Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 26 August 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)
David Davis (from 27 December 2024)
Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)
Matthew Bach (to 31 August 2023)

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

[1] Resigned 7 December 2023
[2] IndLib from 28 March 2023 until 27 December 2024
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] DLP until 25 March 2024
[7] Appointed 7 February 2024

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
Greens – Australian Greens; Ind – independent; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;
LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;
Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party

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Tuesday 26 August 2025

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

Bills

Corrections Legislation Amendment Bill 2025

Crimes Amendment (Performance Crime) Bill 2025

Financial Management Legislation Amendment Bill 2025

Local Jobs First Amendment Bill 2025

Superannuation Legislation Amendment Bill 2025

Royal assent

The PRESIDENT (12:04): I have received a message from the Governor, dated 19 August:

> The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to her by the Clerk of the Parliaments:
>
> **28/2025** Corrections Legislation Amendment Act 2025
>
> **29/2025** Crimes Amendment (Performance Crime) Act 2025
>
> **30/2025** Financial Management Legislation Amendment Act 2025
>
> **31/2025** Local Jobs First Amendment Act 2025
>
> **32/2025** Superannuation Legislation Amendment Act 2025

Members

Minister for the Suburban Rail Loop

Absence

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:05): Before we start question time today, I would like to inform the house that for the purposes of question time, just today, I will be accepting questions for Minister Shing.

Questions without notice and ministers statements

Early childhood education and care

David DAVIS (Southern Metropolitan) (12:05): (1013) My question is to the Minister for Children, and it concerns the Ombudsman's recommendations from three years ago to protect our children and strengthen the working with children check in Victoria. I ask the minister: will you confirm to the house that the bill due to come to this house potentially later this day does not address all of the Ombudsman's recommendations? And if that is so, why not?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:05): I would remind those opposite that the working with children check is the responsibility of the Attorney-General. The bill that the question relates to is the Attorney-General's. The question therefore is not one I can answer.

The PRESIDENT: Mr Davis, I am not too sure what supplementary you could ask, but I will call you.

David DAVIS (Southern Metropolitan) (12:06): Minister, the Premier today claimed that the government is putting children at the front and centre of safety and also stated today the government is acting with urgency to overhaul the system. Minister, you have been in your position for almost two

years. Will you explain why you did not act with urgency on the Ombudsman's recommendations from September 2022 and put children at the front and centre of your government's activity?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:06): As the minister with responsibility for –

Members interjecting.

The PRESIDENT: Order! Please, everyone across the chamber.

Lizzie BLANDTHORN: As the minister responsible for child protection, I have informed a number of forums in the past few weeks that the two recommendations that were part of that Ombudsman's report that were directed to the Department of Families, Fairness and Housing were indeed responded to. In relation to the substantive question and the rest of Mr Davis's question, which indeed related to matters for the Attorney-General, I would suggest that he ask those questions of the minister representing the Attorney-General.

Companion animals

Georgie PURCELL (Northern Victoria) (12:07): (1014) My question is for the minister representing the Minister for Health. Almost one year ago I asked the minister to fix an old religious law that prohibits joint burials of humans and their pets. Under Victorian law, burying an animal in a public cemetery, even placing an urn in a coffin, is illegal. Since that time New South Wales has fixed up the cruel loophole that was denying people their dying wishes. Just last week the Prime Minister was asked on ABC radio if he would want to be buried with Toto, to which he responded:

> If people feel close to their pets and they want to be buried with them, why would you stop it? Who's being hurt?

Once again, I ask: will the minister finally honour the dying wishes of thousands of Victorians and allow joint burials between people and their pets?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:08): I thank Ms Purcell for her question, and I will refer that to the Minister for Health in the other place for a written response under the standing orders.

Georgie PURCELL (Northern Victoria) (12:08): Thank you, Minister, for referring that on. Making this change has the backing of hundreds of cemetery managers and funeral directors, anthropologists, animal advocacy organisations and apparently even now the Prime Minister. Yet the Victorian government told the ABC it was aware of community interest in the issue but said it was not currently a legislative priority. Has the minister met with any cemetery managers or funeral directors who are currently breaking the law and risking massive fines and even their jobs in pleading for this change before determining it not to be a priority?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:09): I will also refer Ms Purcell's supplementary question on to the Minister for Health for a written response.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:09): I rise to update the house on how the Allan Labor government is responding to the rapid review into child safety undertaken by Pam White PSM and Jay Weatherill AO. At the outset I want to thank them for the detailed review they undertook into child safety in early education and care and the way in which they have consulted with those within the sector to inform their final report. Last week the Premier, alongside the Attorney-General and me, outlined how we would be enacting every single one of the report's 22 recommendations, just as we said we would. This will include establishing a new nation-leading early childhood regulator that will more than double the frequency of compliance checks. This work builds on the existing actions we have already undertaken to ban personal devices

being used in centres by the end of September and the establishment of a workforce register. Registration began just a few weeks ago and over 40,600 additional workers have registered, representing a large proportion of the estimated workforce.

For the benefit of the house, the final report contains 22 recommendations and we have publicly released a response to each and every recommendation, including our plan to implement them. I want to take the opportunity to commend –

Georgie Crozier: On a point of order, President, could Ms Blandthorn repeat what she said about the working with children checks and how they have come into being? Because it is my understanding that there are 173 individuals that still have their working with children checks and probably should not.

The PRESIDENT: That is not a point of order.

Georgie Crozier: Well, I just could not hear her properly.

The PRESIDENT: I think there was murmuring going on that may have affected everyone's hearing. I will ask Minister Blandthorn to continue her ministers statement without any interjections.

Lizzie BLANDTHORN: For the benefit of the house, the final report contains 22 recommendations and we have publicly released a response to each and every recommendation, including our plan to implement them. I take the opportunity to commend those opposite who, in a press release last week, stated:

> We will provide constructive support to any measures that improve our childcare system in response to the Rapid Child Safety Review.

I take this opportunity to thank those opposite for their support to bring together regulatory bodies that hold the breadcrumbs of information into the Social Services Regulator, ensuring that there are not missed opportunities to safeguard children through a failure to piece together information that is currently held by different, separate regulatory bodies. I look forward to the introduction and speedy passage of those reforms later this year, and I thank those opposite for backing the reform. My focus is always on the safety of children, whether they be in early childhood, in disability settings, at home or in out-of-home care, and I thank those opposite for continuing to support our work to enhance our child safety system.

Georgie Crozier: On a point of order, President, could I ask that the minister table her notes so that I can read them?

Members interjecting.

Georgie Crozier: No, I need them before that. I would ask that she table her notes so I can actually see what she said. It is a simple request, and I ask that she table her notes.

The PRESIDENT: I think the minister was just reading from notes, so it is fair enough to ask, but I do not think that is going to be fulfilled. Maybe you can ask for an accelerated *Hansard* or something like that.

Georgie Crozier interjected.

Tom McIntosh: On a point of order, President, can I please have the comment from Ms Crozier withdrawn?

The PRESIDENT: I did not hear it. Would you like to withdraw it?

Georgie Crozier: I am happy to withdraw.

Working from home

David DAVIS (Southern Metropolitan) (12:13): (1015) My question is to the Treasurer. Treasurer, I draw your attention to statements from the finance minister today, who said:

> We don't tax your principal place of residence. We've never done that. We never will.

Is it a fact, Treasurer, that the finance minister is wrong and the government does tax your principal place of residence where there is substantial business activity?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:13): I thank Mr Davis for his question. I think you will find that the Minister for Finance's statements were in relation to employees and their principal place of residence. As you know – because I know you would know this particularly from your time as Shadow Treasurer – we do not apply land tax to home owners or renters who often work from home. It is the case that a partial land tax is sometimes paid by taxpayers who are running a substantial business from home, such as a bed and breakfast or a hairdresser or having a doctor's room, and you and I, Mr Davis, have had these conversations before. But in relation to people who work from home a couple of days a week, in relation to them being taxed for working from home, any suggestion of that would be false, and I am pretty sure you know that.

David DAVIS (Southern Metropolitan) (12:14): Indeed, I do not think the Treasurer is being quite clear here. It is true that there is a tax on the principal place of residence where there is substantial business activity, as you conceded, and I ask –

Members interjecting.

David DAVIS: Well, it does not say that on the actual ruling. Let me just ask: will the Treasurer ask the SRO to issue a new ruling to clarify the statements made by the finance minister?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): I can confirm advice from the SRO that working from home a few days a week in and of itself would not make a taxpayer liable for land tax; you need to be conducting a substantial business activity. If you want to check out the rulings, they are on the SRO website, and if anybody has any other specific queries about their specific circumstances, I would encourage people to call the SRO. I visited the SRO offices just recently and spoke to a lot of the staff that work there – an amazing workforce who are really there to be useful for Victorians who have questions. I would certainly encourage phone calls to them for specific situations.

Drug harm reduction

Rachel PAYNE (South-Eastern Metropolitan) (12:16): (1016) My question is for the Minister for Mental Health. Needle and syringe programs have a long history of helping to reduce harm and save lives. They were first introduced in the 1980s in response to the HIV epidemic. Monash Health's needle and syringe program has been providing people who inject drugs with access to free and integrated support since 2005. This program helps reduce the risk to people who use substances of contracting bloodborne viruses and experiencing drug overdoses. It also reduces the social impact and the impact on the public environment by meeting people where they are at, embedding services in local communities experiencing harm. My question is: will the minister advise us of the importance of this program and embedding services within affected communities?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:16): I thank Ms Payne for her question and her advocacy in relation to all of the work that needs to occur to reduce drug harm across the community, including in your region, Ms Payne, of South-Eastern Metro. You are correct, the needle exchange program is a very important public health initiative. It has been operating in Victoria since 1987, and it is one of the key public health measures we take to stop the spread, or minimise the spread, of bloodborne viruses amongst people who take drugs or inject drugs in the wider community. In terms of the importance of these

services, I can indicate that the NSP delivers across Victoria in a variety of different ways, including fixed-site mobile services, there is a disposal hotline for used syringes and there are the outreach and foot patrol teams. It is all about continuing to reduce harm. In relation to Monash specifically, as you have indicated this program has been operating since 2005. Obviously one of the key issues, apart from the harm minimisation and the public health response of a needle exchange program, is about education. It is also about reducing stigma for those that use drugs so they can get that support in a stigma-free environment.

The government continues to be incredibly committed to these programs. We have a very strong record of investment when it comes to reducing drug harm. Since 2014 we have invested more than $3 billion to expand our drug treatment supports and harm minimisation services, and of course needle exchange programs are an incredibly important part of that approach. By way of example, the statewide action plan does provide an opportunity for a campaign – in the CBD initially – about reducing stigma and educating people in the CBD community about drug use and the impacts more broadly. And that, I think, is work that can be scaled up, if you like, and used in other communities, including other parts of the city where we know drug use is quite common.

Rachel PAYNE (South-Eastern Metropolitan) (12:19): I thank the minister for her response. By way of supplementary, members of the opposition continue to knowingly spread misinformation about these programs and drive stigma, claiming they facilitate drug addiction. What steps is the minister taking to address this kind of misinformation?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:20): Thank you for that important supplementary question. It is disappointing that people have a tendency to play politics with some of the most vulnerable cohorts in our community. What I would say is that it is incumbent on everybody in this place to not be part of disseminating inaccurate information, particularly when the stakes are so high, particularly when we see alarming figures through the coroner's work in relation to drug overdose in the community. It is incredibly important that accurate information is available to the community, including to our diverse communities. There is a need for continued effort when it comes to providing this sort of information in language to particular parts of our very diverse Victorian population.

The PRESIDENT: I acknowledge a former member of the Assembly in the gallery, Donna Hope.

Ministers statements: pill testing

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:21): I rise to update the house on the Allan Labor government's pill-testing trial. Last week I was very proud to mark the beginning of operations at Victoria's first fixed site for pill testing, located at 95 Brunswick Street, Fitzroy. This important initiative is all part of our government's 18-month pill-testing trial, which started with a mobile testing service attending five events during the summer music festival season. The service's harm reduction focus is working, and now we have expanded access with a fixed site offering access to the same life-saving advice and testing services that we delivered during the festival season.

This free walk-in service is here to help everyone, no matter who you are or what your experience is. The service will operate three days a week, opening Thursday 12 pm to 4 pm, Friday 3 pm to 7 pm and Saturday 1 pm to 7 pm, providing more access hours and days than any other pill-testing service in Australia. It will test more pills, capsules, powders, crystals and liquids, but it cannot, however, test plants, edibles or very diluted substances. The service is completely anonymous – you will not need to show ID or provide your name – and importantly, the results are delivered in a private consultation where a harm reduction worker will explain what was found and discuss how someone can make safer, more informed decisions.

On this side of the chamber we know that pill testing is absolutely about saving lives. It is about giving people choice by providing access to the information they are asking for, and with an increasingly

volatile and unpredictable drug market, this has never been more important. The new Victorian pill-testing service in Fitzroy marks a significant next step in Victoria's nation-leading strategy to reduce drug harm and save lives, and I am really excited to see it open.

Working from home

David DAVIS (Southern Metropolitan) (12:23): (1017) My question is again to the Treasurer, and I note the Treasurer's statement at the end of the last question in and of itself – I think those are very significant words. I, in this context, refer to the revenue ruling on the SRO website that states in item d):

> Where more than $30,000 (gross) income is derived from the business activity carried on on the PPR land … the Commissioner will generally consider that the PPR land is used to carry on a substantial business activity.

Will the Treasurer confirm, as pointed out in the ruling, that section 62(1) of the Land Tax Act may be deemed by the commissioner to apportion value of the PPR land between residential use and business purposes?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:24): Mr Davis, I am more than happy to continue a conversation with you about this, because I think that you are drawing an inference that business activity will pick up employees that are working from home, because that is kind of what the conversation has been in the last couple of days. I want to absolutely confirm that that is not the way the SRO currently apply the policy. We have not changed the policy. I would draw you to the fact that people have been working from home for a very long time, particularly in the last four years. Those people who spend time working from home are not currently in the remit of the rule.

David DAVIS (Southern Metropolitan) (12:25): My further question to the Treasurer is: barrister Emma Mealy, an expert in state taxes who worked at the SRO, has said:

> It appears that it makes no difference to the commissioner as to whether a person works from home for their own business purposes or as part of their employment …

Will the Treasurer rule out land tax on the home offices of Victorians who work from home?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): Mr Davis, we have not made any changes to the policy. The SRO have not made any changes to the policy. In relation to what you are asking, I can confirm the advice from the SRO: someone who is generally working from home, such as in an employee situation, will not be caught by the ruling. They are not now, and there is no proposal to change that.

Public sector review

David DAVIS (Southern Metropolitan) (12:26): (1018) My further question to the Treasurer is this: Minister, the budget was released in May this year and two months ago you received the Helen Silver review. Yet I ask, why have you not released the report now?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:26): Mr Davis, I have been very up-front about the intention to make the report that Helen Silver has provided to me public alongside the government response. I have been very consistent, and I remain so.

David DAVIS (Southern Metropolitan) (12:27): Treasurer, independent economist Saul Eslake has said:

> The fact that the Silver report has not yet been made public is a problem …
>
> If the treasurer has gone to the ratings agencies and said, trust me this is our plan, but they haven't released it publicly and what she does falls short of what she told the ratings agencies, that will harm Victoria's case …

to maintain its credit rating. I ask therefore: Treasurer, given the obvious risks to the state, is it not time you bite the hard policy bullet and release the secret Silver report?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:27): Mr Davis, I did enjoy that. It is a great question – you had a lot of passion in that question. The report will be public. I have said it will be public. I am working through the recommendations. I have had meetings with my ministerial colleagues in relation to impacts on their portfolios. I would like to have a very comprehensive response so that in relation to when we release the report it is very clear what actions the government will be taking. I am not going to give you a date. I am working through it. I commit to making it public. Yes, it will be this year.

Ministers statements: vocational education and training

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:28): This week is National Skills Week. National Skills Week is a celebration of what TAFE and vocational training help people to achieve. This week, like every week, we are delivering the skills Victorians need for great careers. The TAFE network, the Victorian Skills Authority and our next generation of plumbers launched National Skills Week yesterday, alongside the great member for Southern Metropolitan John Berger and the member for Ashwood Matt Fregon at Holmesglen TAFE's Chadstone campus – future plumbers like apprentice Chloe, who has gone from cert II preapprenticeship and is now starting the third year of her full apprenticeship. We have added seven new plumbing skill sets to the free TAFE list to make it easier for qualified plumbers to get a cert III and get on the tools without cutting corners. From January to June this year there were almost 350 commencements in these short courses, taking the opportunity to get the specific skills they need for their licences without needing to do the full qualification, and they are doing it with free tuition.

Last week I was in Castlemaine with the fantastic member for Bendigo West Maree Edwards to open the Bendigo TAFE and Dhelkaya Health learning hub. This $4 million hub will train TAFE students in courses like allied health, nursing and aged care right in their local community. We met Elizabeth, who was inspired to enrol when she was visiting parents at the hospital and saw the construction of the learning hub underway. Be like Chloe, be like Elizabeth, and enrol in a TAFE course today for a great career tomorrow.

