obligations under treaty in developing this bill, or are you saying that in this case you have allowed those other considerations to override it?

Enver ERDOGAN: Could you say that second bit again, sorry?

Katherine COPSEY: In your response just then, are you saying that in this case you have allowed those other considerations to override your obligations under treaty?

Enver ERDOGAN: We are committed to treaty, but in this instance the government made a policy decision and that was communicated to partners after the decision was made.

Katherine COPSEY: That is not what is envisioned by treaty.

Enver ERDOGAN: I will take that as a comment.

The DEPUTY PRESIDENT: Can you repeat the question, Ms Copsey?

Katherine COPSEY: You have not met the process that is laid out under treaty for consultation on this bill, have you?

Michael Galea: On a point of order, Deputy President, I am just concerned that the questions are becoming increasingly circular and repetitive. The minister has, to my listening, already answered these questions.

The DEPUTY PRESIDENT: Minister, do you feel the same way? It is up to you if you wish to answer or if you wish to make a statement.

Enver ERDOGAN: No.

Katherine COPSEY: I take it from your silence that I am not incorrect to say the government has failed to meet its obligations to consult, as laid out by treaty, in the development of this legislation. Correct the record if you feel the need.

The DEPUTY PRESIDENT: We will take that as a comment. It is dangerous to interpret or put words in a minister's mouth in the committee stage, so if we could stick to questions on the bill, please.

Katherine COPSEY: I am very happy for the words to come out of the minister's mouth if he wants to.

In the era of treaty, a state that talks about self-determination cannot justify life sentences for 14-year-olds. The First People's Assembly has put on the public record that:

> The government should be prioritising prevention, healing and support for children who are at risk or have offended, not throwing them behind bars.

Minister, what is your response to that?

Enver ERDOGAN: I want to thank Aboriginal stakeholders for sharing their views on the bill. I do acknowledge that many of them expressed their opposition to this bill; I do acknowledge that. What I will say is that, outside of this bill, separately, we are tackling over-representation of Aboriginal children in our justice system with self-determined programs and responses, both in the youth system and the adult system, and we remain very committed to working with them more than ever.

Rachel PAYNE: The data tells us and the experts tell us – ex-prisoners also tell us – that prison itself is criminogenic. Time in prison literally makes people more likely to reoffend and therefore

makes the community less safe. What sort of prevention mechanism is included in this bill, if any, that will see young people not just continue in that cycle of recidivism?

Enver ERDOGAN: Thank you, Ms Payne, for a really important question but a question that I feel is more focused on our government's announcement around early interventions and about breaking the cycle and addressing the root causes of violence – we are doing that work. But this bill is not focused there; this bill is on the serious consequences aspect of our announcement. So there are serious consequences and there are early interventions. This bill's focus is on serious consequences; we are doing a separate piece of work in terms of early interventions. We have a number of programs and partnerships that we are focused on, and we have announced some of them – in terms of the violence reduction unit, lived experience and mentoring programs in schools – but I feel that many of them are outside the scope of this bill.

Rachel PAYNE: Crime statistics and criminologists alike show that youth offending overall has not exploded. A very small number of young people are responsible for a disproportionate share of serious incidents, and you have touched on this around the types of offending. But I would like to reiterate that police deputy commissioner Hill, as reported on 25 September 2025, said that a small cohort was responsible for 40 per cent of crime in Victoria. That cohort is less than one-tenth of 1 per cent of Victorians. Is the government intending on targeting that particular cohort, and is there any intention that there would be intervention options available for that cohort?

Enver ERDOGAN: Yes, most definitely we are targeting that cohort, and some of the listed offences are those offences that we are seeing a propensity to be repeated. But a lot of that work is in fact outside this bill in early interventions work, and that lived-experience mentoring was one of the first announcements as part of our violence reduction unit. That will be the focus. It is about people from these communities working with young people in these communities. That is the goal, but a lot of that work is outside the scope of this bill.

Katherine COPSEY: Minister, forgive me if this is a repetition, but I cannot remember if we have actually covered it off. These are significant reforms which will impact court resourcing. What plan is in place to ensure the safe implementation of these reforms within, I believe, the three-month timeframe the government is aiming for?

Enver ERDOGAN: I am assured that the Attorney-General is committed to working with the courts to make sure it is implemented as safely as possible.

Katherine COPSEY: Yes, significantly more time and resources are required to hear matters in the County Court, so what additional resources will the government be providing to the County Court and legal services to ensure these matters can be run efficiently and in a timely manner?

Enver ERDOGAN: I think the Premier, when we made the announcement, stated that we will be appropriately resourcing these reforms as needed, and the Attorney-General's office is working with the courts as we speak, making sure that these reforms are appropriately resourced. Those investments are not part of this bill, and they will be reported in the usual way.

Katherine COPSEY: Children who are unsentenced and on remand are innocent until proven guilty. In the likely event that courts are not ready by February – we are coming up to Christmas, so the lists are already jam packed – there could be up to 450 cases uplifted from the Children's Court as a result of these measures. What measures has the government put in place to ensure children are not spending extended periods in prison while they await trial because of court delays?

Enver ERDOGAN: We have a commencement date, and we are working towards that.

Katherine COPSEY: Did the courts have any consultation on this policy prior to the announcement or, just like other stakeholders, were they informed of this after the fact?

Enver ERDOGAN: As with all of our law reforms, the courts are consulted, and they were consulted on these reforms before the announcement.

Katherine COPSEY: Well, that sounds like a special case then. Have the courts given you feedback on the likely resourcing that they will need?

Enver ERDOGAN: We are working with all the stakeholders to make sure they are appropriately resourced and ready to go by the commencement date.

Katherine COPSEY: Coming to a particular matter in relation to the designated offences that are uplifted to the adult court, the government has used an ambiguous term: 'repeated pattern'. Why has the government used that language rather than a clear, legal test, such as 'a proven pattern of serious violent offences'?

Enver ERDOGAN: In my view, it is important to give the courts appropriate discretion, and I think to use a term such as that will mean that the decision-makers in the circumstances will be able to make an assessment based on the lay understanding of those terms.

Katherine COPSEY: Is it the government's intention that children with low-level or nonviolent prior matters would face automatic uplift?

Enver ERDOGAN: Ms Copsey, you would understand for some of the charges it is an automatic uplift. There is a presumption of uplift for some of the offences listed in the act. Therefore for the offences listed with a presumption, that presumption will exist irrespective of past offending – for some of the offences, not for all of the offences.

Katherine COPSEY: But you have referred repeatedly to high-harm and violent offences, so can you clarify the government's intent? Are you trying to be selective with the types of crimes that are subject to automatic uplift?

Enver ERDOGAN: Sorry, with your indulgence, Ms Copsey, could you repeat that question?

Katherine COPSEY: If I can remember it. You have referred repeatedly throughout the debate to high-harm and violent offences. Is it the government's intention to be selective about the types of alleged crimes that are subject to automatic uplift? That is, are you trying to focus on high-harm and violent offences as opposed to low-level repeat offending?

Enver ERDOGAN: Yes.

Katherine COPSEY: How will the bill avoid uplifting nonviolent aggravated burglary charges, which do occur – for example, someone entering a home with an intent to steal where there is no violence?

Enver ERDOGAN: The aggravated nature of it in itself is violent, I would say.

Katherine COPSEY: I think you might want to check the definition of 'aggravated' with the box.

The DEPUTY PRESIDENT: We will take that as a comment.

Enver ERDOGAN: I will withdraw that answer in response to Ms Copsey.

Katherine COPSEY: Children uplifted to the County Court will not have access to the Children's Court Clinic, which provides vital and specialist information to the court about the psychological wellbeing of children and their development. This will be particularly punitive for vulnerable children who may not have received diagnoses. They might be in a situation where this is their first opportunity to have conditions diagnosed, such as developmental conditions, disabilities or mental health conditions. How will the Victorian government ensure that the specialist assessments that are currently undertaken in the Children's Court Clinic are made available for children who are facing uplift to the County Court?

Enver ERDOGAN: As I stated in my answer to the previous questions, we are going to work with the courts to make sure they are ready for the commencement date. We will make sure that there are appropriate supports in place. But that work is obviously ongoing, and we still have some time.

Katherine COPSEY: I take it from that answer it is the government's intention that those sorts of supports that the Children's Court Clinic provides are going to continue to be available to the cohort that are targeted by this bill?

Enver ERDOGAN: I cannot commit to exactly the same, but there will be supports in place.

Katherine COPSEY: Minister, the statement of compatibility admits that the mandatory uplifts are incompatible with children's rights under the charter of human rights, and it concedes that more children will be exposed to adult prisons, despite our obligations under the Convention on the Rights of the Child to keep them separate from adults in detention. The statement also notes that children in adult prisons face a greater prospect of being placed in protective separation, which is effectively solitary confinement. This has already caused this government significant problems in relation to subjecting children to that when we have had issues with lockdowns and solitary confinement in youth justice settings. Subjecting children to such conditions amounts to cruel, inhumane, inhuman and degrading treatment in breach of their rights under the charter. How are you going to overcome this difficulty, and how are you going to avoid children being placed in, effectively, solitary confinement when they are awaiting trial?

Enver ERDOGAN: I think, Ms Copsey, we are getting into really detailed operational matters about children on remand, but children on remand will be placed in the youth justice system during that period.

Katherine COPSEY: Thank you, Minister, for clarifying that. The statement of compatibility speaking about children being exposed to adult prisons is worrying. Are you committing to your government's intention being to minimise that as much as possible?

Enver ERDOGAN: Yes. There does exist a power under the existing legislation for an over-16-year-old to be transferred to the adult system. I have only seen that being used once during my time. Broadly speaking, the broad rule is that they are in the youth justice system if they are under 18.

Katherine COPSEY: There is a bit of an inconsistency in relation to the carjacking offence, and I would just like to clarify how this operates. Adult carjacking matters can be heard in the Magistrates' Court. Does a child charged with the new carjacking offence face automatic uplift to the County Court, thereby exposing them to a more severe penalty than an adult in the same circumstances?

Enver ERDOGAN: Ms Copsey, that is a really good question, and it is something that I know that the Attorney-General has had close consideration of in the drafting of the bill. That is why it is not one of the offences that is subject to an automatic uplift per se. It will be up to the discretion of the court to consider if it is appropriate in the case to uplift to the County Court, so the Children's Court could still in the circumstances – because there are different types of carjacking offences and levels of harm caused – decide to keep that case in the Children's Court.

Katherine COPSEY: Just so I have understood that: it is in relation to 14-year-olds and 15- to 17-year-olds that that circumstance can apply?

Enver ERDOGAN: Yes, you are correct. That will apply to 14- to 17-year-olds for the carjacking offence, and because of the issue you raised it was considered by the Attorney-General. We thought it was best that it not be automatically uplifted. Instead, depending on the severity, the Children's Court could make that decision.

Rachel PAYNE: Just back onto the Children's Court conducting committal hearings, I am wanting to clarify some points on that. Obviously victims will seek resolution as soon as possible, and given that with the nominated offences the young person would be sentenced according to the Sentencing

Act 1991, there could be concern about delays. Is there any commitment to make sure that there is appropriate resourcing of magistrates in both the County Court and the Children's Court?

Enver ERDOGAN: As I stated earlier, we are committed to resourcing the courts to implement these reforms, and we will work with the courts to make that happen. So we are committed to the resourcing that is needed.

Rachel PAYNE: Committals represent an additional procedural step, and full briefings of evidence would be required to be prepared and served before a committal were listed for hearing. So is it anticipated that Office of Public Prosecutions (OPP) or VicPol would prosecute the committals, and have they been provided with additional resources?

Enver ERDOGAN: I can confirm that OPP will be running those committals, and they will be resourced accordingly.

Katherine COPSEY: I move:

1. Clause 1, page 2, line 13, omit "and the **Youth Justice Act 2024**".

I will speak to my amendments all at once for clarity. On the effect of my amendments, this bill today is removing really important principles that this Parliament only recently introduced after an exhaustive process to improve justice outcomes and to improve the rights of children within our youth justice system. My amendments retain core sentencing principles of rehabilitation, positive development and detention as a last resort, and they do that by deleting clauses 12 and 13 of the bill. In the government's bill clause 12 removes from section 204 of the Youth Justice Act the principle that 'efforts to support rehabilitation and positive development are the most effective ways to reduce reoffending'. And in the government's bill clause 13 removes from section 208 of the Youth Justice Act 2024 the principle that custodial sentencing for children must be a last resort and imposed only for the minimum period appropriate and necessary. The effect of my amendments is to retain these important principles within our youth justice framework, and I commend them to the house.

Enver ERDOGAN: The government will not be supporting Ms Copsey's amendments. In saying that, I will emphasise that this was not a decision the government made lightly. It was in response to what we are seeing in terms of there being too many victims and not enough consequences. As a result, we are now acting to contain this problem driven by a small number of serious offenders. The Attorney-General has worked diligently to make sure the scope of the reforms is targeted at those offences. In light of that, I urge everyone in the chamber to vote against these amendments and support the bill.

Melina BATH: The Liberals and Nationals will not be supporting this amendment, and my colleague Mr Mulholland has outlined in detail the reasons why.

David LIMBRICK: I thank Ms Copsey for bringing forward this amendment. As I stated in my second-reading debate speech, I am not convinced of the effects of this bill, and I have had even less chance to do consultation on the effects of the amendments. Therefore I will not be supporting any amendments today, regardless of whether or not I am sympathetic to what Ms Copsey is proposing.

The DEPUTY PRESIDENT: The question is that Ms Copsey's amendment 1, which tests all her remaining amendments, be agreed to.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, 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

Amendment negatived.

Rachel PAYNE: I move:

1. Clause 1, page 2, after line 19 insert –

"(ca) to amend the **Criminal Procedure Act 2009** to provide that a child convicted by the County Court in respect of certain offences has a right to an appeal on which the Court of Appeal must order that there be a new trial conducted by the Trial Division of the Supreme Court; and".

I raised this in the second-reading debate, but essentially it is around how young people whose matters are uplifted to the County Court are no longer able to bring a de novo appeal, losing the right they had in the Children's Court to appeal. Instead they can apply to the Supreme Court in the standard appeal process. However, this process of appeal is complex and dependent on the facts of each case. These changes mean children will have their ability to seek appeal against their sentencing drastically diminished. Children's right to appeal is a fundamental aspect of access to justice, requiring special protection, and it should not be diminished in any way. My amendment seeks to address this issue by allowing a child to appeal to the Court of Appeal, which would then order a new trial by the Supreme Court.

Enver ERDOGAN: I thank Ms Payne for her amendment, but I can confirm that the government will not be supporting this amendment, as the existing appeal process for appeals from County Court decisions is in our view fit for purpose. It requires the Court of Appeal to give leave to appeal, and a child must have some grounds to appeal. So we do not support a new, distinct process.

The DEPUTY PRESIDENT: The question is that Ms Payne's amendment 1, which tests all of her remaining amendments, be agreed to.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, 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

Amendment negatived.

Clause agreed to.

Clause 2 (17:42)

Georgie PURCELL: I move:

1. Clause 2, lines 27 to 31, omit all words and expressions on these lines and insert –

"(2) Parts 3 and 4 come into operation on 30 September 2026.".

I covered this off in my second-reading debate speech. This amendment, essentially, delays the commencement of the bill until 30 September 2026, reflecting the commencement of outstanding provisions of the Youth Justice Act. This is because the systems need time to effectively manage an estimated additional 450 cases, including an estimated 250 to 300 cases subject to the mandatory uplift

provisions in this bill currently heard in the Children's Court being heard in the County Court. Essentially, it is just to allow us the time for the system to catch up to the changes within this bill.

Enver ERDOGAN: The government will not be supporting these amendments.

The DEPUTY PRESIDENT: The question is that Ms Purcell's amendment 1, which tests all her amendments 4 to 15, be agreed to.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, 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

Amendment negatived.

Clause agreed to; clauses 3 to 10 agreed to.

Clause 11 and division heading preceding clause 11 (17:46)

Georgie PURCELL: I move:

2. Division heading before clause 11, omit this heading.
3. Clause 11, omit this clause.

The DEPUTY PRESIDENT: I remind people that if they are in support of Ms Purcell's position, they should vote no, and if they are not, they should vote yes.

Council divided on clause and division heading:

Ayes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, 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 (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Clause and division heading agreed to.

Clauses 12 to 31 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) (17:51): 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) (17:51): 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, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, 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 same without amendment.

Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025

Introduction and first reading

The PRESIDENT (17:58): I have 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 **Wrongs Act 1958** in relation to vicarious liability for child abuse, to amend the **Limitation of Actions Act 1958** in relation to setting aside certain settlements or judgments 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) (17:59): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

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) (17:59): 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 (Vicarious Liability for Child Abuse) Bill 2025.

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

Overview

Vicarious liability is a form of strict liability whereby a defendant organisation can be held liable for the wrongful acts or omissions of another person, even when the defendant was not at fault. In Victoria, vicarious liability claims for child abuse are currently brought under the common law. The common law applies retrospectively, which means that an organisation can be vicariously liable for historic child abuse perpetrated by their employees.

The Bill will expand the law of vicarious liability for child abuse to address the impacts of the High Court of Australia's decision in *Bird v DP (a pseudonym)* (2024) 419 ALR 552. The High Court in *Bird v DP* overturned a decision of the Victorian Supreme Court, upheld by the Court of Appeal, that extended liability to relationships that are 'akin to employment'.

The Bill will:

- amend the *Wrongs Act 1958* to retrospectively (and prospectively) legislate the law of vicarious liability for child abuse and expand it to include relationships 'akin to employment', and
- amend the *Limitation of Actions Act 1958* to enable affected child abuse victim-survivors who received a settlement or civil judgment between the *Bird v DP* decision (13 November 2024) and commencement of the Bill, to apply to the court to set aside their settlement or judgment and commence new proceedings, thereby allowing them to benefit from the reforms.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill

The following Charter rights are relevant to the Bill:

- recognition and equality before the law (section 8)
- protection of children (section 17(2))
- property rights (section 20)
- right to a fair hearing (section 24), and
- retrospective criminal laws (section 27).

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited to protect other rights. As discussed below, I consider that any limitations this Bill imposes on Charter rights are reasonable and justified in accordance with section 7(2) of the Charter.

The right to recognition and equality before the law

Section 8 of the Charter outlines the right to recognition and equality before the law. In *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* [2009] VCAT 1869, Justice Bell stated that the equality rights in section 8 are the 'keystone in the protective arch of the Charter'.

Section 8(3) of the Charter protects the right of every person to have equal protection of the law without discrimination and the right to equal and effective protection against discrimination. Discrimination is prohibited based on an attribute set out in section 6 of the *Equal Opportunity Act 2010*, including discrimination based on a person's age.

The Bill promotes the right to recognition and equality before the law by expanding the law of vicarious liability to ensure that victim-survivors of child abuse perpetrated by people akin to employees have the same legal avenues to civil compensation as those abused by employees of an organisation.

The Bill only expands the law of vicarious liability to the extent necessary to address the direct impacts of the *Bird v DP* decision on affected victim-survivors of historic child abuse. It will only expand the law of vicarious liability in relation to child abuse, defined as physical and/or sexual abuse of a person who is under the age of 18 years. While this may engage the right to equality and recognition before the law, based on the attribute of age, I consider any limitation reasonable and justified in accordance with section 7(2) of the Charter.

The limited application of the Bill to child abuse recognises the special vulnerability of children, who must be afforded the strongest protections. The Bill focuses on ensuring victim-survivors of child abuse, including historic child abuse, can pursue civil compensation against organisations entrusted with their care.

Protection of children

Section 17(2) provides that every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by the child by reason of being a child. This right recognises the vulnerability of children.

The Bill promotes the protection of children by ensuring that victim-survivors of child abuse perpetrated by people who are akin to employees can pursue a vicarious liability claim against a relevant organisation. The new statutory vicarious liability provisions will complement existing avenues for civil litigation for child abuse, including negligence and breach of the statutory duty on organisations to prevent child abuse under Part XIII of the *Wrongs Act 1958*.

The Bill promotes the protection of children by ensuring that a vicarious liability claim for child abuse can be brought regardless of when the abuse occurred. It can take over 20 years for victim-survivors to tell someone about their abuse and the retrospective operation of the Bill recognises the lifelong effects of child abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse found that survivors of abuse have faced substantial barriers to accessing justice through civil litigation, including the imbalance of power and resources between survivors and organisations, and complex legal procedures.

Property rights

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with the law. Importantly, Charter rights apply only to natural persons and not organisations. However, there will be circumstances where a natural person could be exposed to liability under these reforms. This includes when they are the nominated or ordered to be the proper defendant to a claim or action founded on or arising from child abuse under the *Legal Identity of Defendants (Organisational Child Abuse) Act 2018*.

The Charter does not define the terms 'property' or 'deprived'. In *PJB v Melbourne Health* (2011) 39 VR 373, Justice Bell noted that 'On first principles, these terms would be interpreted liberally and beneficially to encompass economic interests and deprivation in a broad sense'. For deprivation of property to be 'in accordance with law', it must be authorised by law, and that law must be publicly accessible, clear and certain and must not operate arbitrarily.

The Bill will amend the *Limitation of Actions Act 1958* to allow affected victim-survivors whose claims were resolved in the period between the *Bird v DP* decision (13 November 2024) and commencement of the Bill, to apply to the court to have a judgment (including dismissal) or settlement set aside and commence another action. The court will be able to set aside previous judgments and settlement agreements, where this is just and reasonable. This could lead to a defendant having to pay a higher sum than it had previously paid under the set-aside settlement or judgment.

I am satisfied that any limitation on property rights under the Charter is reasonable and justified in accordance with section 7(2) of the Charter. Enabling victim-survivors to apply to the court to set aside affected judgments or settlements, ensures that victim-survivors impacted by *Bird v DP* can benefit from the reforms and are not left without meaningful legal redress for the abuse they suffered as children.

Any deprivation of property because of this Bill will be in accordance with the law. Any interference with a defendant's property rights would be limited to circumstances in which a court has determined, in the exercise of its discretion, are 'just and reasonable'.

The right to a fair hearing

Section 24 of the Charter provides that a person who is party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right is concerned with the procedural fairness of a court or a tribunal in arriving at a decision (*Knight v Wise* [2014] VSC 76).

The Bill will expand vicarious liability for child abuse to include relationships akin to employment. These reforms will not change court procedures or affect judicial independence in deciding cases.

The Bill also enables a court, upon application, to set aside a judgment or settlement made between the *Bird v DP* decision and the commencement of the Bill, if just and reasonable to do so. In deciding whether to make an order to set aside a settlement or previous judgment, a court will continue to exercise its discretion, based on the evidence before it and the application of the law to those facts, and continue to adhere to prescribed rules and procedures. These reforms will not compromise a party's right to a fair hearing.

Retrospective criminal laws

Section 27 of the Charter protects a person's right not to be subject to criminal laws with retrospective effect. There is no corresponding prohibition on retrospective civil laws.

Under the common law, which operates retrospectively, child abuse vicarious liability claims can be brought whether the abuse occurred 50 years ago or recently, as long as the abuse was perpetrated in the scope or course of employment. The Bill simply expands the relationship capable of attracting vicarious liability beyond employment relationships to include relationships akin to employment. Given the new provisions will

operate retrospectively (and prospectively), statutory vicarious liability claims for child abuse can be brought whether the abuse occurred before, on or after commencement of the reforms.

The Bill, however, does not relate to criminal laws and therefore section 27 of the Charter is not engaged. Further, a law does not operate arbitrarily merely because it operates retrospectively. Nevertheless, taking a broad view of Charter rights and acknowledging the general presumption against retrospective laws, I consider that a discussion of the retrospective operation of the Bill is helpful.

Retrospective civil laws can give rise to perceptions of unfairness and injustice by imposing potential liability for conduct that a person may not have been liable for at the time it was engaged in. However, to respond to the *Bird v DP* decision, the Bill must operate retrospectively to benefit affected victim-survivors of historic child abuse.

Affected victim-survivors are those who do not have a viable negligence claim, were abused by someone akin to an employee, and who are unable to bring claims for breach of the organisational duty to prevent child abuse under Part XIII of the *Wrongs Act 1958*. While the organisational duty applies broadly, it only applies to abuse that occurred since 1 July 2017. Some victim-survivors of historic child abuse may not have viable negligence claims, as these claims require proof the organisation had knowledge of the abuse, which can be difficult in historic cases due to the passage of time, the death of key witnesses or loss of records. Expanding the law of vicarious liability in the limited way that the Bill does is required to provide affected victim-survivors with a legal avenue to seek civil compensation through the courts.

The Bill and explanatory materials make clear the very limited nature and scope of the reforms. The new statutory vicarious liability is confined to child abuse, only impacts organisations that exercise care, supervision and authority over children, and only extends the existing law of vicarious liability by expanding it to encompass relationships that are akin to employment. These reforms are required to alleviate the impacts of the *Bird v DP* decision on victim-survivors of historic child abuse.

Enver Erdogan
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:59): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

Child abuse has a lifelong and devastating impact on the lives of survivors, their broader family groups and supporters, and the wider community. It is a fundamental breach of the trust that children place in adults. For many victim-survivors of child abuse that occurred in organisational settings, it is important to have the option of pursuing civil litigation.

Victoria has been a leader in removing barriers to civil litigation for victim-survivors of child abuse. In 2015, we removed limitation periods for actions founded on child abuse and, in 2017, imposed a statutory duty of care on organisations to prevent child abuse. In 2018, we enacted laws to enable unincorporated organisations to be sued – thereby closing a loophole that had allowed some organisations to evade liability for child abuse – and, in 2019, courts were empowered to set aside unfair child abuse settlements and judgments. Further reform is now required to address the impacts of the High Court of Australia's decision of *Bird v DP (a pseudonym)* (2024) 419 ALR 552 on victim-survivors of historic child abuse.

In December 2021, the Supreme Court of Victoria (and, in 2023, the Victorian Court of Appeal) found the Roman Catholic Diocese of Ballarat vicariously liable for a Catholic priest's sexual abuse of a 5-year-old child at his parents' home on two separate occasions in 1971. On appeal by the Diocese, the High Court was asked to consider whether, in the absence of a formal employment relationship, an organisation may be held vicariously liable for the unlawful actions of a person who is akin to an employee.

Vicarious liability is a form of strict liability whereby a defendant organisation can be held liable for the wrongful acts or omissions of another person, even if the defendant is free from fault. This stands in contrast to the statutory duty of care on organisations to prevent child abuse under Part XIII of the *Wrongs Act 1958*, where liability is fault-based.

Vicarious liability claims for child abuse are brought under the common law and as the common law has retrospective effect, organisations can be held vicariously liable for historic child abuse. Vicarious liability is imposed when 2 limbs are satisfied:

- there is a relationship capable of attracting vicarious liability – currently confined to an employment relationship (Limb 1), and
- the wrongful act took place in the course or scope of the role (Limb 2).

In November 2024, the High Court in *Bird v DP* overturned a decision of the Victorian Supreme Court, upheld by the Court of Appeal, that extended vicarious liability to relationships that are 'akin to employment'. In doing so, the High Court held that a Catholic Diocese could not be vicariously liable for the abuse of a child by one of its assistant priests, because he was not an employee.

In making this decision, the High Court acknowledged that '[i]nsisting on a threshold requirement of an employment relationship for a finding of vicarious liability, including in cases such as the present, has been described as harsh.' The Court also noted that 'Reformulation of the law of vicarious liability is properly the province of the legislature' – in effect inviting Parliament to make the necessary changes to address the 'harsh' outcome.

The *Bird v DP* decision has impacted a group of historic child abuse victim-survivors: those who do not have viable negligence claims (due, for example, to the passage of time, the loss of records and deaths of key witnesses); and those who were abused by a non-employee, who nevertheless resembled an employee. Claims on foot at the time of the decision have been significantly weakened or rendered unviable, with some plaintiffs at risk of costs orders against them. These victim-survivors now find themselves without any possible avenues for civil litigation.

We have heard from victim-survivors, members of the public, advocacy groups and peak legal bodies of the damaging impacts of the High Court decision on this group, who have called for legislative reform. It takes great courage for victim-survivors to report abuse, often at great personal expense, and some cannot now seek to hold organisations to account through the courts.

The *Bird v DP* decision has led to inequitable outcomes for victim-survivors based on an abuser's employment status. Those who suffered historic abuse by employees may bring vicarious liability actions against the relevant organisations, however, those abused in the past by people akin to employees, for example priests, cannot. Organisations that have not traditionally employed their personnel are able to evade accountability for historic child abuse, even though their relationship with these personnel, in essence, possessed the same fundamental qualities as a formal employment relationship. The decision also leaves Australia at odds with other common law jurisdictions, such as the United Kingdom and Canada, which extended vicarious liability to include relationships that are akin to employment over 20 years ago.

To address the impacts of the *Bird v DP* decision, the Bill will:

- amend the *Wrongs Act 1958* to retrospectively (and prospectively) expand vicarious liability for child abuse beyond employment relationships to include relationships that are 'akin to employment', and
- amend the *Limitation of Actions Act 1958* to enable affected victim-survivors to apply to the court to have their settlement or civil judgment that occurred between 13 November 2024 (the date of the *Bird v DP* decision) and the commencement of this Bill, set aside, so that they may benefit from these reforms.

Legislating vicarious liability for child abuse

The Bill will amend the *Wrongs Act 1958* to insert new 'Part XIIIA – Statutory vicarious liability for child abuse'.

The reforms will only expand vicarious liability to the extent needed to address the effects of the *Bird v DP* decision and are therefore constrained in scope. The reforms will apply only to child abuse (physical and/or sexual) claims and to organisations that exercise care, supervision or authority over children, including the State.

The Bill will enable statutory vicarious liability claims for child abuse to be brought whether the abuse occurred before, on or after the commencement of the Bill. This retrospective operation is consistent with how the common law of vicarious liability operates. Retrospective reforms are necessary to remove the barrier to civil litigation currently faced by victim-survivors of historic child abuse who have been impacted by the *Bird v DP* decision.

Extending Limb 1 of vicarious liability to encompass relationships that are akin to employment

The Bill will extend Limb 1 of vicarious liability for child abuse beyond employment relationships to include those that are 'akin to employment'. This will ensure that organisations can be held accountable, not just for child abuse by employees, but for abuse by people who in all relevant respects resemble employees. Extending Limb 1 in this way ensures that organisations that do not formally employ their personnel can be held accountable for historic abuse.