Public sector review

Melina BATH (Eastern Victoria) (12:30): (1019) My question is to the Treasurer. In February you stated no government frontline workers would be made redundant. However, your government has cut jobs, including fisheries officers and DEECA bushfire and forest services jobs, which are clearly frontline jobs in regional Victoria. Do you now concede frontline jobs have been cut?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:31): Thank you, Ms Bath, for your question. It is no secret that the government has been in conversations with departments to ensure that they are providing efficient and effective taxpayer services, and that includes protecting frontline services. We are a government that will always back the public sector in relation to the services that Victorians rely on, and we are not wavering from that, but in relation to conversations and the necessary ability to make sure that we are targeted in our responses, those conversations will continue both now and after Silver.

Melina BATH (Eastern Victoria) (12:31): I thank the minister for her response. Treasurer, would you agree that fisheries officers are frontline workers – yes or no?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:32): I think the way I will answer that question, Ms Bath, is as an opportunity to acknowledge the important work of fisheries Victoria, and I think particularly regional MPs have all been involved out there with fisheries Victoria staff, whether it is releasing fish, helping habitats or indeed learning about their enforcement activities. What has happened in the last couple of years – and I think that the minister responsible would be better placed to answer this, but you have directed it to me as Treasurer – is that there has been transition and change in relation to the way fisheries do their business, particularly in relation to changes with commercial fishing and the like,

which has generated the opportunity to do what I would encourage every department do: look at the services they are providing. If there is a reduction in your work, then that should be something that is considered in relation to taxpayer –

Melina Bath: On a point of order, President, in February the minister stated no frontline workers would be cut. She has now not answered the question. I ask the President to bring the Treasurer back to the question.

The PRESIDENT: I believe the Treasurer was being relevant to the question within her remit.

Poker machines

Katherine COPSEY (Southern Metropolitan) (12:33): (1020) My question is for the minister for gaming. Minister, media reports say that the long-delayed carded play trial for poker machines will now not include mandatory precommitment. Players must use a card, but loss limits will be optional. Your own 21 July media release, Minister, states patrons will need to use a YourPlay card and 'set loss limits'. If true, the new loopholes that you are introducing into this trial now almost guarantee low rates of uptake, and stakeholders tell us it will provide limited or even useless data in relation to setting limits. Minister, which stakeholders asked you to make this change? Will you table the advice, the correspondence and the meeting notes that have informed this backtrack?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:34): I reject the premise of the question and the assertion. I think the explanation in relation to that media release was quite clear from the media team and was reported. It was an error that was discovered quite quickly and rectified – self-prompted – in relation to that.

Sonja Terpstra interjected.

Enver ERDOGAN: So I do view that, to take the interjection from Ms Terpstra, as a bit of a cheap shot. I think we have been very clear that no government in the history of this state has done more to minimise gambling harm. That is why we have implemented closures for pubs and clubs from 4 am to 10 am. That is why we have slowed down the spin rates. That is why we have made sure that there are load-up limits, and from 1 December there will be load-up limits as low as $100 – rightfully so. We are committed to minimising gambling harm.

When we introduced that legislation, during debate I was asked about whether the trial would proceed, and I was quite clear: it would proceed, it would be robust. That is why we have carefully selected the three LGAs that are LGAs that reflect the demographic feel of this state in many regards – Ballarat, Monash and Dandenong, which are quite diverse parts of our city and state – and that is why we have got 43 venues signed up to do this trial. The trial was always going to have a phased approach to implementation, and we always said we would work with industry and the sector to make sure it can be implemented in a safe and sensible way.

Even during the debate I was clear it would be carded play. This is the first of its kind. We are the only state that has the option of account or carded plays across all electronic gaming machines in our state. This will mean that it will be compulsory for people to actually use the card. They will be able to set their own limits if they choose to do so. It is always about handing power back, and that is what will be done. I think there has been a lot of misinformation going on during this debate, but I was very clear in the parliamentary debate. I would welcome, Ms Copsey, you to look over the *Hansard* records. My statements would reflect that – that the first trial is about mandatory carded play.

Katherine COPSEY (Southern Metropolitan) (12:36): Wow. Minister, Victoria has just recorded another all-time record poker machine loss figure, with $13.4 billion sucked out of communities and $14.1 billion in wider costs to the community. The vast majority of these losses are in lower socio-economic LGAs, and just about all of those districts are represented in the other place by Labor MPs, I will have you know. Given Crown Melbourne has already operated mandatory precommitment since

late 2023 and your own regulator has just censured Crown for breaches of those mandatory limits, your initial pretence of needing to run a diluted trial at pubs and clubs has always been very flimsy. There is a proven mandatory precommitment system already in Victoria. Minister, will you do right by the citizens of Victoria and simply set a clear date for statewide implementation of mandatory precommitment?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:37): I thank Ms Copsey for the supplementary. I think I was clear in my answer to the substantive question: the trial will take place, it is starting next month and we are going to have a robust evaluation following that process. I do acknowledge that it is estimated that 300,000 Victorians experience harm because of gambling each year, costing Victoria $7 billion annually. That is why we have already got runs on the board. That is why we have got the closure period from 4 am to 10 am, that is why we have slowed down spin rates and that is why we have capped load-ups to $100 from 1 December. We are doing this work. No other state is doing it; we are leading that work. The trial will go ahead. It is going to provide important information around the technology and about the take-up of the harm minimisation measures. It is about having the right guardrails in place.

Ministers statements: Maribyrnong community residential facility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:38): Five years ago the Maribyrnong community residential facility opened its doors with a clear purpose: to make our community safer by helping people exiting the justice system rebuild their lives. I was pleased to celebrate its fifth anniversary last week. Community residential facilities are sometimes described as the last step in a person's journey through the justice system. I prefer to think of them as the first step back – back to housing, work, family, community and culture. The evidence is simple: people leaving custody with transitional housing, employment and social support provided are far less likely to reoffend, which means we are all safer.

Over 300 men have transitioned through this facility. The vast majority have successfully reintegrated into the community properly, practically and with dignity. I was honoured to hear the stories of some who have transitioned, like Heath, who struggled with alcohol addiction, substance abuse and repeated reoffending but is now renting, sober and a proud car owner. He is engaging with his family, and I was really heartened to hear he was welcomed back to the family Christmas. Judy spoke about her son Travis, who had a difficult time with substance abuse, and how crucial this facility was in getting him back on track.

Five years in, the Maribyrnong community residential facility has proven a simple truth: when we invest in people, we invest in safety. This facility works because it does the basics well and the human things even better. It is not possible without the organisations and people who make it happen day in, day out. To everyone who has played a role, I want to say a big thankyou. To the hardworking and dedicated staff at Maribyrnong, Corrections Victoria, Jesuit Social Services and G4S: a big thankyou. Happy fifth anniversary, and here is to more years of safer streets and stronger lives.

Written responses

The PRESIDENT (12:40): I thank Minister Stitt, who will get answers in line with the standing orders from the Minister for Health for Ms Purcell's substantive and supplementary questions.

Constituency questions

Northern Metropolitan Region

Sheena WATT (Northern Metropolitan) (12:40): (1757) My constituency question is for the Minister for Mental Health. Victoria has reached an important milestone in its pill-testing trial. Last week in the Northern Metropolitan Region the state's first fixed-site pill-testing facility officially

opened in Fitzroy. The evidence from around the world and our own mobile trials is clear: pill testing works and it saves lives. It is a vital harm reduction tool, providing people with life-saving information about the substances they are consuming. These services also offer a safe point of contact for expert health advice, supporting meaningful health-focused conversations and reducing drug-related harm. Given this, can the minister please outline how people in the Northern Metropolitan Region can access this service?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:41): (1758) My question is to the Minister for Ports and Freight. In January a large section of the Corinella jetty was fenced off to public access. Seven months later locals have had no communication, no visible signs of progress of repair and only weekly inspections by Parks Victoria. A vital community asset popular for land-based fishing with people who do not have a boat, it is a hive of activity and normally contributes to the local economy. Labor's continued lack of planned and regular maintenance is seeing this and other jetties, including Newhaven, padlocked to the community. Our residents down there want to see these upgrades, they are waiting to see these upgrades, and they do not want it to fall the way of Newhaven – indefinitely closed with no plans for repair. Minister, when will the jetty be reopened and repaired? And let that timeline be before Christmas for the summer holidays.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:42): (1759) My constituency question is for the Minister for Housing and Building. Minister, I raise urgent concerns about the safety of residents at 120 Racecourse Road, Flemington, one of the towers scheduled for demolition under the 44 towers relocation program. My constituent Ms Woldu contacted my office in desperation. The building is no longer safe or maintained, and she fears for her family's safety every day. The front door was left broken and unsecured as the building emptied of neighbours and community. Those that remain are rightfully scared. Despite repeated attempts, Ms Woldu has not heard from her housing relocation officer in over a month. Minister, this is public housing – homes that the Labor government is responsible for – and it is unacceptable that residents are being ignored and left in unsafe situations. Will you ensure Ms Woldu is offered a safe and appropriate home without further delay?

South-Eastern Metropolitan Region

Michael GALEA (South-Eastern Metropolitan) (12:43): (1760) My constituency question is for the Minister for Transport Infrastructure. The sounds of boom gates and bells ringing will soon be a thing of the past in Mordialloc, with works now well underway to replace the level crossing at McDonald Street, Mordialloc, as well as Station Street in Aspendale. It is wonderful to see the foundations of the new rail bridge that will remove these level crossings, and I commend the work of the hardworking member for Mordialloc in engaging with his community. I have had the opportunity to go out with him and talk to members of the community about how this project will benefit them but also about how those interim impacts can be best managed, and I note his dedication in this space. My question to the minister is: how will the Level Crossing Removal Project in Mordialloc benefit local residents and commuters alike?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:44): (1761) My question, for the Minister for Public and Active Transport, concerns the Moorabool Street bus interchange in Geelong, widely described as unsafe, unattractive and a blight on the city. In online comments commuters say they feel unsafe at the interchange, others call it dirty and dangerous, while pensioners and parents with children describe it as impractical and intimidating. The *Geelong Advertiser* reports that four in five residents want the interchange moved, despite the local Labor MP's disappointing, stubborn rejection of the idea. Mayor Stretch Kontelj has put forward a compelling vision, relocating the interchange to the station precinct, supported by a frequent electric shuttle bus loop serving the CBD. This would open Moorabool Street

as Geelong's premier boulevard and could potentially service the waterfront, hospitals and Eastern Beach too. Minister, how will you support this once-in-a-generation opportunity to revitalise Geelong and back the mayor's vision?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:46): (1762) My question is for the Minister for Environment. Chronic phalaris toxicity is a neurological disease caused by ingesting the early growth stages of phalaris grass. While this has long been recognised in livestock, particularly sheep with so-called phalaris sudden death, recent research highlights its increasing prevalence in kangaroos, raising serious animal welfare concerns. In my electorate of Northern Victoria volunteer wildlife rescue groups were recently called to a distressing case in Bendigo, where more than 50 kangaroos were found suffering from phalaris grass poisoning. Chronic phalaris toxicity can be prolonged, agonising and extremely distressing to witness, with the end stages, known as phalaris staggers, causing affected kangaroos to appear to be hopping drunk. There is no cure, and the result of ingesting these toxins is death. What surveillance and management actions is the government undertaking in Northern Victoria, and will the minister commit to working with rescuers and land managers on this important issue?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:47): (1763) My matter is for the attention of the Minister for Planning, and it relates to the Charter 29 report *Victoria's Planning System 2025: Reforming the Reforms*. Michael Buxton and a series of very eminent planners have put forward a number of proposed solutions to the government's authoritarian approach to planning, which has been adopted across the state. I am drawn particularly to page 10, which is a set of overlays that look at the merging of these large districts, area by area. I note that it is largely in my electorate of Southern Metropolitan Region, and that is what has drawn my specific attention to this today. I am asking: is the Minister for Planning prepared to meet with Charter 29 – perhaps me as well, but Charter 29 in this instance – to discuss their proposals and the matters that they have uncovered through their report?

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (12:48): (1764) My question is for the Minister for Local Government. Kingston council was informed by the Victorian government last week that it had appointed a municipal monitor. From what I have seen reported on the council website and in the media, it is not entirely clear what has prompted this move. There have not been any reports of serious governance issues, corrupt conduct or substantial dysfunction. If we are going to have democratic local representation, then it is important that it is actually democratic, which means that people will disagree. Democracy demands robust debate, and it is not clear that anything more than this has happened in Kingston. Residents of Kingston deserve an explanation. Therefore my question to the minister is: will the minister provide an explanation of why a municipal monitor has been appointed at Kingston council and what the estimated cost of this measure will be?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:49): (1765) The state is in a terrible state when the crime wave that we are experiencing is occurring day after day and with the horrific scenes we are seeing today. I have got a constituent who has been raising this with their local member in Albert Park over the past 24 months. He and fellow residents have repeatedly raised issues with the local member and the government, highlighting the anti-social behaviour that is occurring in their area – the violent incidents, attempted break-ins and drug-related activity, and it goes on. Not long ago, in May, a police officer was pinned to a car with a stolen car. The increase in the crime and the level of this crime is out of control. My constituent has had no luck, and I am asking the Minister for Local Government – who he has been asking also – that the local government work with the state government to have

improved lighting in Church and Dow streets. My request is for the local government minister to work with Port Phillip council to ensure that this occurs.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:50): (1766) My question is for the Minister for Environment. Last week I attended a meeting with constituents in Lara, who were thrilled to learn that the toxic, polluting proposed waste incinerator in Lara was denied a licence by Recycling Victoria due to its failure to receive a licence under the incineration cap. However, other communities across the state were devastated that licences have been approved for incinerators in their areas. With the limit on cap licences being increased by the government earlier this year, community members in Lara are anxiously asking: what assurances can the minister give them that there will not be further increases to the cap licence limit, thereby putting the Lara waste incinerator proposal back on the table?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:51): (1767) My question is for the Minister for Roads and Road Safety. When will the horrendous potholes on Vickers Road, Nagambie, be properly repaired with a full pavement replacement? Constituents have contacted me about the terrible condition of Vickers Road, the C344, near Nagambie. This road has had minor repairs on numerous occasions, and every time the repairs quickly disintegrate. After recent complaints from local drivers, a series of potholes were patched, but the quality of work was terrible. Just a few days later the potholes returned, and they continue to grow. Everywhere in Victoria cost cutting and low standards of repair work are leaving regional roads in worse condition than they have ever been. The minister for roads has a duty to ensure that road repairs meet a high standard and provide safe and smooth driving conditions for all Victorians. The minister must order that Vickers Road be properly repaired with a full pavement replacement.

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:52): (1768) My question is for the Minister for Ports and Freight. A constituent from Footscray is concerned that efforts to reduce truck traffic in the west will be undermined by a proposal to remove the Sunshine rail crossover as part of the Sunshine superhub project. Connecting western Victoria to the Port of Melbourne, the removal will likely force thousands of tonnes of produce onto trucks as the detour via Geelong and the single track at Newport have limited viability. Freight operator Qube told the *Age*:

> At a time when we are trying to encourage greater volumes of freight to shift from road to rail … the current proposal will effectively incentivise the reverse.

My constituent asks: has the minister given up on mode shifting freight to rail, and if so, how will they mitigate the impacts of increased truck traffic and emissions in Melbourne's west?

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:53): (1769) I undertook in this place last sitting week that every day I would speak in respect to Parentline, and I do so again today. In fact today I direct my question on behalf of my local constituents – it was because of them and in particular one mother there who raised her concern. In a previous life she used to work for Parentline, and she is extremely concerned at the prospect that on 31 October, which is just 66 days from now, Parentline will close – it will cease. Parentline, as we know, services in excess of 17,800 calls every year. There is currently, as we understand from the minister's response in this place, no plan whatsoever to replace that service. That is to say that when parents seek help for their children between the ages of 5 and 18, there will be nowhere to turn. There will simply be no-one at the end of that line. I seek from the Premier her urgent intervention to save Parentline on behalf of all of my constituents.

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:54): (1770) My constituency question is for the Minister for Public and Active Transport. The tram tracks along Domain Road and Park Street have been out of use for several years now, with trams diverted to Toorak Road to enable construction of the new Anzac station for the Metro Tunnel. A March 2023 article in the *Age* indicated that the Department of Transport had not at that time decided whether trams would revert to the Domain Road route when construction was complete. A constituent has contacted me and wishes to know: with the Metro Tunnel due to open this year, can the minister advise whether trams will be returning to Domain Road and Park Street, and if so, when?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:54): (1771) My question is to the Minister for Energy and Resources. It concerns the establishment of renewable energy zones, in particular the Grampians Wimmera REZ. It is no secret that consultation in establishing these REZs has been poor. I was up in Marnoo last week talking to locals, and they are sick and tired of being pushed and bulldozed over by this government. One member of the community has even taken it upon themselves to talk to locals because the government simply has not. The results are pretty clear: the communities around Marnoo, Navarre and Campbells Bridge do not want to be declared a renewable energy zone. What is even more astonishing is that if you overlay the REZ with the biodiversity mapping from the government, you soon realise that Kara Kara National Park and Morrl Morrl conservation reserve, along with a slew of other areas, are high biodiversity contained within the REZ. So my question is: will the minister order that the consultation is restarted with the locals and insist a genuine, meaningful process is established, or will she continue to ignore country people?