The Bill sets out the criteria the court may have regard to when determining whether an individual is akin to an employee, including, but not limited to, whether the individual carries out activities as an integral part of the activities carried on by the organisation, and does so for the benefit of the organisation, and the extent of the organisation's control over the individual in the carrying out of their activities.

Depending on the circumstances of each case, the new akin to employee test is intended to capture relationships that resemble employment, such as priests and religious leaders who are not formally employed but otherwise resemble employees of their religious organisations.

In determining whether a particular person is akin to an employee, in addition to listing discretionary factors, the Bill makes clear that the court may consider any other matter or factor it considers relevant, thereby giving the court appropriate discretion to decide matters based on the unique facts of each case.

As independent contractors do not resemble employees, they are explicitly excluded from the akin to employee test.

Codifying Limb 2 of vicarious liability

The Bill will maintain the existing common law test for Limb 2 of vicarious liability, which requires that the relevant act or omission took place in the course or scope of the role, and gives the court appropriate discretion to further develop the test.

The Bill will provide that an organisation will be vicariously liable for child abuse if:

- the apparent performance by the employee or individual akin to an employee of a role in which the organisation placed that person supplies the occasion for child abuse, and
- the employee or individual akin to an employee takes advantage of, or uses, that occasion to abuse the child.

Under the common law, it is not sufficient that a role provided a 'mere opportunity' for the abuse to take place; it needs to have provided the wrongdoer with the very occasion for the abuse.

The Bill sets out criteria that the court may consider when determining whether the organisation placed the employee or individual akin to an employee in a role that supplies the occasion for the abuse of the child. This includes, but is not limited to, whether the organisation placed that person in a position or role in which they have authority, power or control over the child, the trust of the child, or the ability to achieve intimacy with the child.

Enabling affected victim-survivors to set aside judgments and settlements

The Bill will amend the *Limitation of Actions Act 1958* to allow affected victim-survivors whose vicarious liability claims were resolved in the period between 13 November 2024 (the date of the High Court's decision in *Bird v DP*) and the commencement of these reforms, to apply to the court to have a judgment or settlement set aside and commence another action. Courts can set aside judgments or settlements where it considers this just and reasonable.

This reform ensures that victim-survivors whose claims were significantly weakened or rendered unviable following the High Court's *Bird v DP* decision, can benefit from the reforms.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:59): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

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

Introduction and first reading

The PRESIDENT (15:59): I have a further message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Mineral Resources (Sustainable Development) Act 1990** to introduce a trailing liabilities scheme and require notice of change in control of certain declared mine licensees and to make consequential amendments to that Act and the **Mineral Resources (Sustainable Development) Amendment Act 2023** 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) (18:00): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

> That the second reading be taken forthwith.

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) (18:00): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025.
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights set out in the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The Bill amends the *Mineral Resources (Sustainable Development) Act 1990* (the Principal Act) and the *Mineral Resources (Sustainable Development) Amendment Act 2023*.
>
> The amendments will:
>
> (a) introduce a new trailing liabilities scheme relating to the rehabilitation of declared mine land; and
>
> (b) clarify the requirements for and operation of rehabilitation plans and declared mine rehabilitation plans; and
>
> (c) provide additional mechanisms for the variation of mining licences and extractive industry work authorities, and conditions on those licences and authorities; and
>
> (d) require notice of any change in control of corporate declared mine licensees; and
>
> (e) make various other minor and technical amendments to improve the operation of the Principal Act.
>
> **Human Rights Issues**
>
> The following rights are relevant to the Bill:
>
> - Right to freedom from forced work (section 11(2))
> - Right to privacy (section 13)
> - Aboriginal cultural rights (section 19)
> - Right to property (section 20)
> - Right to the presumption of innocence (section 25(1))
> - Right to privilege against self-incrimination (section 25(2)(k)).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

In practice, it is likely that many of the Bill's provisions regulate corporate entities rather than natural persons due to the nature of mining activities on declared mine land that require significant financial resources to carry out. Corporate entities are not considered a 'person' under the Charter and as such, do not attract the human rights specified in the Charter. However, to the extent that the provisions regulate natural persons, the impact on their Charter rights is addressed.

Right to freedom from forced work

Section 11(2) of the Charter provides that a person must not be made to perform forced or compulsory labour. 'Forced or compulsory labour' does not include court-ordered community work as a condition of release from detention, work or service required because of an emergency threatening the Victorian community or a part of that community, or work or service that forms part of normal civil obligations.

Amendments in clause 11 of the Bill that insert new sections 84AZZQ, 84AZZX and 84AZZY into the Principal Act may engage this right. New section 84AZZQ provides that the Minister may issue a remedial direction to a person requiring them to take a specified rehabilitation or closure related action if the Minister is satisfied that the declared mine licensee has failed to meet a rehabilitation or closure requirement or is not able to meet a rehabilitation or closure requirement. Section 84AZZX provides that failure to comply with a remedial direction is an offence. New section 84AZZY provides that the Minister may apply to the Supreme Court for an injunction compelling a person to comply with a remedial direction or restraining a person from contravening a remedial direction. These provisions could be viewed as requiring a person to perform forced or compulsory labour, as they enable a person to be compelled to undertake certain activities.

However, in my view, the right to freedom from forced work is not limited by the provisions in this Bill, as any forced labour required would form part of normal civil obligations and is therefore specifically excluded from the scope of section 11(2) by section 11(3)(c) of the Charter.

I am therefore satisfied that the right to freedom from forced work in section 11(2) of the Charter is not limited by clause 11 of the Bill.

Right to privacy

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

Amendments in clauses 11 and 13 of the Bill may engage this right. Clause 11 of the Bill inserts new section 84AZZV into the Principal Act to provide that the Minister, by written notice, may require any person to provide the Minister with any information or document that the Minister reasonably considers relevant to the making of a call back determination or a remedial direction. This notice may require the provision of personal information.

Clause 13 of the Bill inserts new section 84AZZZE into the Principal Act to provide that a declared mine licensee that is a body corporate must notify the Department Head of any change in control of the declared mine licensee or of the existence of any prescribed circumstances relating to the control of the declared mine licensee. This notification may require the provision of personal information.

However, to the extent that the amendments in the Bill may interfere with the right to privacy, any interference with the right will not be arbitrary because it will be done in accordance with the law as set out in new sections 84AZZV and 84AZZZE of the Principal Act, with the legitimate purpose of ensuring the Government has accurate and up to date information regarding the control of declared mine licensees, which will assist in the operation of the trailing liabilities scheme and in ensuring compliance with obligations under the Principal Act.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 11 and 13 of the Bill.

Aboriginal cultural rights

Section 19(2) of the Charter provides specific protection for Aboriginal persons, providing that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The rights under section 19(2) are to be read broadly and are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development. Aboriginal cultural rights are inherently connected to the relevant community and the traditions,

laws and customs of that community. It can include traditional ways of life including practice of spiritual traditions, customs and ceremonies, and the maintenance of a cultural connection with the land, including the use of natural resources and the preservation of historical sites and artefacts.

Clause 11 of the Bill inserts new section 84AZZQ into the Principal Act, which enables the Minister to issue a remedial direction to a person to undertake certain rehabilitation or closure related activities if satisfied that the declared mine licensee has failed to meet a rehabilitation or closure requirement or is not able to meet a rehabilitation or closure requirement. This may limit this right, as the activities undertaken in compliance with a remedial direction may affect the enjoyment of cultural rights. However, the Bill requires that, before issuing a remedial direction in relation to action that may impact land that is the subject of a recognition and settlement agreement under the *Traditional Owner Settlement Act 2010*, the Minister must consult with the traditional owner group whose rights are recognised under that agreement.

Mining and extractive industry activities can impact Aboriginal cultural rights, including by limiting access to, or damaging land. To the extent that many of the amendments in this Bill clarify and support compliance with rehabilitation obligations by current and former licence and extractive industry work authority holders and improve the ability to update rehabilitation plans and declared mine rehabilitation plans to ensure satisfactory rehabilitation of the land, the Bill may promote Aboriginal cultural rights.

Further, to the extent that any actions authorised under the amendments made by the Bill affect the enjoyment of cultural rights, the Minister or the Department Head as public authorities will, pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including cultural rights under section 19(2) of the Charter.

As such, to the extent Aboriginal cultural rights under section 19(2) of the Charter may be limited by the Bill, the limitation is reasonable and justified under section 7(2) of the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with the law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct. International jurisprudence supports the view that a 'deprivation of property' may not be confined to situations of forced transfer of title or ownership but could include any substantial restriction on a person's control, use or enjoyment of their property.

The Charter does not define the term 'property' and very little Victorian jurisprudence exists with respect to the meaning of 'property' under the Charter. The rights recognised under the European Convention on Human Rights may inform how a court will understand property under section 20 of the Charter. Patents and licences have been recognised as possessions.

Amendments in clauses 11, 26 and 27 of the Bill may engage this right.

The new trailing lability scheme introduced by clause 11 has the potential to engage the right to property in a number of ways. The Bill enables the Minister to issue a remedial direction to certain persons requiring them to undertake specified rehabilitation related activities. A person complying with a remedial direction who does not have esoteric knowledge of declared mine land rehabilitation may cause damage or harm to the land of neighbouring communities or private landowners of adjacent properties. The Bill also provides a power for a person complying with a remedial direction to enter declared mine land, which may be seen as depriving the owner or occupier of that land of their property.

Clauses 14, 15, 16 and 17 will introduce more flexible mechanisms to vary licences and extractive industry work authorities, and to vary, suspend or revoke conditions on the licences or authorities, which may be seen to deprive the licence or authority holder of their property.

Clause 26 will introduce a new power for the Minister to authorise persons to enter any land and do anything where the Minister considers it necessary for the purposes of the Minister exercising their power to take any action they consider necessary to rehabilitate land if satisfied that the land hasn't been rehabilitated in accordance with specified requirements in accordance with section 83(1). Clause 27 will introduce a new offence for hindering or obstructing the Minister or an authorised person from undertaking rehabilitation, without reasonable excuse. These provisions may deprive the owner or occupier of the land, being entered to undertake rehabilitation, of their property.

To the extent that these provisions may deprive a person of their property, the limitation will be in accordance with clear and precise legislation and therefore the right to property is not limited.

Right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The right is relevant where a statutory provision

shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Clause 11 of the Bill inserts new section 84AZZX(1) into the Principal Act, which creates a new offence for a called-back person to fail to comply with a remedial direction. Failure to comply with a remedial direction may result in significant penalties. New section 84AZZX(2) provides that in a proceeding for an offence against section 84AZZX(1), it is a defence to the charge for the accused to prove that the accused took all reasonable steps to comply with the remedial direction.

This provision is relevant to the presumption of innocence as it imposes a legal burden on an accused person to prove they took all reasonable steps to comply with the remedial direction if they wish to rely on the defence in section 84AZZX(2).

I am satisfied that, to the extent that this limits the right to be presumed innocent, the limitation is compatible with the Charter because it is justified under section 7(2). This is because imposing a legal burden on an accused person in these circumstances is reasonable, justified and proportionate for the following reasons:

- The purpose of the burden is to ensure that a person to whom a remedial direction is issued cannot easily and unreasonably avoid their obligations to rehabilitate the land. The availability of the defence reflects the policy intention that the trailing liabilities scheme is intended to support effective rehabilitation.
- Remedial directions can only be issued as a last resort measure when the State has exhausted all possible avenues to successfully rehabilitate declared mine land.
- Compliance with a remedial direction is likely to be highly technical. As such, the evidence required to establish the defence will ordinarily be peculiarly within the personal knowledge of the accused and would be difficult for the prosecution to establish without a legal burden.
- A remedial direction can only be issued following consultation with the person to whom it is proposed to be issued. This affords procedural fairness.
- If the defence only placed an evidential burden on the accused this would make it difficult to successfully prosecute non-compliance with a remedial direction, hence the trailing liabilities scheme will be undermined and the burden of rehabilitating declared mine land will fall on the State.
- While placing an evidential burden would place a lesser limitation on the right to be presumed innocent, a legal burden is justified having regard to the purpose and circumstances of remedial direction.
- The prosecution is still required to prove the accused committed the elements of the offence.
- The offence is not punishable by imprisonment.
- Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance, particularly where the commission of regulatory offences may cause harm to the public.

As such, I am satisfied that this provision is compatible with the Charter.

Right to privilege against self-incrimination

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

Amendments in clause 11 of the Bill engage this right. Clause 11 of the Bill inserts new section 84AZZV into the Principal Act to provide that the Minister, by written notice, may require any person to provide the Minister with any information or document that the Minister reasonably considers relevant to the making of a call back determination or remedial direction. New section 84AZZZA provides that a person is not excused from providing information or a document in accordance with a notice under section 84AZZV(1) on the grounds that the information or document might tend to incriminate the person or make the person liable to a penalty. This is critical to ensuring the Minister can obtain information necessary to decide whether to make a determination or direction. However, new section 84AZZZA(2), also to be inserted by clause 11 of the Bill, provides an immunity against both direct and indirect use of the information obtained against the person in criminal or civil proceedings, other than proceedings regarding failure to comply with a request for information, or proceedings regarding provision of false or misleading information. Further, the disclosure or

communication of any information provided to the Minister under section 84AZZV(1) will be protected by the secrecy provisions in new section 84AZZZ.

Therefore, in my view, although the right to self-incrimination may be limited, the limitation is justified under section 7(2) having regard to the purpose of the provisions and the fact that the immunity in section 84AZZZA(2) ensures that there is no possibility that an individual's compliance with the requirement to provide information will assist in their own conviction for an offence (or liability for a civil penalty), except in relation to offences necessary to ensure effective compliance with a requirement to provide information.

Accordingly, I consider that clause 31 is compatible with the right to privilege against self-incrimination section 25(2)(k) of the Charter.

Conclusion

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

Ingrid Stitt MP
Minister for Mental Health
Minister for Ageing
Minister for Multicultural Affairs

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (18:00): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

This Bill amends the Mineral Resources (Sustainable Development) Act 1990 to implement the Government's public commitment announced on 6 May 2022 to introduce a trailing liabilities scheme in relation to the declared mines, which currently comprise of the three Latrobe Valley coal mines: ENGIE's Hazelwood mine, Energy Australia's Yallourn mine and AGL's Loy Yang mine.

The provisions aim to ensure the mining industry remains responsible for the rehabilitation and closure of the coal mines as Victoria transitions away from coal-fired energy. The Bill is similar to provisions passed by the Commonwealth Government for decommissioning offshore infrastructure.

The Bill will help protect Victorian taxpayers from a worst-case scenario where a declared mine licensee fails to or is unable to meet its rehabilitation obligations. The new provisions will reduce the likelihood that rehabilitation costs are passed on to Victorians; and provide the Government with a new tool to require those who derived greatest financial benefit from mining projects to be responsible for remediating the rehabilitation risks and liabilities caused by the project.

The trailing liabilities scheme is a measure of last resort to provide financial assurance to the State of Victoria where there is no feasible alternative to enforce existing rehabilitation obligations against the current or former declared mine licensee. The trailing liability provisions will not change the existing rehabilitation obligations of the declared mine licensees. The rehabilitation obligations are not new.

The scheme will enable the Minister to 'call back' a party, via a remedial direction, to carry out or pay the costs of rehabilitation and post-closure work where the Minister is satisfied it is appropriate to do so. Remedial directions can be issued to a person who, at any time on or after the Victorian Government committed to introducing a trailing liabilities scheme on 6 May 2022:

- is a related body corporate of a current declared mine licensee, including a parent and subsidiary company of the licensee;
- was the holder of a mining licence that covered declared mine land, or was a related body corporate of that former holder;
- is a person determined by the Minister to be a 'person subject to call back' only if reasonably appropriate to do so, after considering whether they have or may receive a significant financial benefit from work authorised under a declared mine licence, the degree of influence they have or have had over rehabilitation compliance, and whether they act or acted jointly with the mining licensee.

The Bill allows a remedial direction to be issued to a broad range of persons because the specific ownership and management arrangements of mining operations can vary greatly. The intention is to capture parties who have a sufficiently significant relationship with the declared mine licensee, either through financial benefit, degree of influence, or joint action, for it to be reasonable for them to contribute to rehabilitation. The Bill specifically excludes employees and contractors from being able to be determined by the Minister to be a

person subject to call back, to address public concerns that they could be captured. Other parties such as companies or their directors would only be captured if they benefitted significantly financially from the declared mine, substantially influenced the licensee's compliance with their rehabilitation obligations, or acted jointly with the declared mine licensee. It would be rare for individuals to be captured. Guidance will be issued to assist in the understanding of when the Minister will consider it reasonable to determine a person to be a person subject to call back.

The Bill also makes amendments to require the Department Head to be notified of any change in control of corporate declared mine licensees. This supports the trailing liabilities regime by capturing changes in ownership and would inform any future consideration of related parties who may become subject to the trailing liabilities provisions.

The Bill also amends the Mineral Resources (Sustainable Development) Act 1990 to:

- provide additional mechanisms for the variation of rehabilitation plans and declared mine rehabilitation plans and clarifies the rehabilitation obligations that apply to declared mines.
- address long-standing deficiencies with the Minister's power to vary mineral licences and extractive industry work authorities, so that the Minister can efficiently and appropriately address emerging risks of harm, including in emergency situations.
- provide more clarity and flexibility for how a Code of Compliance applies under the new duty-based regime to introduced by the Mineral Resources (Sustainable Development) Amendment Act 2023.
- make technical and consequential amendments to clarify the operation of the Act.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (18:01): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

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

Committee

Resumed.

Clause 1 further considered (18:02)

Aiv PUGLIELLI: I just have one question this evening. My crossbench colleagues have asked many prior to now. I thank the minister for engaging in advance of this particular question, as it is quite specific in relation to the legislation. Schedule 2 of the bill amends section 3 of the Worker Screening Act 2020. In sections 6 and 9 of the Worker Screening Act historical homosexual convictions and convictions for transmission of HIV are still listed as offences which would require an applicant for an NDIS clearance to apply to the secretary – soon to be regulator – for the consideration of exceptional circumstances, per section 26 of the act, to be granted this clearance. These offences have long been repealed, so I ask, Minister: why do they continue to remain in the act?

Lizzie BLANDTHORN: I thank Mr Puglielli for his question and also for engaging with my office in relation to this important issue. In relation to the particular matters in Mr Puglielli's question, we are informed that these offences have in the past been used to charge for conduct involving children. These offences need to be considered case by case, by the working with children check and the NDIS screen, in assessing whether a person poses an unjustifiable risk to the safety of children. We are advised that there are no substantive changes proposed to the current schedules contained in the Worker Screening Act other than consequential amendments to reflect transfer of worker screening functions to the regulator and also updating to ensure that they are the correct department names.

Importantly, Victoria decriminalised homosexual conduct in 1981. In 2014 the government recognised the unfairness of some Victorians continuing to carry a criminal record because they were convicted of criminal offences because, and only because, of that conduct. In passing the Sentencing Amendment

(Historical Homosexual Convictions Expungement) Act 2014 the then Attorney-General noted that although allowing historical convictions to be expunged is simple in concept, it presented a legally complex problem, as the offences that had over the years been used to charge those engaged in consensual homosexual activities were often the same offences that were also used to charge cases that were truly criminal sexual assaults, including assaults against children. The expungement scheme requires a review of the available records for each conviction to ensure that the scheme only expunges convictions that were the result of a person's homosexual conduct and not convictions in circumstances where charges would have been laid and a conviction would have resulted regardless of whether the conduct was homosexual or heterosexual. Offences can only be expunged if the conduct would be legal today, and for the same reason, the schedules listing offences that are relevant to the working with children check clearance and the NDIS worker screen list a range of historical offences that were once used to charge both consensual homosexual behaviour and behaviour that would still be a crime today, noting that the historical offences do not appear by name in the working with children check schedules but are incorporated via tables in the Sentencing Act 1991.

I want to confirm for the house that historical homosexual convictions will not result in a working with children check or NDIS check assessment or reassessment if they have been expunged. If a person has had a conviction for one of these offences expunged, then it will no longer be on their criminal record and will not be considered as part of a worker screen. However, if the conviction remains visible on their record, then the checking unit will gather the information and assess whether it reveals any child safety risk. Consensual behaviour between adults that would be legal today will not be considered an indicator of risk or contribute to a denial of a worker screen. However, if the offence was committed against a child, for example, it will be relevant to the assessment of an application for a working with children check or an NDIS worker screen.

I appreciate, Mr Puglielli, that that is a very detailed answer, but I wanted to, with respect to your question, make sure that all of that was on the record for you.

Aiv PUGLIELLI: Thank you, Minister, for the detailed answer. I just want to be certain that I have heard correctly. For both of these historic offences that rationale would apply. Is that correct?

Lizzie BLANDTHORN: That is correct.

Anasina GRAY-BARBERIO: Minister, I just have a couple of questions, please. This is in relation to false or misleading information. When a person or educator provides false or misleading information, is this section of the law intended to capture intention to represent rather than genuine mistakes? I am referring to language barriers with regard to educators in the sector, that them providing any misleading information is from a genuine place rather than from a place of malice, given that much of the workforce is made up of multicultural and migrant women.

Lizzie BLANDTHORN: Sorry, Ms Gray-Barberio, just so that I make sure I understand your question correctly, you are not talking about vexatious complaints. You are talking about misunderstanding of information.

Anasina GRAY-BARBERIO: Misleading information, but from a genuine place. Will there be exceptions to that, given that the sector is made up of largely multicultural women, where there could be language barriers? Will there be accommodation for that?

Lizzie BLANDTHORN: It is absolutely intended that there be opportunity at any stage for people to provide information that corrects the record and ensures that the accurate information is the information that is before the regulator.

Anasina GRAY-BARBERIO: I appreciate you clarifying that. I just want to come back to one of my questions that you answered yesterday with regard to the transitional phase of the various transitions from the Commission for Children and Young People (CCYP). I know you said yesterday that there will be a transition phase with that, so what will that actually look like? Will it be, for

example, that the reportable conduct scheme will come across first and then it will be the Worker Screening Act? Do you know yet how long that whole process will take?

Lizzie BLANDTHORN: Obviously commencement is when the new functions begin, and as I indicated yesterday, we are seeking to be faithful to the recommendations of the review, which, particularly in relation to working with children checks, said they should commence within 12 months of the review. Obviously the review was handed down in August. The reforms are significant and will be introduced progressively across 2026 to enable a smooth transition given their complexity and scale. Upon royal assent several critical reforms to the reportable conduct scheme will commence, including removing discretion for the Commission for Children and Young People not to share a substantiated reportable conduct finding with the worker screening unit, enabling the CCYP to share additional information with the worker screening unit about a substantiated allegation and recognising the findings of a reportable conduct investigation in another state or territory which relates to the same reportable allegation. Introducing these reforms as soon as the bill is passed will obviously go a significant way to improving information flows between the CCYP work as previously conducted and the worker screening unit as previously conducted, providing the unit with a broader range of information to inform those decisions, grant a reassessment or reassess a working with children check.

The remaining reforms will commence progressively in tranches. The first reforms will give the regulator responsibility for the worker screening functions, the reportable conduct scheme and the child safe standards, as I said yesterday, and the reforms to strengthen the working with children check scheme will commence next, including providing the regulator with access to a broader range of unsubstantiated risk-relevant child safety information that can trigger the power to recognise, reconsider, suspend, refuse or revoke someone's working with children clearance without having to wait for formal outcomes such as charges being laid, such as we saw in relation to the Ron Marks case. Use of a new reassessment tool will provide an objective and consistent basis for the regulator's assessment of unsubstantiated allegations, and as I said, the rapid review is quite clear and we made a commitment, as were talking about yesterday, to 'under one roof' by the end of the year and to the recommendations being implemented within 12 months of the review, which was obviously August this year.

David ETTERSHANK: I have got a few questions that I would like to work through with the minister, and I am conscious we have got a pile of amendments. So what I might try and do is just seek to cover those through a couple of case studies, and that will I think expedite the discussion when we get to the processing of the amendments.

Can I just say by way of a preliminary statement that we all agree that child safety is paramount. We know secure employment where workers are safe to speak up acts as a significant deterrent to unconscionable behaviour, and the rapid review emphasised this point. They said:

> A workforce that is highly casualised may be less likely to feel comfortable to speak-up and report something if they have concerns. A workforce that is low paid and not properly valued by the community may struggle to attract and retain the most capable people. A workforce that struggles to attract staff may lead to services having to choose between hiring staff they don't have full confidence in, or reducing capacity and turning children away.

I think that is a very good capturing point. I am sure the minister would be supportive of that finding. We seek to understand how the legislation will operate to create secure terms of employment so that people can speak out and they are not damaged in their employment for doing so, and again, this is consistent with the rapid review. So our questions seek to understand how the act will actually operate in real life and how it will apply to working with children check holders who have had a complaint made against them.

Before I do that, could I just ask a couple of questions arising from our chat last night? Minister, last night you advised that there was an appendix to the rapid review report that set out the groups who had been consulted in the rapid review. I think the context of the exchange was based on your

assertion – and I do not want to verbal you here, but I think you basically said it – that groups like the Transport Workers' Union and suchlike had been consulted and it was all contained in the report. Could I hand up a document? Minister, I am going to give you a document.

The DEPUTY PRESIDENT: Sorry, the Clerk advises that it is not appropriate to hand out documents in committee.

David ETTERSHANK: My apologies, I was not quite sure what the process was for that. I guess my question is pretty simple. We have been through the webpage, taking on board your words and looking at *Hansard*. We have been through the review website, we have been through the review document, and there is no list of who has been consulted. So I am wondering if you could clarify that for us, please.

Michael Galea: On a point of order, Deputy President, I note that this question or similar questions were asked between about nine and 11 times last night by Mr Ettershank, and the minister gave the same clear answer each time. I would not want this committee to enter into the realm of tedious repetition, and I seek your guidance.

David ETTERSHANK: On the point of order, Deputy President, just to respond to the concern: I am not seeking to ask the same question again. Yes, I did ask a question repeatedly because I could not get an answer that I was clear on. What the minister did say was what I have just said, which is that it is in the report. So I am just saying that I have checked the report, and there is no list of people who were consulted. And I have also checked on the review website and there is nothing there. So I am not being repetitious, I am trying to get clarity. When the minister says that there has been extensive consultation and that information is available as to who has been consulted, where is that information available?

Lizzie BLANDTHORN: As I indicated last night, and for the benefit of Mr Ettershank, page 1 of the rapid review says:

> The Review also met with and received information from:
>
> - experts, peak bodies, unions, providers and service leaders in early childhood education and care, including Aboriginal Community Controlled Organisations
> - regulators in other sectors that work with vulnerable people; and
> - groups representing parents and the rights and interests of children.

I would welcome Mr Ettershank's comments that we are all committed to child safety, and if Mr Ettershank is committed to child safety, particularly on a day like today, he should be supporting this bill and moving forward rather than presenting us with repetitious questions. Again, I refer him to my *Hansard* last night, I refer him to the rapid review and I will continue to do that throughout the course of the debate if Mr Ettershank to ask the same question over and over again.

David ETTERSHANK: I am going to have to take umbrage with the minister's response there. Minister, you actually said:

> The rapid review sets out quite clearly who they consulted with.

This was in the context of specific organisations being consulted. Could I respectfully suggest that the document quite clearly does not set out who specifically has been consulted with.

Lizzie BLANDTHORN: Mr Ettershank, you are verballing me and, as I said, I refer you to my *Hansard* on previous very similar questions to those which you have asked. Given that the point of the committee stage of the bill is for the interpretative functions in the operationalisation of, hopefully, the bill being implemented, I would ask that you keep your questions relevant to the bill.

David ETTERSHANK: Look, I appreciate you do not want to respond to what you said but, Minister, I am going to read directly from your words in *Hansard*:

> The rapid review sets out quite clearly who they consulted with.

It was in a very specific context, apparently repetitiously so, and I am putting to you that in fact it does not say that and you have possibly misled the house.

Lizzie BLANDTHORN: I absolutely reject the premise of your allegation, Mr Ettershank. I just read to you from page 1 of the rapid review, and I continue to refer you to my *Hansard*.

David ETTERSHANK: Never mind. Minister, again, this is my secondary question from clarifying last night. Again on *Hansard* from last night, you made several references to extensive consultation. This document, in all of its 427 glorious pages – do you agree that this is a very complex piece of legislation?

Lizzie BLANDTHORN: Yes.

David ETTERSHANK: Minister, could you please explain how many meetings were held with groups to explain to them in detail how this complex legislation works so that organisations could actually understand the impacts on groups with which they were concerned?

Lizzie BLANDTHORN: As you know, the bill has been publicly available since tabling, and everyone has the opportunity to review the bill. As I have already spoken to, the rapid review, which was an independent review – not a review conducted by government but a review conducted by Mr Jay Weatherill and Ms Pam White – engaged with a broad range of stakeholders and peak bodies, including union representatives. They consulted with them in the development of the recommendations which are reflected in this bill and the other two which we have passed without the same degree of consternation from you. Perhaps you were not as concerned about those ones. The changes in the bill to overhaul the working with children legislative framework and consolidate key child safeguarding functions reflect the recommendations of the rapid review. Key stakeholders have also been consulted about the implementation of the reforms to establish a complaints function, consolidate oversight functions as far as possible in the Social Services Regulator and align regulation across sectors that work with children. This included a series of targeted sessions with peak bodies across different parts of the services that work with children. Consultations have also been held with unions and impacted entities, including the Social Services Regulator.

In relation to the functions we are now going to omit from the bill**,** there were consultations with the Victorian Disability Worker Commission, the Commission for Children and Young People, the disability services commissioner and a number of representatives from across the various other parts of the community whom this impacts. Exactly how many meetings, though, I have conducted, Mr Ettershank, is not relevant to the interpretation of this bill, and I ask you to keep your questions relevant.

David ETTERSHANK: It is funny how we always think that our own questions are relevant, Minister, but I thank you for your response. I will move on to some case studies. These are all drawn from real life. Obviously we will not mention names. I just want to map these against the six principles that have underpinned our amendments, and I think that will expedite discussion later.