Petitions

Koala management

Georgie PURCELL (Northern Victoria) presented a petition bearing 7102 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the Department of Energy, Environment and Climate Action (DEECA)'s recent covert aerial culling of approximately 750 koalas in Budj Bim National Park following a fire.
>
> DEECA failed to provide key details on the decision for the aerial culling, including ethics approval, joeys affected, names of koala experts, credentials of shooters and the extent of vegetation loss. DEECA's decision to limit wildlife rescue operations and proceed with aerial shooting, described as a 'humane' method, raises serious ethical and transparency concerns. The public was not informed and aerial culling has never been used in this context. Budj Bim National Park is surrounded by blue gum plantations that host significant koala populations. Once harvested, these koalas are displaced and will seek refuge in the park where, under current management strategies, they will be culled. For decades, DEECA has prioritised the plantation industry's interests over the protection of koalas, without implementing adequate provisions for their long-term survival. This approach fundamentally contradicts DEECA's mandate to safeguard biodiversity and uphold environmental stewardship. The practice of culling wildlife as a consequence of prolonged policy failure and mismanagement is both ethically indefensible and environmentally unsustainable.
>
> The recent justification for the culling, a supposed lack of food, raises further concerns. The Government must provide evidence and clearly outline how it intends to support koala populations in the park and plantations. We demand accountability, ethical action and a long-term strategy that puts animal welfare above industry.
>
> **The petitioners therefore request that the Legislative Council call on the Government to establish an independent inquiry into the Department of Energy, Environment and Climate Action's aerial culling and broader koala management practices, including an investigation into the blue gum plantation industry's direct and indirect impacts on koalas, and immediately halt further harvesting in southwest Victoria until accurate, science-based population estimates are established in plantation areas.**

Georgie PURCELL: I move:

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

Motion agreed to.

Koala management

Georgie PURCELL (Northern Victoria) presented a petition bearing 2607 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the Department of Energy, Environment and Climate Action (DEECA)'s recent covert aerial culling of approximately 1,061 koalas in Budj Bim National Park management following a fire.

DEECA failed to provide key details on the decision for the aerial culling, including ethics approval, joeys affected, names of koala experts, credentials of shooters and the extent of vegetation loss. DEECA's decision to limit wildlife rescue operations and proceed with aerial shooting, described as a 'humane' method, raises serious ethical and transparency concerns. The public was not informed and aerial culling has never been used in this context. Budj Bim National Park is surrounded by blue gum plantations that host significant koala populations. Once harvested, these koalas are displaced and will seek refuge in the park where, under current management strategies, they will be culled. For decades, DEECA has prioritised the plantation industry's interests over the protection of koalas, without implementing adequate provisions for their long-term survival. This approach fundamentally contradicts DEECA's mandate to safeguard biodiversity and uphold environmental stewardship. The practice of culling wildlife as a consequence of prolonged policy failure and mismanagement is both ethically indefensible and environmentally unsustainable.

The recent justification for the culling, a supposed lack of food, raises further concerns. The Government must provide evidence and clearly outline how it intends to support koala populations in the park and plantations. We demand accountability, ethical action and a long-term strategy that puts animal welfare above industry.

The petitioners therefore request that the Legislative Council call on the Government to establish an independent inquiry into the Department of Energy, Environment and Climate Action's aerial culling and broader koala management practices, including an investigation into the blue gum plantation industry's direct and indirect impacts on koalas, and immediately halt further harvesting in southwest Victoria until accurate, science-based population estimates are established in plantation areas.

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

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 11

Sonja TERPSTRA (North-Eastern Metropolitan) (12:58): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 11 of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Essential Services Commission – Accident Towing Fees Review 2025: Final Report, 21 May 2025, under section 212G of the Accident Towing Services Act 2007.

Members of Parliament (Standards) Act 1978 – Register of Interests – Returns submitted by Members of the Legislative Council – Ordinary Returns, 1 February 2025 to 30 June 2025 *(Ordered to be published).*

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

Ballarat Planning Scheme – Amendment C243 (Part 1).

Bass Coast Planning Scheme – Amendment C169.

Bass Coast, Knox, Latrobe and Wyndham Planning Schemes – Amendment GC189.

Boroondara Planning Scheme – Amendment C405.

Greater Geelong Planning Scheme – Amendment C432.

Greater Shepparton Planning Scheme – Amendment C243.

Kingston Planning Scheme – Amendment C228.

Mitchell Planning Scheme – Amendment C177.

Mitchell and Whittlesea Planning Schemes – Amendment GC249.

Queenscliffe Planning Scheme – Amendment C41.

Victoria Planning Provisions – Amendments VC279 and VC290.

Statutory Rules under the following Acts of Parliament –

Building Act 1993 – No. 76.

Local Government Act 1989 – No. 77.

Subordinate Legislation Act 1994 –

Documents under section 15 in relation to Statutory Rule Nos. 73, 74 and 77.

Legislative instrument and related documents under section 16B in respect of Ministerial Order No. 1478 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees under the Education and Training Reform Act 2006.

Proclamation of the Governor in Council fixing operative dates for the following acts:

Bail Amendment Act 2025 – sections 11 and 12 – 26 August 2025 *(Gazette S436, 19 August 2025).*

Terrorism (Community Protection) and Control of Weapons Amendment Act 2025 – section 54A – 1 September 2025 *(Gazette S436, 19 August 2025).*

Petitions

Responses

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: Minister for Education's response to petition titled 'New public high school for Kilmore'.

Production of documents

Public sector review

The Clerk: I table a letter from the Attorney-General dated 21 August 2025 in response to the resolution of the Council on 30 July 2025 on the motion of Mr Davis relating to the Silver review. The government has identified two documents within the scope of the order and makes a claim of executive privilege over those two documents in full. I further table a schedule of the identified documents.

Business of the house

Notices

Notices of motion given.

General business

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:14): I move, by leave:

That the following general business take precedence on Wednesday 27 August 2025:

(1) order of the day 1, second reading of the Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025;

(2) order of the day 3, resumption of debate on the second reading of the Charter of Human Rights and Responsibilities Amendment (Right to Housing) Bill 2025;

(3) notice of motion 1002, standing in Rachel Payne's name, referring matters relating to the development and expansion of waste-to-energy infrastructure to the Economy and Infrastructure Committee;

(4) notice of motion given this day by David Davis on increases in crime; and

(5) order of the day 71, resumption of debate on a motion on delivery of health services.

Motion agreed to.

Committees

Procedure Committee

Membership

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:15): I move, by leave:

That Sarah Mansfield be a member of the Procedure Committee.

Motion agreed to.

Members statements

Kilsyth Sports Centre

Sonja TERPSTRA (North-Eastern Metropolitan) (13:15): Sport brings communities together, which is why the Allan Labor government has invested $10.5 million to deliver major upgrades for the Pinks Reserve at Kilsyth Sports Centre. I was really pleased to attend the opening of the new and upgraded centre with my colleague the fantastic member for Monbulk Daniela De Martino. These facilities host over 10,000 participants a year – that is thousands of kids forming friendships and exercising as well as thousands of parents sharing courtside chips, amongst other things. The upgrades include a new court, change room facilities and more. The court will mean byes can be eliminated, and it also enables the wheelchair league at the facility to expand. It is a fantastic thing. I hope everyone in the local community enjoys this really important upgraded facility, whether they are playing, coaching or cheering from the sidelines.

Emergency Services and Volunteers Fund

Bev McARTHUR (Western Victoria) (13:16): I rise today to particularly thank Meg Edwards and Nathan Murphy of the United Firefighters Union, who recently jointly organised a rally against the emergency services tax attended by around 200 very concerned Gippsland citizens at the Wonthaggi Workmen's Club. While I was honoured to provide the keynote address, I also thank colleagues Dr Renee Heath, Wayne Farnham MP and Danny O'Brien, Leader of the Nationals, for joining me as speakers. The meeting was also supported by numerous councillors from Baw Baw, Shepparton, South Gippsland, Cardinia and Bass Coast councils. I reiterate that local government should not be the state's tax collector. This is a killer new tax levied on every Victorian, but especially egregious is its effect on farmers and businesses. I also congratulate the Not in Our Name alliance, who are expertly highlighting the government's out-of-control tax grab. I look forward to attending and speaking at many more such rallies. I think the next one is in Pakenham, and I will be there. This government is out of control in its efforts to tax Victorians at every move along the way, and this tax needs to be scrapped.

Transport infrastructure

Katherine COPSEY (Southern Metropolitan) (13:18): Fishermans Bend needs Melbourne Metro 2. Planned to become a home to 80,000 people and a host to 80,000 jobs and a university campus, Fishermans Bend does have the potential to be a crucial part of our city. But to unlock that potential, it needs strong public transport links, and to move that many people in and out every day, that means a connection to our suburban train network. The Melbourne Metro 2 project would be similar to the Metro Tunnel, which we are all looking forward to seeing open later this year. It would drill under the centre of Melbourne to connect the Werribee and Mernda lines, providing new connections in the inner north as well as at Fishermans Bend and adding capacity that would enable more trains to run on these and other lines. It is crucial for Fishermans Bend, and it is highly beneficial for many other parts of our state. All too often, though, when new suburbs are built, the roads are built alongside the homes, ready for when the first people start moving in, but the public transport has to wait until years later, which locks people into car dependence, reducing their transport choices and saddling them with the significant costs of owning and running a car or several cars. The government

cannot take that approach with Fishermans Bend. The community is already there and growing. We need to see a commitment to building Melbourne Metro 2 as soon as possible to enable the area to grow sustainably.

Heidelberg United Alexander FC

Lee TARLAMIS (South-Eastern Metropolitan) (13:19): Congratulations to Heidelberg United Alexander FC on their accomplishments and performances that are truly remarkable. The Bergers, who are second on the National Premier Leagues Victoria ladder, have reached the semifinals of the Australia Cup for the first time after thrashing A-League's Wellington Phoenix 4–nil at their home ground, Olympic Village. It was the second win in a row where the Bergers knocked out an A-League team, previously beating Western Sydney Wanderers 3–nil at the same venue. As a result they will now face off against A-League premiers Auckland FC as they seek to qualify for the final. This is a historic achievement and testament to the spirit of the club, the dedication of the players and coaching staff and the vision and passion of the club's leadership, supporters and sponsors.

It is important to recognise that Heidelberg United Alexander FC is more than just a football club, it is a community and a family. It is also a symbol of Australian multiculturalism, having been formed by Greek immigrants back in 1958. Heidelberg has been a powerhouse football club, coming from humble beginnings to become one of the most successful clubs on the field and having formed the first women's team in 1978, who this year are National Premier Leagues Victoria women's premiers. Their off-field achievements are just as important and set them apart as they make a profound impact on the lives of members, players, supporters and the local community.

Their success would not have been possible without the hard work, passion and dedication of all those involved in the club and the generosity of their loyal sponsors. There is no doubt Heidelberg United Alexander FC will continue to thrive and inspire, building on its proud legacy and forging new milestones for generations to come. As their journey continues, let us rally behind them and show the world what the club is capable of. Best wishes in the Australia Cup semifinals – you have got this.

Community safety

David DAVIS (Southern Metropolitan) (13:21): I want to join a number of people who are speaking about the information that has come forward in recent hours from Mike Burgess, the head of ASIO. He made it very clear that Iran's Islamic Revolutionary Guard Corps has been closely involved in directing operations in Australia and has been involved in at least two attacks, including at the Adass synagogue in Ms Crozier's and my electorate – this shocking attack that occurred. There is apparently a complex web of proxies used by the revolutionary guard corps to hide this. This is credible evidence. It sought to hide its involvement in these antisemitic attacks on Australian soil. This is disgraceful. I am glad that Mr Burgess and ASIO have exposed these nefarious influences in Australia and this shocking and violent action on our soil. Iran have directed two – they tell us – and likely more attacks on Jewish interests in Australia. This has been a careful piece of research, and I pay tribute to the work that they have done in unpicking these links between the Islamic Revolutionary Guard Corps and the individuals in Australia who have been involved in these attacks. Our Jewish community is precious. They deserve our support and they deserve our protection. In this circumstance I think ASIO has done great service, and I think we would all wish that they work – *(Time expired)*

Lara waste-to-energy facility

Sarah MANSFIELD (Western Victoria) (13:22): Last week I went to a community meeting with constituents in Lara about the proposed Prospect Hill International waste incinerator. On the day of the meeting Recycling Victoria revealed that the proposal would not receive a licence under the waste incineration cap. Lara was not on the list; many other sites were, however. The Lara community have cautiously welcomed this outcome after years of community campaigning, but they are reluctant to celebrate because the development licence from the EPA still exists and the minister has yet to decide about planning approval. Moreover, the Labor state government has twice now increased the annual

waste incineration cap for Victoria. It was 1 million tonnes in 2022, then increased to 2 million and most recently to 2.5 million. They have indicated they might be willing to go up to 3 million tonnes, leaving plenty of room for a future approval of the Lara waste incinerator. It was a bittersweet event, as I said. A number of other communities around Victoria on that same day had waste incinerators essentially one step closer to being reality with that Recycling Victoria announcement. The pursuit of waste incineration by this state government at the expense of public health, the environment and the climate is outright negligent. No community should be dealing with these proposals, and we will not give up the fight against them.

Leura Aged Care

Jacinta ERMACORA (Western Victoria) (13:24): I am delighted to report that I attended the opening of an aged care facility in Camperdown with the Minister for Ageing Ingrid Stitt last week. She announced the name of that facility, which is Leura Aged Care. This project was $39 million from the Victorian Labor government. It was delivered under budget and it was delivered on time, but that is not even the most wonderful thing about this project. It was the community ownership and the community engagement for the whole project. The open day had thousands of people from Camperdown and district come and have a look. The suggested design inside – the minister and I got to have a look – was with not wards but streets and street numbers, doorways that look like external entrances and little displays at the front of each door that personalise them so they do not even look like ward structures; they look like home spaces, really. This is all because of excellent community engagement. I congratulate South West Healthcare Camperdown, and I congratulate the Camperdown community and everybody involved in the project.

Community safety

Georgie CROZIER (Southern Metropolitan) (13:25): Unfortunately, Victoria has the unenviable reputation of being the debt capital, the taxation capital of Australia, given the staggering debt amount that Victoria is racking up and the taxation impost that is on households, families and businesses that is just increasing. But we are also known as the protest capital and crime capital of the country. This is all under Labor. Labor has allowed our state to decline into such a state that we have lawlessness that is at a level no-one, even a few years ago, would ever have expected. The serious nature of the violence that is in our streets and the out-of-control crime that is occurring every single day are just unacceptable. I think that every Victorian is really concerned about the inability of this government to address this problem. This is lawlessness, as I said, that we have never experienced, and it is not in any one area, it is right across our city and right across our state. It does not matter where they live, people are living in fear, and they deserve to feel safe in their homes – at the very least they deserve that – but they do not. The home invasions, the carjackings, the unlawful activity, the attacks on retail outlets and those workers are affecting everybody. The government has failed Victorians yet again.

Barmah Food Shack

Rikkie-Lee TYRRELL (Northern Victoria) (13:27): I am dedicating my members statement today to the compassionate and hardworking volunteering couple Dean and Kylie Adams of Barmah. Dean and Kylie set up the Barmah Food Shack in early 2023, just after the 2022 floods. The little shack, no bigger than a small garden shed, provides food and necessary goods to the local community members who are doing it tough. Food donations from Cobram food share, rescued food from Aldi and Sutton's Bakery in Echuca–Moama, locally grown oversupply from local gardens and even ARC pet food donations ensure that Barmah residents and their pet companions do not go without a meal each day. I was there for an hour recently, and in that short time the Barmah Food Shack provided food to 64 people alone. It is estimated that up to 770 people receive nutritional aid from this community service each fortnight. Both Dean and Kylie personify the generous community spirit that is on display throughout regional Victoria. On behalf of my constituents I salute their tireless work for the local Barmah community.

Victory in the Pacific Day

John BERGER (Southern Metropolitan) (13:28): I have three matters to raise today. On 15 August we celebrated the 80th anniversary of Victory in the Pacific Day, the end of the Second World War and the surrender of Japan. I was privileged to attend the commemoration at the Shrine of Remembrance and lay a wreath on behalf of the Minister for Veterans in the other place, Minister Suleyman, to pay my respect to those who served our country. The day Japan surrendered was a day that many people would not have thought would happen, but for anybody who was there it was a day that they would never forget. We must never forget the sacrifices made in that war, because the world that we enjoy today is one that was only made possible by that victory.

Kew East Primary School

John BERGER (Southern Metropolitan) (13:29): My second matter involves meeting David Comport, the school president from Kew East Primary School. It is always great to catch up with the local schools, and I am looking forward to delivering for them. I also want to briefly mention that Kew East Primary is in Boroondara council's catchment area, and I had the chance to catch up with Crs Franco and Osborne-Smith to discuss shared priorities. I am looking forward to seeing what we can do together.

National Skills Week

John BERGER (Southern Metropolitan) (13:29): Finally, this week is National Skills Week, so it was great to join the plumbing students and the member for Ashwood in the other place yesterday at the Holmesglen Chadstone TAFE to see the great work the Allan Labor government is doing to support the workforce of our future.