The first principle we have raised is the one about amending the legislation to have the interim suspension or bar time period be two months, not six months, and that the suspension be for a maximum of 12 months, not 24 months. In this case study, the working with children check holder is a room leader in a long day care setting. The working with children check holder is protected under a family violence intervention order. Their ex-partner has made a complaint about them neglecting their child. The activity complained of has occurred outside the paid work environment. The working with children check holder is immediately stood down by their employer. This is consistent also, may I say,

with much evidence in the Royal Commission into Family Violence. Could I ask, firstly: how would the regulator advise that working with children check holder about the complaint made against them?

Lizzie BLANDTHORN: Sorry, Mr Ettershank, could you repeat the actual question without all of the hypotheticals before it? I appreciate it might be a substantive case, but could you repeat the actual question without all the commentary?

David ETTERSHANK: Sure. There is nothing hypothetical about it, Minister, but –

Lizzie BLANDTHORN: Regardless, I just want the question, not the –

David ETTERSHANK: How would the regulator advise that working with children check holder about the complaint that has been made against them?

Lizzie BLANDTHORN: To support the expanded ability for the Social Services Regulator to trigger a risk assessment on the basis of any information it receives relevant to child safety risk, the bill creates the new suspension and interim bar power that will enable the regulator to immediately suspend a person's working with children check clearance or prohibit a working with children check applicant from working while their application is processed. These broader suspensions and interim bar powers aim to close a gap where there is currently no ability to immediately prohibit a person from working with children while the regulator undertakes an assessment or reassessment. The worker absolutely has the right to input into that process. As I have indicated to a number of members of this chamber that have asked me about that and to stakeholders that have asked me about that, in relation to vexatious complaints, there is also opportunity for vexatious complaints to be dealt with.

David ETTERSHANK: I am sorry, I am missing something here. It may well have been something you have answered previously to other persons, but I certainly missed that. Could I go back to the very simple question that I asked, which was: how would the Social Services Regulator advise that person about the complaint that has been made against them? Or would they not advise them?

Lizzie BLANDTHORN: It will be a matter for the regulator to operationalise, but obviously if a complaint is made against somebody, they will receive written notice.

David ETTERSHANK: When you say 'they will receive written notice', written notice of what? Would they receive notice that their working with children check has been suspended, or would they be advised what the complaint is that has been made against them, or both?

Lizzie BLANDTHORN: It would be on a case-by-case basis and would depend on the nature of the complaint. For example, if it is sensitive information and based on something that they have been advised by Victoria Police, they may well not be in a position to tell them the very specifics of what that is. So it will be a matter for the regulator to operationalise. They will be advised in writing of a suspension, they will be advised of that relevant decision and they will have an opportunity to respond to that. But what we do not want is the likes of Mr Ron Marks, who was understood to have serious child pornographic material on a digital device without charges having been laid, and no-one being in a position to be able to do anything about it. But also there are times when the police may not actually want to tip off a person that they have that information on them. So it will have to be on a case-by-case basis. That is why dealing in cases like those you have just put to me here in the chamber is not an effective way for us to have this conversation.

Sitting suspended 6:30 pm until 7:31 pm.

David ETTERSHANK: I think we were still on the first of the principles, and I think were at the question of how long the regulator would take. Sorry, we have not got past that one. We asked about how the regulator would advise the working with children check holder about the complaint made against them. I think we got to the point where we had been advised that they would be told that they had lost their working with children check, but I do not think we got an answer, Minister, with the greatest respect, to the question of whether they would be told about the complaint made against them.

I do not want to put words in your mouth, but I think you sort of said there may be police matters and such like. Take the findings of your rapid review, where it found that the overwhelming majority of people are good, honest, hardworking, committed workers. Let us say we are talking about that, so we are not talking about criminals or predators. How would they know what the complaint is against them?

Lizzie BLANDTHORN: I refer you to *Hansard* from before the dinner break.

David ETTERSHANK: All right. We did not get an answer before, and we did not get an answer then. Could I perhaps put the question slightly differently. Would they be told if they are not a criminal, if they are just, as in this scenario, an ex-partner who has got a family violence intervention order? Would they be told what is the complaint against them?

Lizzie BLANDTHORN: I have previously answered your question, Mr Ettershank.

David ETTERSHANK: Minister, again, I do not want to put words in your mouth, so are you effectively saying –

The DEPUTY PRESIDENT: Mr Ettershank, please do not put words in the minister's mouth. The minister has given her answer.

David ETTERSHANK: Based on your response, Minister, would it be reasonable to assume that they are not going to be told about the complaint against them?

Lizzie BLANDTHORN: I refer you to my earlier answer.

David ETTERSHANK: I am kind of gobsmacked. Going back again to our scenario, could I ask: how long would the regulator take to examine the complaint?

Lizzie BLANDTHORN: I refer you to my earlier answer.

David ETTERSHANK: This is getting embarrassing. Thank you, Minister, for that informative response. So would it be fair to say, Minister – or would it be based on your previous statements, because obviously I am a bit slow – that the timeframe for the regulator to examine the complaint is not defined in the legislation?

Lizzie BLANDTHORN: As I said in my earlier answer, it depends on the matter, and I am not going to continually repeat myself, even though you insist on a repetitious line of questioning.

David ETTERSHANK: It is a bit like 'I refuse to answer the question on the grounds that it may incriminate me.'

Lizzie BLANDTHORN: I ask that you withdraw that, Mr Ettershank.

David ETTERSHANK: My apologies, Minister. I withdraw that unconditionally.

The DEPUTY PRESIDENT: Mr Ettershank, your reference before, which inferred that the minister thought you were a bit slow – I do not know what you mean by that – was not appropriate for the Parliament.

David ETTERSHANK: I take your point. I was simply I think trying to suggest that I might have missed the nuances of the minister's answer. Minister, if the complaint against the working with children check holder was found to be vexatious – and we know, for example, in this context, if we look at the findings of the Royal Commission into Family Violence, that doxxing and those sorts of things are all too and tragically common – as in the scenario where the ex-partner had dobbed them in, how long would the working with children check holder be unable to work in any employment requiring a working with children check?

Lizzie BLANDTHORN: The bill makes it an offence for a person to provide false or misleading information to the regulator about a working with children check applicant or working with children clearance holder, which is directly targeted at individuals who may attempt to make vexatious

complaints about a person. But the purpose of the bill is to ensure that people engaging in child-related work do not pose an unjustifiable risk to children. This is central to the paramount consideration of the protection of children, which you have indicated you support. It applies at all stages of the working with children check screening process, from first instance decision-making to the internal review.

David ETTERSHANK: Sorry, are you saying there that the vexatious complaint would be illegal throughout that process? I just misunderstood where you were going there.

Lizzie BLANDTHORN: I refer you to my earlier answer, Mr Ettershank.

David ETTERSHANK: If I go back to the royal commission, clearly there are malevolent actors, and that is part of why you are introducing this legislation. So let us assume that that person who is doing the doxxing is a bad actor and they are not going to be persuaded by the penalties in the act against vexatious complaints. How long would the working with children check holder be unable to work in that employment which is requiring it? How long would it be before the regulator addressed that vexatious complaint and the person's working with children check was returned?

Lizzie BLANDTHORN: The regulator will only impose suspensions on the basis of child safety risk information, and only for as long as is necessary to assess whether a worker should be excluded because they pose an unjustifiable risk to the safety of children.

David ETTERSHANK: With the greatest respect, Minister, I do not think that is actually the question. Forgive me, but I am really talking about not who may or may not be captured, I am talking about, in the context of a vexatious complaint, how long it would be before the working with children check was returned.

Lizzie BLANDTHORN: I refer you to my previous answer.

David ETTERSHANK: I am going to assume that is indeterminate, and I am sure you will correct me if I am wrong, Minister.

Lizzie Blandthorn: On a point of order, Deputy President, I would ask that Mr Ettershank does not assume and does not put words in my mouth. I have answered his question and have referred him to the answers that I have given, and it is inappropriate for him to then rephrase my answers to his preferred version.

The DEPUTY PRESIDENT: I uphold the point of order. I have asked Mr Ettershank not to verbal you. I point out, Mr Ettershank, the dangers of doing that. The committee stage is a very serious and very important part of interpreting legislation in the courts, and it is only the ministers who should be actually interpreting the legislation, no-one else.

David ETTERSHANK: Thank you, Deputy President, duly taken on board, and I certainly do not wish to do any of those things.

Perhaps I will move on to the next principle that will be contained within our amendments, and that is the opportunity for workers to respond to the allegations prior to the interim decision to suspend or revoke a working with children check. Again, Minister, I can assure you this is not a hypothetical. I think that was how you described my previous example. This is not a hypothetical. The working with children check holder is a swimming instructor. A complaint is made against them of psychological harm to a child. The instructor is accused of yelling at the child. The facts are that the swimming instructor is raising their voice so the child in the swimming pool can hear them, but a concerned parent nonetheless notifies the regulator. At what point would the working with children check holder be advised of the details of the complaint made against them?

Lizzie BLANDTHORN: I refer you to my previous answer, Mr Ettershank.

David ETTERSHANK: How many days after the complaint is made does the regulator assess the seriousness of the complaint?

Lizzie BLANDTHORN: I refer you to my earlier answers, Mr Ettershank.

David ETTERSHANK: Could you remind me when it was that you answered previously the question about the timeframes associated with notification from the regulator?

Lizzie BLANDTHORN: You can check *Hansard*, Mr Ettershank.

David ETTERSHANK: Yes, we actually did check *Hansard* at length, which is where a lot of these questions have come from. I will not draw any conclusions. The community can do that. What factors does the regulator take into account when considering the seriousness of a complaint?

Lizzie BLANDTHORN: Unjustifiable risks for the safety of children, Mr Ettershank.

David ETTERSHANK: What right does the working with children person have to be able to respond to the accusations made against them?

Lizzie BLANDTHORN: Giving workers the opportunity to make submissions prior to suspension or interim bar decisions would prevent the regulator from being able to immediately suspend someone's ability to work with children in inappropriate circumstances and be contrary to the recommendations of the rapid review. The rapid review found that Victoria's worker screening legislation was lacking because unlike in New South Wales it does not permit immediate suspension of an individual's work rights, pending a reassessment, where there is a real and appreciable risk of harm to children. Requiring the regulator to provide for a notification and submission process before they can interim bar or suspend someone would mean that immediate action could not be taken and is insufficiently protective of children's rights because it would allow risk to children to continue while the notification and submission process runs its course. It is expected that these interim powers would be used judiciously by the regulator where there are red flags of concern indicating it is in the interests of the safety of children to justify their use. During the time the person is interim barred or suspended while a risk assessment is undertaken, the person will be able to make a submission to the regulator, and the regulator will consider the information from the applicant as part of the overall assessment process.

David ETTERSHANK: Minister, thank you for that answer – that was good. That was really informative. There are two questions that come to my mind. The first one is: does the ability of that working with children check holder to respond to the regulator vary with the extent of the alleged offence against them? Let us rule out the predators; let us just talk about the 99 per cent of people who are doing their job and are utterly committed. Does that process of risk analysis make provision or does that make variation with regard to the opportunity to simply respond to the allegations against a worker?

Lizzie BLANDTHORN: Sadly, Mr Ettershank, we can never rule out the predators, and the basis of these reforms in this package of three bills is about making sure that we can protect children from them. The answer to your question is no.

David ETTERSHANK: That was terrific, to clarify that there is in fact no necessary opportunity, as I am reading it – and I am not putting words in your mouth – to be able to respond to the allegations. Could you inform the chamber as to what factors the regulator takes into account specifically when considering the risk to a child?

Michael Galea: On a point of order, Deputy President, the minister has already answered this question.

The DEPUTY PRESIDENT: I do not think there is actually a point of order. The minister is able to say that for herself if she has.

Lizzie BLANDTHORN: I refer you to *Hansard* and my previous answers, Mr Ettershank.

David ETTERSHANK: I really do not think that has been answered, but I will take that on face value. So, Minister, can I get a clear position – and again forgive me for taking time here, because we are talking about ordinary working people – when can the working with children check holder actually make representations to the regulator? In terms of people who are nonlethal and not sexual predators, in terms of just normal working people who have got caught up through this legislation, when can that holder be assured that they will have the opportunity to make representations to the regulator?

Lizzie BLANDTHORN: I resent your characterisation, Mr Ettershank. This whole package is about keeping all children safe and setting up a regulatory framework that will do that for all children from all predators. But the answer to your question is: at any time.

David ETTERSHANK: Okay. That is fantastic. So, Minister, could you tell me: if the holder can make representations to the regulator at any time, how would that work? What would be the process for them to be able to make that representation?

Lizzie BLANDTHORN: They can make representation to the regulator at any time.

David ETTERSHANK: Could I ask how they would be able to make representations to the regulator if they do not know what it is that has caused them to –

Jacinta Ermacora: On a point of order, Deputy President, I think we have had probably a fair amount of tedious repetition here, and a lot of the questions on the topic are generic and relevant to all inquiries and all investigations into individuals and not just this bill, so I do not think it is appropriate that it goes on. It borders on badgering.

The DEPUTY PRESIDENT: I think the committee can take note of that. I do not think we are quite to the point of tedious, but we certainly are getting a little bit repetitive, and it would be good if we could move on.

David ETTERSHANK: I will indeed endeavour to move on. Let us move on to the next issue, and that is how categories of reportable conduct are defined. Minister, let us take the example of a grounds maintenance person in local government. The employer requires them to have a working with children's check to be employed. That is a condition of their employment, and there is no employment without that check, even though the core job requirements do not require frequent interaction with children. A kid throws a rock at the groundsperson. The groundsperson yells at the child. The groundsperson is stood down for causing psychological harm. In this scenario can the minister confirm that this work does not fit the 'incidental' definition with children?

Lizzie BLANDTHORN: As I indicated to you yesterday, Mr Ettershank, I am not going to engage in that example, hypothetical or otherwise, without having all of the relevant facts of a real circumstance or information around the hypothetical that you might be posing. It is impossible for me to engage in a hearsay conversation with you. This is about the interpretation of the act. Section 7 of the Worker Screening Act sets out child-related work and the circumstances in which, in a child safety framework, a working with children check would be required.

David ETTERSHANK: Yes, I agree entirely that it is laid out in section 7, and my reading of section 7 is that if it is a requirement of the job you are covered. Is that wrong?

Lizzie BLANDTHORN: Deputy President, I would put that these questions are out of order because they do not directly relate to the legislation, the proposals that we have before us. I am happy to answer genuine questions from Mr Ettershank in relation to the interpretation of the act, but it is very difficult when situations are put to me that may or may not be hypothetical. I do not intend in any way to cast any aspersions on the examples that Mr Ettershank puts, but this discussion is not about those, it is about the interpretation of the legislation, and I ask that he keep his questions to clauses in the legislation.

The DEPUTY PRESIDENT: Yes. I think the minister has a point. We are here to go through the legislation and interpret the clauses, not just to explore any aspects of the policy area, so if we could keep the questions to the legislation that would be good.

David ETTERSHANK: I probably expressed myself poorly. I was not seeking to continue with the hypothetical, as you called it, or what is actually a case study. What I was specifically looking at was the interaction between this bill and the Child Wellbeing and Safety Act 2005 and also the definitions that are contained in the Worker Screening Act. So my question – devoid of any personal context, of any case studies or otherwise – is: if it is a requirement to have a working with children check, does that not automatically capture you within the definition and thus you are covered by the provisions of this act?

Lizzie BLANDTHORN: Again, Mr Ettershank's question is difficult to apply, but let me speak to the bill that we have before us. The outcome will depend on the facts of each individual case. The bill expands the types of matters that can trigger a working with children check assessment to include a broader range of information, such as reportable conduct allegations, if that is where Mr Ettershank was attempting to go, that have not yet been substantiated. Currently assessments of a person's eligibility to hold a working with children clearance are limited to formal triggers: a criminal charge, a conviction, a finding of guilt or relevant disciplinary or regulatory findings. What the child safety review found, what the Ombudsman found in 2022 and what we know is this reliance on formal criminal history and regulatory information means these patterns of concerning behaviour may sometimes be missed or not be able to be acted upon. With what we have here in this bill under these reforms, the Social Services Regulator will be able to undertake a risk assessment and consider any information received about a working with children check applicant, for whatever reason they might be an applicant or a clearance holder, if the information is relevant to child safety – that being the key. This bill is about child safety, Mr Ettershank. If the regulator forms a view that the person poses an unjustifiable risk to children, that person will be prevented from working with children.

David ETTERSHANK: Okay, that was interesting. Minister, could you clarify this for me then. Last night, and I was listening very closely last night, you kept on referring to incidental definitions. I am trying to clarify what you were saying there. I am happy to go through some of these clauses specifically, if you like. But we are talking about people that are accidentally captured, where there might be legislative overreach; that is what we are talking about. No-one is disputing the question of the serious crimes of predators or the primacy of child safety. It is about who else gets caught here that should not be and the penalties that might be imposed. So could you perhaps describe how, in this scenario, anyone who is required to have a working with children check is not captured by this legislation, because manifestly your references last night to 'incidental' do not work in this context.

Lizzie BLANDTHORN: Again, I feel words have been put in my mouth, but let me say not every allegation or finding will reach the level of justifying a suspension or cancellation. What we are talking about here is where there is an unjustifiable risk to the safety of children, and I refer you to my substantive answers already given.

David ETTERSHANK: Let us go to the provision in the act then. Minister, what will capture someone is where it is deemed that psychological harm has been potentially caused. Could you tell us where in this legislation, or any of the legislation that is linked to this bill – if psychological harm is a trigger that the regulator will use to assess a person and their alleged offences – we would we find a definition of what psychological harm is?

Lizzie BLANDTHORN: I am not going to engage in your scenarios, Mr Ettershank. As I have said, we are here to consider the bill and the interpretation of the bill rather than play a game of scenario. It is quite clear under the reportable conduct scheme that where a service believes that something meets a threshold that makes it relevant for reporting to the reportable conduct scheme and it is then deemed to be necessary for investigation – that process would bear out the answer to the question that you are asking.

David ETTERSHANK: Yes, that is a very good point in terms of the person making the report, that it is not for them to judge what is psychological harm. But, Minister, this is also a test that would apply to the regulator to decide who falls within it. So I am asking you: in that context, what is there to inform the regulator as to what would constitute psychological harm or an unreasonable level of psychological harm, given the apparent absence of any definitions in any of the legislation to which this refers – recognising, Minister, we are talking about people's livelihoods.

Lizzie BLANDTHORN: Currently, Mr Ettershank, in order to be satisfied that giving a working with children check clearance would not pose an unjustifiable risk to the safety of children, the decision-maker must be satisfied that a reasonable person would allow their child to have direct contact with the applicant while the applicant was engaged in any type of child-related work. The bill will incorporate consideration of whether a reasonable person would allow their child to have direct, unsupervised contact with the applicant. Directing decision-makers to contemplate the scenario of unsupervised contact will help sharpen the risk assessment focus on protecting children when they are at their most vulnerable. This is the paramount consideration here, Mr Ettershank.

David ETTERSHANK: That was really interesting, Minister. I thank you for that. But could I just take you back to my question, which was: how does the regulator define what is psychological harm?

Michael Galea: On a point of order, Deputy President, the minister has I believe now repeatedly answered this question, and I would not want us to be approaching tedious repetition. I would be happy to take your guidance.

The DEPUTY PRESIDENT: How does the minister feel?

Lizzie BLANDTHORN: It is certainly a repetitious line of questioning, thank you, Deputy President. Perhaps it would help Mr Ettershank if he also considers the Child Wellbeing and Safety Act, section 3. It is very clear that what we are trying to do here is protect children from unjustifiable risk and apply a reasonable person test to that. I will leave it at that. I will not be continuing to repeat these same answers to the same questions; I will refer you to *Hansard*, Mr Ettershank.

The DEPUTY PRESIDENT: Mr Ettershank, I think that the minister is getting to the point where she feels that this is tedious repetition. So can you please make your point and then move on.

David ETTERSHANK: Can I just say that we spent quite a lot of time going through the transcript. Can I say that I have not asked any previous questions about the definition of 'psychological harm'. This is –

Members interjecting.

Lizzie BLANDTHORN: You have asked several since we walked in here this evening.

David ETTERSHANK: Yes, I am trying to get an answer to this particular question. Sorry, I should not be debating with the bleachers. I have not, other than in this last couple of minutes, referred to the definition under reportable matters in section 7 of the Worker Screening Act 2020. I have not referred to that before, and I am simply asking a very plain question. How does the regulator understand what is:

> (d) any behaviour that causes significant emotional or psychological harm to a child …

That is it. I am just asking: how would you define 'psychological harm'? How would the regulator be informed by the legislation or, Minister, your comments in *Hansard* as to what psychological harm is?

Lizzie BLANDTHORN: Mr Ettershank, I have answered this question several times since we have come back into the chamber since the dinner break. I have also referred you to the Child Wellbeing and Safety Act, section 3, in the hope of assisting you. I can also let you know, if it further assists you, that the CCYP has guidance on the definition of 'psych harm' under the reportable conduct scheme, but that is not specifically relevant to this bill. I have answered it more than once in the

chamber since the dinner break, and I will continue to refer you to *Hansard*. I do not appreciate the tone with which you speak to me.

David ETTERSHANK: I will seek to address my tone to be more respectful. Perhaps we can move on to the appeals mechanism. Minister, could you tell us what obligations are on the regulator to convene an expert advisory panel to hear the working with children check holder? And I am specifically talking here about the expert advisory panel.

Lizzie BLANDTHORN: The bill ensures the independence of the expert advisory panel through an independent ministerially appointed convenor and panel members. The convenor will convene expert panels to provide advice to the regulator in response to the regulator's requests. The regulator will be required to consider that advice in making its decision. The bill requires that the minister only appoint persons as members of the independent expert advisory panel if they have qualifications or experience in forensic risk assessment, child development, law, social work, disability, psychology or any other discipline that is considered likely to be relevant to providing advice on internal review applications.

David ETTERSHANK: Thank you, Minister. That was really interesting. Taking that on board, could I ask: what provisions are there in the proposed legislation or in other sources to ensure that it is indeed an independent panel of decision-makers or that there are independents on that panel to hear complaints against, obviously, a decision of the regulator?

Lizzie BLANDTHORN: I refer you to my previous answer.

David ETTERSHANK: Sorry, my previous question – which I presume you were answering, but you might have got ahead of me there – was specifically about the obligations to convene an expert advisory panel. What I am seeking now, Minister, is to understand if we are going to have a situation where the regulator is going to be hearing appeals against decisions made by the regulator.

Lizzie BLANDTHORN: Mr Ettershank, if you were listening to the fulsome answer I gave you out of respect and a genuine desire to assist you, I know on review of *Hansard* you would find that I answered the question you just asked me when I answered the previous question.

David ETTERSHANK: Minister, sorry, I will just seek to have you indulge me, because I know we want to move forward. Is it correct to assume that we will not have the regulator dealing with appeals on decisions by the regulator and that there will be an independent panel that does the review of the regulator's decisions?

Evan Mulholland: On a point of order, Deputy President, just on repetition, I could have sworn that this question was asked with a few different words mixed up a different way and was answered with the first answer.

The DEPUTY PRESIDENT: I think that we are bordering on tedious repetition now and we should move on. Well, more than bordering – we have got there.

David ETTERSHANK: Okay. I thought we were actually working into the nuances of the legislation and its practical application. I am sorry if it appears repetitious. My last question was entirely premised –

Michael Galea: On a point of order, Deputy President, it is not helpful for Mr Ettershank to be misrepresenting the words of the Deputy President either.

The DEPUTY PRESIDENT: Mr Ettershank, if we could just stick to the questions on the legislation without the editorials, that would be good.

David ETTERSHANK: Under the bill, the decision of the advisory panel must be made available to the worker and not just be confidential internal advice to the Department of Education specific to the DE workers. How does the regulator provide their decision to the working with children check holder?

Lizzie BLANDTHORN: In written notice.

David ETTERSHANK: The provision in the bill is that the current bill would be subject to review in five years. Obviously there is a question of adequate parliamentary oversight in terms of the impact of the legislation. In considering the principled accountability that is involved here, and given undertakings that the legislation will be reviewed within 12 months, is it reasonable that the legislation be tested within 12 months to determine its impact?

Lizzie BLANDTHORN: A number of options were considered in the development of the bill, but it was considered that the review must happen at a point at which there has been enough time for the provisions to become fully operationalised and there is adequate evidence to inform the review.

David ETTERSHANK: Minister, I would like to just ask a question specifically with regard to information. You have talked about the importance of the whole in the communication and suchlike. Am I correct that all staff within the Commission for Children and Young People and staff within the Department of Justice and Community Safety (DJCS) working on working with children checks will be merged with the Social Services Regulator?

Lizzie BLANDTHORN: Some staff from the Commission for Children and Young People will transfer to the regulator to support the reportable conduct scheme and the child safe standards functions. This has been worked through in consultation with those entities. The transfer of relevant resources, including staff from existing entities, into the SSR, is necessary to continue to deliver functions currently undertaken in the existing format. Obviously we appreciate that these staff have deep experience in and understanding of the sectors they regulate and the schemes that they operate. And for the benefit of the house, all staff movements will be done consistently with the processes established under the Victorian Public Service (VPS) agreement.

David ETTERSHANK: I understand this is a work in progress, but again, I am just trying to tease out the question of unintended consequences. Assuming that there is that movement from the Commission for Children and Young People and the staff within DJCS – and I take on board what you said about that being worked through – in that case who from the SSR would be responsible for accessing information held specifically within DJCS?

Lizzie BLANDTHORN: There will be no staff associated with the functions in DJCS, Mr Ettershank.

David ETTERSHANK: Well, could I ask specifically, then, Minister, in terms of the prison intelligence system, which requires high-level security clearance to access – and that clearance is not held by SSR staff – who will supply that highly sensitive information to the regulator?

Lizzie BLANDTHORN: Sorry, Mr Ettershank; your question does not make any sense to me, my advisers or departmental staff. Perhaps you would like to clarify.

David ETTERSHANK: That concludes my questions.

The DEPUTY PRESIDENT: I invite Mr Ettershank to move his amendment 1, which tests his amendments 8 to 52, 58 and 60 to 62.

David ETTERSHANK: I move:

1. Clause 1, page 3, lines 20 to 21, omit "by the Social Services Regulator in place of VCAT".

This amendment, as we have discussed previously, is basically a natural justice provision. What it seeks to address is that prior to suspending a person's working with children check there is an obligation on the regulator to conduct an appropriate risk assessment and an appropriate triaging process to ensure that people are not accidentally captured within the regulatory framework when they may have committed no serious offence or any offence at all. If I could give an example of how this has a practical application: under this bill, if a person is working in a sporting club, and that is

specifically referenced in the bill, as, let us say, a coach, and if in a moment of enthusiasm they express their encouragement to their players in a manner that a parent finds offensive or potentially causes psychological harm, then that coach could have their working with children check withdrawn. They are required to have that as part of their coaching position. Under this legislation, that coach will be deemed to be not dissimilar to someone who has actually committed serious offences unless an appropriate risk management process is provided and that coach has an opportunity to respond to the loss of their working with children check – recognising that when they have got that letter, they will not even know what the allegation is against them. So that is the rationale behind this amendment, and I would commend it to the chamber.

Lizzie BLANDTHORN: The government will not be supporting this amendment. I go back to the premise, and it appears critical that I do so. The overwhelming objective, the primary objective and the paramount interest here is the safety of children. That is what is driving this package of reforms – the first two bills that we have already debated and passed and now this one. On a day such as today, where again further demonstration of evil is detailed in our papers in relation to the accused, there can be no greater reminder of how critical these reforms are in keeping children safe, and indeed I cannot say it better than the Premier herself said it today in response to those reports, which was that it is absolutely critical that the regulator, through this bill, will have the authority to act swiftly and decisively and the power to immediately reassess, refuse, suspend or revoke a working with children check where credible information is received. She said, 'The safety of children is my highest priority and the highest priority of the government.' That is exactly what we are doing here. This amendment is absolutely contrary to that objective, and the government will not be supporting it.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting this amendment, for very similar reasons to the government. As Minister Blandthorn just said, we have only seen today further evidence of sickening acts that once again shock our community, and the paramount interest should be that of the child. I hate to play identity politics, but with two kids in child care – almost three – the safety of children in this state needs to be the number one consideration. Everything else is unfortunately secondary, because we need to be making sure that our kids are safe in whatever setting they are in.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment. We agree that child safety is paramount and that decisions need to be in their best interests. But we also believe that independence is important when we talk about child safety and ensuring that children are kept safe and that gaps are closed. But we have seen with what has happened this year that the regulator has failed children because there was a lack of independence and lack of authority, so it is really important in the same vein that there is appropriate scrutiny but also independence at the same time in order for the regulator to be able to exercise their functions and power.

David ETTERSHANK: If I may, I really take umbrage with and I really resent the suggestion that because we are seeking to recognise the rights of working childcare workers – any number of professions, and we went through with the minister last night the 200,000 people that have working with children checks – we are not absolutely committed to the safety of kids. That is not at issue here. What is at issue is how we keep a good, stable workforce, because we know that that workforce is central to how we do not have predators getting into the system. So this is about ensuring that we keep that workforce, that they are treated with some level of respect and not wiped aside as though they are not relevant to creating good, safe environments for our children.

Evan MULHOLLAND: If I could just make an additional contribution, no-one suggests, Mr Ettershank, that you do not have the safety of children as a priority. But I think from the many examples we have seen in this state and across the country, unfortunately – and yes, we need to look after our workers – too many evil people have exploited loopholes where there are loopholes to exploit, and so if we do not right now consider children and their safety as paramount, then there will be more loopholes that people can exploit.

Amendment negatived.

Lizzie BLANDTHORN: I move:

1. Clause 1, page 3, lines 24 to 30, omit all words and expressions on these lines.
2. Clause 1, page 4, lines 1 to 6, omit all words and expressions on these lines.
3. Clause 1, page 4, lines 11 to 31, omit all words and expressions on these lines.
4. Clause 1, page 5, lines 1 to 5, omit all words and expressions on these lines.

As I explained yesterday, I would have preferred this bill to have been a whole package of reforms, but for the very reasons we have just talked about, it is absolutely critical that we do not waste any more time, and for the reasons we have seen play out in the papers again today, it is critical that no more time is spent without passing these reforms, particularly the working with children check reforms, which are absolutely critical to closing those loopholes to which Mr Mulholland just referred, which evil predators can get through.

As I said, we regretfully move these amendments, though, because I do fear that in establishing a system that is tight in some areas there may still be loopholes in some services working with children with disabilities. In moving these amendments to take these parts out of the bill, I do want to take this opportunity to particularly thank and acknowledge those stakeholders that have worked tirelessly to seek to have these provisions included in the first instance, particularly the Association for Children with Disability, National Disability Services, Down Syndrome Victoria, the Centre for Excellence in Child and Family Welfare, the Australian Childhood Foundation, Mallee Family Care, Anglicare, Child and Family Services Ballarat, Uniting, Permanent Care and Adoptive Families, Catholic Social Services Victoria, MacKillop Family Services, Odyssey Victoria, Access Health and Community, FamilyCare, Safe Steps, Kids First, Create, Yooralla and Berry Street, Melba Support Services, Able Australia, Alkira, Gateways Support Services, Golden City Support Services, Grace Professional Services, Kids Plus, Scope, MiLife-Victoria, Pinarc, the Bridge, Wallara, Early Childhood Intervention Australia Victoria/Tasmania, Amaze – the list goes on. I did want to particularly call out those stakeholders who have actively called for these provisions, which we are now seeking to omit, to be in this bill. I do thank them for their efforts.

I share their commitment, but in the interests of the passage of this bill to close those holes we need to close in order to make the improvements that we need to make to the working with children check scheme, the government has taken the decision to omit these clauses to pave a pathway for those important changes to implement as much as possible of the *Rapid Child Safety Review*. Notwithstanding that recommendation 8.1 will not be implemented by virtue of these amendments, all other elements of the child safety rapid review will be implemented, as we committed. So I commend these amendments in those circumstances.

David ETTERSHANK: We warmly welcome the decision by the minister to remove these provisions. Clearly in terms of the peak bodies that represent the organisations, as opposed to the actual employers, and in terms of a range of other stakeholders, there is a strong view that they should not form part of the bill, and therefore we commend the amendments.

Evan MULHOLLAND: I would like to thank the minister as well for her amendments, and I would like to particularly thank my colleague the Shadow Minister for Disability, Ageing, Carers and Volunteers, Tim Bull, as well for the productive way that he has worked with many stakeholders and colleagues here in this place. This is really important and something we sought to action with our own amendment in what was described as a rather inelegant way. I am pleased that we have achieved this outcome for the disability community. The Liberals and Nationals would like to particularly thank the disability sector and all the disability organisations that reached out to us about this part of the bill. It took about a day; again we only had about 12 hours to decide a position on the bill before it entered the lower house. But I think once people saw that part of a previous bill was almost copied and pasted inside this one – I am sure many colleagues were the same – email inboxes were flooded and electorate offices were called. I am pleased we were able to reach this position because, as you would have heard

me say earlier, we want this bill passed and we want this bill passed straightaway. There is a lot of good in this bill and that, in my view, is the most important thing.

Anasina GRAY-BARBERIO: I want to thank the minister for this amendment because, like Mr Mulholland said, there was overwhelming opposition from the disability sector with regard to these clauses in the bill. Some of those overwhelming concerns were about the loss of an independent disability-specific commission, and abolishing disability-specific regulators or commissions. The sector was very worried and concerned that this would dilute specialist expertise, reduce accountability and leave people with disability more vulnerable to abuse, neglect and exploitation.

Another one of the themes that came through very strongly from advocates in the disability sector, as well as various disability-led organisations, was the lack of genuine consultation with the disability community. They rejected claims of exhaustive consultation, noting that mostly only service providers were engaged, which was in direct contradiction to both legal obligations and the intent of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Another main thing that the disability sector called for was the contradiction of the royal commission recommendation for an independent, specialist, co-designed complaints mechanism instead of the monolithic super-regulator model that this bill in its original form provided for.

There were a lot of stakeholders that contacted the Greens: Deaf Victoria, Disability Discrimination Legal Service, Disability Rights and Culture, Disability Advocacy Victoria, VALID, the Health and Community Services Union, Disability Justice Australia, Labor Enabled Victoria, the Victorian Mental Health Legal Centre, the Federation of Community Legal Centres, First Step Legal, Melbourne East Disability Advocacy, Northern Community Legal Centre, Rights Information and Advocacy Centre, Victorian Aboriginal Legal Service, Women's Legal Service Victoria, Victorian Mental Illness Awareness Council, Women with Disabilities Victoria, and the list goes on. It was really important for the Greens to listen to our disability sector. They have the lived experience and the lived reality every day, and it was important to ensure that their voices were not going to be eroded in the process of the original form of this huge bill. It is really important that we welcome the minister's house amendment on this and appreciate that they are listening to the voices of people living with disabilities every day. I thank the minister and the government.

Lizzie BLANDTHORN: While I have already spoken on these amendments and I do not intend to continue to argue the point – my views on this issue are well known – I do think that it is critical that a point that has been raised with me outside of the house and again now here, with all due respect to Ms Gray-Barberio, in relation to the disability royal commission recommendations be corrected for the record. The bill, as it stood, would have established a dedicated complaints mechanism for social services users within the Social Services Regulator, which would have aligned with the disability royal commission's recommendation for an independent one-stop shop for people with disability. The detail of that recommendation is as follows:

> States and territories should each establish or maintain an independent 'one-stop shop' complaint reporting, referral and support mechanism to receive reports of violence, abuse, neglect and exploitation of people with disability.
>
> …
>
> The mechanism should be co-designed with people with disability to ensure entry points are accessible to and effective for people with a range of abilities, language and communication needs.
>
> The mechanism should be placed, if possible, within an existing independent organisation which has appropriate expertise and relationships with services to perform its functions.

Placing these functions within the Social Services Regulator would have been entirely consistent with this recommendation of the disability royal commission.

The disability royal commission also noted in its report that a significant barrier for many people is the complexity of the existing complaints landscape, which is difficult to participate in without

appropriate assistance and support. It acknowledged that there are too many regulatory systems and complaints mechanisms and hence spoke to the importance of bringing them all together and having that 'no wrong door' one-stop shop. The new complaints mechanism would have provided one clear and accessible pathway for people with disability and all people accessing social services to have their voices heard and raise safety and quality concerns with the regulator.

Consistent with the royal commission's recommendations, the regulator would also have had a role in referring complaints to other entities where the complaints fall outside its jurisdiction – for example, referring complaints about NDIS services to the NDIS Quality and Safeguards Commission and complaints about early childhood services to the new Victorian Early Childhood Regulatory Authority. Having regulation of social services and disability under one roof would have meant that Victorian social services users could access support through the one pathway, as recommended by the disability royal commission, no matter whether their issue with a service is a regulatory, compliance or service delivery issue, whether it is related solely to their disability or whether it is interconnected between their disability and their other issue with a social service. This simplifies the support process for everyone, including those who have complex needs, multiple points of vulnerability and difficulty accessing services and systems.

I just urge those who continue to raise this issue with me to fully consider the 14 volumes of the report of the disability royal commission and the way in which they are consistent. We can all list the various organisations and people that we have continued to speak to, but again I thank those, including the Victorian Disability Advisory Council, who were here with us in the Parliament today sharing their experiences, for their work in terms of trying actually give effect to this very recommendation of the disability royal commission.

Amendments agreed to; amended clause agreed to; clauses 2 to 83 agreed to.

Clause 84 (20:39)

David ETTERSHANK: I move:

2. Clause 84, page 55, line 4, omit 'person.".' and insert "person.".
3. Clause 84, after line 4 insert –

'(10) Before making a decision to suspend a person's WWC clearance on the basis of child safety risk information, the Regulator must conduct a risk assessment that takes into consideration the seriousness of any allegation against the person and the level of risk posed to any child.

(11) When making a decision under this section, the Regulator is bound by the principles of natural justice.".'.

These amendments are seeking to protect workers from being subject to vexatious or unsubstantiated claims. In the situations that we are contemplating here, it is important that there is appropriate triaging of the reportable conduct complaint. A worker who is accused of yelling at a child – psychological harm – is demonstrably different to someone who is accused of sexual assault. It is a lower level of allegation. When a worker is subject to an internal allegation for yelling at a child, for example, it may have less to do with the worker's behaviour than with the circumstances in the work environment. For example, a worker may raise their voice to a child because the child is about to cause harm to another child in a work environment that has not been properly risk-assessed. A worker in this circumstance may be subject to further training and may be reassigned to non-child-related duties in the interim but does not require to have their working with children check suspended or to be removed from the workplace. Changes may be required to the workplace to mitigate circumstances.

It also may relate to unsubstantiated allegations, as we have discussed. I will not go into that other than to refer the chamber to the findings of the Royal Commission into Family Violence and the regrettably common situation where ex-partners try to inflict financial abuse on a person by depriving them of income or damaging their prospects. An ex-partner may, for example, make an allegation relating to the worker's treatment of their own children in order to trigger a suspension of their working with

children check to deprive them of income. So it is in that context that we seek to, first of all, insert a subclause which requires the regulator, before suspending a working with children check, to conduct a risk assessment that takes into consideration the seriousness of any allegation against the person and the level of risk posed to any child. Secondly – and this seems to me to be a very, very simple and, I would have thought, unarguable, concept – it argues that when a decision under the section is being made by the regulator, they are bound by the principles of natural justice. I think in all the circumstances it is not unreasonable to accept that.

Lizzie BLANDTHORN: As with Mr Ettershank's line of questioning, these amendments seem to, at least in speaking to it, jump between both the functions of the working with children check and the functions of the reportable conduct scheme. I could therefore speak to it in a number of different ways, but perhaps I will take what I think are the key points and start with how this bill already protects workers from vexatious complaints. The purpose of this bill, as I have said, is to ensure that people engaging in child-related work do not pose an unjustifiable risk to the safety of children. This is central to the paramount consideration of the protection of children which applies at all stages of the working with children check screening process, from first instance decision-making to internal review. The regulator's expanded access to child safety risk information increases the ability to investigate and piece together information from a broad range of sources, not just the initial complaint. Procedural fairness safeguards also play a role here, particularly the ability of a worker to provide that information to the regulator for consideration as part of its decision-making process, including reviews. The availability of the independent expert advisory panel to provide advice at the regulator's request in relation to internal reviews provides an additional important safeguard to ensure that decisions affecting workers are the result of a fair and rigorous process. Additionally, the bill makes it an offence for a person to provide false or misleading information, as I spoke to earlier, to the regulator about a working with children check applicant or working with children clearance holder, which is directly targeted at individuals who may attempt to make vexatious complaints about a person.

To go to one of the other points that Mr Ettershank raises, the bill retains the unjustifiable risk threshold for determining when someone's working with children check clearance must be refused or revoked, and that is that a clearance will only be granted where there is no unjustifiable risk to the safety of children. However, the bill will strengthen and clarify the risk assessment test to enhance its protective purpose. Currently, in order to be satisfied that a working with children clearance would not pose an unjustifiable risk to the safety of children, the decision-maker must be satisfied, as I said, that a reasonable person would allow their child to have direct contact with the applicant while the applicant was engaged in any type of child-related work. The bill will incorporate consideration of whether a reasonable person would allow their child to have direct unsupervised contact with the applicant. Directing decision-makers to contemplate the scenario of unsupervised contact will help sharpen the risk assessment focus to protecting children when they are at their most vulnerable. Further, a new public interest test will be added to the risk assessment framework to enable the regulator to consider the public interest as an additional consideration when assessing a person's eligibility to hold a working with children clearance.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting these amendments. I respect and understand the intent of the amendments, but from speaking to and hearing from the minister, I am quite satisfied that the available safety net is in the bill. I also think, through the whole episode we have gone through with child care in this state and across the country, to be honest, we have seen too many examples of a formal legislated risk assessment. We have seen too many examples where systems did not speak to each other, there were delays for some reason or another reason and those delays led to devastating loopholes. If we consider the most important thing, natural justice, that creates a conflict of rights between the primary principle, being the safety of children. I think when it comes to children, from conception to when they grow up, the safety of the child should be of utmost importance and a paramount principle in whatever we do.

Anasina GRAY-BARBERIO: The Greens will be supporting these amendments. We believe that, given that there will be a whole bunch of reportable conduct complaints that will be coming through to the regulator, it is reasonable for a triage of seriousness of allegations to take place.

Amendments negatived; clause agreed to.

New clause 84A (20:49)

David ETTERSHANK: I move:

4. Insert the following New Clause to follow clause 84 –

'**84A Secretary must notify WWC clearance holder, employer and agency of suspension**

After section 80(2) of the **Worker Screening Act 2020 insert** –

"(2A) A person or agency notified under subsection (2) must provide the person whose WWC clearance is suspended any remuneration or allowance that the person would otherwise be entitled to under the normal terms and conditions of their employment, engagement or listing while the suspension is in force.".'.

This is a very simple provision which states that when a worker has been suspended they are entitled to be paid while they are suspended. This is a condition that exists across a range of public and private sector awards. We would simply point out – and I think we have discussed at length – the fact that there may be any range of circumstances in which people are caught up accidentally. Recognising that the preponderance of workers in this sector are women, are poorly paid and need their jobs to pay their mortgages and to feed their kids, it is not unreasonable that during this process, which we understand will be done in a prompt manner by the regulator, they should continue to be remunerated, and that is what this amendment seeks to address.

Lizzie BLANDTHORN: The government will be opposing this amendment. It is unclear what power the state would have to introduce and enforce this amendment without risk of constitutional invalidity, is my advice. As we know, workplace relations powers are a matter for the Commonwealth. I would also be extremely concerned, not even withstanding that point, that given the intent of this legislation is to keep children safe and to keep predators out and held to account, we could actually find ourselves in a situation where, to take a current example, the likes of Ron Marks, who was found to be in possession of digital child pornographic material but was not charged for some period of time and was not able to have his working with children check revoked under the previous system – somebody like that – if this amendment was actually even constitutional, would then be eligible for back pay. So I appreciate what Mr Ettershank is seeking to do here, but we need to set up a regulatory framework that applies across the board that does not reward, closes loopholes, holds predators to account and certainly does not in any way seek to recompense people like Ron Marks for being held to account.

Evan MULHOLLAND: I want to state that the Liberals and Nationals will not be supporting this motion, but perhaps Mr Ettershank would like to have a conversation. I am very interested in his idea to bring the industrial relations powers back to state governments. It has been a while.

David Ettershank interjected.

Evan MULHOLLAND: I am a bit more of a federalist, to be honest, but thank you for putting this forward. I just, like the minister, do worry, and you can see the headlines already. You can see the headlines already about the government paying someone remuneration for having their working with children check suspended when they are guilty of the most evil acts. I just cannot stomach that.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment. We believe in the right to be presumed innocent until proven guilty.

David ETTERSHANK: In closing, we heard from the minister last night that there are 2 million working with children checks in Victoria. I think that was the minister's figure. That is a lot of people,

and no doubt there will be amongst those 2 million people some reprehensible people, some people who not only should not be working in child care but should be in prison. I am not making any prejudicial statement relating to anybody entering the justice system, but clearly that is a reality. There should be a consequence for malpractice, but I think even the rapid review found that for the overwhelming majority of workers in this sector – and we are talking about hundreds of thousands of workers who fall within the scope of this legislation – it is reasonable that we assume that they have not done anything wrong until proven to the contrary. This is not a radical proposition. This is a basis of our democracy and this is a basis of our justice system, and in that regard Ms Gray-Barberio's comments are exactly right. Let us not assume that everyone is a predator. Let us allow for due process. Let us allow for that. That does not compromise the safety of our kids. I think it is really reprehensible that whenever we talk about due process or natural justice the response is relating to predators and the like. It is just really inappropriate, because it besmirches the huge number of people who require working with children checks who do their jobs diligently and well every day but manifestly can very easily fall within the confines of this legislation.

Lizzie BLANDTHORN: I would simply refer Mr Ettershank to page 37 of the rapid review into child safety and the working with children check, which says:

> … Victoria's Working with Children Check laws are not fit-for-purpose and must be rebalanced in favour of child safety.

New clause negatived.

Clauses 85 to 90 agreed to.

Clause 91 (20:57)

David ETTERSHANK: I move:

5. Clause 91, page 59, line 27, omit "24" and insert "12".
6. Clause 91, page 60, line 6, omit "6" and insert "2".
7. Clause 91, page 60, line 8, omit "3 months" and insert "month".

These amendments have two parts to them. The first one is on the overall duration of the interim bar and to reduce the maximum time for an interim bar from 24 months to 12 months. The second component is to review the interim bar to reduce the time in which the regulator must review the enforcement of that interim bar from six months to two months and then when the regulator has to review the bar from every three months to every month. I can anticipate where criticism of this might come, which is by again going back to the predator approach. Let us be clear: if we are actually talking about it in the context of a predator who has been found by the police and prosecuted by the police, their interim bar is going to be the least of their problems, and they are not going to be posing a threat to anyone. This is about the people who get caught in this process and their right to timely justice and timely processes. It would have been apparent from the previous discussion that we have had through the committee what our feeling is when, for example, that footy coach who has had their working with children check removed has to try and explain to the other members of that footy club why they have had it removed when they do not know. They have to go and tell those people, 'Look, I'm not a sex offender. I don't know why I've lost my licence, but I'm not a sex offender. I don't know why I've lost my working with children check, but I'm not a sex offender.' And that coach's kids have to give a similar explanation. That is how this legislation captures people, and it is atrocious.

Look at the timeframe for the regulator – half a year, six months, on something that may prove to be nothing, because there is not effective triaging – and then we have these timeframes put in place. We are seeking simply to come back to some reasonable timeframes, because the reality is that if we are talking about predators it is not going to apply. They are going to be in the criminal system. This is about the hundreds of thousands of people who require those working with children checks to do their jobs, to assist their communities and to volunteer in any range of workplaces, whether it is aged care, community kitchens – you name it. All of these people are potentially affected, and the effect on their character to have that check withdrawn – the questions it puts over their credibility – we would suggest

is absolutely outrageous. To be frank, I am really disappointed that the opposition, given the weight they accord to volunteers and the weight they accord to the rights of the individual, would look at something like this and not see it as devoid of natural justice and devoid of due process and entirely unjust.

Lizzie BLANDTHORN: Again, the government will be opposing these amendments. Mr Ettershank anticipated where I would go, which is the protection of children being the paramount consideration here. The length of time has been carefully considered, and again, various options were considered, but ultimately the absolute, paramount consideration has to be the safety of children. I have referred a number of times in the house tonight to a case of a Victorian man who was known for his involvement in children's cultural education programs who held a valid working with children check for four years after being arrested over accessing child abuse material, but because he had not been charged he was able to maintain his working with children check. I absolutely agree with Mr Ettershank that the majority of people – and the Premier and I have said it at every opportunity – who work with children day in, day out, who work with them in our education and care settings, who work with them in other children's services and who work with them wherever they are learning, wherever they are playing and wherever they are being supported in their wellbeing, are people who have the absolute best interests of those children at heart. When considering the need to establish a framework that will apply across the board, keep children safe from predators and make sure that people who should not have a working with children check do not have one, very sadly, we cannot legislate against evil, so we do need to legislate for a system that protects children from evil. When we consider the case of a person who was known to have child abuse material in a digital form who had been arrested for it but had not yet been charged for nearly four years, then that is exactly the reason why these provisions are absolutely critical and exactly the reason why we will be opposing Mr Ettershank's amendment. As Mr Mulholland eloquently put it before and as the child safety review calls for, the rebalance here has to be in favour of the child.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting this amendment about time periods. It is always interesting when colleagues of a different political persuasion exude knowledge of the Liberal Party and what we might support. To have lectures from Mr Ettershank that we should support the right of the individual, given how many times in this place Mr Ettershank has voted against rights of individuals in this state, is quite ironic. The Liberal Party also supports support for those who cannot help themselves, support for those who cannot defend themselves and support for those who cannot speak for themselves. Those people are children. Those people are one- and two-year-olds who cannot communicate to their family about what has happened to them. I completely agree with Minister Blandthorn's example, and we have seen numerous examples where there have been cases where there has been no charge or there have been delays in charges or the court system which have meant that those people are not captured by the system, and we need the system to be foolproof in favour of children.

Anasina GRAY-BARBERIO: Just quickly, the Greens will be supporting Mr Ettershank's amendment. We feel that bringing down the timeframes, as suggested in this amendment, is reasonable.

David ETTERSHANK: Thank you to all the people that have contributed to this discussion. Can I just point out that the example the minister has provided us with is of the system that this government has had oversight over for the last 12 years and which has failed. Now she talks about it as though there is no responsibility for the failures of the past and they are going to come in with these fabulous changes as though they do not have responsibility for the failures of the past. Putting that aside, can I just say that there is an underlying logic here that the care and safety of our kids is mutually exclusive to the right of people to due process, natural justice and justice being done in a timely manner. I think it is shameful that people would set up this juxtaposition, these discrete worlds of safety and democracy. Where does that take us? I mean, seriously – of course we all agree about kids' safety. But

you set up this division between basic democratic values and the safety of kids, and that is fallacious, mischievous and misleading.

Amendments negatived; clause agreed to; clauses 92 to 110 agreed to.

Clause 111 (21:07)

David ETTERSHANK: I move:

53. Clause 111, page 88, line 16, omit 'information.".' and insert "information.".

54. Clause 111, page 88, after line 16 insert –

'(3) A notice under subsection (1)(a) must include any advice provided in relation to the review or application by an independent expert advisory panel in response to a request under section 92E.".'.

These amendments are about providing a review process that is removed from the regulator. Obviously we have canvassed this issue, so I will keep it short. To put it bluntly, it makes no sense to have the regulator review its own work. It is like marking your own homework. An independent review panel to investigate and adjudicate workplace complaints where a decision to remove or suspend a worker's working with children check has been made is critical.

Sector experience is vital for reviews – people who understand the workplaces, who understand the industries and who understand the settings in which discretion is exercised by educators or by bus drivers, all of whom are captured by this. Experienced childhood educators have an operational understanding of what happens on the ground. They understand very complex workplace dynamics. It is only reasonable that in a review process of a decision by the regulator that the people who do that review are, firstly, experts on the relevant subject, experts on the relevant workplace and experts on the relevant practice, and secondly, not employed by the regulator.

Lizzie BLANDTHORN: The rapid child safety review recommended the replacement of the VCAT appeal process with a dedicated internal review process for working with children check decisions so that those involved in reviewing these important decisions apply and are experienced to apply a child safety lens. Identifying and assessing child safety risk often requires specialised skills and knowledge in areas such as forensic risk assessment and child safety and development. The bill requires the Social Services Regulator to establish an expert panel that can provide independent specialist advice in relation to individual applications for review. Review decision-makers within the regulator will also need to be suitably qualified or experienced, and this will strengthen the ability of the regulator to identify and assess the significance of risks to the safety of children. It will also promote consistent and high-quality decision-making, as the regulator will be able to implement lessons drawn from expert panel advice to enhance the identification and assessment of risk when assessing or reassessing worker suitability. I will leave it there other than to say we oppose Mr Ettershank's amendment because the process as it has been set up in the bill responds directly to the recommendation of the panel to replace VCAT with an internal review, and it is one that will be conducted by a suitably qualified expert panel, as I have spoken to.

Anasina GRAY-BARBERIO: The Greens will be supporting Mr Ettershank's amendment. We believe that the panel needs to be independent and that it should not be an internal review panel. It needs to be an independent review panel, as suggested by Mr Ettershank in his opening remarks.

David ETTERSHANK: Just in closing, I will reiterate that really we are setting up a situation here where the regulator marks its own homework and where literally we could have the same people who make a decision then sitting there as an internal panel and reviewing their own previous decision. I mean, this is just Soviet-style decision-making, where literally, apart from all of the other due process and natural justice things we have been talking about, we have a situation where the regulator marks its own homework and where it reviews its own decisions and undoubtedly comes up with an impartial and fair decision. I mean, pigs will fly.

Amendments negatived; clause agreed to; clauses 112 to 118 agreed to.

Clause 119 (21:13)

David ETTERSHANK: I move:

55. Clause 119, after line 2 insert –

'(1) In section 91(2) of the **Worker Screening Act 2020**, for "Secretary must" **substitute** "Secretary must, as soon as possible,".'.

56. Clause 119, line 3, before "For" insert "(2)".

They say that justice delayed is justice denied. All that these amendments do is require the secretary to provide a person subject to a reportable conduct complaint the reasons for that in a timely manner. It is that simple. There is nothing in this legislation that ensures timely communication to the recipient of that suspension, and that seems to me just to be entirely unreasonable and unacceptable. The flip side of that coin is it is not unreasonable to expect that the regulator would do that in a timely manner. As it stands, as the legislation is currently drafted, that timely manner could be six months from the time of them being suspended from having their working with children check, and that is frankly outrageous.

Lizzie BLANDTHORN: At some points tonight I have questioned whether Mr Ettershank has actually considered all of the provisions of the bill. It is clear in the bill that notices have to be given asap by the worker screening unit. It is clear in the legislation that notices have to be given asap by the worker screening unit. It is implied in the operational provisions across the Worker Screening Act. I would simply add to that that it is also a fundamental component of administrative law. The government will not be supporting this amendment.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment.

David ETTERSHANK: I just want to make the point that we were accused of repetition when we were trying to get an answer to the question about the amount of time that would elapse before a person would be advised, and we were utterly unsuccessful in getting that information. To suggest that we have not read all of this modest piece of legislation, which we got three weeks ago, is probably true, which is why we have asked these questions, to which we have got very few answers. In that context, we think, to err on the side of caution if we may, that it is not unreasonable to put an obligation on the regulator to do their job in a timely manner and not leave it to the vagaries that the minister suggested.

Amendments negatived; clause agreed to.

New clause 119A (21:16)

David ETTERSHANK: I move:

57. Insert the following New Clause to follow clause 119 –

'**119A New section 91A inserted**

After section 91 of the **Worker Screening Act 2020 insert** –

"**91A Show cause process for suspension of WWC clearance**

(1) If the Regulator proposes to revoke a person's WWC clearance in accordance with section 91, the Regulator must first –

(a) give the person written notice of the proposed revocation; and

(b) invite the person to make a written or oral submission to the Regulator within a reasonable period as specified in the notice.

(2) Before finally deciding whether to revoke a person's WWC clearance under section 91, the Regulator must consider any submission made by the person in response to a notice under subsection (1) within the specified period, unless the person notifies the Regulator that the person does not want to make a submission.

(3) If, after considering any submissions, the Regulator decides not to revoke a person's WWC clearance, the Regulator must give the person notice in writing as soon as possible after making the decision.".'.

I think I have actually canvassed most of these issues. This follows on from an earlier amendment which struck to having an independent review panel with regard to a review of regulator decisions. This is simply pushing the point, for want of a better term, that there must be independent expert advice, and it mandates that the convenor of the advisory panel must select members who have at least five years experience in the relevant industry.

Lizzie BLANDTHORN: The government will not be supporting these amendments. Again, I have outlined to the house on a number of occasions that this internal review process has been specifically recommended by the rapid review in replacement of the current VCAT process. It does provide for an expert panel. It requires that expert panel to be exactly that: people who are experienced in child safety and development. This amendment is unnecessary.

Anasina GRAY-BARBERIO: The Greens will be supporting Mr Ettershank's amendment.

New clause negatived; clauses 120 to 147 agreed to.

Clause 148 (21:18)

David ETTERSHANK: I move:

59. Clause 148, page 109, after line 10 insert –

"(1B) In convening an independent expert advisory panel to consider a request for advice on the internal review of a worker decision, the Convener must not appoint a panel candidate to be a member of the independent expert advisory panel unless the panel candidate has qualifications relevant to the subject matter of that decision and has at least 5 years' experience working in a relevant industry.".

I think I have already spoken to this subject. It basically strikes to the question of the expert advisory panel candidates and the need for them to have appropriate experience, appropriate industry context and appropriate technical knowledge. That is what we are seeking to pursue with this amendment.

Lizzie BLANDTHORN: As I have already outlined to the house, but for the benefit of Mr Ettershank I will do it again, the bill ensures the independence of the expert advisory panel through an independent ministerially appointed convenor and panel members. The bill requires that the minister only appoint persons as members of the independent expert advisory panel if they have qualifications or experience in forensic risk assessment, child development, law, social work, disability, psychology or any other discipline that is considered likely to be relevant to providing advice on internal review applications. So this amendment is again unnecessary.

Anasina GRAY-BARBERIO: The Greens will be supporting this amendment.

Amendment negatived; clause agreed to; clause 149 agreed to.

Clauses 150 to 394 (21:21)

The DEPUTY PRESIDENT: The minister's amendments 5 to 252 propose to omit part headings 4.1 and 4.2, part and division headings preceding clause 329, and clauses 150 to 394 from the bill and have been tested by her amendments to clause 1. Unless any member wants to ask questions or to deal with any of the clauses separately, I propose to test the omissions as a single question. If you are voting for what the minister is proposing in the amendment, you vote no. If you are opposed to the minister's amendment, you vote yes.

Clauses negatived.

Clause 395 (21:22)

Lizzie BLANDTHORN: I move:

253. Clause 395, line 21, omit "Chapter 4" and insert "Division 4 of Part 3.2 of Chapter 3".

254. Clause 395, line 29, omit "Chapters 2, 3 and 4" and insert "Chapters 2 and 3".

Amendments agreed to.

David ETTERSHANK: I move:

63. Clause 395, line 20, omit "5 years" and insert "12 months".

I think we have sort of spoken to this one previously, but the proposition here is, given the very, very significant impact on the industry – well, a range of industries – arising from this legislation, that it is appropriate that we not wait five years to review its impact. So we are suggesting that that review should occur in 12 months time, after the bill has come into operation. Very simply, we just fear, as would have been apparent from our questions, which are for the best possible reasons seeking to ensure good and safe industries, that that review will not be done in a timely manner.

Lizzie BLANDTHORN: The government is opposed to Mr Ettershank's amendment. As I outlined in a line of questioning earlier, we considered various options. This is in line with most other statutory reviews and is considered to be an appropriate amount of time for the bill to be operationalised and for enough evidence to be collected to then be able to conduct a proper review.

Bev McARTHUR: The opposition will not be supporting Mr Ettershank's amendment.

Anasina GRAY-BARBERIO: The Greens will be supporting Mr Ettershank's amendment.

Amendment negatived; amended clause agreed to.