Meat industry

Wendy LOVELL (Northern Victoria) (13:35): In February this year I raised the difficulty small-scale animal producers were having accessing kill facilities and the need for the government to support microabattoirs. Last week I was delighted to see the government press release from the Minister for Planning and Minister for Agriculture claiming they were making it easier to establish such facilities. Microabattoirs service kills for farmers' personal use and for small-scale producers that produce meat for sale at farmers markets or boutique butchers, much of which is organic and sells at a premium price. The trouble is that the release failed to address detail and left readers with more questions than answers about whether the changes will even deliver the desired outcome. If readers of the release were not already left wondering if the government knew what it was doing, their concerns were confirmed by the Minister for Planning's comment:

> These changes will help our most vulnerable to continue accessing Victoria's world-class fresh produce.

Well, I have news for the minister: the most vulnerable Victorians are not shopping for organically grown prime cuts of beef or lamb at farmers markets or boutique butchers; they are looking for the best value they can find in the supermarkets or lining up for food parcels at local food shares and other charities. Comments like this show just how out of touch this arrogant and tired Labor government is with the people of Victoria.

Victoria Police deaths

Wendy LOVELL (Northern Victoria) (13:31): I would just like to say that my thoughts are with the communities in my electorate in Porepunkah and Bright, where there was a horrific incident this morning, with a police officer wounded and two other police officers reportedly missing. The *Age* are saying that may be an even more tragic incident. My thoughts are with the community and also with the officers involved, their families and their friends and the entire Victorian police force.

Be.Bendigo Business Excellence Awards

Gaelle BROAD (Northern Victoria) (13:31): I would like to acknowledge the outstanding contribution of local businesses that strengthen our economy, create jobs and build a vibrant community. The 2025 Be.Bendigo Business Excellence Awards celebrated the outstanding achievements of businesses and the individuals behind them that are not only succeeding but also leading with purpose and innovation. Congratulations to Bendigo Telco for their community leadership, Hebron Films for creative excellence and AL Parker Electrical for their customer focus. Bendigo Theatre Company received the Not-for-profit Award, White Deer received the Small and Succeeding Award, National Heating & Cooling received the Trade and Construction Award and also Noble Bootleggers received the Gastronomy Award. Bendigo Business of the Year award went to ISH24, honoured for its national and global footprint; Fabriq was recognised for excellence in manufacturing; and Bendigo Jockey Club was the recipient of the Events and Tourism Award. Inspiring individuals Anna Hill of St John of God Bendigo was named Leader of the Year and Rhianwen Seiter of Mackenzie Quarters received the Regional Women's Business Award. These awards reflect the diversity and resilience of our regional economy, from creative industries and manufacturing to health, tourism and professional services. I commend their achievements and thank all the award recipients for their contribution to our community. You exemplify the spirit of enterprise that drives our region forward.

Victoria Police deaths

Trung LUU (Western Metropolitan) (13:33): We recently had a commemoration day to honour two police officers, Sergeant Gary Silk and Senior Constable Rodney Miller, who were murdered while on duty on 16 August 1988. We all recognise the dangerous work that our police officers undertake in the service of the community, and every Victorian appreciates their dedication in keeping us safe. I am very deeply saddened to learn that two police officers were fatally shot and one was wounded this morning while carrying out their duties on a property in an alpine region near Bright, north-east of Melbourne. My thoughts and prayers and sympathy are with the officers' families, colleagues and friends. As a former police officer, I can attest that there is no worse feeling than hearing that one of your colleagues has been killed in the line of duty. Schools at the moment are locked down in the area and the scene is an active incident, and my hopes and prayers are that all those police officers still involved in the incident go home safely today.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (13:34): I move:

> That the consideration of notices of motion, government business, 278 to 1047, be postponed until later this day.

Motion agreed to.

Bills

Bail Further Amendment Bill 2025

Second reading

Debate resumed on motion of Lizzie Blandthorn:

> That the bill be now read a second time.

Joe McCRACKEN (Western Victoria) (13:35): I rise to speak on the Bail Further Amendment Bill 2025. I note that this bill comes after the changes made in the Bail Amendment Act 2025, which was the first tranche of reforms to reverse several of Labor's previous actions which weakened Victoria's bail laws. Although these changes are at best a tweaking around the edges, they are at least a small, baby step in a better direction. To give some context, the high watermark for community

safety was in 2013 when the Liberal–Nationals introduced legislation which strengthened bail, with the introduction of offences for breaching bail conditions and a reverse onus test for offending whilst on bail. These changes were watered down to some extent by Labor in 2016 when exemptions were introduced to stop minors from facing real consequences for breaching bail conditions. Following the Bourke Street tragedy, in 2017–18 some aspects of bail laws were toughened, but this was later undone along with other changes which were passed in 2023 and which took effect in March 2024. The weakening of bail laws has had a predictable effect, seeing repeat offenders continue to get bail and continuing to make bail easy to keep.

As a consequence of sustained pressure from the coalition, which reflects public outrage and the extreme situations many Victorians are facing, the government was forced to apologise for its weakening of bail laws and make amendments. In March this year, under Labor's so-called tough bail laws, there was a removal of the principle that remand is a last resort for under-18s; community safety was expressed to be the paramount consideration for bail decision makers; and there was the introduction of bail offences, although the consequences were extremely watered down. At the time the government said these were the toughest bail laws in the country, but the truth of the matter is that the laws that were introduced were not even as tough as the ones that existed prior to March 2024. In an attempt to be seen as doing something, the government have now introduced a second tranche of bail laws designed to strengthen the system. However, these changes do not restore bail laws to what they previously were. In short, it does not look like the government takes community safety seriously. The proposed changes do not match the break bail, face jail policy the Liberal–Nationals have announced, which is a real alternative that puts community safety front and centre.

I do want to talk about the provisions of this bill and some of the aspects, but before I do I want to note that under clause 2 the commencement of this legislation is set to take place on 31 March 2026. Correct me if I am wrong, but that is several months away. If the government takes community safety seriously, why is there such a significant delay in the proposed date of effect? Doesn't that seem a little bit bizarre? The rhetoric of being tough on crime matched with the action of a delayed implementation does not really match up. I will leave that with the government to talk about.

The first provision I would like to discuss is the high degree of probability test, which now forms part of the unacceptable risk test. The changes include a new section 4F, which applies to a decision to grant bail to a person charged with any of the following offences who is already on bail for any of the following offences: armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking and aggravated carjacking. Essentially a person must (a) have originally been charged with one of those offences I went through, (b) have been granted bail for that original offence and (c) be charged with the same offence whilst on bail. When the original charges are laid – that is, when the person first gets bail – the accused must bear the burden of showing that there are exceptional circumstances, or in the case of carjacking, show a compelling reason to justify bail. Two, the police must be unable to demonstrate that granting bail would pose an unacceptable risk. If a person, whilst on bail, is charged with one of the six specified offences, the first step essentially remains unchanged but the second step is being modified by this legislation.

The bail decision maker must find there is an unacceptable risk that the accused would commit a schedule 1 or 2 offence unless satisfied that there is a high degree of probability the accused would not commit one of the six indictable offences if released on bail – for example, armed robbery, carjacking, home invasion et cetera – but the high degree of probability test only applies to those six offences. If it is highly likely that the accused might commit another crime, that is not included in the high degree of probability test, and therefore a bail decision maker is not mandated to find that there is an unacceptable risk. That makes sense, right?

This is supposed to represent a significant change to bail laws. In reality, it is not a huge change at all. In fact it is basically the same as the New South Wales high degree of confidence test, and the effect of this legislation is that it brings us into line with New South Wales. So much for the rhetoric about these being the toughest bail laws in the country.

When applying the high degree of probability provisions, bail decision makers are still required to consider existing factors in the Bail Act 1977 which ensure a risk-based, proportionate application of bail tests. These include consideration of whether there are any available bail conditions which might mitigate the risk of reoffending as well as any surrounding circumstances relevant to the risk-based focus of the high degree of probability test. The high degree of probability test will be difficult to pass, but it is possible when reoffending risks can be appropriately mitigated and managed. Again, I want to draw to the point that this change is just bringing Victoria into line with New South Wales. The claim that these are the toughest new bail laws in the country is clearly false. It is just not true.

The second area I want to discuss is clause 9 of the bill, which inserts subsection (4A) after section 4AA(4) of the principal act, which outlines new circumstances for the use of the show compelling reason test and that it is to include indictable offences. This uplift only applies if the person is already on bail for an indictable offence. If the original offence is a summary offence, there is no uplift at all; it is only for indictable offences. Any offences contained in the new schedule 4 will not be subject to a show compelling reason test for bail for committing an indictable offence whilst on bail, even though schedule 4 offences are all indictable offences.

One of the concerns with the schedule 4 lists is that they include a number of offences which could be associated with serious and organised crime and therefore should attract a show compelling reason test – for example, handling stolen goods, dealing with the proceeds of crime, possessing a tablet press, possessing precursor chemicals, possessing controlled drugs, possessing controlled precursors, and proceeds of crime, which is money or property worth $10 million or more.

Schedule 5 sets out further exemptions to the list of indictable offences for which a show compelling reason test must apply where the person on bail for an indictable offence is charged and they are subsequently charged with a schedule 5 offence. This means that any offences contained in the new schedule 5 will not be subject to the show compelling reason test for bail for committing an indictable offence whilst on bail – again, despite schedule 5 offences all being indictable offences. Schedule 5 offences include theft of a motor vehicle of any value or theft of property worth at least $2500, and damaging or destroying property where the cost to repair the property that is damaged would be $5000 – but that excludes graffiti damage – or if the property that is destroyed is worth $5000 or more.

Clause 17 of this legislation adds two new circumstances to the non-exhaustive list of surrounding circumstances set out in section 3AAA(1) of the act. This adds pregnancy and caring responsibilities as special vulnerabilities that bail decision makers must expressly take into consideration if relevant to the matter of the accused's circumstances. Clause 14 substitutes section 5AAA(7) of the act with 5AAA(7), (8) and (9). New section 5AAA(8) provides that bail decision makers may impose electronic monitoring conditions if the bail decision maker is not making an applicable decision within the meaning of part 2A – that being basically that that person is a child – the monitoring required or facilitated by the condition is to be carried out by an entity prescribed in regulations and the prescribed requirements, if any, are met.

The new provisions for use of a prescribed entity enable the government to permit certain providers to carry out electronic monitoring of bail. Clause 20 provides that arrangements currently in place are not impacted if they were enacted before the commencement of this bill. Essentially what that means is that if there are already current electronic monitoring arrangements in place, they stay the same. Any new ones that are put in place after the commencement of this act are under the new provisions but the old ones stay the same.

There are also amendments to the Summary Offences Act 1966. Clause 22 of the bill makes a technical change to the Summary Offences Act by substituting 'a person' for 'an accused'. Everyone watching at home will think this is not a particularly substantial part of the legislation, but typically people on bail have been accused of a criminal offence and are referred to as 'the accused'. However, in some circumstances respondents to family violence intervention order applications may be placed on bail and be subject to bail conditions to mitigate the risk of family violence. A respondent in these

circumstances is not necessarily 'the accused'. In essence what I am saying is that we support a person being called 'a person' rather than 'the accused'.

Clause 18 requires a statutory review to consider the impact of the changes made by this bill, particularly the high degree of probability test. Clause 18(3) specifically requires that the review consider the impact of the operation of the relevant amendments on Aboriginal and Torres Strait Islander people regardless of any other matters considered.

In summary, this bill makes minor steps to improve bail laws – minor steps. These changes do not restore bail laws; they were in a stronger position even pre March 2024. The focus from the government has been the six offences for which the high degree of probability test will apply and how that impacts on the unacceptable risk test. However, focusing on that masks the weakening of bail laws on a raft of other indictable offences. It is really a very small set of changes that we are seeing from the government here, despite the rhetoric of these being the toughest new bail laws, which is a complete and utter falsehood. It is just not true.

Ryan Batchelor interjected.

Joe McCRACKEN: It is not true, Mr Batchelor, because you are literally, in the legislation, bringing this test in line with New South Wales. This just goes to show that it is not the toughest at all; you are literally bringing it in line with another jurisdiction. I do not know where the government seems to think that this line of tough new bail laws is coming in, but it is certainly not the toughest. You admit it yourself in the legislation. It is basically just a PR and spin campaign designed for a political outcome, not an outcome that genuinely seeks to bring about widespread and meaningful change within the state's bail laws, and that is a great shame.

The coalition does have amendments to this bill, because we believe that integrity and confidence needs to be restored into the bail system of Victoria. We believe that our policy of break bail, face jail is a deterrent to those considering breaking bail conditions. In short, we want to reinstate the offence of committing an indictable offence whilst on bail as a schedule 2 offence, triggering an uplift in the bail test. By contrast, Labor's legislation exempts dozens of indictable offences which will not see an uplift in the bail test. We want to reinstate the offence of breaching bail conditions without reasonable excuse as a schedule 2 offence, triggering an uplift in the bail test. By contrast, Labor does not provide a bail uplift for breach of bail conditions at all. We want to remove the current exemption for youth offenders who breach bail conditions without reasonable excuse, ending the free pass for under-18s which Labor has allowed. However, the government know that there is no penalty for minors who breach bail conditions. We want to list robbery and burglary as schedule 2 offences, meaning tougher tests apply. Labor's legislation will only see these offences incur a tougher test when it is a repeat offence on bail, not for the initial offence. I ask that the coalition amendments now be circulated.

We will not be opposing the legislation, because we at least recognise that it is a very small step in a better direction. It is a baby step, barely even a step, to be fair, but that is obvious to the community who daily experience crime. It is clear that the Labor government do not take community safety seriously. But what is worse is that by having weak bail laws, Labor do not take into consideration the experiences of the victims of crime. There have been countless stories in the community of offenders being arrested by the police, only for them to be released hours later. How is the community expected to have confidence in our justice system when the system is not just? How can people expect to feel safe in their own communities when criminals are let out on bail and they know that there are virtually no consequences for their criminal activities? How can anyone think it is fair to allow criminals to be released into the community without a strong set of conditions? It is pretty obvious the Labor government think it is all well and good. Crime crisis? What crime crisis? It is all made up. This is from the government that 'puts people first' and are doing 'what matters most'. This is from the same people that cut police department budgets but want to install machete bins at a cost of $13 million. How is that one going?

The truth is that we do have a community safety crisis in Victoria, and that lies squarely at the feet of the government. Labor's solution is to play around on the edges with bail, make minor tweaks here and there and dress it up as some sort of tough new solution. It is just not. It is a little bit like a chihuahua. It makes a lot of noise, but it really does not do much. It should be called the chihuahua legislation. The coalition have put forward a number of alternatives. We have a plan which would make meaningful changes to our justice system and ensure there are consequences for breaking bail. We just want people to feel safe in their communities and to see an end to the crime crisis in our state. That is what people are crying out for. It is one of the most basic functions of government to keep people safe. But why does the government refuse to accept that this is a problem of their own making?

The coalition has provided them with the solution. If the government votes against our amendments, it will show that they really do not take community safety seriously, they do not take criminal justice seriously and they do not care about the victims of crime, who have to see criminals out in the community literally hours after they have been arrested. I urge everyone in the chamber to support our amendments to make sure that the justice system is actually just again.

Ryan BATCHELOR (Southern Metropolitan) (13:54): I am pleased to rise to speak on the Bail Further Amendment Bill 2025. The government in bringing forward this legislation as the second tranche of our bail reforms, and particularly the work that the Attorney-General, the Minister for Police and the Minister for Corrections have been doing over recent months in response to the legitimate community concern about community safety is to be commended. I want to particularly place on record my thanks for the hard work that is going on by frontline police officers, who are working very hard day and night to make sure that those who are committing crimes in our community are being held accountable for them. They are day in, day out doing their job, protecting our community and making sure that our community is kept safe. I want to particularly acknowledge both the hard work of the frontline uniformed officers who are responding to criminal events as they occur but also the investigatory work that is going on to try and get to some of the root causes of particularly the organised elements of the criminal activity that we are seeing in some parts of Melbourne. Those issues are being dealt with as well. I think both of those elements are particularly important.

The work that the government has been doing with respect to bail laws, the second tranche of which we are debating here today, is designed to support that effort of our frontline officers in Victoria Police in keeping our community safe. It also makes some pretty clear statements from the Parliament to those who are making decisions about bail that community safety has to be an exceptionally important and overarching priority of our bail system. As I said, the government introduced the first tranche of its bail reforms earlier this year. We debated those earlier this year, and they are working. We heard the voices in the communities for change. We have made the changes, and we are working hard to keep our communities safer. Since that first tranche of legislation was delivered in March this year more alleged offenders are being held on remand. The latest statistics reveal an increase of over 26 per cent of alleged youth offenders who have been remanded compared with the same period last year. High-harm offenders are being held on remand so they cannot go out and commit further crimes until their alleged offences and alleged offending are dealt with by the courts.

The bill before us today introduces our second package of legislative reform to our bail laws – reforms that will further strengthen the laws that apply to high-harm offenders. It will introduce the toughest bail test in the country for repeat offenders and implement a second-strike rule for those who commit offences while on bail. It means that repeat offenders are not going to walk away and are not going to walk free, they are going to be held accountable and held on remand until their trial. These changes are ultimately about prioritising community safety.