Clauses 396 to 444 (21:26)

The DEPUTY PRESIDENT: We move to the minister's amendments 255 to 315, which propose to omit the remainder of part 4.3 and all of part 4.4 from the bill. Part 4 is clauses 396 to 444. This has been tested by her amendments to clause 1. Unless any member wants to ask a question or to deal with any of the clauses separately, I propose to test the omissions as a single question. Again, because it is an omission, if you support the minister's proposal, you should vote no to the clause. The question is that the part division and subdivision headings and clauses stand part of the bill.

Clauses negatived.

Clauses 445 to 465 agreed to; schedules 1 and 2 agreed to.

Long title (21:27)

Lizzie BLANDTHORN: I move:

316. Long title, omit "the **Disability Service Safeguards Act 2018**, the **Disability Act 2006**,".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (21:29): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (21:29): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Labour Hire Legislation Amendment (Licensing) Bill 2025

Second reading

Debate resumed on motion of Jaclyn Symes:

That the bill be now read a second time.

Richard WELCH (North-Eastern Metropolitan) (21:30): I rise to speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025. The main purposes of this bill are:

(a) to amend the Labour Hire Licensing Act 2018–

(i) to further provide for the meaning of labour hire services; and

(ii) to further provide for determining if a person is a fit and proper person; and

(iii) to further provide for the Authority's monitoring, investigation and enforcement powers; and

(iv) to further provide for information sharing; and

(v) to further provide for the subject matter for regulations; and

(vi) to make minor and consequential amendments; and

(b) to amend the Workforce Inspectorate Victoria Act 2020 to prohibit persons from causing or threatening to cause detriment to other persons in certain circumstances.

The coalition are not opposing this bill, but we do have amendments. It is worthwhile establishing why we have this bill in the first place, and it does emanate out of the Wilson review. The Wilson review itself emanates out of well-publicised and well-understood criminal and corrupt behaviours on public building sites. There was a series of media reports, predominantly in the *Age* and on *60 Minutes* in July 2024, which focused on allegations of criminal activity involving organised crime figures and the CFMEU, including intimidation, coercion and anti-competitive behaviour on Victorian government construction project worksites. In July 2024 the Premier announced that the Victorian government would establish an independent review to consider recommendations to strengthen the power of Victorian government bodies who engage with or have oversight of construction companies and construction unions to respond to those allegations of criminal or other unlawful conduct in the Victorian construction sector. Later in July 2024 the Premier established the review into Victorian government bodies' engagement with construction companies and construction unions, otherwise known as the Wilson review.

In July 2024 the Victorian Liberals and Nationals called on the government to establish a royal commission, because that was the degree of seriousness of the corruption uncovered, and to get to the bottom of the alleged rorts and criminal conduct that have flourished across Victorian government projects under Labor. We had previously announced that a future Liberal–Nationals government would restore integrity to major projects by reinstating a Victorian code of practice for the building and construction industry – the one that Labor abolished the previous iteration of in 2014 – and by establishing construction enforcement Victoria to oversee and monitor compliance with the code.

It is important to understand that Labor did not act because it was the right thing to do, it was done because *60 Minutes* and the *Age* ran hard on the CFMEU and organised crime misbehaviour, and many stakeholders at the time said the Wilson review did not go far enough. Civil Contractors Federation Victoria said it did not go far enough, Master Builders Victoria said it did not go far enough and Australian Industry Group actually said it was a whitewash, but this is the outcome. This bill is the government's last planned action on the matter.

We will not oppose the bill, because it does seek to address what even Labor now acknowledges is a serious problem. There are some constructive elements in the bill, such as the general bolstering of whistleblower protections and the ability to request documents, but we have concerns about some

other very key ways the changes have been structured. In many cases it does not tighten the controls, and in others it broadens the scope and the powers of the Labour Hire Authority but in ways that do not seem to have anything to do with the problem it intends to address – namely, government worksite corruption and a very specific organisation who is at the centre of it and the very specific set of corrupt and criminal behaviours that have been well publicised. That is where this bill gets a little bit odd. It says it is getting tough, but once you look at the changes it is hard to see how, except by granting extraordinary discretionary powers to make the Labour Hire Authority completely a law unto itself, with no fixed rules of engagement. It is like we have gone from no adequate controls to no rules at all, except for the unlimited discretion of the LHA to say, to choose and to define as it sees fit. If that is meant to act as some kind of CFMEU catch-all, it is hard to see how, because by design it is not designed; it is a bureaucratic free-for-all, the problem of course being that it inevitably scoops up everyone within its orbit alongside the actual problem organisation. It scoops up all behaviours alongside the problematic ones. It abandons absolute clarity on whatever the LHA says the rules are today, which may be different to the way it chooses to interpret its own rules tomorrow. If that is the approach, you would have to at the very least be able to draw a very clear line between creating that as an approach and how it prevents worksite corruption by the CFMEU and how it is in any way related to the Wilson review findings and recommendations, and it does not; you cannot draw that line.

We have five broad concerns, which I will go through. The first of these is the broadening and changes to the definition of what is labour hire. We go from a definition that was quite clearly defined to something based on phrases like 'the character of the arrangement' and 'the totality of the arrangement' and to changing 'supplied by the applicant to hosts' to 'placed by the applicant'. There has been no clear explanation of what legal difference this creates or what it means in absolute terms. So this immediately creates uncertainty. Will consulting firms, professional service firms and tech platforms matching contractors to clients now be considered labour hire? And it expands the remit of the Labour Hire Authority. If it does, then more people are required to lodge paperwork and pay the licence fee, and the more people the LHA has to monitor, the less time it has to focus on problem areas.

The second concern is the expansion of the Labour Hire Authority's discretionary powers and the degree to which it diminishes procedural fairness. It expands the definition of what is labour hire, but there is also a new fit and proper persons test, which on paper is a good thing. But in comparison to the existing statute, it goes from explicit absolutes of what is a fit and proper person to the LHA in almost every regard simply having to have regard to a series of matters. Even if they are a member of a proscribed organisation that no longer excludes them, the LHA just simply must give regard to it. It does not actually have to rule them out; it is a matter of discretion. It also describes a person's character in terms of honesty, integrity and professionalism without defining what those terms mean in practice or in application. This really does create an environment of great inconsistency and uncertainty for anyone applying, because they do not really have an objective view of what standard they are expected to meet, and of course those standards can change under the power of regulation. Finally, there is the ability to designate someone a labour hire provider just by saying so, with no guardrails. This is a pretty extraordinary power, and it makes, in effect, all other qualifications and rules irrelevant. If you can just say someone is or is not a labour hire provider, why bother with all the other definitions? You might as well just say, 'It's up to you. You make it up as you go along.'

The other area around procedural fairness is the power of the authority under this proposed new bill to publish the details of a person the Labour Hire Authority is considering acting against, even if it has not. There is obviously a fairness issue there. There is no timeframe over which they can be in those points of consideration. They may never act against this person, but to simply publish their name can have very obvious reputational impact on a business. It would suggest that they are not fit and proper or they have done something improper, so that is a very problematic clause. Then there is something which introduces vagueness and uncertainty into it, where the licence applicants have to declare compliance with a long set of generic laws in the past, in the present and in the future – say, 'We will adhere to these laws in the future.' Apart from understanding what the value of saying 'I will follow the law in the future' is in terms of an application, it also makes no distinction between whether any

previous breach was a minor clerical breach or a material breach. Whether you can comply with something in the future is unprovable.

The third area we have got concerns on is where I think there is a fairly obvious loophole. The fit and proper person test applies only to the licence holder. It says nothing about the character of the people being placed by them on the worksites. I think that can be remedied by requiring the licence holder to take reasonable precautions or steps that the people that they are placing are of good character themselves.

The fourth concern is perhaps its non-directional nature. There is no specific element that really directly addresses corrupt CFMEU practices. The Wilson review was all about criminal behaviour on worksites, and it was pretty explicit about what they were. But this bill goes further towards expanding the powers of the Labour Hire Authority than actually drilling down onto those specific behaviours that the Wilson report highlighted and that I thought would have been the purpose of this bill – to follow through, to enact the final group of recommendations from the Wilson review. In fact I think it goes a little bit backwards, this bill, because it removes the specific mandatory fit and proper person tests and disqualifications from the act and replaces them with subjective Labour Hire Authority judgements.

The fifth and final one is a minor one in the sense that no additional funding is planned for the LHA or the Workforce Inspectorate Victoria or Victoria Police to service the new powers. This may only be a minor thing, it may not be a thing at all, but it may be. But we do not actually know because we do not know how many additional companies and how many additional investigations may be drawn in under this and what the resource demand will be. That is maybe not a major issue, but it is certainly a consideration.

Additionally, we are concerned about the Wilson review recommendations that are not part of this bill or the Wage Theft Amendment Act 2025 that we dealt with a few weeks ago. On recommendation 2, the alliance of state and federal law enforcement, regulators and other relevant entities – we believe that has been established at an administrative level, but there is no public transparency on that. Recommendation 7 – the need for new clauses in government policies and contracts that require principal contractors to report and act on suspected criminal or unlawful conduct – is being implemented at a departmental level, but we do not have any visibility of that either. And then recommendation 8 is the need for a review in two years time. The issue there is we are actually two years from when the media broke the scandal, and we are one year on from the Wilson report, and it is now only in the last sitting week of 2025 that we do actually have the substance of the reform, only to find it is actually quite weak, in some areas pointless. You would argue it hits the people that we are meant to be targeting with a lettuce leaf but throws the rest of the industry and those adjacent to the industry into concern and confusion about where exactly they lie with the law. Former IBAC commissioner Robert Redlich said he felt the police and the IBAC had limited means to address the issues. Murray Furlong, from the Fair Work Commission, says that we are at risk of missing a once-in-a-generation reform opportunity. We support the bill, but we are genuinely concerned that it does not really do anything to address the specific behaviour of organised crime and rogue CFMEU elements on Victorian government construction sites. We will be moving amendments we think will better target the actual problem. I would be happy if the amendments are circulated now.

We want to first make it explicit and to remove any ambiguity that the subcontractors do not fall under the act. We do know that it was in the second-reading speech, we do know it is in the preamble, we just would like to see it in black and white in the act. We would like to adopt something that they do in Queensland, where they allow an authorised officer to lodge paperwork on behalf of the nominated officers. It does not diminish the responsibility of the nominated officers, it is just a better, more efficient mechanism effectively. We actually prefer and would like to retain the current labour hire definitions in the act and ensure that the regulations cannot be arbitrarily used to prescribe a person as taken to provide labour hire services or not. There has not been sufficient justification as to what the changes in definition actually achieve, particularly in relation to CFMEU corruption.

We would like to see the fit and proper person test include specific references to the construction industry, labour hire, intimidation and other corrupt practices the bill is meant to address. We would like to specify that a person who is a member or affiliate of a prescribed organisation is not a fit and proper person and not allow the Labour Hire Authority to consider this, as it might now, as permissible. We would like to tighten the requirement that the labour hire holders declare compliance with a long list of loosely defined laws and adopt instead clear parameters that directly address behaviours and actions. We would like to require that the licence holder take reasonable steps to ensure that individuals supplied for labour are themselves of good character and not a member or affiliate of a prescribed organisation. We would like to remove the provision that the Labour Hire Authority can publish details of someone it is considering exercising a power against, and we would like to insert a provision into the act for a formal ministerial review of its operation after two years.

Some of these amendments are changes that we proposed and others are simply to retain elements of the existing act that we feel are superior to the proposed changes. Outside those amendments and beyond the scope of this bill, it is worth noting that the Liberals and Nationals have made several policy commitments that we believe would actually take up the reform baton seriously and that by comparison this bill alone, keeping in mind it is the last intended reform that we are aware of, just does not go close enough to. The Liberals and Nationals would establish a royal commission into the CFMEU's involvement on Victorian government construction sites. We would reinstate a Victorian code of practice for the building and construction industry, and we would establish construction enforcement Victoria to oversee and monitor compliance with the code. But we are not getting to those tonight. We do think this bill goes a couple of inches in the right direction, but it goes nowhere near taking on the corruption on our public worksites in earnest, and we do risk missing that generational opportunity. We encourage the adoption of our amendments. They have been done in consultation with industry – they have been prepared that way. They add rigour, they add clarity and they absolutely target the specific behaviours the Wilson review set out to address and we all know need to be addressed. I will conclude there.

Ryan BATCHELOR (Southern Metropolitan) (21:49): I am pleased to rise to speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025. Obviously the government has a hugely significant construction agenda. It is not called the Big Build for no reason. There is a lot of very significant civil construction activity occurring right across Melbourne and Victoria, and obviously in the residential construction sector as well we have got a big agenda in our housing statement and our planning agenda to make sure we are building more homes. So the importance of the construction sector to Victoria and to Victorians is real and is significant. This bill and the work that it is trying to do to weed out practices is about supporting those in the sector. The bill is about protecting those workers from those who think that they can cut corners, do the wrong thing or engage in unscrupulous or corrupt activity. The bill is not exclusively about the construction sector, but the prevalence and use of labour hire is significant within the construction sector.

I think it is important that we reflect that no matter whether it is on a building site or in an office, the obligation that we all have to make sure that our workplaces are conducted with the highest of ethics and the highest of ethical standards and free from improper, unscrupulous or corrupt conduct is significant. We need to here make sure – and what this bill is focused on is weeding out those who seek to do the wrong thing – and ensure that labour hire workers and those businesses that are doing the right thing are protected, not undercut and not targeted by unscrupulous operators. The Labour Hire Legislation Amendment (Licensing) Bill will amend and improve Victoria's labour hire licensing scheme, making it stronger and more effective at stamping out corruption. The bill is also going to amend the Workforce Inspectorate Victoria Act 2020 to create an offence of causing detriment or threatening to cause detriment to a person for making a complaint or providing information to the workforce inspectorate as part of the complaints referral functions, making it very clear that any effort to threaten or intimidate someone from making a complaint will not be tolerated and there will be penalties, and it strengthens the fit and proper person test.

The amendments that this bill is seeking to create to the various substantive acts arise as a result of the Wilson review. This bill responds directly to the Wilson review, which the government set up to respond to serious allegations of corrupt conduct in the construction sector here in Victoria, and that review identified labour hire as one of the most problematic areas that needed to be addressed. Workers were being exposed to threats and businesses were restructuring themselves to avoid regulation, and some operators were hiding in the shadows of a complex supply chain designed to frustrate oversight and regulatory bodies. But we have got the tools and we have got the will to fix it, and this is what this legislation here is to do.

The recommendations out of Wilson were pretty clear. We have got to strengthen oversight. We have got to empower regulators and make sure that corruption has nowhere to hide, and that is exactly what this bill does. The Wilson review made a series of recommendations on how the powers of various government bodies could be strengthened to better respond to allegations of criminal conduct or other unlawful behaviour on Victorian government worksites. This bill will do a number of things. There was a recommendation in the review to amend the fit and proper person test, and this bill will do that by strengthening the test required to obtain a licence, amending current criteria and implementing new criteria. The bill will also amend the labour hire regulations to better define certain activities connected to the construction sector, which was another recommendation out of Wilson, that are meant to be better regulated under the Victorian labour hire licensing scheme. We know how complicated supply chain structures are, and there are serious risks there that we need to address.

Another recommendation was about search powers, so the bill will strengthen the authorities' powers with respect to their ability to request that labour hire providers produce certain documents and will better align the powers of this authority with other modern regulators. The bill will amend the publication powers of the Labour Hire Authority, again implementing another recommendation to publish additional contextual information about suspensions and cancellations of licences with appropriate limitations. The amendments are in their totality vital to ensuring the Labour Hire Authority can be more transparent, be more effective and be the necessary agent that we need to ensure that inappropriate and corrupt practices are stamped out in this section of the construction industry. That was at the core of the government acting in response to these allegations. That was at the core of the Wilson review. This bill complements the other action the government has already taken to help ensure that we stamp out corruption on our construction sites.

Tom McINTOSH (Eastern Victoria) incorporated the following:

> Every worker deserves to be treated with respect and have the opportunity for safe and secure work.
>
> Labour hire should be a temporary solution; however, for large projects that are short term, or work that is seasonal by nature, labour hire is used in Victoria.
>
> This amendment to the Labour Hire Licensing Act will protect the rights and safety of Victorians who are employed through labour hire agreements by prohibiting, preventing, and punishing the exploitation of workers, and for this reason I support the amendment.
>
> The changes implement the Wilson report's recommendations to combat wrongdoing and ensure worker safety in the construction sector.
>
> Construction is already one of the most dangerous industries in Victoria, with some of the highest rates of injuries and fatalities, further adding to the importance of safe working arrangements.
>
> Key changes include the expansion of the 'fit and proper person' test to consider a range of factors which can inhibit a labour hirer's ability to successfully ensure worker safety and security.
>
> The new 'fit and proper person' test will now consider a person's history, character, prior licence incidents, and indictable offence history.
>
> On top of changes to the standard 'fit and proper person' test, the Labour Hire Authority will be granted greater flexibility to consider a wider range of considerations outside of the 'fit and proper person' test when assessing the fitness and propriety of a labour hirer.

This bill also includes amendments to the Workforce Inspectorate Victoria Act which will introduce an offence prohibiting harmful conduct being either caused or threatened against whistleblowers who make a complaint or provide information to Workforce Inspectorate Victoria.

The amendment is essential to furthering this Labor government's agenda of ensuring worker safety across the state. This protects workers, especially young workers and new migrants, who can be the target of exploitation and coercion. Workers employed by labour hire are some of the most vulnerable workers in the economy.

Importantly, since it is becoming increasingly common for there to be labour supply arrangements involving more than three parties, the definition of 'provides labour hirer services' is changing. This is being done to better address what the Wilson report describes as 'grey areas' regarding enterprises involved in labour hire practices in addition to the standard three parties.

There are cases where these 'grey areas' have been exploited, and these amendments fix this.

The Labour Hire Authority covers workers in the construction, horticulture, meat processing, poultry processing, commercial cleaning, and security industries.

These are frontline and essential workers often undertaking roles that are higher risk than the average occupation and are often undertaken by workers who are more vulnerable, including those in regional Victoria.

For all these reasons I support the Labour Hire Legislation Amendment (Licensing) Bill.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise today to speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025.

The objective of this bill serves to implement recommendations 3–6 of the Wilson review.

The Wilson review came about in response to allegations of criminal and other unlawful conduct in the construction industry.

It was the Formal Independent Review into Victorian Government Bodies' Engagement with Construction Companies and Construction Unions, led by Mr Greg Wilson.

The final report was delivered on 29 November 2024.

In response to this review, this bill, in alignment with previous legislation, intends to tighten loopholes highlighted by the review, where oversight fell short.

The Labour Hire Licensing Act 2018 was established to protect workers who were employed through labour hire arrangements.

It introduced a licensing framework for labour hire providers, requiring them to demonstrate compliance with workplace safety and migration laws, requiring them to obtain a licence to operate.

This legislation brought with it the introduction of the Labour Hire Authority (LHA).

This is what the Allan Labor government is building on in order to bring greater transparency and accountability to high-risk industries highlighted by the Wilson review.

These recent reforms aim to modernise the act, strengthen enforcement powers and close loopholes that undermine worker protections.

This legislation is built on protecting workers in the labour hire industry, with the broader goal of reinstating integrity, safety and fairness that the Wilson review exposed areas that were lacking.

This bill will amend the Workforce Inspectorate Act 2025 to provide protection to people making complaints to the workforce inspectorate.

It will make it an offence to cause detriment or attempt to cause detriment to someone providing information or making a complaint to the workforce inspectorate.

This new offence will ensure that people who make a complaint or provide information to the workforce inspectorate as part of its new construction industry complaints referral function are appropriately protected from reprisal.

The establishment of the complaints referral function in the workforce inspectorate was brought in earlier this year to implement recommendation 1 of the Wilson review.

The review made eight recommendations about how the power and processes of Victorian government bodies can be strengthened to better respond to allegations of criminal and other unlawful behaviour.

These recommendations emphasise collective action among employers, agencies and law enforcement to encourage complaints and share information.

The recommendations to be implemented by this bill are as follows.

Recommendation 3 will be implemented by replacing the current 'fit and proper person' test to allow the Labour Hire Authority (LHA) to be more selective.

A new test is to be used which has been broadened so that additional factors are considered when assessing the suitability of a candidate.

This acts as a safeguard to ensure labour hire providers operate within the industry standards and upholds the integrity of our construction industry.

Better licensing decisions can be made by having a tougher barrier to entry.

Sending a clear message that criminal behaviour and exploitative business practices will not be tolerated within our industries.

Recommendation 4 – amending Labour Hire Licensing Regulations 2018 (LHL regulations) to define certain activities connected to construction to be explicitly regulated under the Victorian labour hire licensing scheme.

By making the legislation clearer it prevents labour hire arrangements escaping regulation through manipulative structuring.

By explicitly amending the definition, this bill can bring greater coverage for regulation of high-risk supply arrangements.

Increasing scrutiny and reducing the risk of misclassification or a classification grey zone that can be exploited.

It also gives workers confidence by making the process more transparent.

Recommendation 5 is being actioned in this bill through providing the LHA with the power to request that a person provide information or documents that an inspector has reasonable belief are necessary for monitoring or enforcing compliance with the act.

This is broadly referred to as a 'notice to produce' (NTP) power.

This is necessary to provide further transparency to enable early detection of non-compliance, and it supports swift, evidence-based decisions on licensing and enforcement to better protect workers.

Within this bill, the LHA will be provided with expanded publication powers as well as the clarification of current powers.

From recommendation 6, this bill will empower the LHA to publish additional contextual information about suspensions and cancellations of licences on the register of licensed labour hire providers.

This recommendation is being implemented by permitting LHA to publish certain information in or in connection around licensing decisions.

This seeks to protect transparency and public confidence in decisions made by the LHA.

By providing the opportunity for the LHA to publish the evidence around the outcome, it reassures the public as well as legitimate operators that this legislation is being applied consistently and seriously.

By doing so, it maintains that providers know misconduct will be visible and transparent in providing education, efficient enforcement, and integrity monitoring.

The recommendation aims to provide clarity about which construction activities are covered by the scheme to prevent businesses from structuring themselves to avoid regulatory oversight.

The bill will also make other amendments to improve the operation of Victoria's labour hire licensing scheme and the implementation of the Wilson review recommendations, including:

providing greater protection for all LHA staff as well as the labour hire commissioner in circumstances where they may be dealing with matters and allegations arising out of the Wilson review;

ensuring staff can carry out investigations without fear or bias;

reinforcing the independence of the LHA, ensuring decisions are evidence based, and based on public interest not external pressures;

expanding the list of laws that licence holders and applicants must comply with to include laws relating to education and training, bankruptcy, competition, consumer protection and fair trading, corporate regulation and security interests in personal property;

expanding the list ensures that labour hire providers are not just meeting workplace and employment laws, but also broader financial integrity standards;

it encourages professionalism within the sector by promoting responsible business conduct, aligning the labour hire practices with other industry standards;

amending the LHL act to require that in granting a licence the LHA must be satisfied that the applicant's business is financially viable;

financial viability checks ensure that only stable, solvent business are able to be licensed and, reducing the risk of providers collapsing, leaving workers unpaid and unemployed.

By ensuring a business is financially viable to require a licence ensures only stable and trustworthy businesses can operate.

This refers to those able to pay workers properly and on time, meet super and leave obligations and compete fairly without cutting corners.

This will help to build confidence throughout the sector that licensed labour hire practices are credible and reliable.

Finally, permitting the commissioner to make a disclosure to a person employed in a Commonwealth, state or territory government department or agency, as well as the minister, where the commissioner is reasonably satisfied that the disclosure is in the public interest.

This means serious issues like wage theft, fraud or criminal infiltration can be referred quickly to the appropriate authorities.

This ensures faster action and better protection for workers.

It promotes co-ordination of government bodies to help close enforcement gaps.

The bill will prohibit persons from causing or threatening to cause detriment to other persons for making a complaint or providing information to Workforce Inspectorate Victoria as part of their new complaints referral function.

The offence will be enforced by Victoria Police and carries a significant penalty, including a potential jail term.

The Allan Labor government, like all Labor governments, holds the protection of workers at the centre of our cause.

Labor has always and will always stand for working people.

Our movement was founded to protect workers rights and that will remain a key pillar of this party.

Enshrining the Wilson review's recommendations in legislation demonstrates the Allan Labor government's commitment to closing loopholes and ensuring that workers feel safe onsite and safe reporting things to the proper authorities when things are not right.

Workers are our first point of call when it comes to calling out unacceptable behaviour and we need to listen to what they have to say.

As many in this chamber know, next year I will be celebrating 40 years of membership of the Transport Workers Union (Vic/Tas) branch.

Having spent years representing workers, I have seen how easy it is for people to fall through the cracks when labour hire operators cut corners.

I have also seen the difference strong laws and union advocacy can make – lifting wages, improving safety, and giving workers a voice.

That is why I am very honoured to be talking about this important legislation in this place.

It builds on the values that have guided me in my career.

Worker protections is something that I, and many others in this chamber, take personally.

I carry that principle into this chamber and every time I stand to speak.

Fairness, safety, and respect for working people is a non-negotiable.

My history is one of standing up for workers who might otherwise have been ignored.

In the past for me that meant fighting for better protections in enterprise agreements.

But today that looks like ensuring labour hire workers are protected under Victorian legislation.

These protections extend to the transport workers I used to represent as labour hire is often used within the industry.

And this legislation holds these same values of protecting workers to make sure workers in every industry get a fair go.

By implementing these reforms, the Allan Labor government continues to demonstrate our determination to restore integrity, fairness and safety to workplaces across Victoria.

This underscores the Allan Labor government's longstanding commitment to protecting working people.

This is a value that I personally respect and align myself with.

In practice, these reforms ensure construction and other high-risk industries cannot be used as vehicles of exploitation and corruption.

It will give workers confidence that their rights will continue to be enforced no matter where they work.

The LHL laws build on a century of Labor reforms dedicated to protecting workers.

Now, we have come a long way since securing the eight-hour working day.

But these reforms uphold the same tradition that is ensuring that every worker, whether directly employed or supplied through a provider, receives equal treatment and respect.

For too long labour hire has been used to undercut wages, outsource responsibility, and weaken workplace protections.

By strengthening the licensing framework, the Allan Labor government is reaffirming that a fair day's work for a fair day's pay applies to all.

These amendments also support the Victorian government's economic goals.

A transparent and compliant labour hire sector fosters stable employment, attracts ethical investment, and sustains the skilled workforce needed for major infrastructure and manufacturing projects to continue to provide for the Victorian people.

It is good for workers, good for businesses, and good for the state.

A common misconception is that stricter regulations hinder business.

But in fact, it is the opposite.

A well-regulated labour hire market rewards those who play by the rules, only penalising those who cheat.

When rogue operators are allowed to thrive, legitimate business are forced to compete against unfair practices which cut costs at the expense of the workers.

By enforcing clear, consistent standards, we ensure that there is an even playing field for all providers to operate in.

Businesses that maintain proper accounts, pay their taxes, and train their staff will now have a competitive advantage, as they should.

These reforms not only protect the workers but the broader industry.

This bill clearly represents what the Allan Labor government has always said:

Exploitation has no place in Victorian workplaces;

Honest businesses will be supported;

And this government is committed to the continued protection of Victorian workers across all sectors.

The Labour Hire Legislation (Licencing) Bill 2025 builds on a simple but powerful principle.

Every worker deserves their rights to be respected and acknowledged no matter how or where they are employed.

By expanding the fit and proper person test, strengthening financial viability checks and clarifying the definition of labour hire services, the bill closes longstanding loopholes.

Ceasing exploitation and unfair competition from persisting.

Giving the LHA broader investigative and publication powers ensures transparency and integrity remains a cornerstone of this legislation.

When wrongdoing occurs, the public will know why and how action is taken.

And when employers do the right thing, they can expect a level playfield.

These changes will also protect those who make this enforcement possible: the staff of the LHA and the commissioner themself.

Empowering them with the tools and safeguards they need to investigate is essential if we are to deliver real accountability in sectors like construction, where the Wilson review revealed systematic risks.

These measures are incorporated to assemble a regulatory framework that rewards honest business, deters misconduct and restores public confidence in the fairness of Victoria's labour hire practices.

The reforms are practical, proportionate, and built off of consultation and evidence.

Most importantly, they uphold the enduring Labor belief that dignity and safety in a workplace is non-negotiable.

This legislation is not only about compliance but about the values that I can say everyone on my side of the chamber holds as it reflects the history of Labor governments.

Fairness, responsibility, and respect for working people are values that I heavily align myself with as a trade unionist.

They are also values which those of us on this side of the chamber in the Allan Labor government all share.

Victorian workers know this, and they know that they have an ally in the Premier who will always be on their side.

Good businesses, who do the right thing, know that when you pay your workers fairly and treat them with respect, you wind up with better, more productive workers who feel more personally invested in the success of the company.

When companies who aren't doing the right thing use loopholes to pay their workers less or give them worse conditions, they aren't just saving a dollar; they're telling their workers that they fundamentally don't respect them as people.

Economies which are not built on a basis of fairness, responsibility, and respect for working people are built on very shaky foundations indeed.

That is why these values are important.

They remind us that good policy is measured not only by economic outcomes but how it treats the people who keep our state moving forward.

This bill follows with the clear message that the Allan Labor government stands firmly with workers, with ethical business, and with everyone in Victoria who believes in a fair go.

Therefore, I commend the bill to the house.

Lee TARLAMIS (South-Eastern Metropolitan) (21:54): 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.

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed on motion of Jaclyn Symes:

That the bill be now read a second time.

Ryan BATCHELOR (Southern Metropolitan) (21:55): I am very pleased to rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. We have got a really clear imperative in front of us here in Victoria. Victoria's population is expected to grow from 7.2 million residents in 2025 to 10 million residents in 2050 – in all, an extra 3 million people in the next 25 years. *Victoria's Housing Statement*, which we released about two years ago, in the decade ahead set a target to build 800,000 homes in 10 years. It is an imperative that we build homes for Victorians, not only because of the pressures that are there from our growing population but also because more homes mean more opportunity – more opportunity to buy a home, start a family and build your long-term wealth; more opportunity to live where you want, with the things near you, in places that you love, near people you care about, instead of having to make choices about living further and further away. The Allan Labor

government is committed to providing more opportunities for young people to build, and that is exactly what these amendments in the Planning Amendment (Better Decisions Made Faster) Bill will do.

The only way to make housing fairer for younger Victorians is to build more homes faster, and that is why we are introducing in this bill some of the biggest reforms to our planning laws in decades, cutting red tape, speeding up approval, helping more homes to get built near transport, jobs, services, schools, infrastructure and, most importantly, our families and the people we love, because that is the core of what we are trying to do. Experts across the board back these changes because they know they will deliver more homes more quickly. These are really important statistics: Victoria is already the number one state in the nation for approving homes, for starting homes and for completing homes. More than 50,000 homes have been approved for construction in Victoria over the last year, almost 10,000 more than in New South Wales. We want to continue to be the number one in the country for homes approved. We have delivered these changes and other changes to make sure that people can get access to their homes.

This bill makes multiple amendments to the Planning and Environment Act 1987. Since its introduction and as our needs as a state have changed, that act has become complex, inconsistent and behind the times. The proposed reforms will reduce the time and costs associated with planning scheme amendments and planning permits while ensuring greater transparency and accountability in the planning system. The reforms in the bill have been the subject of extensive consultation in three phases between July 2024 and October this year, so a little more than a month ago those concluded. The consultation consisted of meetings, workshops and delivery of written materials, and additionally, we had separate programs of consultation and engagement occurring with registered Aboriginal parties in relation to the reforms. It was done with a panel of expert legal practitioners in relation to the reforms related to planning consultation. We consulted with a wide range of state bodies too. All the councils in the state were invited to participate; their planning directors were invited to attend, and 70 of the 79 councils took that opportunity. And we engaged with multiple different types of planning consultants and peaks. These reforms are designed to help meet our housing targets as set out in the *Plan for Victoria*, which sets out clear action we need to take in this state to address the housing crisis.

We have really got a choice when we look at the future of our planning system and the future of our building system: we can support laws that seek to build homes, or we can support action that seeks to block homes, and very fairly and squarely, the Allan Labor government is on the side of building, not blocking. We want to build homes for more Victorians so that more Victorians have the opportunity to find a home, a place they want to call home, and not be subjected again and again to those who seek to block and block and block, because that is what the impediments that many throw up to more homes being built do – they block people, particularly young people, from having the opportunity to buy a home. We need more than just words from our leaders who say that they are in favour of millennials; we need action. We need their representatives to stand up in the Parliament.

Business interrupted pursuant to standing orders.

Gayle TIERNEY: Pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to 1 hour.

Ryan BATCHELOR: We need action to support the amendments in this bill. The bill provides for a number of reforms. It amends the Planning and Environment Act to introduce new pathways for planning scheme amendments – low impact, medium impact and high impact – that are tailored to the complexity and potential impact of each of the amendments. The structured approach, using these categories, will shorten timeframes, cut red tape and give proponents and the community greater certainty about the process that applies.

The bill also reforms the authorisation process for planning scheme amendments. Under current arrangements there is no structured process when further review is required, which can lead to significant delays. The bill introduces clearer decision-making criteria, defined timeframes and the

ability for the minister to request further information or a revised proposal. It responds directly to recommendations from the Independent Broad-based Anti-corruption Commission's Operation Sandon inquiry requiring the minister to consider specific decision-making criteria and be satisfied that any proposed amendment aligns with state and regional plans. The bill enhances transparency by requiring that both amendment proponents and submitters declare financial interests, including gifts and donations, helping to safeguard integrity and restore public confidence in the planning process.

There are a range of matters in the bill. I will not go through them all here tonight, but the central point is that, whether it is this legislation or the other reforms that the government is making, we are absolutely on the side of Victorians who want to own a home. We are on the side of Victorians who want to own a home, and those who are opposed to this are just trying to block this agenda and block homes being built for more Victorians. I commend the bill to the house.

David DAVIS (Southern Metropolitan) (22:02): I rise to make a contribution at just after 10 o'clock to the Planning Amendment (Better Decisions Made Faster) Bill 2025. It is an Orwellian title, and it could not be more inaccurate in terms of what is actually delivered by the bill. We have heard from the government's speaker, the Minister for Planning and the Premier repeatedly that this is aimed at making more properties available, yet this bill does nothing of the sort. This bill actually makes a change in our planning system that removes protections and removes many of the controls that have built a livable and enjoyable community in Victoria – the very things that have made people traditionally want to move here, the very things that people have wanted to be part of in our state. They put at risk the quality of life and they put at risk the livability of our state.

It is important, I think, to note that many of the myths the government has peddled on these matters need to be struck clearly on the head. One of the myths is that there are not enough planning permits issued. There are tens of thousands of additional planning permits issued every year that are never acted upon. Not only that, there are real costs that are built into the system – taxes and charges that make up more than 40 per cent, often nearing 50 per cent, of the cost of the development of a property, charges that are built in and make housing unaffordable for not just young people but all people. They make it more expensive and more difficult for people to purchase homes when they should be able to purchase homes and homes should be available.

The supply of land, on the other hand, has been curtailed by this government. We recently had an inquiry – Georgie Crozier, Mrs McArthur and I were the Liberal representatives on it – looking at the government's recent planning scheme changes that are part of its great sweep to change a whole series of our planning scheme arrangements and our planning rules. What we found was repeated examples where the government has sat on its hands and not brought forward planning scheme changes that could have developed new land. Wherever you look across the city, there is land that is available. It is often government land – some of it state government land, some of it federal government land and some of it local government land. There are opportunities everywhere where land should be brought forward for development in thoughtful and clever ways.

I want to put on record the huge – 80,000 – numbers that could be put into the Docklands, and particularly the Fishermans Bend development area. Matthew Guy, then planning minister with a sense of vision, saw the future of Fishermans Bend. He understood that significant development could occur down there – dense development in that location – that would have brought forward significant opportunities for new properties, new dwellings for younger people and for others as well. What has this government done in its 11 almost 12 years in government? It has done absolutely nothing to develop that. It has not put in the transport connections that are a significant underpinning to it. It has done absolutely nothing. It is a total and utter failure.

Examples that we drew attention to in our minority report include the example of a number of the development zones on the edge of the city. There are numerous examples here, but the one we quoted in our minority report was the Clyde South example. Here are 20,000 lots, a very significant development, some industrial land as well as residential land. What has the government done with

that? This PSP – precinct structure plan – has been drifting without decision by the government for seven years. Seven long years of failure to bring forward the outcomes and the properties that are required. That is an example. If you go right around the edge of the city, you can see examples of precinct structure plans that are just drifting and not being brought forward. New land that could have been there for younger people or for others has not been brought forward and has not been developed.

The government is sitting on the GAIC; it sits on the growth area infrastructure contribution. It sits like a great dragon on top of all this gold that is held in the city. That is money that has been paid by developers and passed through to those who have purchased land. It is held by the government and is meant to be sent to those regional or edge of the city development areas, but it is not being sent. In many instances it is just being held by the government for very, very long periods of time, so the services and the development that are needed are not being brought forward.

Another example I have used many times before is the Maribyrnong defence site. This is 128 hectares, and what has this state government done in its nearly 12 years in government? Nothing. What have the federal governments – of both political stripes, I might add – done with that Commonwealth land to bring that forward? The answer is absolutely nothing. We know it is contaminated because of the usage of that land by the Commonwealth. The Commonwealth ought to clean that land up and the state government ought to dragoon them into cleaning that land up and bringing that forward and bring that large tract of land in the City of Maribyrnong forward so it can be developed as land. I could go on – example after example after example around the city where the state government has not brought forward the land that is required. It has failed to bring forward land when it could have brought land forward and brought down the price of properties, brought down the price for younger Victorians. Instead of that, the state government has sat on land. It has not brought forward its own land and it has not developed the land in the way that it ought to have.

The substance of this bill is stripping away all of the protections that have been there for many years to ensure that development proceeds, and we know that many of these changes will do significant damage because we have been told that by planning experts, by communities and by councils. This is one of those occasions where the councils are singing with one very clear voice. They have looked at these changes that are proposed and they have said they will lead to a lesser outcome, they will lead to communities being cut out of planning development processes, they will mean councils are cut out of those processes and they will mean more power for the minister.

We have got a minister and a Premier who are drunk on power – who have too much power already but want more power and more decision-making control for themselves and for Labor. The councils have been very clear on what this will do. It will lead to a worse outcome for many communities. I pay tribute to the Municipal Association of Victoria for the work that they have done with their *Local Government Position: Planning Amendment Bill 2025*. It is a thoughtful position. Without foreshadowing what others may do, I know that there are a number in this chamber who will bring forward amendments. I should say that our position is that we will oppose this bill. We will seek to defeat this bill because we think it is fundamentally anti-democratic and we think it strips away planning and control from local communities and local councils. We are aware that there will be amendments from a number of other parties, and I foreshadow that a number of those amendments are ones that we would support. We may not bring them ourselves, but we will support many of those amendments. We will allow those who bring them forward to put them on the record and to explain them, and we will go through them one by one and make sensible decisions about what is in the community's interest to go forward on these points.

What I also want to say is not only is there a strong council push but there are local community groups that have had meetings right across the city. This bill cannot be seen in isolation. It is also part of the high-density, high-rise zone push that the state government has brought forward in recent times – this series of planning changes that it has made. These are planning amendments that the government and the planning minister have made. She sat in her office. She used section 20(4) of the Planning and Environment Act 1987 to strike away the rights of people in the community, to strike away the rights

of councils and to centralise power and centralise control into her own office. It is in a fundamentally undemocratic, almost totalitarian way that this government is behaving. It is not a government that understands that participatory democracy is important. It is not a government that understands that freedom is important. It is not a government that understands that people who live in a community must be able to have a say about the future of that community. That community that they live in and that they are part of is something that they should be exercised about. They have a stake in it and their children have a stake in it, and they should have some say on the future of that community.

That is not what is proposed in this bill, and it is not what is proposed in the other steps that the government has been taking on a broad front. The government, on a broad front, has been assaulting those long-term democratic values that have been part of Victoria's planning system: the right to object, the right to see what is being proposed. Many of the changes that were made with the planning amendments prior to this bill have swept away even the right of notification, so you could be surprised by a development that occurs next to you. The cookie-cutter approach that has been put in place by the government would see dense, tall and ugly properties put forward by neighbours and developers in a way that does not accord with the particulars in the area.

I want to say something too about the context of where the government is on these things. With those earlier changes that have been made and are now law, we tried to revoke some of those planning changes, unsuccessfully, using section 38 of the act. The government does not like the use of section 38. It does not like the democratic decision of the Parliament – the check, the balance of this Parliament, each chamber separate, sovereign and able to make its own decisions – and it does not like the fact that each chamber of the Parliament might exercise a democratic decision that is contrary to them, contrary to the government's own view, contrary to the minister's own view. So what do they plan? In this bill they are going to get rid of section 38 of the Planning and Environment Act 1987. They are just going to sweep it aside. There will no longer be the ability of a majority in each chamber to disallow or revoke a planning scheme amendment. They will sweep it back into a tight arrangement which says the Scrutiny of Acts and Regulations Committee has got to recommend this – and SARC has got a government majority on the committee. That will never happen. It is never going to happen. That is the truth of the matter. Those decisions by this government I think are quite reprehensible.

But as I say, this is not just the municipal association. I have received a number of pieces of correspondence from individuals, and I thank each of them for that. I obviously cannot mention all of them. Beyond the municipal association it is councils like Manningham. The Victorian Local Governance Association of course has made its views known and supports an inquiry, and I should say that we will seek to move this bill to an inquiry that actually seeks to bring public attention to these matters and test many of these matters in open discussion and open session. The Planning Institute of Australia has also put significant proposed amendments to these matters. The planning institute recognises that there are significant improvements needed. There are the City of Glen Eira, Wellington shire, Buloke shire, the Kingston Residents Association – and I pay tribute to the work of some of these groups – Whitehorse City Council, Yarra Ranges and Maroondah. Port Phillip has been quite clear about its views and the risk of the different pathways, and I will come to all those in a moment. The Maribyrnong council, Indigo shire, Moorabool – it is seriously almost every single council. Bayside council has been very clear, and I have been pleased to join my colleague the member for Brighton in a number of public marches. As I say, the community groundswell against the government's undemocratic steps with this act is quite extraordinary. There is Cardinia, and I should say the combined residents association of Whitehorse – I could go on, and I am conscious of time.

I particularly want to pick up the National Trust and the Royal Historical Society, who have put a number of key points forward concerning a number of the earlier decisions of this government but are very exercised about heritage. I do want to say that I think our heritage is directly at risk. The planning amendments that have already been put in place can sweep away the heritage listings that are in place in our state at the moment. It was instructive watching those bureaucrats at the inquiry. When pressed and pressed and pressed about whether heritage protections would protect properties, they would not

say that they would. The best legal advice is that in many respects it is uncertain, but most likely, at the end of the day, even a nationally heritage-listed property will not be protected or a state-listed property will not be protected. The truth of the matter is that all of this needs to be seen in the context of an assault on traditional arrangements for our planning. It is very clear that those heritage protections will not stand and can be swept away by the government's planning changes, and this bill will cement further significant powers for these changes.

I want to talk about the centralisation of ministerial power. I am conscious of what this bill does, and there are a number of key points. I am going to talk about these as themes. I should note that the Master Builders Victoria and the Urban Development Institute of Australia (UDIA) also point to serious problems in these bills. It should not be thought that this is entirely pro developer or anti developer or any one side. Actually this bill is one of those where in many respects the state government has succeeded in having almost everyone of thought who knows about these matters concerned about what the state government is proposing. The centralisation of ministerial power: the bill grants the minister wide discretion over planning amendments, including the ability to prepare and vary local planning schemes – clause 14 – exempt amendments from exhibition, override local council decisions and abandon amendments. The repeal of section 38 I think is a travesty.

The minister's ability to approve statewide planning strategy without public or parliamentary consultation further extends this centralisation. Stakeholders make the point that bypassing democratic processes opens the system to political manipulation and potential corruption – and this is a corrupt government; this is corrupt to the core. The union links, some of the hard-left CFMEU links that we just talked about in the last bill, and some of these other changes that are proposed here are opening the way directly to corruption. It is the sort of bill that you expect to see from a government that has been in power for nearly 12 years now. Labor, with the exception of the 2010–14 period, have been in power since 1999. It is a very, very long time. It is a government that is thoroughly corrupt, thoroughly at the point where it believes it has a right to make the decisions and a right to override local communities. There is the reduction of local government and independent panel roles. The diminishment of local council roles I think is a mistake. Local councils, in my experience, by and large, tried to do the right thing on planning and very often got it right. I think they added significantly and were an important vehicle where state government got it wrong, and they were where local communities were able to make their views well known.

The curtailment of public participation and notice rights – the bill drastically reduces third-party rights to be notified, to object to or to appeal planning decisions. Sections 17 to 19 of the existing act, which guarantee broad public notice and submission, are rewritten almost in their entirety. There is this idea of the low-impact, medium-impact and high-impact amendments, with low impact having no public notice, medium impact only requiring notice via limited online or newspaper publication and high impact allowing public submission but with restricted hearing rights. The restructuring of these excludes many citizens and community groups from participating in local planning decisions, and this does undermine basic participatory democracy principles. In a growing number of instances neighbours will not be notified of planning permits, but traditional owners, mind you, will have an additional say. In my view there is a stripping away of rights from everyday Victorians and councils but a further extension of rights to traditional owners. Concerns also extend to the permit application types. The bill introduces the categories, as I said. Only type 3 will see applications that require advertisement or allow any objections.

There is an erosion of environmental and social considerations. For example, the bill amends section 60 of the existing act, eliminating the requirement for responsible authorities to consider environmental effects of type 1 applications and potentially type 2 as well. Similarly, key objectives of planning under section 4 of the current act, such as ensuring integration of land use with environmental and social principles, are omitted. There are new objectives that reference climate change and traditional owner rights. Critics argue these inclusions are symbolic rather than operational. I am not sure that is true.

The industry-specific concerns that are raised – the UDIA and the master builders did provide significant feedback. On the growth areas infrastructure charge, the UDIA supports greater flexibility in using GAIC but opposes provisions treating advance GAIC payments as a GAIC event, arguing this would breach existing arrangements and contracts. On infrastructure contributions plans, the UDIA has welcomed the use of infrastructure contribution revenue for land acquisition but recommends it be extended to all precinct structure plans and include funding for major infrastructure such as drainage assets. Both groups emphasise limiting planning authority administrative costs to the ICPs only, and there are real concerns here.

On the issue of restrictive covenants, this is – and I am conscious of the time I have got here – a very significant concern. People who have bought into suburbs, into estates, will have those genuine covenants that have been put on estates just stripped aside. I raised an example of an estate in Canterbury the other day in this chamber. That estate has beautiful concrete roads and old-fashioned, gorgeous California bungalow homes – a real feel in that estate – protected by restrictive covenants. They are to be swept aside. The fact that they were signed – people bought properties in good faith, expecting those covenants to be honoured – is to be swept aside. Again, this is a centralising government that has really very significant issues in understanding what is fair and what is not fair. The lack of transparency and consultation and the absence of supporting regulations is a legitimate concern. What regulations will be made under this bill? This is a broader trend that is occurring but nonetheless one that I think we should be very concerned about, the loss of so many of the checks and balances that have been in our system for a much longer period of time.

I should, in the short time allowed to me now, make the point that I have had advice on a broad front, as has Richard Riordan, the former Shadow Minister for Planning and Housing, and now David Southwick. Richard has worked assiduously on a number of these matters around this bill. He has met with many different groups and has clearly understood what the impact of many of these changes will be. It will not be more housing, as the government claims. It will not be. It is the economics that is actually driving the difficulties with housing, and a big part of that is the tax layers that the government has imposed. A big part of it is the failure to bring forward additional supply that the government could have done itself now but chose not to do. A big part of it is also the actual economics of how some of the inner-city and middle-suburbs economics stack up. It is true that if you want to build a two-bedroom unit in a large tower in a middle suburb, it is probably going to be in the order of approaching $1 million. That is the truth of the matter in many respects. In many of the suburbs that the government likes to point to and attack, that is the sort of number that is being talked about. There are hundreds, in most municipalities, in some cases thousands, of planning permits that have been issued by the council but have never, ever been acted upon. They have not been acted upon because the market is not there at the cost structure that is actually in the arrangements there.

I want to put on record the assistance from Michael Buxton and a number of others, and I want to note some of the people in Boroondara who have particularly supported some of the examinations that I and others have done – Jane Oldham and others. I am not going to name them all, and I am inevitably going to be in trouble for not naming everyone, but I am conscious of the small period of time that I have remaining tonight.

I just want to quickly return to some of the key issues. The timeframes for consultation and feedback are bizarrely short. The planning scheme amendments will not follow the normal tabling, scrutiny and disallowance procedures. Only a government-controlled SARC motion can be taken to Parliament to overturn a planning decision. Local councils and communities will be swept aside and not given a say in the future of arrangements in their local area. The timelines of the promised reporting and annual performance monitoring and the planning scheme amendment process, including compliance, lack details. The traditional owner arrangements I think will prove to be a cumbersome rigidity in the system that will slow down the outcomes in contravention of what the bill says it is seeking to achieve. And there are the additional development contributions the government has now been talking about in the last few days – thousands of dollars being imposed on every property as a new charge, a new tax.

How on earth do you expect to bring more properties to market if your solution is to put a new tax on that? If you make it more expensive, it gets harder to bring a property onto market, not easier.

I want to conclude by saying – and I feel I could have talked for several hours on this bill without any difficulty at all because there is enormous spread in the bill and what the government is seeking to do – that it is at its heart a bad bill and a bill that will not achieve its objective of more homes. It will ruin the suburbs that we – *(Time expired)*

Sarah MANSFIELD (Western Victoria) (22:33): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. I want to say at the outset that the Greens support the idea that our planning laws need updating. This is long overdue and something that there have been widespread calls for. Not only is there a need for greater clarity, certainty and efficiency, the current laws fail to adequately account for contemporary challenges like climate change and housing affordability. So when we heard this bill was on its way we had high expectations of what it would do with respect to these issues, and while this bill does attempt at least to deal with issues of certainty and efficiency, it was disappointing to see that it really misses the opportunity to create planning tools to deliver more affordable and social housing. It reduces important environmental considerations in planning decisions and removes the power of the Parliament to revoke planning scheme amendments, including for new coal and gas projects.

I want to sincerely acknowledge at the outset the constructive engagement from the Minister for Planning's office regarding our concerns about this bill, and while there were and remain many differences of opinion between us about this bill, I appreciate their willingness to engage in robust discussion and respond to our questions. However, it would be remiss of me not to recognise that key parts of the sector, particularly local government, who bear the overwhelming majority of the responsibility for implementing these laws, have told us repeatedly that they were not meaningfully engaged in developing this bill. In making this comment I cite the excellent work and advocacy of the Municipal Association of Victoria, the Victorian Local Government Association, councils from right across the state and various planning experts, who have reached out to us in various ways to share their concerns. Not only does failing to engage local government remove valuable technical expertise, it also removes an important voice of our communities.

It has become the habit of this Labor state government to treat local government as an inconvenience or, as it sometimes may be, a convenient scapegoat on a whole range of issues. When it comes to planning in particular, this dismissive approach simply does not make sense. If the state government has any hope of implementing its planning agenda successfully, it needs local government on board. Yet instead of looking at how different levels of government and the system can work together to tackle the housing crisis, this government and many others around the country in fact are falsely painting local government and planning as the cause of our housing crisis.

Now, first things first: planning is not the problem. Planning is really important. It is complex, it is layered and it often takes a long time, but for good reason. Fundamentally it is about keeping people safe – safe from natural and iatrogenic environmental hazards, safe from building hazards and safe from detrimental health impacts of poorly designed places. We have had countless royal commissions and inquiries into various disasters that recognise the central role of planning in preventing or limiting harm to people and the environment. In short, planning saves lives. It also helps to ensure orderly development, consideration of current and future needs, the balances of the rights of different interests and the appropriate use of resources. Further, to blame planning for the housing affordability crisis ignores the fact that this is a crisis that is being experienced right across Australia and indeed across much of the world. All of these jurisdictions have vastly different planning systems, and yet their citizens are also increasingly struggling to be able to afford to buy a house.

Secondly, blaming councils for the housing affordability crisis is also without foundation. Councils approve the overwhelming majority of planning applications. As my colleague in the other place the member for Richmond explained, we only have to look at the number of approvals that are currently

sitting there with not a speck of soil turned. In Melbourne there are a hundred active development permits that have not been acted on – 118 residential buildings and almost 22,000 apartments where work has not commenced. In my home town of Geelong there are numerous apartment buildings in the CBD that have been approved that are waiting to proceed. The hold-up is not the councils; it is not the planning laws. It is the fact that developers cannot make enough of a profit yet, so they wait. But there is a current, trendy school of thought emerging around the country from those who I suspect might be keeping a copy of *Abundance* under their pillows, that if you deregulate the planning system and let the market take control, this will magically unlock all of this unicorn affordable housing. This assumes that housing markets operate on a neat Marshallian supply-and-demand curve in a perfectly competitive market with no externalities. It is underpinned by the idea of what I have heard referred to as 'moving chains' but I prefer to call this idea 'trickle-down housing', where rich people buy up new, expensive housing and then in moving out of their big old mansions they somehow free up cheaper housing for those on lower incomes. I am certainly no expert – and I do not claim to be – in housing economics, but I do have a reasonable foundation in health economics, and that deals with some pretty complex markets, and I know enough to say that the real world does not work like this. There are many problems with this philosophy, including the lack of decent evidence about this in the Australian context, as was highlighted in an excellent paper about the economics of housing supply by the New South Wales parliamentary research service. I recommend this to anyone who is curious about evidence in the Australian context about this issue.

Fundamentally the issue when it comes to our housing affordability crisis and the problem with framing it as just a case of simple supply and demand is that it overlooks that the need for individuals to have housing is not discretionary, it is absolute. This is not some sort of luxury consumable, it is a fundamental right. It is something that people absolutely need, and their ability to exercise choice is extremely constrained. For other essential things, like water, energy and health care, we have loads of regulation and government intervention to ensure that people have access. We do not just simply leave it purely to the markets. I accept that there are massive cost barriers that people experience with all of these different areas, and on many fronts that is getting worse, and we need further government intervention to support and protect people from the financial costs that are becoming crippling. But they are nothing like the barriers we are seeing when it comes to the cost of housing.

Right now housing is only getting more unaffordable. Many young people face the prospect of never being able to own their own home. In fact many, many young people are struggling just to even pay the rent. Increasing numbers of Victorians are finding themselves homeless, and this is only projected to get worse. What we are witnessing is mass market failure and the miserable human cost of the failure of governments to stop it. The sole trick the government is pulling out of their hat to address the housing crisis is to make some tweaks to the planning system that mean developers can now fill out some simpler forms, and we are supposed to believe that this will somehow magically lead to the proliferation of housing, so much so that prices will drop to affordable levels.

We are essentially trying to get the market to solve the crisis that it created. It is never going to work. The government has really missed a huge opportunity before them in reviewing the Planning and Environment Act 1987 to use the planning system to help to do something real about the lack of affordable, public and community housing by creating a legal framework for planning authorities to implement inclusionary zoning policies. This is something that has long been called for by housing and homelessness support services, planners and local governments. Indeed recommendation 24 of the government's own inquiry into regional housing that was tabled in the last sitting week calls on the government to implement mandatory inclusionary zoning of affordable and social housing as part of new residential developments. That was a government-led, government-chaired inquiry. That was one of the key recommendations.

Yet planning authorities, including the state and local governments, currently lack the legislative power to be able to require developers to provide a proportion of affordable or social housing in any new development. That recommendation currently cannot be properly implemented. Without these

provisions in our planning laws, the state government's current drive to infill inner-suburban Melbourne through the activity centre program, for example, is a huge missed opportunity to deliver genuinely affordable and public housing we need right now. That is why the Greens will be moving an amendment that seeks to create heads of power within the act that would enable councils and the state government, when creating a planning scheme amendment, to require a specific proportion of land or dwellings to be affordable or social housing. I request that those amendments be circulated now.

While the effective delivery of this will require state and local governments to set ambitious policies and targets and commit to them, this is a fundamental step in unlocking this power. We know such ambitious policies are possible. For example, our neighbours over in South Australia, their government has committed to a respectable 15 per cent affordable or social housing in all new developments over 200 dwellings. We think we should have more ambitious targets than that, but at least they have gone ahead and done that. Tens of thousands of dwellings are projected to be delivered under the government's activity centre program, which, it should be noted, will power ahead with or without this bill. The activity centre program, which I know that there is a lot of community concern about, does not need this bill for its rollout. Currently there is no requirement or intention for any of this new development in these activity centres to deliver affordable, public or community housing. We think our amendment will unlock the potential to require a decent chunk of the housing in activity centres to be genuinely affordable and social housing, because unlike other provisions in this bill, this will come into effect, under our amendment, immediately upon royal assent. If our amendment passes, we think this will be a significant improvement to this bill.

Many of the changes in this bill before us also concerningly change language that is well understood by planners and provides fundamental protections for people and the environment. We will be seeking to reinstate a key term, 'ecological processes', in the objectives of the act. While the government has argued that its removal and replacement with 'ecological and genetic diversity' does not change the meaning of the objectives, based on feedback from planners we beg to differ. 'Ecological processes' captures key concepts like the natural flow of water across the land. This is a critical consideration in planning decisions, particularly given increasing hazards like flooding related to climate change. We will also be interrogating other changes to the language in the objectives during the committee stage of this bill, including terms like 'safety' and 'fairness', to ensure that fundamental ideas that previous terminology covered have not been lost.

Many of the concerns being expressed in the community and from key planning stakeholders relate to the unknowns of this bill, because so much of what is about to happen is going to be left to regulations that are yet to be developed. This includes things such as the timeframes for permit assessments and approval in the three different pathways, something that I know is of significant concern to local government, especially small rural councils that might only have one planner, for example. The concerns also relate to planning changes that are already occurring and are continuing to occur, as I said, with or without this bill passing, because they too rely on planning scheme amendments and regulations that exist outside of this legislation. As mentioned earlier, things like the activity centre program do not actually need this bill.

Another key example is the townhouse code VC267, which was the subject of significant criticism in a select committee inquiry report earlier this year. Key concerns involved the switching off of consideration of key provisions in the Planning and Environment Act, such as the risk of flooding or landslip where an overlay is not yet in place but the risk is known, or the risk of building on contaminated land where overlays simply do not exist. It also highlighted concerns like the lowering of environmentally sustainable development standards and loss of tree canopy and vegetation. We are still waiting on a response from the government to the recommendations of that report. While they indicated, following the inquiry in some of the debate that occurred, that they are willing to make adjustments to these planning schemes if needed, if they realise that something is not quite working, I am genuinely concerned by what we are hearing from local government about the lack of willingness of the state government to take on their feedback.

We also understand that the Victoria Planning Provisions are under review at the moment. It would probably have made sense to start with this and then sort out the act, and then look at some planning scheme amendments, rather than doing it the way it is being done. But I have a feeling that trying to make sense of this is not going to be very good for my wellbeing, so we will park that. But it is critical that this VPP review involves local government and planners so that the system actually works, and it has to centre safety and wellbeing of current and future generations. We need assurances that local government and planning experts will have a seat at the table – and not just a token seat amongst a sea of industry interests, or a seat that is just a tick-a-box exercise or is just dismissed. They will have proper representation and be able to provide key technical advice to the minister on development and implementation of new regulations and timeframes; changes to the VPP, including permit types; development of ministerial guidelines and directions; review and reworking where required of existing regulations and codes; and oversight of implementation of the overall planning program. Such input and oversight has long been called for by local government, was twice recommended by the Victorian Auditor-General's Office and was a key recommendation of the planning select committee inquiry earlier this year.

For this sort of arrangement to be constructive it requires that, as I said, it is not just a tick-a-box exercise. The state government and planning department must genuinely engage and listen to planning experts. Unfortunately there is no tool available – there is no way we can legislate good engagement. You cannot legislate good engagement, but surely given what is at stake here the government should recognise that it is in their own best interests to get this right. This is especially the case when it comes to avoiding development that puts people's health and lives at risk, such as in high-risk flood zones. Not only would I hope that this is something everyone would agree is just the right thing to do, but it is a government's primary duty to protect people.