We do not agree with the approach that those opposite espouse – it will not work. The best way that we have got to stop crime is to give people a future worth choosing and to offer them the tools to give them an opportunity to turn their lives around. There is a significant investment in this area and these sorts of programs from the government. They have got to come alongside a focus on community safety, and that is what this bill does.

The bill introduces a new test for bail decisions. From now on there will be a new high degree of probability test – that is, a bail decision maker must be satisfied that there is a high degree of probability that the alleged offender will not reoffend if granted bail – and the test will be introduced for repeat or serious schedule 1 offences, which include aggravated home invasion, carjacking, armed robbery and aggravated burglary. These are the crimes which our communities have said repeatedly that they are concerned about, and we are tackling them head on. It means that bail will only be granted in these circumstances if a bail decision maker believes that there is a high degree of probability that the accused offender will not reoffend with a serious crime while on bail. It is one of the strictest tests of bail in the country, putting the community first. It means that reoffenders are sent a clear message: if you pose a risk to the safety of our communities, you are not going to be granted bail.

The second measure to be implemented through this bill is the second-strike rule in relation to bail. If it is believed that there is not a high degree of probability an accused offender will reoffend if granted bail and thus is granted bail, there will be no third chance if they reoffend. With the second-strike rule, if an offender is already on bail for an indictable offence and they are charged with another indictable offence, the offender will face the higher threshold for bail, the show compelling reason test. What this does and why it is really important is it puts the onus on the accused to demonstrate to the bail decision maker that there is a compelling reason that justifies their release on bail once more. If we have an offender already on bail and there is another offence, they have got to prove that there is a compelling reason that justifies their release on bail once more. If the bail decision maker is not satisfied, then no bail will be granted. This is in addition to the unacceptable risk test, a test which applies in nearly all bail applications and stipulates that bail must be refused if the prosecution establishes that the alleged offender poses an unacceptable risk to the community.

This change to the test for bail is about accountability for serious offences, as the test will only apply where an alleged offender has been charged with a serious offence listed in schedule 2 of the Bail Act 1977. This includes legislative safeguards to ensure that low-level, nonviolent crimes are not picked up by the second-strike rule – and we think it is particularly important that we are not picking up these nonviolent crimes with this second-strike rule. It is what makes our reform of bail laws both targeted and proportionate, because we know that contact with the criminal justice system can lead to reoffending, and that is very clear. So there are legislative safeguards that stipulate that those charged with lesser offences, such as minor theft, property offences or public nuisance, are not subject to the reverse onus second-strike rule – important safeguards that accompany the clear and tough approach for high-harm offenders.

The bill makes other consequential changes. It places a ban on private electronic tagging, because it is a pretty simple principle that if you are on bail, you should not be able to buy access to it. It is not fair. We have had some bad cases of it, and we are going to put a stop to it. The bill will also add considerations for care and pregnancy when giving decision-makers consideration as to whether to grant bail, and the bail system will now better recognise the impact of incarceration on mothers, children and family stability. Because we know how detrimental contact with the criminal justice system can be for vulnerable people, we need to make sure that they are considered, while considering reducing high-harm offenders being out in the community as well.

Committing serious crime must have consequences, and that is why these bail reform changes are both needed and targeted. Our reforms to bail are specifically targeted and designed to protect the community from the serious, high-harm offences – those who have committed home invasions, those who have committed carjacking, aggravated burglary, the crimes that understandably instil fear into communities. I have in recent months had the opportunity to speak to some members of the community which I represent – along with some colleagues in the chamber at the moment – in the Southern Metropolitan Region who have themselves been subject to some of these types of offences, including home invasions and aggravated burglary. It is very clear, in the conversations that I have had, the significant impact these have had on these individuals and their families. We have heard what they have been telling us. We have listened to quite harrowing stories that have been conveyed to many of

us across the chamber about the impact that these high-harm offences have on our communities, and that is why we are acting. That is why this is the second tranche of our laws to try and stop reoffending in high-harm and serious offending. And what that does, these changes today along with the changes that we passed early on this year, is send a very strong message that crime will not be tolerated in the community.

In March we amended the guiding principles for bail, clarifying that decisions for bail should give consideration to community safety overarching importance, that the overarching principle that should apply in our bail system is that of community safety. We made some further changes, particularly with respect to young offenders, altering some previous words in the act that made consideration of bail for those offenders a last resort. The changes also moved certain offences such as armed robbery, aggravated burglary, home invasion and carjacking from schedule 2 offences to schedule 1 offences. This means that alleged offenders of these crimes face a higher bail test, that of exceptional circumstances for repeat offenders, and now will face the high degree of probability test also introduced in these laws.

The March changes moved a series of other offences, including serious arson and motor vehicle theft into schedule 2. These offences now trigger a higher test for bail than previously. Where there was community concern about high-harm offences, we made the changes we needed to toughen our bail laws. That is what makes these changes appropriate. That is what makes these changes proportionate. We know that the approach that those opposite advocate will not work, does not work. We want to ensure that whilst we are targeting high-harm offences through the way our bail system operates, we are making the considerations that I outlined earlier in this speech to ensure that certain lower level offences are not caught up in these changes to the bail system and that some of the issues that were very clear in the scheme that applied in years past, that had disproportionate effects on some of the most vulnerable in the community, will not be repeated. That is certainly not the intent of the changes here. They are not designed to catch the vulnerable. They are designed to ensure those who are charged with serious crimes – burglaries, home invasions and carjackings – are held on remand as appropriate with these new tests until they have their day in court.

These changes to bail come alongside investment in preventative measures to stop people, particularly young, vulnerable people, from entering the criminal justice system in the first place. They include investments in health care, in rehabilitation and support services across the corrections and youth justice systems to help drive down repeat offending and support those who want to turn their lives around, who want to get put on a better path – case management, coaching, mentoring, prosocial activities. The youth crime prevention program runs all of these sorts of activities and has supported more than 7500 young people to date. It is through this suite of approaches that we as a government are implementing tough laws and more support protections for the vulnerable, which make the suite of measures that we have been implementing in response to the real and legitimate concerns about community safety proportionate and appropriate for action.

We do know that there are a range of issues that are of serious concern to members of the community. That is why this government has not been backward in taking the steps forward that we need to make sure that in a range of areas our community is safe. We reformed these bail laws earlier in the year through targeted changes and introduced the toughest bail test in the country. Recently we have had strong new anti-vilification laws, particularly to protect vulnerable communities from hate and abuse. This government proposed them. This government passed them. The Liberals voted against them, and we should never let people forget the fact that the Liberal Party has opposed tough anti-hate laws in this Parliament. This year we are banning machetes, the first ban of its kind in Australia. We have introduced post-and-boast offences so that you do not glorify crime, so crime is not content and it is not being used in that way. We have trials of electronic monitoring of youth offenders. We are boosting investments. We are significantly increasing our investments across the justice system to make sure that it is able to cope with the increased demands that we are placing on it. The changes that we are

proposing to our bail laws today are considered, proportionate and targeted, and I commend them to the chamber.

Melina BATH (Eastern Victoria) (14:09): I rise today to make a contribution on this Bail Further Amendment Bill 2025. Listening to the member opposite, one would think everything is hunky-dory in this land we call Victoria. The member talked about backwards steps: 'We're not taking a backward step. We're taking forward steps.' I am about to outline the backward–forward – the crime cha-cha – in Victoria that we have been facing over the last 10 years. Let me start by just reflecting on a news item that was in Channel 9 news in March this year. We great insight from two mothers, Jen and Kate, whose sons were repeatedly bailed in 2023 for car thefts – no light offence – and for home invasions. Jen described living on a continuous roller-coaster as a parent and how she would call the police, she would beg the police, she would ask the police, 'Please, he's on bail but he's doing this again.' She begged them to keep the kids locked up – not out of malice, not out of bitterness, but out of desperation and fear for her child. This life of repeat recidivism is no life for these youths, nor is it life for a parent and nor is it life for those multiple people who have had their car stolen, who have had their home invaded. We only need to turn on the television in our living rooms every single night to see – so sadly, so desperately – yet another example. I am sure we can all understand their frustration.

We saw only a few days ago teenage boys repeatedly holding up shops and going into shops with machetes. We have seen them in our supermarkets. If you think it is only a city event – and it is shocking that it is happening anywhere – it is not just a metropolitan Melbourne and suburban event, this is happening right across our state. It is happening in my Eastern Victoria electorate. Let me give you some examples in relation to statistics, because while we hear those opposite talk about sending a clear message, to my mind all that this government – the Andrews now Allan government – has been doing for the past 10 years is putting a shingle out the front saying that you can get away with a great deal of activity, you can get away with crime and they will never lock you up.

We have heard about police. I want to put on record my thanks to our statewide police, particularly in my Eastern Victoria electorate. They do an amazing job. There are over 1100 vacancies for police. Why? Because they have had a neckful. They are frustrated; they are burnt out. They are like teachers – and we saw some information about teachers today. They are tired and sick of doing this work and doing the hard yards that come to no fruition on outcomes for keeping the community safe.

Let me provide some examples in Eastern Victoria LGAs as they are measured in the stats. In Latrobe in 2015 there were 54 residential aggravated burglaries, and last year there were 162 – a 200 per cent increase. In Bass Coast 10 years ago there were 11 and last year there were 43. There were three in Baw Baw 10 years ago and 75 residential aggravated burglaries last year. These are frightening stats for the people that I represent. In South Gippsland we saw 15 last year, and there were only four in previous times. In Cardinia, 43 in 2015 and 120 last year. East Gippsland was up and Wellington was also up. If you think it does not happen in the country, I was speaking to a local resident the other day, and not in his house but in a town I know very well, two youths entered the house in the middle of the night – with children in the house – and ransacked it, pinched the keys and stole two cars. They trashed one car and the other one was found somewhere over the hill and far away. I know this is an all-too-real occurrence for people living in metropolitan Melbourne. In fact I think one home in metro Melbourne has been invaded, burgled and all of those things five times. You would think that you had won the reverse lottery if this was your home and this was happening to you.

We hear that we are not taking a backward step, but that is not true – it is absolutely not true. This government weakened bail laws in 2016 and again in 2023, and now it has created a crisis. There is no doubt about it, there is a crisis in this state. Rather than offering this terrible crime cha-cha, we are offering a real solution, and that is: if you break bail, you face jail. This is about accountability. It is about protecting communities, it is about stopping repeat offenders and it is about restoring trust in the justice system. It is not about being reactive and soft, it is about having a clear, tough, fair measure: if you break bail, you face jail.

Let us look at some of the aspects of the history that have brought us to today – looking backwards, because the government seems to think it is 'sending a clear message'. Back in 2013 the Liberals and Nationals introduced robust reform. They introduced bail offences for breaching bail conditions and reverse onus tests for offending whilst on bail, and they made committing an indictable offence whilst on bail a schedule 2 offence. The result was we had stronger community protection and clear consequences for bail breaches. In 2016 there was a watering down under Labor, under the then Andrews government, and we had exemptions from real consequences for minors breaching bail conditions, which created a free pass for those under-18s who breached bail.

Everyone in this room agrees that we need diversion therapy. We need positive outcomes for our youth. We need great education opportunities. We need the basics. We need numeracy and literacy standards to increase. We need opportunities, not only in regional Victoria, where the trajectory can be low in terms of educational attainment, but we need many, many opportunities. We need more support for families. Families are doing it tough, and one of the things that this government has done just recently is cut Parentline. For parents who are struggling – not every parent is struggling, but I am sure Kate and Jen were struggling big-time with their children as they were going through their youth – it was about providing that 8 am till midnight support, but this government has cut that away from parents. We need all of those supports. There is no argument on that one.

With the Bourke Street tragedy, I was here at that time, and I remember my colleague the then Shadow Attorney-General Mr Ed O'Donohue spoke very passionately and with great knowledge and depth about that tragedy as he argued against the 2018 provisions. The government made some provisions then, but they were again reactive rather than policymaking in depth. Then in 2023 we saw the Bail Amendment Act 2023, which took effect in 2024, reverse many of those strengths from the Liberals and Nationals and from the post-Bourke Street reforms. We are seeing this terrible cycle, and what for? What is it to achieve? Is it to achieve an outcome in the polls? Is it to show that we do care? If we really cared in Victoria, we would not create this amount of mayhem.

Now it is 2025, and we have this bill before us today. We want to see that people will feel safe in their homes. We certainly need a full, functioning and resourced police force. We need our system to be trusted, and we need to see the break bail, face jail implementation. The amendments that have been circulated by Mr McCracken on behalf of the Liberals and Nationals today go some way to making that happen in this place with the bill before us. Through our policy, through our commitment to the Victorian community, in government we will look to and, hand on heart, reinstate committing indictable offences while on bail as a schedule 2 offence. We will reinstate breaching bail conditions as a schedule 2 offence. We will end youth exemptions, but we will focus on youth health, youth support and better outcomes for youth. And we will elevate robbery and burglary to schedule 2 offences. These are just a few of the actions that we will undertake. There are many more speakers to come. I thank the house for its indulgence. We will not be opposing this bill, but I call on those in this chamber to support our amendments.

Katherine COPSEY (Southern Metropolitan) (14:21): I rise to speak on the Bail Further Amendment Bill 2025. It feels particularly important today to begin by acknowledging the traditional owners of the land on which we are meeting. I pay my respects to elders past and present and who have advised on this bill. Sovereignty in this state was never ceded.

Today we debate a bill that takes Victoria further down a path that we already know is harmful and ineffective, and the Greens will oppose this bill. It pretends to be a targeted fix for high-harm repeat offending. In reality it expands reverse onus bail settings, it hardens refusal tests and it widens the criminalisation of people breaching bail. These are measures our courts, coroners, First Peoples and frontline experts have all warned will increase the warehousing of people on remand, deepen disadvantage and put more people, especially Aboriginal women, at risk. That is why the Greens oppose this bill, and it is why I asked the government to halt this second tranche, to listen to the evidence and to implement Poccum's law – the blueprint communities have put before us to fix Victoria's broken bail laws and prevent, rather than increase, the risk of deaths in custody.

Let us be clear about what this bill does. First, it inserts a new section 4F into the Bail Act 1977 – an additional high degree of probability hurdle inside the unacceptable risk test for people accused of armed robbery, aggravated burglary, home invasion and carjacking when the alleged offence occurs while they are already on bail for one of those offences. If the bail decision maker is not satisfied to a high degree of probability that the person would not commit one of those offences, the person is treated as an unacceptable risk and bail must be refused. Second, the bill expands when the step 1 reverse onus show compelling reason test applies. New section 4AA(4A) lifts anyone to that onerous test if they are accused of an indictable offence that was allegedly committed while they were on bail for an indictable offence. They are also charged with the resurrected commit indictable offence while on bail offence under section 30B of the Bail Act. There are some carve-outs for non-imprisonable offences: a new list in schedule 4 and threshold-based exceptions in schedule 5; for example, theft under $2500 in value. But the core effect of this bill is unmistakeable: many more accused people will carry the burden to justify their release, even where the later offence would never attract a sentence of imprisonment. This is the very dynamic that the coroner in the inquest into the tragic death of Veronica Nelson called in the findings a 'complete and unmitigated disaster'.

Third, the bill tinkers with electronic monitoring. It renames and reframes the regime and permits electronic monitoring conditions in certain circumstances outside the children's trial by regulation and prescribed requirements. The Attorney-General says that this is constrained, but layering surveillance conditions onto people who are legally presumed innocent is more net widening by stealth. Finally, the bill amends the Summary Offences Act 1966 so the offence of contravening certain conduct conditions of bail applies to 'a person', not just 'an accused', expressly extending the bail breach offence to situations where a person's bail does not arise from being charged with a criminal offence. This is a quiet but significant expansion of criminal liability for breaching bail-like conditions.

The government has framed these changes as necessary to strengthen community safety, and the explanatory memorandum repeats that claim, but we have been here before. Tougher bail tests, more reverse onus provisions, more breach offences – these are the same levers that exploded Victoria's remand population over the last decade without demonstrable community safety benefit but with extreme harm. Between 2012 and 2022 the proportion of unsentenced prisoners more than doubled from 20 per cent of people in Victoria's prisons to 42 per cent unsentenced. As at April this year 40.5 per cent of people in our prisons were on remand. Almost half the prison system is now people who have not been sentenced. That is not a targeted, risk-based approach, it is mass pre-trial incarceration. Let us be very clear about what remand is. People in Victoria can often spend months in prison on remand, often for offences for which, when they do get their day in court, they may be found not guilty or they may receive a sentence that does not include time in prison or is less than the time served.

First Nations organisations, legal centres and advocates are begging this Premier and this Parliament not to repeat these mistakes of the past, which cost lives. The Victorian Aboriginal Legal Service, the Aboriginal Justice Caucus, the Koorie Youth Council, the Federation of Community Legal Centres, Villamanta, the Law and Advocacy Centre for Women, Victoria Legal Aid and the Human Rights Law Centre, among many more stakeholders, have jointly warned that this second tranche is 'another unmitigated disaster waiting to happen'. They remind us that the Aboriginal imprisonment rate in Victoria has almost doubled in 10 years and about half the prison population is on remand. Their demands are clear and reasonable: bail saves lives; adopt Poccum's law; do not go backwards. We should listen.