Additionally, the Ombudsman's report into the Kensington Banks flood issue should highlight that in addition to considering people's health and wellbeing and lives, which should be the primary consideration, the other consideration for governments is the potential cost in liabilities arising from sloppy planning, so this should also be something that is front of mind for this government. If we move to section 6 of this bill, which apparently attempts to implement the recommendations of IBAC's Operation Sandon, we think this whole section is a bit of a mess, to put it mildly. The provisions in the bill do not really reflect what Sandon recommended, they are convoluted and I think they are only going to add to confusion and further inconsistency, which are really the perfect circumstances for corruption to occur in. The mess appears to be the result of what I can only conclude has been the inability of different departments to collaborate on this work. A fulsome response to Sandon on these matters quite obviously requires amendments to at least two, if not three, acts, including the Local Government Act 2020, the Planning and Environment Act 1987 and possibly the Electoral Act 2002. It also requires a shared understanding across local government and planning departments to ensure that it makes sense and that it does what it is intended to do, which is to prevent corruption in planning matters. I strongly suspect we will be revisiting this issue soon, in one way or another, when it becomes clear that what has been proposed in this part of the bill – it is probably well-intentioned, but it just has not been executed properly – becomes apparent. We are going to be interrogating this a bit more in the committee stage of the bill, but as I said, I suspect this is part of the bill that just will not work well in practice.

Finally, this bill – quite astoundingly – seeks to make amendments to planning schemes related to oil and gas, and I quote from the bill, 'to facilitate exploration and extraction'. Once again Labor shows its true colours on climate: talking a big game but quietly helping the fossil fuel industry to expand. This is an extension of the similarly outrageous provisions in this bill that remove the Parliament's ability to disallow planning scheme amendments, including for residential and commercial developments. We absolutely cannot support a bill that removes this power regardless of anything else that it does. Disallowance of a planning scheme amendment or regulation is a power that is very rarely used by this Parliament, but taking it away is a dangerous concept and an erosion of respect for democracy. It is also an important safeguard, this power, for communities who are increasingly being

cut out of planning decisions through the various planning schemes and codes that are being rolled out by this government. Therefore, we will be seeking to amend the bill to restore these critical powers to the Parliament. I would hope – and I really expect – this is something that has widespread support across this chamber.

Overall, can I conclude by saying that while we think that there are some things that this bill does that are reasonable, there are many aspects that we are disappointed with. However, we have put forward a range of amendments that we think make significant improvements. I would really encourage members to look at those amendments and to please consider supporting those. We will be asking a lot more questions and looking further into this bill during the committee stage.

Sheena WATT (Northern Metropolitan) (22:54): Thank you so very much for the opportunity to rise and make a contribution to the debate on the Planning Amendment (Better Decisions Made Faster) Bill 2025. This bill delivers some of the most significant reforms to the Planning and Environment Act 1987 in decades. It responds directly to the commitments the government made in the housing statement and reflects the scale of change required to prepare Victoria for extraordinary growth over the next 25 years.

The bill before us has three main objectives: first, it seeks to significantly reduce the time, cost and complexities associated with making planning scheme amendments by establishing new approval pathways that are proportionate to the risk and complexity of each amendment. Second, it aims to dramatically reduce the time and cost of obtaining planning permits by creating assessment pathways that better reflect the level of risk, impact and complexity of the development application before the responsible authority. Third, it makes a wide range of reforms to improve efficiency and increase transparency, providing greater certainty and ensuring that the act is fit for purpose to deliver on our housing statement commitments. These reforms sit within a very clear context through the *Plan for Victoria*. The government has undertaken some of the most comprehensive engagement processes in our state's history, working systematically with communities, traditional owners, councils, peak bodies and industries to plan for the future.

Housing targets have been set for every local government area, and they have already been incorporated into all planning schemes. These targets make clear the task ahead and the scale of the task ahead. Over the next 10 years alone we will need planning scheme amendments to enable land supply for around 180,000 new homes in greenfield areas, and we will need many more amendments and permits to facilitate the 720,000 additional homes that must be delivered in our established suburbs. To deliver this it is essential that decision-making processes remain robust economically, socially and environmentally, but also proportionate, agile and efficient. Processes that take two years or more to complete simply cannot meet the demands of a growing population or the expectations of existing and future communities. These changes reinforce the principles that panels are not courts and hearings should not be adversarial battlegrounds dominated by legal representatives. They exist to provide independent expert review.

The bill also introduces a suite of complementary reforms to further reduce delays and increase certainty. Councils will be able to recover costs when progressing proponent-initiated amendments, giving them capacity to support applications without bearing the financial burden. The minister will have a prescribed timeframe to make authorisation decisions following a request for further information, addressing one of the key bottlenecks in the current system. The bill also empowers the minister to grant exemptions from notice and exhibition where equivalent consultation has already occurred, preventing duplication and delay. The bill also strengthens compliance and enforcement by providing new tools and updating penalties and sanctions to reflect modern regulatory practice. It reduces ambiguity and lowers the risk of compensation claims against the state. It simplifies administrative requirements under the distinctive areas and landscapes scheme and acquits outstanding recommendations from IBAC's Operation Sandon and the Legislative Council Environment and Planning Committee.

This bill recognises that a planning system designed 40 years ago cannot meet the needs of a rapidly growing Victoria. It modernises that system so we can deliver the homes, infrastructure and services our current and future communities need. I commend the bill to the house.

Gaelle BROAD (Northern Victoria) (22:58): I am pleased to be able to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025, but I think all of us in this chamber know – or most of us do, perhaps – that it is going to be the 'worse decisions made faster' bill. It is clear that there is an issue. We do need more houses across the state – there is no doubt about that – but it seems clear to me that this government has completely missed the target and is completely off track.

This bill has been rushed in many ways, because you can see that there has been no consultation with the people that I consider to be key stakeholders in this. Local councils – I have heard from a number of them – have said they have not been consulted, and I have heard that some early consultation had been done with non-disclosure agreements as well, which I think is quite extraordinary, because there should be transparent discussion on this to get the best outcomes.

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I declare the sitting be extended by up to 1 further hour.

Gaelle BROAD: I think it is quite extraordinary, in a way, that this legislation is coming before us in a rush, because I go back to one of my early speeches when I was first elected. It was about the fast-track pilot program that had been held. There had been a pilot program that had been held two years prior, so this was back in 2023. I raised the issue in March, asking the government what had happened, because the department had done this pilot program with councils like the City of Greater Bendigo, yet the councils had heard nothing from the government. At the time we were looking at the Commonwealth Games and the need for a lot more homes, and I guess of concern to me, as it was in the community, was where everyone was going to stay. It was just interesting that it took the government some months to respond. That was in July. They came back with a response saying, 'Yes, we're looking into this fast-tracking pilot program.' And then lo and behold in December 2023 they introduced that program. To think that they took over two years, had not done anything on it and it had just been sitting on the shelf with no action taken – it took them a very long time to actually implement that.

Here we have rushed legislation. This is a significant overhaul of Victoria's planning system, handing broad new powers to the Minister for Planning while diminishing the role of councils and local communities. These proposed changes have been made without meaningful consultation and risk eroding transparency, accountability and local representation, which is particularly important in regional areas, because you cannot have communities that are hundreds of kilometres away from Melbourne having no engagement in what is going on in those communities and the decisions being made in Melbourne, which is what we will see under this bill. Despite the scale of these reforms, the government is seeking to rush them through before Christmas, allowing very little time for proper scrutiny or community input. On this side of the chamber we are very supportive of it going to a parliamentary inquiry through this Council chamber because that will enable a thorough examination of this bill and ensure that councils, community groups and planning experts can provide evidence. I remember the WorkCover issues and being involved in that inquiry, which was actually over the Christmas break some time ago now, but it was just short, succinct and was able to really look into the issues at the time.

I know I have spoken previously as a member of the Scrutiny of Acts and Regulations Committee. We review all the legislation coming before Parliament and certainly raised concerns about this bill in a minority report, which is on page 77 of *Alert Digest* No. 15, if anyone wants to go and do some bedtime reading, because I think it flags quite a few concerns I have spoken to previously.

Just to give some insights into the concerns that we want to raise, as I said, this is a major review of the planning scheme and not due for implementation before October 2027. Key stakeholders such as councils and key industry lobby groups have been given a very short time to review the entirety of the bill. The planning scheme amendments will not follow the normal tabling, scrutiny and disallowance procedures, and parliamentary oversight will be significantly diminished or removed. Local councils and communities will be largely cut out of deciding the opportunities for growth in their communities. Next-door neighbours in many cases will not be notified of development plans, while traditional owners will. Another key concern that has been raised is growth area infrastructure contribution, the GAIC, and development contributions can now be used for purposes outside the area where the funds are raised. There is a significant lack of trust in the government's spending of developer funds and certainly a concern that this process will be abused. Another key concern is that there is a requirement to notify traditional owners, which has the potential to increase time and cost pressures. Referral authorities can charge fees, and these fees are not identified and schedules are not known. There are no requirements for the minister to make decisions in a timely manner. I know it has been referred to as the minister's 'scary cupboard', which is exempt from change, and yes, there certainly could be a lot of things in that bottom drawer.

I have received correspondence from numerous councils, and I just want to highlight some of the concerns that have been raised with me, because I think it is important for this chamber and for the government to actually be aware of what is being shared. City of Whittlesea, in their correspondence, pointed out:

> **Most details are left to the regulations without any guarantee of consultation** …
>
> The Bill provides over 100 instances where matters are to be prescribed in the regulations.

And I know Dr Mansfield in her contribution also referred to that significant reliance on the regulations.

Murrindindi Shire Council has pointed out, in their correspondence:

> As a small rural Shire with a small planning team, we do not have the capacity to reasonably work within the proposed timelines authentically. The Bill appears to have been designed for middle Melbourne in mind, without regard for the resourcing constraints of rural councils.

And Nillumbik shire, in their correspondence, pointed out the:

- **Lack of genuine consultation:** Local government, which will bear significant responsibility for implementing these reforms, has not been meaningfully engaged in the Bill's development.

Another aspect, which I think is worth raising in the chamber, is that put forward by the Yarra Ranges council. I grew up in the Yarra Ranges area, so I am certainly aware of the issues they have raised here. To quote from their correspondence, the bill:

> **Compromises environmental and public safety** by removing the objective of ensuring safe and healthy living and working environments from the *Planning and Environment Act 1987*, and by enabling fast-tracked approvals that may bypass critical assessments related to environmental and hazard risks.
>
> Yarra Ranges is highly vulnerable to bushfire, flooding, and landslip hazards …

It goes on to talk about the overlays and also erosion. It says the bill is:

> Streamlining planning processes to fast-track housing in some areas, ignoring recommendations of Bushfire Royal Commissions …

And it goes on. I just think that these are all very important things to consider.

I also met with Mitchell Shire Council, and they talked about that GAIC funding. As I said, this bill opens the door for that money not to be allocated to that community but to be taken elsewhere. And that does set off alarm bells for me, because I think of what we have heard in this chamber about the Suburban Rail Loop. We know they are looking to raise funds because they do not have any idea of how they are going to fund it. They are certainly leaning on the Commonwealth government, and the

Commonwealth are saying, 'Well, we'll let you know come May.' But Mitchell shire have got a rapidly growing population. It is growing by about 6 per cent each year – that is their average annual change, and it is quite extraordinary. There are a thousand additional lots a year, and with that, they need a lot of amenities and community infrastructure. It is not industrial development, a lot of it is residential development, and that requires the community facilities and the infrastructure.

We have already had under this government the Growing Suburbs Fund completely disappear. That was $50 million; it was cut down to $5 million and now zip, zero, nothing. So it is not looking after the regions or growing suburbs of Melbourne, but certainly this government seems to love the inner-city seats of Melbourne where public transport and infrastructure are readily available. But for the growing suburbs and certainly out in our region and in Mitchell shire, this is a significant concern. When you consider the cost of infrastructure has increased by about 30 per cent, it is quite extraordinary, and there is a real risk in that in this bill.

I think it is important to reference the local council sustainability inquiry that I was part of. Mrs McArthur, you were involved with that as well. It was clear that this government is putting a lot of pressure on councils. I remember talking about the need to have a seat at the table, and certainly with this bill, they have not had a seat at the table. I think, in conclusion, it is worth highlighting as well that whilst this government talk about trying to build more houses and make things, we have got over 65,000 people on our public housing waitlist, so we know there is a huge need for additional housing. I was talking to a dad in Bendigo with his son, who tried to do a development, to subdivide a small block of land, and they were looking at $140,000 in costs involved in that. Then we have heard the government also introduce just recently, or talk about introducing, an $11,000 tax on every new home built in 58 activity centres across Melbourne. They think, 'We'll put that on to the developers.' Well, guess what, that will flow through to the cost of the homes and make it harder for people to find a home in this state. We certainly need more houses, but this bill completely misses the target. We oppose the bill, and we will certainly be supporting the move to an inquiry to examine the detail and engage the stakeholders that will help this development and planning in future be better, rather than what we see under this bill, which is worse decisions being made faster.

Wendy LOVELL (Northern Victoria) (23:11): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. This bill will amend the Planning and Environment Act of 1987, with the main objective being to speed up approval times for planning permits and planning scheme changes. The government claims that these amendments are necessary because there is a housing crisis and the housing crisis is being caused by delays in planning stages of residential developments. But in reality the housing crisis is being caused by failed Labor policies that have massively driven up the cost to build.

Analysis shows that nearly half of the cost of building a home is taken up by fees, charges and red tape. With this bill, the government wants to force councils to approve permits faster and stop local communities from having input into planning decisions in the belief that this will lead to houses being built more quickly and more affordably. But the bill will not achieve those objectives. What it will do is make the planning system more expensive for councils, it will make property development more chaotic, it will undermine the democratic principle of community control over their neighbourhoods and it will reduce public trust in the planning system. This is why the Liberals are opposing this bill.

Victoria desperately needs reforms in the housing sector to make homes more affordable, but this bill is not the solution. I have been contacted by many local government authorities in my electorate who will struggle to implement the changes brought about by this bill. On Tuesday this week I tabled a petition signed by over 2400 residents and ratepayers of the Mansfield Shire Council calling on the Legislative Council to refer this bill to an inquiry so that proper consultation with rural councils and communities can occur before any changes to the planning system are passed. Along with the Mansfield Shire Council, I have heard from the City of Whittlesea, Moorabool Shire Council, Nillumbik Shire Council, Murrindindi Shire Council, Yarra Ranges and the Mitchell shire as well. Mrs Broad has just outlined all of their concerns, so I will not go over each of those letters again and

outline those concerns because they have been very eloquently put by Mrs Broad. But every single council in the state is opposed to this bill because it will create too many new problems in its single-minded attempt to speed up the approvals process.

The main effect of this bill is to divide planning permit applications into three pathways, for low-, medium- and high-risk projects. Stream 1 is for low-risk projects such as alterations to single dwellings. Stream 2 is for medium-risk projects such as townhouses or low-rise developments. Stream 3 is for high-risk projects that are taller and higher in density.

We have many concerns with this bill, one being the lack of notification to neighbours. It is highly concerning that for type 1 and type 2 applications there is no requirement for neighbours to be notified and no avenue for them to object to the proposal. You could wake up one morning and be totally surprised by the builders working next door to add a new room to a house that impedes your privacy or restricts your amenity, but there is no requirement to notify you that that is going to happen, and you have no avenue to object. But there is a requirement to notify the traditional owners, and if they do not respond by the deadline that cannot be taken as consent. So planning applications can still be held up because the traditional owners have not replied and have not given their consent.

Another concern is that the developer selects the pathway. Instead of council planners assessing an application and deciding which pathway it belongs to, developers get to decide their own pathway, which could lead to frequent unintentional errors or even a developer intentionally choosing the wrong pathway to access an easier assessment process. This is a real concern, because there is only a tiny five-day window for council planning staff to assess applications and change the pathway if there is an error. If those five days pass without change, it cannot be changed later on. Higher risk planning permit applications may be locked into a low-risk pathway and risk automatic approval.

The bill also removes Parliament's power to disallow planning scheme changes, meaning parliamentary oversight will be significantly diminished or removed. This bill destroys all important democratic checks and balances. The bill will create a significant regulatory burden on local government. Local governments will have to change all of their IT systems – they will all need to be reconfigured. Many councils already do not have enough statutory planning staff, and this bill will create more work that needs to be done in very short timelines, so that will be very difficult for councils. And it is not like the councils can just say, 'We'll just hire more planning staff', which would increase their cost burden – there are no planning staff in many areas, and it is very difficult for councils to attract them. These short timelines will put additional pressure on planners and cause errors. As I said, many of our local councils have written to us to object to these changes.

I would also like to point out that, while the government is blaming local councils and saying they have to approve things in shorter timelines, the Macedon Ranges council has actually sent three letters to the Minister for Planning asking her to prepare planning scheme amendments and to commence a process for implementing the changes, but all that the minister has done is send a letter in September 2024 acknowledging receipt of the plans and council's decision to adopt them. Since then the minister has been silent. The plans have been sitting on the minister's desk for over 12 months, and nothing has been done to move the process forward. This government expects councils to fast-track planning decisions but cannot even approve changes to the planning scheme that would assist this council to actually grow the number of houses in the Macedon Ranges. If the state Labor government wants more housing, why is it holding up the process to amend the planning schemes for these towns and allow them to build more housing?

This bill has so many problems because the Labor government, in its arrogance, totally failed to consult with local planning authorities who will actually have to implement these changes. It is no surprise that in developing this bill, which is designed to shortcut the consultation process for planning permits, Labor also took shortcuts when it came to consulting with councils about the bill itself. Of major concern is that this bill will allow growth areas infrastructure contribution funding to be used for new purposes outside of the GAIC area. The GAIC tax is usually paid by developers, but the cost is

ultimately passed on to homebuyers through the price of land. It is money that has come from every block of land bought in places like Donnybrook in the City of Whittlesea to cover the cost of roads and other infrastructure like community spaces, kindergartens et cetera in that local community. This proposal allows the government to take that money away. The City of Whittlesea already say that they have not had their GAIC money returned to them, that they are being short-changed on GAIC, but this bill will actually make it worse and it will make it easier for the government to redirect that money. This change could result in GAIC funding directly funding unrelated mega projects, including the Suburban Rail Loop or any one of Labor's black holes. As we know, Labor is good at juggling the money around and creating smoke and mirrors. We read about this in the *Age* this morning, where Labor are requiring health services to transfer money to the department – money meant for employee entitlements. But what does Labor say? It says, 'Don't worry. We'll give you a letter of comfort.' It is smoke and mirrors. It is robbing Peter to pay Paul to appear as if they have a balanced budget, when they know they have a significant problem with their budget.

A summary of the opposition's concerns with this bill includes: a lack of time for consultation and feedback, local councils and communities being largely cut out of deciding on opportunities for growth in their communities, affordability being deprioritised within the objectives and climate change and traditional owner concerns being prioritised over affordability of housing in the planning objectives. The growth areas infrastructure contribution, as I have just said, and development contributions can now be used for purposes outside the area where the funds are raised, and there is a risk of inconsistency without clear and objective guidance to councils to ensure consistent interpretation and application of reforms.

Revocation of critical parliamentary oversight mechanisms is a real concern. That is something that has existed in this state for well over 100 years – that ability for the Parliament to have oversight. Traditional owner requirements are onerous and detail is missing in the legislation. You could wake up one day and find your neighbour has a significant redevelopment going on next door to you, and you will have had no ability to have any input or say to protect the amenity of your property. This is a bad bill, and it should be opposed.

John BERGER (Southern Metropolitan) incorporated the following:

President, I rise to make a contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025.

This bill is the most significant overhaul of Victoria's planning laws in a generation.

The Premier has set out her vision as one where as many Victorians can get into their first homes as possible, as the crunch of affordability starts to bite prospective first home buyers.

And this bill is a major change to our current planning regime in this state, unlocking opportunities and boosting housing supply across the state, so that we can build more homes where Victorians need them most.

Before I get into the substance of this lengthy and comprehensive bill, I would like to first thank my friend the Minister for Planning in the other place, Minister Kilkenny, for putting together this once-in-a-generation reform package.

The dream of home ownership is a long-held Australian dream which motivates tens of thousands of Australians each year to buy their first home.

But as anyone with a mortgage or living as a tenant will know, the housing market is tough these days.

While this Labor government over the past 10 years has enacted some of the most progressive reforms around renters rights in Australia, it remains true that fortnightly rents have risen considerably.

Likewise, when it comes to first home buyers, not only has the price of housing skyrocketed over the past couple of decades but mortgage and interest payments have gone up too.

We are a fast-growing state, with a population expected to pass London's present population within the next 25 years.

What has become increasingly evident over the past few years is that as our population booms and our economy continues to grow, we need to be building more homes.

The pressures of housing affordability are almost directly correlated with relatively lower growth in the number of homes available on the market.

In basic economic terms, the demand for housing will only be rising as Victoria and Australia continue to grow, yet our supply of housing is low.

It's made homes more and more expensive, pushed rents higher, and is slowly pushing first home buyers and tenants away from the city and away from where they grew up.

It's forcing new families to move further out from the city, away from their jobs and their schools.

So what we have here, President, is a comprehensive set of reforms aimed at reforming the state's planning system in order to speed up the number of approvals, helping to get more homes built faster and helping to boost the supply of housing.

In other words, we are getting better decisions made faster.

President, when then Premier Daniel Andrews released the housing statement shortly before his retirement, he set out the vision of a bigger Victoria.

It set out a plan to deliver 800,000 new homes over the next decade.

And by 2051, it was hoping to build upwards of 2.24 million.

It's an enormous task, and it requires the cooperation of both state urban planning authorities and our local councils.

But we do not have time to waste.

Unfortunately, there is currently a large backlog of approvals sitting in the system, slowly being reviewed and scrutinised endlessly.

Currently, for a planning permit to get approved, it takes upwards of 140 days on average to pass.

And that's if there is no objection from local residents about one thing or another.

If objections are raised, the wait time for an approved permit blows out to more than 300 days on average.

That's nearly a whole year that first home buyers, renters, and builders are left waiting to get started.

That's valuable time they shouldn't have to waste.

And it's not just for detached single-family homes either.

This approvals process was the same for all projects, whether big or small.

That means building a single-family home in an outer suburb could take the same amount of time to approve as an apartment complex in the inner suburbs of Melbourne, despite the latter housing many more people and being much more complex.

This bill will set out a pathway to change this.

Instead of one singular process to deal with all the planning changes in the state, we will now have three main streams for approvals to undergo.

The three streams are broken down by the size and complexity of the project.

The first stream is for standalone homes, detached single-family homes, and duplexes.

In this category, approvals are set to take just 10 days, which is a major cut in wait times for permits compared to 140 days.

Instead of waiting four to five months, families will now just have to wait less than two weeks.

The second stream is for townhouses and low-rise housing developments.

Low-rise developments refer to projects of upwards of three storeys.

This category can expect approvals for permits to be granted in around 30 days.

And the third category is for the most complex projects for housing, such as apartment complexes and buildings, which will come in at around 60 days.

This is a major cutback from the existing 140- to 300-day timeline for these projects and will see more shovels in the ground and building projects take off.

It gives certainty to Victorian families, and to builders, who now can get to work quicker instead of having to wait upwards of a year to build a simple standalone house.

President, another major change in this bill is around the appeals process.

Currently, Victoria has some of the broadest third-party appeal rights in the country.

These rules were written decades ago, when Melbourne's population was just 2 to 3 million.

Our urban sprawl was nowhere near as spread out as it is now, though it was still quite spread out even then.

But these rules meant that anyone could object to a planning permit, even if they didn't live anywhere near the development.

This has meant for years that a lot of developments could be held up for months, if not years, because of the objections of residents who might not even live in close vicinity to the site.

And if we want to lift the pace at which we get these approvals done, it means we have to dispense with the idea that anyone can object to someone building a new home, especially if that new site isn't even near the objector.

This bill is moving to change this.

The first two streams, those being the standalone homes, duplexes, townhouses, and three storey low-rise developments, will no longer require notice and will no longer have third-party appeals.

It's a commonsense reform that will get projects moving again, instead of being held up by distant third parties.

First home buyers should not be held back by NIMBYs who live several suburbs away.

The third-party appeal process will remain in place for apartment complexes and similarly dense projects, but it will only be for those directly impacted by the development.

That means just the neighbours in the area will be given notice and have the right of appeal, but it will not extend to those far and distant from the site.

While I anticipate there will be some protest about this particular change, it is important to understand a few key points.

The current scope and rights Victorians enjoy for appealing new developments are the most broad based in Australia.

Nowhere else in this country can absolutely anyone raise objections to projects that might not even be around the corner from them but several suburbs over.

And for too long, it has held back Victoria from building the number of homes we need.

It may have been reasonable and fair when Melbourne's population was growing at around 20,000 to 30,000 a year, as it was doing in the 1970s and 80s.

But we are far past that era.

Each year, we are growing by over 100,000.

Melbourne is no longer a city of 2 to 3 million Victorians living in sparse suburbs but a city of 5 million that is expected to pass over 8 million in just three decades.

Compare that to three decades ago, when Melbourne had 3.2 million residents.

Our population is growing faster and faster, and we need to move even faster with boosting housing supply so that we can stop pricing young Victorians and new families out of homes.

And to boost that supply and bring it back up to an acceptable level, it means a major overhaul in how we approve these projects and minimising the number of unnecessary interruptions.

Our current system has led to a large backlog of projects not getting approved, and it's about time we get moving and let builders and Victorian families get on with it.

President, another big reform in this bill is the changes this government is making around the ability to update local planning rules or planning scheme amendments.

Right now, whether it's the state government or a local government, there is a procedure in place when it comes to changing planning rules.

Every local council has a planning scheme which outlines what can be built and where.

That is complemented by a statewide arrangement which broadly sets out what can be built where.

These rules are important.

It'd be ridiculous, for example, to allow for the construction of homes on a wet marshland which developers know will sink away in the coming years.

And it'd be silly to build homes next to a garbage disposal which might be polluting the local air or water.

It's these commonsense regulations and rules which are embedded in these planning frameworks.

Unfortunately, even making small changes, fixes, or updates to these rules is a slow process.

It is complicated and takes more time than it really needs to.

This reform introduces a smarter way to assess those changes.

Simple updates, like fixing a zoning boundary here or there or adjusting a local policy, will be easier under these new changes, because it should not be an administrative task and a half to get a simple fix sorted.

More complex changes that require a lot of consideration – for example, rezoning whole plots of land for a new purpose – will still require a more detailed and thorough process.

But it's about making the system work better and quicker so that we aren't wasting time, money, and resources just to get one small fix sorted.

A more dynamic and efficient system for fixing these problems means more projects can get off the ground and both state governments and local councils can stop wasting endless resources on minor changes to their planning books.

President, Victoria leads the nation when it comes to building and approving homes.

We get projects off the ground faster than any other state, and we're getting them done before them too.

In the latest ABS report, we can see just how much Victoria is not just pulling its weight but punching up.

Over 29 per cent of all the private homes approved in Australia were right here in Victoria.

And we are still approving more than any other state.

In the latest figures, Victoria has issued 2654 building approvals for private homes.

That beats out New South Wales, which failed to even hit 1800.

In second place was Queensland, with just over 2000.

Victoria is leading the charge on getting more homes built.

But it is still not enough.

Our housing market is not up to scratch.

Even with our world-class protections for renters, it is still difficult to find a rental property, because for too long housing supply has not been keeping up with demand.

For almost a decade, while demand for housing boomed, Victorians had a federal government obsessed with keeping interest rates low for families who had already bought a home.

The Allan Labor government takes a different view.

We want to make the housing market work for everyone, not just those who manage to get onto the ladder.

The market has changed considerably from what it was just a couple of decades ago.

Twenty years ago, the median home was valued at just north of four times the median income.

Now it is around 8.6 times as much as the median income.

For those who are yet to buy their first home and are instead paying rent, the share of their income devoted to serving that rent has also shot up.

Twenty years ago, it was closer to around a quarter of a renter's income that would go towards paying their fortnightly rent.

Now, on average, it's about a third of their income.

And unless we act quickly to get more homes out of the planning stage, this trend will only continue.

Population growth will not be slowing down, and it's the job of this place to make sure we plan and prepare for the future.

We cannot stick our heads in the sand and turn a blind eye to the housing affordability crisis.

The Allan Labor government understands this, and that's why housing is a top priority for us.

We need to get more houses built quicker.

And reforming our complex and outdated planning laws is a core element of enacting that plan.

Our state's planning laws were written decades ago, when Victoria and Melbourne were much smaller places with fewer people and much more land to go around.

Now we're bringing these laws into the 21st century, where we see the necessity of not just building more homes but building them quicker.

And in order to do that, we need to take the legislative steps that allow for better decisions to be made faster.

This bill is fixing a planning system that's been slowing things down for too long.

It is creating clearer rules, faster decisions, and fewer delays for people trying to build a home.

And it gives certainty to builders, families, and first home buyers.

Neighbours will, of course, keep their right to their say about a high-density development.

But new homes shouldn't be delayed by people who don't live anywhere near a proposed project.

It doesn't make sense, and it's not fair on Victorian families.

And that's why we're making the necessary changes to cut back these delays and get homes built.

President, I am proud of the reforms this Allan Labor government has enacted over the past few years.

It is the most ambitious and progressive housing policy agenda in the nation, and the numbers speak for themselves on its success thus far.

And these new amendments to planning legislation are just the next step in tackling the issue of housing affordability by getting more homes built quicker and getting better decisions made faster.

And for that, I commend the bill to the chamber.

Jacinta ERMACORA (Western Victoria) incorporated the following:

The Planning Amendment (Better Decisions Made Faster) Bill 2025 amends the Planning and Environment Act 1987 to modernise Victoria's planning system.

At its core, the bill is about preparing Victoria for our future. It will alleviate a lot of the pressures of today as well as future planning for the next decade and the next generation.

Our state is growing. Victoria's population is projected to increase from 7.2 million in 2025 to 10.3 million by 2050.

That growth brings opportunity and responsibility. We must ensure that Victorians have access to safe, affordable and well-located homes.

That is why this government has established clear housing targets for every local government area as part of *Plan for Victoria*.

These targets are not arbitrary. They are based on evidence, infrastructure capacity and future demand.

Importantly, they are now embedded within every planning scheme across the state through amendments to the Victoria Planning Provisions.

This ensures consistency, certainty and a coordinated approach to housing delivery.

The bill provides the essential legislative tools needed to implement that plan.

Targets alone do not build homes. Timely decisions are needed, and right now too many good decisions are taking far too long.