The Koorie Youth Council has urged the government to halt these changes and work with Aboriginal communities on evidence-based, community-led responses for children and young people. They warn that these kneejerk bail changes will undo hard-won reforms, and they are right. If we care about safety, we must invest upstream in housing, health, cultural connection and services that keep kids out of the criminal legal system, rather than defaulting to incarceration as our response.

Victoria Legal Aid has been blunt: tightening bail tests again 'will harm the state's most marginalised people' – people grappling with poverty, homelessness, family violence, mental ill health and trauma – and it will entrench systemic racism that we must work hard to undo. These are not abstract values; they describe the everyday clients that are now clogging remand lists in relation to low-level offending.

Jesuit Social Services calls the government's approach 'the wrong end of the system'. They point out that the government is pouring hundreds of millions of dollars into more prison beds, knowing that these bail changes will turbocharge the numbers of people on remand, when what actually improves safety are investments in prevention and rehabilitation. The government's own budget papers and subsequent reporting acknowledged a $727 million injection to expand adult and youth custody capacity, money that will not prevent a single offence tomorrow. This is the cost of legislating to fill cells rather than to fund solutions.

Frontline women's services are equally clear. The Law and Advocacy Centre for Women, which runs hundreds of bail applications each year, opposes this reset to punitive settings and flat out warns that we have seen the harm from tranche 1: rising incarceration and more women, the majority victim-survivors themselves, held on remand for minor poverty-driven offending. These are women who need housing, health care and family violence support, not a reverse onus legal trip-wire that keeps them in a cell pre trial.

Every jurisdiction that has embarked on mass pre-trial detention has discovered what we already know from Victoria's last decade: remand swells, prison budgets blow out, court backlogs worsen and people churn through custody only to be released into even more precarious circumstances. The evidence from around the world and from right here in Victoria says that tougher bail tests do not fix the drivers of harm, they warehouse people, and because of that they make the problem worse. If this bill passes today, all of you going down that track will make community safety worse.

The government's additional rhetoric is that this bill is targeted. If the aim is to reduce serious repeat offending while on bail, the strongest levers – let us be real – are not in the Bail Act. They are in investments in victim-survivor services, stable housing, family violence safety, youth outreach and the capacity of courts to decide bail quickly, fairly and independently with full information, including culturally appropriate supports. The solutions are in proper funding of Aboriginal community controlled organisations to deliver bail support and case management.

The Victorian Charter of Human Rights and Responsibilities tells us that deprivation of liberty must be lawful and not arbitrary, proportionate to the legitimate aim. The government's own statement of compatibility concedes that the bill limits liberty and the presumption of innocence by uplifting more accused people into reverse onus tests. This is not a small thing we are about to do today. When Parliament moves the dial so that an accused person must prove that they deserve their freedom, we are cutting against the grain of fundamental rights, and we should only do that when the evidence shows that the fix is going to work. The evidence on this shows that it clearly does not. Consider who is captured by the new deeming clause in section 4F. It is not restricted to people convicted of prior crimes. It is not a targeted response to individuals assessed to pose specific immediate risks. It is a rule that assumes a person on bail charged with a listed offence today is too risky tomorrow unless they can persuade a decision-maker otherwise to a high degree of probability. It is a profound reversal of how risk is supposed to be assessed – individualised, evidence based and capable of mitigation by tailored conditions. Instead, this bill says if you are not in that category, we start from no and we start from a very high bar. That new test is harsher than the bail test that applies to murder and rape.

Look also at the expansion of the show compelling reason test under new section 4AA(4A). There are exceptions, but in practice we are elevating a large cohort of accused people into a reverse onus setting because they are alleged to have offended while on bail and are charged with the new section 30B offence. That is the same double uplift logic that the coroner, Yoorrook and legal experts told us drives unjust remand and disproportionately harms Aboriginal people. The government appears to know this. It is being written into the act that the 2026 review must examine the impact on Aboriginal and Torres

Strait Islander peoples. If you already suspect disproportionate harm, if tranche 1 has already caused disproportionate harm, why legislate that harm now and then measure it later? Just do not do it.

That quiet change to the Summary Offences Act matters. When we turn more breaches of conduct conditions into criminal offences for a person, we widen the pipeline where a missed curfew, a prohibited association or being late to an appointment can convert into a new charge. This is not a hypothetical concern. It is one that we hear over and over from people who represent accused on bail with unstable housing, with caring obligations, with health issues or with patchy phone access. We should be trying to reduce technical criminalisation, not inventing new pathways to effect it. We are grateful that the Attorney has, at least in this bill, recognised pregnancy and caring responsibilities within the surrounding circumstances, which the sector has advocated to include, and there is a review in the bill that must examine the impacts, as I said, on Aboriginal and Torres Strait Islander peoples. But these small rights in the margins of the bill cannot cure the overall framework that expands pre-trial detention and criminalisation, a framework that normalises pre-trial detention for broader classes of accused people. Many of them will be poor, sick, homeless, traumatised, disabled or Aboriginal. That is not a framework that the Greens can support. A review in 2026 is little comfort to the people who will be denied bail in 2025 because we legislated new ways to turn bail risk assessment into a near-automatic remand for a whole class of people before they have been found guilty of anything.

This bill arrives in a state that has already chosen incarceration as the default tool of social policy. In July 2025 there were 6564 people in our prisons, and more than 39 per cent of them were unsentenced. The government is expanding the number of beds because it expects more people on remand. None of that answers the community when they ask what actually stops harm. The answer from experts across the spectrum is consistent: adequate funding for housing, alcohol and other drug treatment and mental health care; therapeutic bail support; culturally strong services; and practical help for people to meet their conditions. That is where safety and community is built.

The Greens have amendments to this bill, and I would ask that the Clerk circulate those now. The first Greens amendment is a reasoned amendment, and I move:

> That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government commits to changes to the bill so that it:
>
> 1. does not exacerbate the risk of human rights abuses; and
>
> 2. does not result in disproportionate incarceration of vulnerable groups, including women and First Nations peoples, leading to deaths in custody.'

This asks that the bill be withdrawn and not reintroduced until the government, one, commits to changes to the bill so that (a) it does not exacerbate the risk of human rights abuses and deaths in custody, (b) ensures vulnerable children and adults charged with nonviolent crimes will not be required to overcome a tougher bail test than a person charged with murder or rape, and (c) ensures that people will not be pushed into prison who should not be there; and two, solves the problems in Victorian prisons exacerbated by overcrowding.

We then have substantive amendments that deal with three matters. Firstly, we have amendments that seek to ensure the high degree of probability test should only apply to the listed offences where an accused person is alleged to have used force or violence, either actual or apprehended, against another person in the alleged offence, or had the intent of violence. Aggravated burglary should not be subject to this high test. The new section 4F includes aggravated burglary and a list of offences which will now be subject to the high degree of probability test. However, this is not targeted, as the government has attempted to put forward with its rhetoric. The aggravated burglary charges also include aggravated burglary with intent to steal and aggravated burglary with intent to damage. These offences do not definitionally involve violence, and in many instances these are poverty-driven and so do not align with the government's rhetoric around high levels being targeted to high levels of harm. For example, this charge could be satisfied by a person coming into a house, requesting a glass of water and then stealing a phone on the way out. Lumping all aggravated burglary offences into the new

section 4F will result in nonviolent bail applicants being subject to an impossibly high bail test. Our amendment seeks to remedy this and, in line with the government's rhetoric, tries to target this more appropriately.

The second amendment amends the guiding principles of the Bail Act to include taking into account issues that arise due to a person's Aboriginality. This bill significantly diminishes the obligation of a bail decision maker to have consideration for section 3A when they are applying the high degree of probability test. That test limits the consideration and applicability of section 3A in those circumstances, because it requires the bail decision maker to focus only on the purported risk of reoffending and for community safety to be paramount in the guiding principles. The bill's statement of compatibility confirms that this makes consideration of section 3A irrelevant or less relevant. Section 3A contains key considerations about a bail applicant's Aboriginality, which a bail decision maker must consider as per Coroner McGregor's recommendation after Veronica's death in custody.

The Supreme Court of Victoria has interpreted section 3A to mean that Aboriginality is a significant and crucial consideration in all bail decisions and one that is no less than a 'radical transformation to the decision-making process'. The court noted that section 3A should inform every aspect of the process and encourages decision-makers not to contribute to overincarceration without 'good reason to do so', so the second amendment will ensure that Aboriginality is taken into account by bail decision makers.

Our third set of amendments includes two additional vulnerabilities for consideration by bail decision makers: being a victim of family violence and experiencing homelessness or unstable housing. We know that criminalisation of vulnerable victims often occurs in the context of family violence and that primary or secondary homelessness is a psychosocial factor that indicates vulnerability. In line with the government's move to include pregnancy and caregiving responsibilities, the Greens believe that the bill must be amended to require consideration for these special vulnerabilities, which apply to many accused who are seeking bail.

As our reasoned amendment argues, we believe that this bill should be withdrawn. What should we do instead? We should implement Poccum's law, the package shaped by Veronica Nelson's family and First Nations organisations to make bail fair and effective. That approach would honour the coroner's findings, and it would also save lives and result in clearer, more streamlined decision-making for bail decision makers, who can still take into account the risks posed by accused persons to the community. We should be putting a presumption in favour of bail back at the centre, repealing the failed reverse onus provisions that capture low-level and poverty-related offending. We should prohibit remand where a person is unlikely to receive a term of imprisonment on sentence. We should remove standalone bail offences that turn technical breaches into new charges and enhance criminalisation. And we should definitely invest in therapeutic bail support, housing and services that enable compliance and start contributing to rehabilitation. We must fund housing, health and justice programs that actually make communities safe, and we must embed accountability for the way that this system operates through meaningful data collection and independent oversight of the system.

We urge the house to refuse a second reading and to require the government to engage meaningfully on these issues with the over 100 sector organisations that oppose this bill. The government's own human rights statement admits that this bill limits liberty and the presumption of innocence. The coroner, unfortunately, has told us where that road leads. First Peoples have shown us a different road, and we should take it.

Michael GALEA (South-Eastern Metropolitan) (14:41): I also rise to speak today on the Bail Further Amendment Bill 2025. This year already we have seen the government take strong legislative steps as part of our priority to improve and ensure community safety. This has included implementing tougher bail laws in March of this year, which are in line with community expectations, banning machetes and providing Victoria Police with the necessary powers to help keep our community safe. Those bail changes introduced in March were the first of two reform packages to the state's bail

system. That first legislative reform strengthened bail tests for serious crimes and reintroduced specific bail offences. This bill is the second package of these reforms and implements stronger bail tests for repeat high-harm offenders and a second-strike rule for those who commit indictable offences whilst on bail.

The Bail Further Amendment Bill 2025 introduces a new high degree of probability bail test for those accused of repeat serious offences committed whilst on bail, including home invasions, carjackings, armed robberies and burglaries. It provides for an uplift to the bail test for individuals accused of committing an indictable offence whilst already on bail for another indictable offence, and specifically lists pregnancy and caring responsibilities as surrounding circumstances to be considered. In addition to these key changes, the bill introduces further amendments to improve the operation of bail laws, including ensuring that individuals released on bail pending family violence intervention order proceedings can be charged with contravening their bail conditions and providing for reforms in the bill to be captured in the scheduled statutory review of the Bail Act 1977.

It is very important to note that this is not a slapdash approach. It is not an approach that prioritises slogans over solutions. It is not a kneejerk response to leading reform, unlike from those opposite, where a one-size-fits-all, lock-up-everyone approach seems to be the order of the day. We hear from the knife sharpening already in the Liberal party room plenty of slogans but no real policy process or actual clear plan of how this is going to work. The reforms before us today prioritise community safety, not merely locking up vulnerable individuals who pose no grave risk to community safety.

The Victorian government is committed to striking the right balance when it comes to bail law and delivering a system that meets the expectations of Victorians. The first legislative package in March took strong steps to strengthen bail. These changes have already begun to have an effect. We know that more needs to be done, which is why the government has been working to develop this second tranche of bail reform, which builds upon those earlier changes. This bill means that for repeat or serious schedule 1 offences, which include things such as aggravated home invasion, aggravated carjacking, armed robbery and aggravated burglary, there will be a new high degree of probability test. Those charged with one of these schedule 1 offences must first satisfy the bail decision maker that exceptional circumstances exist that would justify their release on bail. The new test obliges those decision-makers to be fully satisfied that there is a high degree of probability that the accused will not commit another serious offence – not just a preponderance or a likelihood but a high degree of probability. If you continue to pose a serious risk to the safety of Victorians under these laws, you will not be granted bail.

In terms of the uplift, it is also really important to note that these reforms will not automatically introduce a double uplift. The bill has been carefully drafted to avoid the possibility of a person being double-uplifted to the exceptional circumstances or high degree of probability test where the offence they are alleged to have committed is neither schedule 1 nor schedule 2 – that is, that it is in neither of those most serious categories.

The reforms that were passed in March include the reintroduction of the offence of committing an indictable offence on bail. Currently if an accused is on bail for a non-scheduled indictable offence and then charged with committing a further non-scheduled indictable offence, they are subject to the unacceptable risk test only. The uplift changes in this bill mean that an accused will be uplifted to the show compelling reason test if they are on bail for an indictable offence and it is alleged that they have committed a further indictable offence, unless the further offence has been excluded from the uplift. This is about ensuring accountability, not targeting minor transgressions. But for those who repeatedly disregard the law whilst on bail, the safeguards are built in to ensure that low-level nonviolent offences like minor shoplifting, low-value theft, low-value property damage or low-level drug possession do not automatically trigger this uplift. This component of the bill directly ensures that we do not see a walk back down the path that Ms Copsey referred to – that we do not see vulnerable people finding themselves increasingly at a disadvantage in the system.

The reforms introduced in this bill will not subject the offence of breaching a condition of bail to a reverse onus – a presumption against bail test. This is an important point to make, which also demarcates another significant difference between the approach that we are taking and that of the opposition. Subjecting the offence to a reverse onus test and the presumption against bail would not meaningfully protect community safety but would undoubtedly lead to more vulnerable people being remanded unnecessarily, with all of the advanced outcomes that come as a result of it. Tough bail does not mean locking up everyone who breaches bail regardless of the detail. For example, someone missing an alcohol and other drug session does not make Victorians inherently unsafe; further criminalising people who, say, come home 5 minutes late after a curfew does not make Victorians safer. This is a bill that targets the offending that Victorians are genuinely and rightly concerned about, and that is things such as home invasions and people being fearful of being threatened by someone whilst they are in their home, out and about or working a shift at the local supermarket. These are the offences that people are concerned about, and these are the egregious types of offending that this bill specifically targets.

This government has been steadfast and has worked consistently and constructively to deliver on its promise to introduce two packages of reforms to get bail laws right in order to ensure community safety, in order to ensure that vulnerable people are not unnecessarily caught up but also, importantly, to meet community expectations. We have already seen the impact of the first package of our bail reforms, and whilst they are still relatively new and there is still much, much time to see further evidence, it is clear that already they are starting to have an impact. Last week in fact I had the opportunity of attending the Southern Metro Region Casey police service area neighbourhood policing forum, which was a terrific opportunity to hear from our local police in the Casey area, to hear from residents and business owners about their concerns, for them to speak up and raise their issues with crime directly with the police and for the police to report back on the trends of crime that we have seen in Casey. It was very good.

Ann-Marie Hermans interjected.

Michael GALEA: I hear your comments, Mrs Hermans. I note that you were not there. I am not sure if the opposition leader was not there either, despite Casey being in his council area, but it was a very instructive and informative session hosted by Victoria Police, which all members of the community were invited to attend. We had local councillors there as well, and there were certainly things that could be taken back by me as a state representative, by the councillors and indeed by the community as a whole. Certainly there was some very good feedback through to the police as well from people on their individual or broader concerns.

The presentations went through a number of key areas of concern. They started with family violence. We know that family violence remains one of the most serious and most frequent types of offending that we are seeing in this state, and there are some very concerning figures that we continue to see in that space. Whilst there are increasing support services, such as the new Orange Door in Cranbourne in the Casey example, there is still much work that we all have to do. We take on the police's point that family violence is not just a societal issue, it is a community safety issue and it is a policing issue and one that we should continue to take very seriously. They also then talked extensively about some of the trends we have been seeing in youth crime and offending, and indeed they made the very worthwhile observation of the correlation between youth crime offenders and those who have come from being not perpetrators but victims in family violence situations and the distressing cycle that we see there.

It was a very, very engaging forum. It is not Victoria Police's role to provide official commentary on the legislative process, but certainly from talking with many of our local police officers it is clear that the first tranche of bail reforms implemented by this government and passed through this chamber earlier this year is already starting to have an impact and starting to make a difference. There are a number of incredibly important diversionary programs that are in place, especially for young offenders. There are many I could list off just in the City of Casey alone, run by community groups,

by organisations, by non-profits and many indeed by Victoria Police itself, and we heard about some of them on the night, including the program of police officers playing basketball with some at-risk teenagers and then going through the process and at the final graduation rocking up not in their basketball shorts but in their police uniforms and explaining the importance and letting those young people at risk see the police as real people and as people who are invested in and part of the community. There were indeed some very promising results out of that program as well. We know that for the most part these programs work. The best thing that we can do to support people and to reduce these rates of offending is to stop them committing crimes in the first place. These sorts of diversionary programs and early intervention programs are so critical to doing that.

Where the bail laws come in and where the toughening up of these laws comes in is at that extreme end – I would hazard to say it is not even the majority – of offending that we are talking about here today. It is about that effective deterrent – basically the statement that we are going to provide especially to young people every opportunity possible to improve their lives, to take a step back away from offending and to make a positive contribution to society. We will provide every opportunity, as much as we can, but there needs to be a consequence for not taking that path and for wilfully continuing to offend. It is a small number. In relative terms it is a small number who are continuing to do that. But there need to be effective deterrents and effective consequences for those actions.

Whilst these reforms will come into effect, and whilst I very much hope to see this bill enacted by the chamber today, that does not in any way take away from that incredibly important work of deterrence, of getting to the source and of changing those outcomes from the early point. Because not only is that the way that we will support those young people and lead to them having much better and more prosperous lives, but it is also the way in which we can make all of our community safer. That is not a one-or-the-other solution; that is something that will continue even following the passage of this bill today, should it pass this chamber. That is a really important note to concentrate my remarks on. There is a clear community expectation about what needs to change. It is not for those of us in this place to extend too much into commentary on the judicial system, but there are decisions that we see come out and that we have seen come out that cause us to scratch our heads. Every opportunity needs to be provided for offenders, including young offenders, to reform and improve their lives. But there need to be consequences for those few that do not in order to preserve and protect community safety.

The community have been very clear that they expect stronger laws in this space, and this is a government that is listening to those concerns and acting in the interests of those community expectations. I have heard from some of those police officers who spoke so favourably about the first tranche of bail reforms how much they think this second tranche will make a difference not only to the final outcome, to addressing these crimes and taking the worst of types of offenders off the streets, but by providing that real and meaningful deterrent. This is a bill that, in my view and in the view of the government, strikes the right balance between keeping Victorians safe and not unnecessarily criminalising a whole batch of young Victorians. I commend the bill to the house.

Gaelle BROAD (Northern Victoria) (14:56): It is very important that we do have this debate today because community safety is so important. I would say it is one of the biggest issues we face in our state at the moment. Cost of living is a significant issue, but if you cannot feel safe when you are walking on the street or when you are travelling or when you are in your home, then we have a major problem, and that is what we have in Victoria at the moment.

This bill is a further amendment to bail because this government got it wrong, and they admit that they got it wrong. But I feel it is a bit like the movie *Groundhog Day*. It just feels like waking up and here we are again repeating history. There were changes made back in 2013 by the Liberals and Nationals, and they were weakened in a bill that passed in 2023 and took effect on 25 March 2024. The weakening of bail laws had the predictable effect of seeing repeat serious offending continuing as bail remained easy to get and easy to keep. As a consequence of sustained political pressure, public outrage and media attention, the government was forced to apologise for its weakening of bail laws and make some amendments. But in March this year, under Labor's so-called tough bail laws, there was a

removal of the principle that remand is a last resort for under-18s. Community safety was expressed as the paramount consideration for bail decision makers and there was a reintroduction of bail offences, although with none of the consequences that previously existed under the Liberals and Nationals. At the time the government promised the toughest bail laws in the country. However, the laws in place are not even as tough as had existed prior to 25 March 2024. The government has now introduced the second tranche of bail laws designed to strengthen the system further. However, these changes do not restore bail laws to what they were.

It is important to reflect on the statistics we have seen in this state. Crime keeps going up. We just saw in the media today that it has been reported the chief executive of Coles has referenced Victoria being an absolute standout in terms of rising crime. I have spoken to some of the statistics, the terrible statistics we are seeing right across Northern Victoria. When you look at bail, when you consider what has been happening in this state, it is extraordinary. There was a case in August that was covered in the *Bendigo Advertiser*, following the Long Gully kidnap. A man was re-released on bail after he was charged with breaking his bail conditions and harassing a witness. Then there was a case of a 13-year-old who has been found to have viciously assaulted dozens of people but was released on bail. The types of things that he had done included stomping on people's heads, chasing them down in the street with a gang and kicking them in the face. I mean, this is extraordinary, the type of behaviour we are seeing. And then there was a 16-year-old released on bail who within 48 hours was out breaking into homes, invading homes, including a home in Huntly with four young children inside. He has 42 charges. He was also driving dangerously in a police pursuit. Then there was another case of a 27-year-old who committed burglaries while on bail, and he was joy-riding in a car at 220 kilometres an hour. He also was involved in an incident at the BP in Rochester. This is extraordinary. Then this year a car thief was let out on his 55th count of bail – 55 times. This is extraordinary. I would ask where the government is in all this. What are they doing to address the rising crime in this state?

Right now there are over 1100 vacancies in Victoria Police. What is being done to address that shortfall? I have spoken with people from mental health services that work with the police force, and there have been about 30 jobs lost, including at the Mildura police station. People were there in a program that had been set up to support the police and provide that mental health support, and that has since been removed. Then we see it with the protests. We have had about 500 protests, I think, in Melbourne. I think we are now up to about 22,000 police shifts that have had to go to resource those protests, and yet the government is not taking action on that. Yet what they have done is they have closed prisons in this state. We have seen that at Malmsbury and at Dhurringile. They are extraordinary, the decisions that we have seen made. Yet, as of recently, we now have machete bins out there. After they have cut money to the police force, they have spent $13 million on these machete bins that are currently sitting there covered up until the ribbon is cut. They are about $320,000 per unit. They have been likened to a Ferrari. They have been likened to a house being built. That is the kind of sum that is being spent by this government on one bin. It is quite extraordinary.

Our police do an incredible job, and we know how risky it is – we have been reminded of that today. I support the comments made earlier by Ms Lovell. We have a situation in Victoria today where two police have been shot dead and one has been wounded, near Bright. That is the risk that they face and the devastation that can be caused, not just to the families and the colleagues but to the police force right across this state. We want to send our condolences to them and the people affected.

I was reminded just recently of the incredible service done by members of our police force. I had the privilege of being able to attend the celebration of Nigel MacDonald's retirement, with Brad Battin. He came to Bendigo. Nigel has served in the force since 1976. It was wonderful that his wife Sue was there and was also acknowledged for her contribution through the support that she has shown to him in all those years of service.

It is so important that we support our police, and our plan in the Liberals and Nationals is to make this bill better. Break bail, face jail provides for the reinstatement of the offence of committing an indictable offence whilst on bail as a schedule 2 offence, triggering an uplift in the bail test. By contrast, Labor's

legislation exempts dozens of indictable offences, and they will not see an uplift in the bail test. We also want to reinstate the offence of breaching bail conditions without a reasonable excuse as a schedule 2 offence, triggering an uplift in the bail test. By contrast, Labor does not provide for bail uplift for breaching a bail condition. Also, we want to remove the current exemption for youth offenders who breach bail conditions without a reasonable excuse, ending the free pass for under-18s. By contrast, there is no penalty for minors who breach a condition of bail under Labor. Listing robbery and burglary as schedule 2 offences will mean tougher tests apply. By contrast, Labor's legislation will only see these offences incur a tougher bail test when they are for a repeat offence whilst on bail, not for the initial offence.

I feel that we have a responsibility in this chamber on both sides of this house – every member of this chamber – to uphold community safety. I think of the people that I have met in the last year. There was a newsagent who had contents robbed from his store. I have spoken to countless families that have had their car broken into or stolen from their home. I have had people that have had an attempted stabbing – well, it did occur; the husband was stabbed – after their home was broken into. And I have met many police officers who are frustrated and sick and tired of this revolving door. They do the work, but they need the law and the courts to back them up. It is important to be fair, but to be fair requires consequences, not an endless free pass.

I was surprised to hear Mr Batchelor earlier saying our proposed changes will not work, yet here we are. Is the government's way working? No. That is why we are looking at this Bail Further Amendment Bill 2025 today. We will support this bill, but we have put forward amendments because it is clear that the government's approach has not worked.

David LIMBRICK (South-Eastern Metropolitan) (15:07): It is clear that the current bail laws are not meeting the expectations of Victorians. I, like I am sure every other member of Parliament, have spoken to constituents, and those constituents have almost universally said to me that they are concerned about crime in this state and they are concerned about the way that it is being managed. As Mr Galea pointed out earlier, some of us are scratching our heads that some of these people have gotten bail. In one case someone was bailed after being charged with kidnapping and aggravated assault. How someone can kidnap someone, one of the most serious crimes that you can imagine, and somehow get bail is totally beyond me. I was scratching my head at that. There are many of these crimes that have been committed, where many Victorians have been scratching their heads. Certainly the judicial system and the laws in this state are not meeting the expectations of the community, and something needs to be done.

We have debated bail laws many times in this place, and we have not got it right. I am reluctantly supporting this; I am hoping that this fixes it this time. I went over my speech and what I said last time, and I said almost the same thing that I am saying now. I hope that it fixes it this time, so the Libertarian Party will not be opposing this. But I think that we need to look at the wider picture here. There are many, many causes of crime. Sometimes crime is just from greed or passion. Sometimes it is from lack of social integration. Sometimes it is caused by drugs and alcohol. Sometimes it is caused, though – as we have seen this morning, rather darkly – by foreign nations that are influencing this country. It is clear from what has happened with the announcement about the severing of relations with the Islamic Republic of Iran that Victoria and indeed our nation are under attack by foreign forces. That is pretty clear. ASIO has said that they suspect that these antisemitic attacks were funded and orchestrated by foreign forces. God knows what else they are doing here. We can only look in horror when we have this new information – when we look at the streets and we see the flag of the Islamic Republic of Iran and we see on television pictures of people holding up a portrait of the Ayatollah and then realise that we are being attacked in our state. This is very concerning.

I have been raising for some time my concerns about the connections between organised crime, Islamic extremists and the tobacco trade, frankly. I think it is very clear, that there are clear connections here. The federal government needs to do something immediately about what is happening with tobacco excise. If I was in the federal government, I would initiate an emergency pause on tobacco

excise, which would starve these organised crime groups of money temporarily. The federal government is not collecting much anyway at the moment because no-one is buying legal tobacco – they are all buying the stuff from organised crime. I note that the largest brand of tobacco at the moment – the one that seems to have won the gang wars, which is why many of the arson attacks have stopped – is the Manchester brand, which comes in from the UAE. It is owned by a businessman in Syria. There is so much smoke here. We need to do something to stop this. They can pull the plug on it immediately by hitting the brakes on excise tax. We need to do it for the national security of Australia, frankly. This is a very serious thing.

I would also say that many of these crimes are incentivised by government policy itself. Tobacco excise is one. That is a federal policy; I do not blame the state government for that, although I would urge them, as I have urged them many times, to be screaming at the top of their voices at the federal government about this, because the federal government needs to be held responsible. Indeed the people that have advised the federal government need to be held responsible. Every health bureaucrat that has pushed for this policy of increasing excise tax needs to be immediately sacked – that is what I call for. They need to be sacked right now because they have put us in a situation where organised crime has taken over a billion-dollar market and put our national security at risk. These people need to be held to account. They need to be sacked immediately.

Another area that has incentivised organised crime – I spoke about this in the last sitting week of Parliament – is our government procurement policies. We had the Local Jobs First Amendment Bill 2025 go through Parliament last sitting week. That initial legislation has created more opportunities for organised crime to get involved. The government knows this; the bill itself has measures to try and deal with those incentives that they were creating – it has increased penalties and those sorts of things. The government knows that this sort of thing incentivises organised crime. We have seen it on construction sites where you have government procurement quotas for certain numbers of a certain gender or a certain amount of people from an Aboriginal background or local goods content. All that seems to be doing is creating opportunities for organised crime to get involved and supply those things through all sorts of means. It is a recipe for disaster. We need to look at stopping incentives for organised crime.

Many people have this weird impression of Libertarians that we are soft on crime because we think that lots of things that are crimes should not be crimes, but actually there is a very clear principle that we all follow, which is the non-aggression principle, which is if you initiate force against another person, then all bets are off. The crimes that we are talking about in this bill certainly meet that threshold. We are talking about going into people's homes, we are talking about assault – these sorts of high-level crimes. If you commit those sorts of crimes or are accused of those sorts of crimes, you are potentially a severe danger to other citizens. People that are convicted of those crimes should not be part of Victorian society. They should be removed. If they are citizens, they should be jailed. If they are not citizens, they should be deported.

I do not know if this bail bill will have a significant effect. I hope it does. I hope that it fixes some things. I hope that it stops some of the things that have been happening. I know that there are many people that are fearful of having their homes invaded, for example. I still do not understand why we have a situation where people feel unsafe, yet we say to people who want to defend themselves through things like pepper spray, which the Northern Territory very soon is going to legalise – at the start of September actually, so there will be a lot more people looking at Northern Territory and wondering, 'Why the hell can't Victorians defend themselves against criminals when Northern Territorians can?' I think a lot of people are going to start asking that. In fact they should be asking that, because actually what is happening is, as was reported in the media recently, it is very easy to buy pepper spray and people are already ordering it in Victoria – people are arming themselves with it. It is only a matter of time before someone who is an innocent law-abiding person in other circumstances ends up getting in trouble for carrying a prohibited weapon. The government will have to answer to the people. The government will have to answer for the fact that they think that someone that wants to defend

themselves against thugs and criminals should go to jail, because that is what the current laws say. The current laws on this are wrong, and I think that there are going to be more and more people that agree with me on this.

Also on this idea of castle law that I brought up in Parliament last sitting week, people already have the right to defend themselves in their homes, but it is not clear at all, and that is why I asked for a review. My time of being nice on that is over. Now we are asking for castle law. I think that there are many Victorians, thousands of them in fact – tens of thousands, maybe hundreds of thousands – who believe that if someone comes into their home, the law should have their back. The law should have their back if they fight back against these thugs. It is time for the criminals in Victoria to start feeling scared, because I am sick of innocent Victorians feeling scared. Let us hope that this bail bill actually does something. I am not certain of it, but I am very hopeful. I am hopeful that it will have some effect. We need to do more to fight crime and not only fight the consequences of crime but enable citizens to fight back against crime and take away the incentives that drive crime in the first place.

John BERGER (Southern Metropolitan) (15:17): Today I rise to speak on the Bail Further Amendment Bill 2025, which will play an important role in keeping the Victorian community safe and holding serious offenders to account. This bill builds on the tough new bail laws which we passed earlier this year and which were intended to ensure that our justice system puts community safety first at every part of the bail process. These laws are going to give Victorians the toughest set of bail laws anywhere in Australia, demonstrating our government's commitment to keeping Victorians safe. The bill which passed earlier this year removed the principle of remand as a last resort so that community safety would be the primary concern when considering whether bail is appropriate in any given case. We also added new offences for committing an indictable offence while on bail and for breaking or breaching conditions of bail. We did not just make these changes to the law and ask the justice and corrections systems to adopt them, we backed them in with new funding in the budget. This will help them deal with the increased workload that these changes will induce.

We know that so often it is many of the most vulnerable in our society who become victims of crime. For example, it is often the lowest paid workers in our society who have to face the realities of violent crime and anti-social or threatening behaviour at work, not the highest paid. Workers, especially in the retail, hospitality and transport sectors, are often faced with this sort of behaviour, sometimes being placed in physical danger at work. Every Victorian worker has the right not only to feel safe at work but to actually be safe at work. We have all heard in recent months about the violent crimes being committed in retail settings, which have placed workers, shoppers, businesses and their owners alike all in danger.

As part of a separate bill, the Allan Labor government has also introduced a new offence for post-and-boast crimes. This applies an additional penalty to an existing crime where an offender has posted about it on social media for the purpose of generating clout and attention and encouraging others to also commit these sorts of crimes. This sort of behaviour is unacceptable. Not only is it completely offensive to the dignity and privacy of victims, but it can encourage copycat and repeat offenders, which only makes the situation worse. Posting and boasting is a disturbing trend which goes against everything we believe in in this state.

This bill which we are debating today builds on these reforms, following the overarching principle that community safety must always come first in Victoria. This bill is intended to build on these important reforms by implementing a number of further measures. Importantly, these measures include the introduction of a high degree of probability test to be applied in instances where a person has been charged with certain serious repeat offences. This high degree of probability test will apply in instances where someone is accused of committing a serious crime while on bail for having already been charged with a serious crime.

The schedule 1 crimes this change applies to are crimes already defined in the principal act – home invasion, aggravated home invasion, carjacking, aggravated carjacking, armed robbery and aggravated

burglary. These were chosen because they are serious crimes with a serious impact on public safety. Under this change, the high degree of probability test will be applied to the existing unacceptable risk test already applied in bail decisions. This new test will mean that the accused can only be granted bail in a situation where there is a high degree of probability that they – someone who has already reoffended with a serious crime while on bail – would not reoffend once again if re-granted bail. The test will not be easy to pass – that is by design. When someone has already broken the conditions of their bail once, the system will now have to take into account a stronger consideration when assessing if they are eligible for bail at another time.