Therefore, the overall objectives of the bill will:

1. significantly reduce the time, cost and complexity of making planning scheme amendments that will be needed to support Victoria's projected population growth by establishing approval pathways that are proportionate to the risk and complexity of the amendment;
2. significantly reduce the time and cost of obtaining planning permits by establishing approval pathways that are proportionate to risk and complexity of the development application;
3. make a range of other reforms to improve regulatory efficiency and effectiveness, provide for greater transparency, increase certainty and ensure that the act is fit for purpose – to acquit the commitment made by the government in its housing statement.

This bill makes changes to land use planning policies and schemes that have not been updated for many decades. This bill cuts red tape whilst retaining the safeguards that ensure good planning.

We can be reassured by looking at our own history of planning by taking historical Melbourne as an example.

Were the terrace homes for Fitzroy and Collingwood a result of compliance with a good planning scheme or the result of no planning scheme at all?

The first subdivisions of the land around the Fitzroy and Collingwood area occurred in 1838–39.

Eighty-eight plots were sold, and while some major roads were already planned, others such as Gertrude Street came about due to subdivision of these plots – a happy accident, you might say.

The authors of the book *Fitzroy: Melbourne's First Suburb* wrote: 'the subdivision of land down to residential allotment size was entirely at the discretion of the owner and there were no prescribed minima for the sizes of the sites or the widths of streets'.

It wasn't until 1849 that the act for regulating buildings and party walls, and for preventing mischiefs by fire, in the City of Melbourne came about to prevent fire spreading through the city.

This legislation did have an impact on the materials used to build new dwellings.

The Heritage Council has written that: 'By 1891, only 51% of Collingwood's houses were brick or stone (outside of the Act) while in Fitzroy, the figure had risen to 83% as a direct outcome of the legislation' (p. 2–3).

The City of Collingwood adopted its first building regulations in 1874, which were described in the book *The Inner Suburbs* as 'perfunctory and inadequate' in part, as there was no minimum size of rooms.

Interestingly, despite possible anomalies in the enforcement of the Melbourne building act and the likelihood that some Fitzroy buildings were constructed in contravention of its provisions, the introduction of the act still had a marked impact on the building industry.

It considerably slowed the rate at which new houses could be built, with the result that supply fell far short of demand.

As a result, these developments served to encourage the construction of smaller and less permanent houses into areas beyond the control of the act, such as Collingwood, North Melbourne and Richmond, where a range of small wooden buildings were constructed in the early 1850s.

But it turns out today, on the whole, the size of the land in Collingwood and Fitzroy is not itself an oppressive phenomenon.

Today, those same houses are now highly coveted, with many homes gentrifying and adding clever high-quality modern extensions.

So, we know that adding in some simple planning laws as early as the late 1800s in Melbourne reduced fire risk but also caused delays and a disorderly development pattern. We know that the absence of planning laws led to poor quality houses. We also know that perfectly acceptable terrace houses, which are now in high demand, were constructed in the absence of land use planning laws. If history tells us anything, there are multiple contradictory outcomes as a result of the presence or absence of land use planning.

Land use planning has most definitely changed since the 1800s.

There are now 82 planning schemes in Victoria.

Each of the 82 planning schemes establishes a unique blend of state, regional and local planning policies and applies a unique mix of zones and overlays that give an indication of the development that may be permitted to occur on land in each municipal district.

Over the last five years it has taken 433 business days on average for a planning scheme amendment to be progressed through the current regulatory process from authorisation through to approval.

If you add the time it takes for a proponent to initiate an amendment through the local council, then it takes over two years on average to make a planning scheme amendment from start to finish. There's no doubt that too much red tape clogs up our housing construction pipeline.

To do this efficiently and effectively, our regulatory processes need to be more agile and responsive.

We can take some lessons from history and appreciate that land use planning can have unintended consequences; however, we also know that stringent planning legislation does not always lead to great outcomes.

The bill before us offers flexibility and a commonsense approach towards timely outcomes.

Making planning simpler and quicker does not necessarily equate to lesser quality buildings or neighbourhoods.

Better decisions made faster will allow us to plan with certainty for the future and most importantly for future generations.

Lee TARLAMIS (South-Eastern Metropolitan) (23:23): 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.

Business of the house

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:23): I move:

That the Council, at its rising, adjourn until Tuesday 9 December 2025.

Motion agreed to.

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:23): I move:

That the house do now adjourn.

Housing affordability

Jacinta ERMACORA (Western Victoria) (23:23): (2212) What a wonderful moment. We have finally got here. My adjournment matter is for the Minister for Consumer Affairs, Nick Staikos. The action I seek is for the minister to provide me with an update on the measures the Allan Labor government is taking to stamp out underquoting.

Cyclone Ditwah

Evan MULHOLLAND (Northern Metropolitan) (23:23): (2213) My adjournment is for the Minister for Multicultural Affairs, and the action I seek is to advise what the government is doing to support our Sri Lankan community and Sri Lanka at its time of need. In doing so I want to draw attention to the situation in Sri Lanka, where severe flooding and landslides have caused a major national disaster. More than 300 people have lost their lives, many are still missing and over 1 million people have been directly affected. Homes, livelihoods and essential infrastructure have been destroyed, leaving families in deep distress. The tragedy has deeply affected Sri Lankan Australians, especially here in Victoria and in my electorate in the northern suburbs. Many families are grieving the loss of loved ones and are extremely worried about parents and relatives back home. I have spoken personally with Pradeepa Saram, the Consul General designate of Sri Lanka, as well as several community leaders, and I have checked in on many Sri Lankan families and friends across Victoria. It is clear the community is going through a very difficult time.

The community response, though, has been truly inspiring. We have seen AusLanka TV play a major role in providing strong and ongoing media support, helping raise awareness and connecting the community. Organisations such as the Lions Club of Plenty Valley, the Australia Sri Lanka Business Council, the Australian Tamil Sangam and many community groups have also stepped up. I want to thank the local businesses, in particular Shawn Mendis Lawyers, ANG Shihara, Map Pin Travel, Ambula restaurant, Sina's Kitchen in Mill Park, Transco Cargo, Sri Lankan temples and many others that have been actively raising funds, collecting essential goods and providing direct support to those affected in Sri Lanka.

I have also myself made a personal donation to support affected families, and I encourage others within the Sri Lankan community and all Victorians to contact the consul general's office to find out how they can assist many families at this time of need. The Liberal Party will always stand with our Sri Lankan community, and this is another moment when unity, leadership and compassion are important. I kindly ask the government to recognise the seriousness of this situation and consider what support can be provided. This is a time when care and practical assistance matter most, and I hope the government will give this matter careful attention and explore ways to assist those in need.

Landcare

John BERGER (Southern Metropolitan) (23:26): (2214) My adjournment is for the Minister for Environment in the other place, Minister Dimopoulos. This year the Allan Labor government invested $3.55 million in the Victorian Landcare program. This went towards funding projects and support costs for organisations across the state involved in Landcare and environmental volunteering community groups working to protect and restore the Victorian landscape. Over the past 25 years the program has invested $84.2 million to preserve our beautiful natural landscapes across the state. That is why the action that I seek is for the Minister for Environment in the other place to join me in visiting one of these projects in Southern Metropolitan Region and to see firsthand the excellent work that the KooyongKoot Alliance has done in preserving the flora, fauna and waterways in my community.

Banmira Specialist School

Wendy LOVELL (Northern Victoria) (23:27): (2215) My adjournment matter is to the Minister for Education, and the action that I seek is for the minister to provide full funding in the 2026–27 state budget to complete the buildings and facilities at Banmira Specialist School in Shepparton so that all students can be located on the one campus. The 2022–23 state budget included $23 million to repurpose the former Wanganui secondary college site to a new home for Banmira Specialist School, but this was clearly not enough, because more than half of the classrooms at the Wanganui site remain boarded up and the school is forced to operate over two sites, with teachers and some students shuffling back and forth between sites, which is highly inefficient. At the start of this year around 130 early years and primary school students moved into the new campus of Banmira Specialist School, developed on the site of the former Wanganui Park Secondary College.

Banmira provides a vital service to students and families in Greater Shepparton, offering learning opportunities for students aged from three to 18 who have intellectual disabilities and need not only special instruction but also bespoke rooms and spaces where they can feel at ease. I visited the school in May and was delighted to see the bright new classrooms, but I was even more impressed by the dedication and care of the teachers who are helping these students to thrive. Unfortunately funding for the school in the 2022–23 budget only covered stage 1 of the multistage development, and funding has since dried up, even though the school is only half finished. To see half the school fenced off and boarded up was quite a shock, and the failure of the Allan Labor government to fully fund the redevelopment has meant that senior students have not been able to move across to the new campus. Senior students are stuck in the old buildings at the Verney Road site, and many students who this year moved from Verney Road to the new Banmira campus as primary students will now have to move a second time back to the Verney Road campus when they enter senior grades. This repeated movement and change is highly destabilising for special needs students, who often require consistency and a sense of stability and predictability in order to settle and flourish at school. In April this year the school council president wrote to the Treasurer, who is also her local member, setting out the need for funding to complete the school. In her letter the president said:

> The 3.5km distance between the two sites has resulted in logistical issues that impact both staff and students. With students and staff needing to shuttle between campuses, we face delays and disruptions to valuable instructional time. This not only affects learning outcomes but also creates financial and operational strains. The senior students at the Verney Road campus are particularly impacted by aging facilities, small classroom sizes and safety concerns, including traffic hazards and limited access to transport.

In May this year when I asked the Minister for Education to fund the completion – *(Time expired)*

Absentee owner surcharge

David LIMBRICK (South-Eastern Metropolitan) (23:30): (2216) My adjournment matter this evening is for the attention of the Treasurer. While there are many things that concern me about the economic and business environment in Victoria, I am an eternal optimist. Things are not so bad that the right policy settings cannot turn them around. My vision for Victoria is one where people are inspired to invest here, build businesses, employ people and take the kinds of risks that can lead to true

innovation. I would love Victoria to be the kind of place where people around the world talk about it as a great place to invest and expand their business. I expect the Treasurer may share these wishes also.

What I want to talk about this evening is a particular tax that is making this vision harder to realise: the absentee owner surcharge, particularly as it applies to commercial and industrial property. As a libertarian, it would be no surprise to anyone that I hate taxes, but I do not hate all taxes equally. Some are worse than others, and this tax is a real shocker. While I think taxes like the vacant residential land tax are bad, I can understand the argument for them. People argue that property turns into a speculative investment for foreign capital and that unoccupied homes contribute to housing shortages. I think these arguments are wrong, but I can understand the argument being made. But when it comes to the absentee owner surcharge on commercial and industrial land, I struggle to understand what they are even trying to achieve. It seems to me that the only purpose is to create a disincentive for foreign investment. Why any government would want to chase away foreign capital is simply mystifying to me.

But it is worse than that. Several organisations that have modelled this tax suggest that it has a net negative effect on the state budget. They make a compelling argument that, similar to the federal tobacco excise tax, this tax has moved well beyond peak efficiency and has driven away so much investment that it now generates diminishing revenue despite the rate increasing. This is the worst-case scenario. We have a disincentive for foreign capital to invest in Victoria, and the tax does not even achieve its purpose of increasing revenue for the government. I do not need reports to understand this. I have met with people in the industry, and they explain with confidence that it was this tax in particular that was creating a disincentive for more investment in industrial projects. My request for the Treasurer is to work with her department to model the impact of this tax, with consideration to repealing or reducing the absentee owner surcharge on commercial and industrial property.

La Trobe University Student Union

Sonja TERPSTRA (North-Eastern Metropolitan) (23:33): (2217) My adjournment matter this evening is for the Minister for Skills and TAFE, and the action I seek is for the minister to update me on the matter of the La Trobe University Student Union. The La Trobe student union is a vital part of campus life at Bundoora. It provides free meals, runs a campus food bank, supplies free period products and organises events that foster a strong campus culture, something that has been especially important following the challenges of COVID-19. For 60 years the student union has been an important institution representing students and delivering essential services, but unfortunately it has faced threats in the past, including attempts to replace it with a body largely controlled by university staff rather than students.

Sadly, this issue has re-emerged. University management continue to inadequately fund the La Trobe student union in line with their obligations under the university accords whilst creating a new body, the La Trobe University Student Council. This council excludes current union office bearers and representatives from running, allows candidates to be disqualified without reason and even permits removal if members are deemed to act against the university's interests. As of October 2025, more than four months after its election, the council had not met once, and there is no public information to suggest it has met since. As a former trade unionist, I know what union busting looks like, and that is what we are seeing here: an attempt to defund a democratically elected student union and shift control of student services and amenity fees away from students and into the hands of management. This must stop, and the La Trobe student union should be adequately funded and supported to continue its vital work for students.

Local government

Bev McARTHUR (Western Victoria) (23:34): (2218) My adjournment matter is for the Minister for Local Government, and the action I seek is that the minister take immediate action to address concerning trends outlined in the Victorian Auditor-General's report into the financial management of local councils. The Victorian Auditor-General's Office (VAGO) found that its audited councils are generally committed to conservative financial settings and responsible budgeting, meeting their

immediate obligations and carrying low levels of debt. However, the future is less certain given that a number of key short- and medium-term financial indicators are failing.

Take net result ratio, a measure of profitability. It fell from 16 per cent to 12 per cent between 2016–17 and 2022–23. Then there is net operating cash flow, which was lower in 2023–24 compared to 2015–16 for all cohorts except for interface councils. The same can be said of the sector's working capital ratio, which has fallen since 2018–19. If the last two measures are not improved, councils may fail to meet their short-term obligations if they do not have the liquid assets or cash that they need when they need it. I am most concerned for the 19 small shires in this state which have limited revenue bases due to their small populations and limited options to raise revenue outside rate rises. While councils should always lift their game, the main problem is state coercion rather than council mismanagement.

The inquiry into local government funding and services found that the trend of deteriorating financial sustainability across all council types is predicted to continue over the next five to 10 years, at least in part due to cost shifting. Local government is absorbing many shared state services, from libraries to kindergartens, immunisation and the maintenance of state assets without matching contributions from the state. VAGO also notes that because Victorian local government grants do not provide advance payments of financial assistance grants, in 2023–24 audited councils were forced to spend down cash reserves to supplement capital works programs.

Minister, follow the lead of New South Wales by publishing annual reports that quantify cost shifting in this state so that Victorians know the true extent of the problem. Work with councils to ensure fair funding for shared services or at least stop coercing them into services that you know cannot be sustainably delivered. Local government is closest to the community, but their ratepayers cannot carry the state's financial burdens.

Local government accountability

Anasina GRAY-BARBERIO (Northern Metropolitan) (23:37): (2219) My adjournment matter this evening is for the Minister for Local Government, and the action I seek is a review examining whether the model councillor code of conduct and its enforcement by arbiters stifles legitimate political debate in Victorian councils. Merri-bek city councillor Adam Pulford has just been suspended for two weeks for describing the behaviour of a fellow councillor, Cr Yildiz, as 'duplicitousness' because he voted against something he had previously claimed to support. At issue is a pledge supporting rainbow crossings signed by Cr Yildiz in 2024 and Cr Yildiz's subsequent vote against rainbow crossings in 2025. The use of the term 'duplicitousness' to describe another councillor supporting an initiative before an election and opposing it six months later was considered disrespectful by the appointed arbiter and therefore in breach of the code.

A member interjected.

Anasina GRAY-BARBERIO: Exactly. Further, the arbiter found that Cr Pulford should have addressed Cr Yildiz's stated concern, which was the cost of the rainbow crossing. Cr Yildiz has previously criticised other queer-friendly events, such as drag story time, and accused Cr Pulford of having a conflict of interest on a rainbow flag motion because Cr Pulford is gay. In his speech, Cr Pulford said:

> This pattern of behaviour indicates it's not about cost, it's about something else.

That something else is homophobia. When a gay man complains about homophobia and gets suspended, that should be a red flag for the minister that something is wrong with the enforcement of the model councillor code of conduct. Once an arbiter has made their decision on a complaint, the only avenue a councillor has for appeal is judicial review in the Supreme Court, an expensive and burdensome process that effectively excludes the majority of councillors.

The model councillor code of conduct says that nothing in it is intended to limit, restrict or detract from robust public debate of issues. It is not part of robust debate to point out when a councillor has promised one thing before being elected and doing the opposite once elected. Voters expect their representatives to be allowed to speak without being muzzled. We would not entertain this level of interference in a Parliament. Of course MPs and councillors should maintain some standard of decorum, but not at the expense of open political communication. Minister, I encourage you to look at the way the code is being enforced and consider how to make it fit for modern democracy.

Ringwood East train station

Nick McGOWAN (North-Eastern Metropolitan) (23:40): (2220) What a sensational time of the evening to be doing an adjournment debate. It is close to midnight, and I am that nice combination of almost delirious and slightly excited – excited to be here, of course, and particularly excited because I feel I have let my people down. I have to be honest: I have let them down horribly, because it has been some months without mention of the toilet at Ringwood East train station. Given this is the last opportunity in the year – and I know you are paying such close attention to what I am saying, President – I think it is opportune –

Georgie Crozier: Aren't you here Tuesday?

Nick McGOWAN: No, I think this is the last opportunity for me to make amends to my people and finally implore the Minister for Transport Infrastructure in the other place – I know Minister Williams is an avid watcher of my videos and my social media –

Georgie Crozier: She leaves comments.

Nick McGOWAN: I apologise profusely to the minister for not yet responding to her comment on my post where I labelled the Metro Tunnel a Baillieu government initiative, although as inconvenient as facts are from time to time for those opposite, the fact is that it was commenced – $50 million was budgeted. It was not expended – I do not want to give people the wrong impression here – but nonetheless it was budgeted.

Georgie Crozier: Different route.

Nick McGOWAN: There was a discussion about the routes, and I actually quite like the one that they decided on. But I will keep that secret between me, you, the camera and everyone else in the public. Besides that little point, there was actually an Infrastructure Australia assessment which we also commenced. I know that is inconvenient for you too, Minister, but I am digressing. I have yet to see every single one of your stations, but goodness, if any of your stations have a toilet and mine at Ringwood East still does not, then something has gone drastically wrong, because as I say to the local people in Ringwood East –

Melina Bath: It'd be duplicitous.

Nick McGOWAN: I can use the word 'duplicitous'. The Greens have gone already. I am supporting the Greens tonight wholeheartedly, because everyone should be able to use the word 'duplicitous' – but the Greens are unfortunately not paying attention. It is a common occurrence when I get up to speak. Nonetheless I got used to it and accustomed to it, and it does not perturb me one little bit. What does perturb me somewhat, though, is the fact that the people of Ringwood, the people who use Ringwood East train station, continue to this day, Minister Williams, not to have a toilet. That means they cannot relieve themselves. That means we are depriving every young person in my constituency, every senior person, every mum with a child –

A member interjected.

Nick McGOWAN: Pregnant women as well; that is right. There are lots of people who actually need to have a toilet at a train station. I make light of it, because I do not like to carp and moan and bitch – no-one is going to listen to me do that. But what is really important, Minister, on this day, this

night, and at this time – and I know the minister opposite appreciates this point too – is in all seriousness, for goodness sake, boys and girls, it is 2025. Can we not have a toilet? Minister, that is what I am asking you. This is my Christmas wish: please, for the people of Ringwood East train station, to ensure that they have connectivity – those with abilities and non-abilities, everyone – give them, give us all, the toilet we deserve at Ringwood East train station.

Avenel rail safety

Rikkie-Lee TYRRELL (Northern Victoria) (23:43): (2221) My adjournment matter is for the Minister for Public and Active Transport, and the action I seek is a commitment from the minister to invest $3.1 million for urgent rail safety upgrades in Avenel. Avenel is a growing town in my region of Northern Victoria. With new housing developments on the west and north-west of the township, more young pedestrians find themselves crossing the dangerous train lines to reach essential services like schools, the chemist, a medical clinic and the post office. In April this year a 10-year-old girl was seriously injured when she was hit by a freight train on the Melbourne–Sydney rail line on Bank Street. This incident could have been avoided if the crossing had been fitted with auto-locking gates. The Avenel community are not asking for much in the grand scheme of things. It is but a drop in the bucket. But what price can you put on the safety of pedestrians? The people of Avenel are asking for three things. On the Bank Street crossing they are requesting four pedestrian mazes with active swing gates and four escape gates. At the Ewings Road crossing they ask for two pedestrian mazes with active swing gates and new footpath links to improve access and visibility. The last thing they are asking for is an upgrade to the car park and the linear park landscaping to improve safety for everyone using the station. These are not massive projects; they are simple safety measures that will greatly improve the lives of the residents of Avenel. The action I seek is a commitment from the minister to invest $3.1 million for urgent rail safety upgrades in Avenel.

Outdoor recreation

Melina BATH (Eastern Victoria) (23:45): (2222) My adjournment matter is for the attention of the Minister for Environment. The action I seek is for the minister to ensure that the merger of the Victorian Fisheries Authority with the Game Management Authority, as outlined in the government's response to the Silver review, into a new peak body called Outdoor Recreation Victoria, delivers on its stated objectives without compromising compliance, enforcement or service delivery across the state. Hunting and fishing are deeply meaningful activities for Victorians, whether in rural areas – for our regional towns – or in metropolitan areas. These activities are not pastimes, they are actually a tradition and a way of life. They add to our mental health. They contribute very meaningfully to towns and the state's economy. Victorians deserve fair access and strong regulation to protect sustainability. What we do not want is further restrictions on fishing and game hunting, nor do we want frontline service cuts. We already saw earlier this year that the Victorian fisheries officers were gutted by 44 per cent, which caused great consternation and distress in our fishing fraternity, reducing compliance and enforcement capability. Weakening enforcement risks increases in illegal poaching, and we have seen that unregulated fishing undermines that sustainability that we all want to see. While the merger promises efficiencies, there are key questions. What about staffing? How many roles will be moved, downgraded or cut, and where will regional access and service delivery suffer? Which offices are closing? A key part of my issue tonight, my request, is about training. Will there be cross-training and how much and where and when? We need to ensure that there are standards that are kept. Cost savings – what will the mergers cost and how much and what are the deliverables? When will this be achieved – in six months, 12 months, 24 months?

I spoke today with some members of the hunting fraternity, and they outlined to me that indeed in New Zealand there is Fish & Game New Zealand. They have merged them, and they believe that there are good synergies that can work. I have also spoken to others in the fishing fraternity who were actually very concerned that this will lead to, again, less officers doing the work that is really important to maintain fish stocks and healthy regulation and reduce that illegal poaching. So the action I seek from the minister is to guarantee that compliance and enforcement capacity is not diminished and that

officers receive comprehensive training to uphold both fisheries and game management standards. Victorians, whether they fish in Western Port Bay or up in the high country, deserve certainty that their access will not be compromised and the new agency strengthens, not weakens, the services that they rely on.

Education system

Ann-Marie HERMANS (South-Eastern Metropolitan) (23:48): (2223) My adjournment matter is directed to the Minister for Education, and the action I seek is for the minister to immediately overhaul the failing curricular focuses in our Victorian schools. I ask that the minister produce a better solution for students by effectively removing inappropriate ideological material from the curriculum in favour of a focus on improved core skills. One urgent priority must be fundamental literacy. The Australian Early Development Census reveals only 53 per cent of children starting school are at the expected developmental level, compounded by the draconian 2020 and 2021 Victorian lockdowns and a distinct reduction in parents reading to their children. Teachers have observed significant declines in foundational learning skills, with large numbers of children never catching up. We need increased financial investment to support learning and diagnose students, embedding a direct explicit teaching approach to improve learning in phonics and writing. Increased financial support should not be optional or incidental and should be provided to every Victorian student.

Furthermore, we must address the glaring gap in preparing students for the real world. A recent article on 23 November in the *Daily Telegraph* highlighted that nearly half of young secondary students miss a month of school annually because they find the curriculum irrelevant. Research developed with UNICEF found that financial security and housing are primary concerns for 40 to 50 per cent of young people aged 12 to 17. Minister, students are asking, 'How am I going to buy a house and how am I going to budget?' They want practical learning that helps them to be workplace ready with essential life skills like financial literacy to help them buy or live in a home, and this is now more important to most students than climate change. Students also benefit from resilience, problem solving and essential life skills, AI and cyber ethics and general character development. These skills are more essential for their future than many current curricula focus on.

The importance of developing ethics and human compassion is also critical, especially with the increased use of technology and AI. The humanitarian element of ethical and compassionate processes is what separates human decision-making from AI technology. In recent data, students voiced they felt schools are not providing them with the skills they want and need. More than six in 10 students believe they will be worse off than their parents, and meanwhile, suicide remains the leading cause of death in young Australians. So we have a duty to listen. Minister, when are you going to declutter the curriculum, remove the ideological rubbish and enable all Victorian students to read, do basic budgeting, develop ethical character and learn the skills that are useful and important to them?

Education system

Gaelle BROAD (Northern Victoria) (23:51): (2224) My adjournment matter is for the Minister for Education. I rise to draw attention to the severe and immediate impact caused by the removal of the complexity allowance, a Labor government decision that has left many rural and regional schools, including East Loddon P–12 College, Murrayville Community College and a further 45 schools across regional Victoria facing unexpected and damaging budget cuts. I have spoken with the principal of East Loddon college and the CEO of the Country Education Partnership and received correspondence from the principal of Murrayville Community College, and I thank my colleague Ms Benham in the other chamber, who I know has advocated for the school and many others and called on the government to reinstate the funding.

With just a couple of days notice, these schools were informed of budget cuts of up to $100,000 over the next few years, with some schools losing up to $25,000 overnight from their school budgets without warning, consultation or transition planning. For small rural schools this is not a minor adjustment. It is a direct threat to their ability to operate effectively. The Labor government is cutting

the complexity allowance from school budgets under the student resource package, and the impact is being felt by schools.

I will read from a letter provided by Murrayville Community College. It says:

> Our school is a small and successful college serving a remote community and we do not understand why colleges like ours, which performs such an important role in our community, have been singled out for a reduction in the SRP. We have never been wasteful with our resources and have been able to use them extremely effectively to achieve excellent student outcomes in the past.

I understand that schools have since been advised by the government that they can go $50,000 into deficit to cover costs. This is not just a funding cut. It is encouraging schools to use a credit card, and it pushes the problem down the road. The impacts are already being felt. Principals have reported that these cuts will reduce subject offerings for students, limiting access to essential senior pathways and elective choices; increase pressure on already overworked teachers, who will be forced to shoulder additional responsibilities due to reduced staffing capacity; compromise student support programs, particularly those designed for vulnerable or high-need students; and undermine long-term planning for staffing wellbeing programs and curriculum delivery.

These rural and regional schools already face significant disadvantage due to isolation, small cohorts and the challenge of attracting and retaining staff. The complexity allowance existed precisely to recognise these pressures, and the action I seek is for the minister to reverse this decision and reinstate the complexity allowance for P–12 schools in Northern Victoria and the rest of the state.

Seymour Health

Georgie CROZIER (Southern Metropolitan) (23:54): (2225) My adjournment matter this evening is for the attention of the Minister for Health around what has been reported today on Seymour Health and the issues – very concerning, I might add – around what has happened, with the chair of the finance, risk and audit committee, who spoke at the annual general meeting earlier this week, speaking of the deficit that the health service has of $1.3 million. It is not a huge amount but a big amount for that health service, nevertheless, and for those staff who are doing a tremendous job with an increasing demand. But the concerning thing is that it was reported that there had been directives from the Department of Health to say that, should there be any funding shortfalls on the deficit, they would have to draw down on staff entitlements. Those staff entitlements are long service leave, annual leave and sick leave, and those entitlements are meant to be there for exactly those purposes. 'If there were any shortfalls' – that was the directive provided by the Department of Health.

This is not the first time I have heard this. There is nothing in writing; it is all over the telephone. It is a very sneaky way to put pressure on these health services. These are the cuts that are going on by stealth and the amalgamations by stealth. These health services deserve to have greater support from the Department of Health than what is going on. We have seen it at the Royal Melbourne Hospital just last week, with the foundation having to dip into their funds to build infrastructure – to build a security room. This is a trend that is happening where hospitals and health services are really struggling with increased demand. We are not getting the outcomes that we should. There is industrial action all over the place. There are just so many issues going on in health because the government has failed to manage it properly. As I keep saying, Labor cannot manage money, they cannot manage health, and it is Victorians who are paying the price. We have never seen it as dire as it is now.

What I would really like to have the minister respond to is the request from Seymour Health. They had sought a letter of comfort from the department that it would bail out the health service if they were liable for entitlements and they did not have the cash reserves to pay for those. The action I seek is for the minister to answer why they have not provided that letter of comfort to this health service, and if they are going to do so, when will they do it?

Sunbury Road duplication

Trung LUU (Western Metropolitan) (23:57): (2226) My adjournment matter is directed to the Minister for Roads and Road Safety, and it concerns the urgent need for the improvement of Sunbury Road. The section of Sunbury Road between Melbourne Airport and Bulla township remains an undivided country road with only one lane each way. According to the most recent Victorian traffic data, this stretch of road carries average daily traffic of approximately 20,000 vehicles. This level of traffic is significant and highlights the pressing need for action. Upgrading Sunbury Road between Melbourne Airport and Bulla-Diggers Rest Road would not only unlock the development potential for the Sunbury growth area but would also reduce the amount of time people spend in the car each day. Less time on the road means more time with family and friends. That is something every Victorian values, especially during Christmas.

The action I seek tonight is for the minister to advocate for funding to develop a business case for the duplication of Sunbury Road from Bulla-Diggers Rest Road to Melbourne Airport. This will ensure the project is fully scoped, costed and ready for inclusion in a future budget cycle. While the Victorian government's recent investment in duplicating Sunbury-Bulla Road from Bulla township to Macedon Street in Sunbury is welcome, it has unfortunately created bottlenecks north of Bulla. If further investment is not made to duplicate this section from Bulla to Melbourne Airport, congestion will only worsen. This road is a vital link between Sunbury and Melbourne Airport as well as part of Melbourne's north-west. With limited alternative routes available, locals have little choice but to use the congested corridor. This upgrade is absolutely necessary for the rapid growth in my region. I urge the minister to seek assurance from the department that funding for the business case is prioritised as part of the normal budget process. I look forward to updating my constituents on its progress.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:59): There were 15 matters today, and I will make sure they are all referred to the relevant ministers for a response.

The PRESIDENT: The house stands adjourned.

House adjourned 11:59 pm.