There are two key principles we are following in making this change. First, the sort of behaviour we are talking about is completely unacceptable in any circumstances but doubly so for those who are currently out on bail. For bail to have a social licence, it has to be accepted by the community as an important part of our justice system. It needs to maintain the trust of the community. There are good reasons why people are given bail, but if they abuse bail they undermine the faith in the whole system. The second principle is that for those who have already reoffended and already demonstrated that they do not respect the conditions of their bail, it is fundamentally unfair to the community to let them out on bail if they are still considered a threat to public safety. When people are abusing the system in this way, it is the responsibility of the government to act and ensure that the system is working in the way that it is supposed to and the way that the public expects it to. That is why the Allan Labor government is making these changes.

Another aspect of the bill is the introduction of the second-strike rule for indictable offences. In practice this new rule means an uplift in the bail test in instances where individuals are accused of repeat indictable offences. Like the high degree of probability test, this change will apply to people accused of crimes committed while already on bail. These changes will place a reverse onus on the accused to show compelling reasons why they should be entitled to be granted bail again when they have already abused the terms of bail before. By applying a second tier of bail tests for those who have offended while already out on bail, we are ensuring that the system is fair to the community, who expect the systems to keep them safe. We want to ensure that these changes are applied proportionately to the crimes committed and the risk to the community. And we are being clear about which indictable offences it applies to and which are subject to a carve-out. The offences the change will apply to include burglary, stalking, assaults, conduct endangering life, and others. The offences which will be carved out of this reform so that we can ensure proportionality include low-value theft, criminal damage, nonviolent property and deception offences and low-level drug possession offences. It is important that these offences are not subject to this new bail test uplift, because they are offences which are not quite as directly threatening to public safety as others are. We did this because when drafting this bill there were many factors which the government considered. The first and most important among them was the safety of the community. We judged that the offences which do not always put the safety of the community in jeopardy do not necessarily justify placing someone in remand in all situations. We do not condone these offences, but we recognise that it is more important to focus our resources on offenders who are violent and those whose crimes are seriously damaging to public safety, which is why the changes to the bail tests are being made specifically to apply to the certain serious and indictable crimes which I have already listed.

Another safeguard placed into law by this bill is the requirement to consider surrounding circumstances in the process of making a bail decision. Surrounding circumstances could include a pregnancy or parental or caring responsibilities. These circumstances will be added to the existing list of surrounding circumstances in the act. These are important, and it is crucial that we have a system that is not only proportional in its determinations but treats each individual case individually.

Another important provision of this bill is to prohibit the use of electronic monitoring as a condition for granting bail, unless it is provided by an entity which is approved under the regulations. Additionally, the bill will ban the use of electronic monitoring provided by private companies in all circumstances. There is a lot of well-founded concern in the community about this issue of whether

private electronic monitoring companies are generally capable of securing the long-term safety of our communities. This can be an issue in cases where a company ceases to be commercially viable or just closes overnight. Earlier this year a contractor, BailSafe, closed suddenly without alerting the relevant authorities beforehand. The result of this was that offenders who were in the community under the condition of being monitored electronically were left unmonitored. When the private sector fails in this way, it leaves the community less safe and makes it more difficult for victims of crime to have confidence in the system that is supposed to protect them. This is why the law is now being changed to ensure that the providers of this sort of technology must always be accountable to the community and must always be willing to put community safety above any other consideration. New South Wales made this change last year, and it worked. Further, this bill does provide for the fact that we may in future look to expand electronic monitoring once again, but in those circumstances it would be done in a way that would maintain the confidence of the public by providers undergoing strict regulatory oversight.

Another important provision of the bill is the fact that we are taking the existing statutory review provision in the Bail Act 1977 and including the requirement that this review specifically examine the impact of reform to bail laws on Aboriginal and Torres Strait Islander people. These laws are important, but they must be applied equitably. This aspect of the review is important, because we need to ensure Aboriginal and Torres Strait Islander people are not inadvertently disadvantaged by these changes. We also need to ensure that existing disadvantage does not lead to Aboriginal or Torres Strait Islander people being disproportionately made the subject of these laws. That includes what we are doing outside this bill to work with communities to address the causes of crime.

As part of the Allan Labor government's community safety agenda, the bill recognises what is patently obvious: the people who are most likely to offend in the future are those who have offended in the past; also, the people most likely to break their bail in the future are those who have broken bail in the past. If someone has abused their bail already, it is fair to take that into account when determining whether they should be granted bail again. But we also recognise the issue of tackling reoffending relates not just to punishment but also to rehabilitation. In this light I think it is important to remember that the Allan Labor government's community safety agenda is not just about new penalties and new bail laws.

Take the Youth Justice Act 2024, for example. We debated it in this place last year, and it was Victoria's first ever dedicated, standalone act relating to the youth justice system. One of the key aims of the act is to do everything we can to provide young people at risk of offending or reoffending with every possible alternate pathway so that they can make better decisions, lead better lives and help the community be safe. It was about giving police more tools for early intervention, including legislated warning, caution and diversion systems designed to help police prevent behaviour that is simply antisocial from escalating into something much worse. Further, the act made greater provisions for restorative justice, which in many cases is an effective way of allowing a young offender to recognise what they have done wrong, set it right and learn from it. This is important so that they can move past the mistakes of their youth and into a more fulfilling, law-abiding adult life.

That bill was an important part of the Allan Labor government's community safety agenda. Similarly, the tough new bail laws from earlier this year were also an important part of that agenda. It is not just in this bill, it is in others already passed and others soon to be debated, each addressing different aspects of the issue, because it is only by tackling all aspects of the issue that we can come up with solutions which are fair and, crucially, solutions that work. Sometimes the causes of the crime are simple; other times they are complex. And I think all of us on this side of the chamber know that you do not fix the issue of crime with slogans; it takes serious work. It is only by acknowledging the complex reality of crime and its causes that we can genuinely address the issue. Sadly, there are those who take the highly emotional approach to criminal justice issues, who do not follow the weight of evidence and experience but instead look for slogans and simple answers. The problem with simple, one-size-fits-all approaches

to complicated issues is that while they might fit nicely into a one-page press release or a 240-character social media post, they do not always stack up to the reality of the challenges we are facing.

There are situations in which remand is inappropriate and does not contribute to protecting public safety, so we have made concessions for those cases. In other situations, remand is the only appropriate measure, and the courts need to be able to deny bail. Our policy has logic to it; public safety comes first in bail decisions. If someone commits a serious or indictable offence while on bail, a new, stricter bail test should be applied the second time around. This bill is carefully targeted to deal with repeat serious offenders who pose a serious threat to public safety, because protecting Victorians from violent crime is at the heart of the Allan Labor government's public safety agenda. Therefore I commend the bill to the house.

Georgie PURCELL (Northern Victoria) (15:30): I rise to speak in opposition to the Bail Further Amendment Bill 2025 before us today. While I am in firm opposition to this bill and to the approach the government has on crime, I do acknowledge the real and genuine fear that exists within our communities at the moment. This government seems to have a twisted sense of pride in having the so-called toughest bail laws in the country. It is hard to think that this is the second time this year alone that this government has changed our bail laws against all evidence and in full knowledge of the very real potential harms. In fact this is the fifth change to Victoria's bail laws since March of last year; that is an average of once every three to four months. This back and forth has made our already complicated criminal justice system even more complex to navigate for both those working within it and those impacted by it. Community legal centres and Victoria Legal Aid have faced waves of new and intensified demand. With the system being repeatedly re-engineered so many times, I am not sure how the government can have any confidence in what they are doing actually working. It seems that ever-increasingly when it comes to crime, both major parties are far more interested in appearances than they are in outcomes. The Liberal and Labor parties have been in a race to the bottom, trying to be tougher than one another, and from down there in the gutter is where they pull out legislation like this, which is having a real impact on marginalised people's lives. These laws are a shameful step backwards for our state, making it harder for some of Victoria's most vulnerable people to access bail even when they pose little or no risk to our communities.

We have already seen a major increase in the number of people incarcerated from the first round of bail amendments passed just months ago. Over 60 per cent of the youth justice population is currently unsentenced and 40 per cent of the adult population. All of this comes at a time when our prison and remand population is already booming and feeling the effects of a system that is at capacity. Victoria Legal Aid has reported that our overflowing criminal justice system has resulted in people being held in police cells overnight because there is not enough court time to hear their cases, as well as delays in accessing mental health care and assessments for people facing remand. It was just months ago that I spoke in this place about the use of at least 106 lockdowns at the maximum-security Dame Phyllis Frost Centre since July 2024. This was brought to public attention due to the bravery of former inmate Kelly Flanagan, who documented lockdowns lasting longer than a day and several repeated suicide attempts by fellow inmates. It is clear that the government is failing to meet the basic levels of care required for our incarcerated populations.

Those who will be impacted by these laws the most are the very same communities who are already disproportionately impacted by ongoing marginalisation in our state – the most vulnerable in our society. In fact among Victoria's existing prison population 33 per cent of women and 42 per cent of men have an acquired brain injury. We know who will be hit the hardest here – Aboriginal Victorians, who are already over 10 times more likely to be imprisoned than non-Aboriginal Victorians. Since similar high-harm tests were introduced in New South Wales, the Aboriginal legal service in New South Wales has seen over 90 per cent of Aboriginal children being denied bail and locked in youth prisons. A Victorian Aboriginal Legal Service program has seen a 300 per cent increase in the number of its young clients being denied bail since just June last year.

There is a cruel irony to a government who are very close to the signing of a treaty with this state's First Peoples also passing a policy which will drive their overincarceration. These laws will impact women, who are often imprisoned for offences linked to family violence, poverty or trauma – offences that are done out of nothing but desperation – and they will impact young people, who will be dragged further into the criminal justice system rather than being given the chance to turn their lives around. The government and the opposition will tell us that these laws are about community safety, but the evidence tells us exactly otherwise. Experts like the Victorian Ombudsman and the Sentencing Advisory Council have repeatedly warned that punitive bail regimes disproportionately criminalise vulnerable groups and do not improve community safety. There is an overwhelming amount of evidence which demonstrates that pre-trial detention increases a young person's likelihood of later recidivism – even shorter periods in remand.

Others in this place today have also spoken of the tragic and preventable death of Veronica Nelson. Veronica was a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died in custody at the Dame Phyllis Frost Centre in 2020. Veronica, or Poccum as she was fondly known by her family, died alone in her cell after begging for assistance for hours. At the time Veronica was on remand for alleged shoplifting offences. She had not been convicted of any crime, but as a result of being on remand she was denied her liberty, she was denied her health and she was ultimately denied her life. There was a coronial inquest into her death. The coroner's findings were unequivocal: our bail laws are discriminatory, they are unsafe and they are in urgent need of reform to prevent further deaths. The laws following the inquest came into effect in March 2024 and they lasted just one year. The bill before us today brings back the two strike, which was described by the coroner during the inquest as a complete and unmitigated disaster. Veronica's story should serve as a constant reminder of the human cost of unjust laws. But instead of heeding that warning, the government has doubled down on the very approach that cost Veronica her life. I, alongside many others, am incredibly concerned that due to these reforms it is just a matter of time before we see another preventable Indigenous death in custody.

Other politicians will tell you, as I said, that these laws are about building safer communities. But if they were serious about that, they would tear up this bill and increase investment in housing, in mental health care, in family violence services and in community-led justice solutions – the things that stop people falling into the criminal justice system in the first place. But no, that might have the awful effect of making them look soft, look empathetic or look compassionate.

In closing, we know too well the devastating human cost of Victoria's broken bail system. We have seen it in the needless incarceration of Aboriginal women, in the deaths of people like Veronica Nelson and in our remand prisons full of people accused of just minor offences. This bill does not fix any injustice and it does not make our community safer. It doubles down on a system that is punitive, that is discriminatory and that does not acknowledge the realities of poverty, of mental illness and of systemic racism. The organisations that have been supporting vulnerable people in the justice system will be forced to deal with the repercussions of this dangerous bill before us today: the Victorian Aboriginal Legal Service, Victoria Legal Aid, the Federation of Community Legal Centres, the Koori Youth Council, the Law and Advocacy Centre for Women and many, many more. They have begged the government to reconsider its approach, and I want to acknowledge and thank them for their life-saving work and advocacy. This Parliament has a responsibility to learn from its past mistakes. We should not be making another one, and we should not be passing more laws that will only cause more harm, more deaths and more injustice.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:39): I also rise today to speak on the Bail Further Amendment Bill 2025 and will say at the outset that the Liberals and Nationals will not be opposing this bill. We do not think that the bill goes far enough to address the issues of community safety and the concerns that people and the public have on a regular basis. Certainly in the south-east it is no secret that nearly every sitting week I bang on about issues of crime in the south-east, issues of public safety and concerns that people in my community are facing. I hear on a regular basis of armed

robberies. I hear of home invasions. I hear of car thefts all the time. This bill certainly does not go far enough to address the situation and to make Victorians safe.

I cannot get over the furphies that I have had to listen to in this chamber today regarding crime and these bail laws. The bottom line is that I know of a situation where a young person bragged to a police officer after being released from bail for the 58th time, 'I can do anything and they will do nothing to lock me up.' We need to keep the community safe, and not just the community who are completely innocent in their homes, in their workplaces and in their cars. We need to keep people safe from being pressured into organised crime. One of the ways that people are being pressured into organised crime by criminal gangs is they are being told 'There are no consequences for you' or 'We'll do what we can to make sure that things are softer for your group of people' – no. We are all Australian. The law applies to us. Yes, we have some work to do because there are minority groups that are being targeted and they should not be, but we are not protecting them when we do not have a law that actually allows Victorians to feel safe and also able to resist pressure from becoming involved in organised crime. I heard Mr Limbrick mention quotas that are being put on in workplaces, for instance, where we have construction, and we know that there has already been an investigation into the CFMEU and organised criminal activity. How far that goes I do not know, but I know that there are quotas on particular groups and marginalised groups who then can be targeted for organised criminal activity. Young people can also be targeted for organised criminal activity, and this bill does not go far enough to protect them by having consequences for actions.

I understand that once a person ends up in the system it is difficult for them to break out of that system, and that is something else that needs to be addressed and looked at – not by this bill. Certainly in the time that I was out just recently at the Narre Warren station with my leader Brad Battin and we were handing out DLs that said 'Break bail, face jail', one of the people I happened to meet clearly had a background where they had been on the wrong side of the law. One of the things they said to me was 'Some of us come from homes where we weren't given a chance in the first place. If we had simply been able to access some sort of counselling when we got locked up, it might have made a big difference so that we could make different choices.' There is an idea – not relevant to this bill of course, but there is an idea. We are not providing early intervention. We are not providing genuine prevention strategies. Having a weak system where every Victorian does not feel safe is ridiculous.

In this bill it mentions something about if you have a car theft of less than $2500, somehow that does not count. Well, let me tell you, in the south-east not everybody is cashed up, and some people are doing it pretty tough. Some of our P-platers have cars that they may have purchased that might not be worth a lot today. I can tell you that in our hospitals – for instance, at the City of Casey in the parking lot – cars have been stolen, particularly the P-platers' cars have been stolen in recent times in the last few weeks. They have been targeted and used for armed robberies and then torched.

I just do not think that we are thinking this through enough with these bail laws. This is not about having no empathy, because if there is anybody in this chamber that has worked in a field for virtually no money to work with people to help them, it is me. It is no secret the professions I have worked in to be able to help people, and at times I have even done it free of charge, back when it was so much easier to do voluntary work and be protected. I have always had a heart for those who have been struggling, and I will continue to have it long after I leave this chamber. This is not a political act for me. It is real life and real people – real people in the south-east that are struggling.

These bills that come through this house need to be able to protect regular Victorian people. Our IGAs are being targeted. It is just a disgrace to think that people that work in an IGA are not being protected and will not be given the opportunity for sufficient counselling and support. It is a disgrace to think that IGAs can be a target for organised crime, that organised crime can be using our young people and our marginalised groups and that our laws are allowing them to do it. There are a number of furphies that I have heard today in this chamber about this. I understand that this needs to be debated and needs to be debated fairly and squarely, but do not ever justify helping organised crime in this chamber by passing bills that will allow them to continue to do things and to use our marginalised Victorians.

It is important that we look at the fact that it was under the Liberals that the bail laws were actually much tougher and that in 2023 under this government they were weakened significantly. They had been weakened before, and then we had an incident that required them to toughen them up again in 2017 – that was the Bourke Street situation, and they realised that their laws were not tough enough. Then they went and made them a lot more loose in 2023 under Minister Symes. Now here we are after they tried to make a little bit of a tweak, which they called their 'tough bail' laws, which now they realise are not tough, and they have to go and do it again and are going to have to make amendments. We do not feel that these amendments are going to solve the problem, and we could be back here again in four months time – after goodness knows what has happened to a Victorian family, a Victorian individual or a Victorian business – to have to go through this all over again. Yes, there is a little bit of tweaking in this, but it does not go far enough. A tweak is not 'break bail, face jail', is it? A tweak is not a guarantee that Victorians in their homes are going to be safe from home invasions. It is not a guarantee to the P-platers of the south-east who park their cars to go and visit family when they go into hospital that their vehicles are going to be in that parking lot when they get out. It is not a guarantee that when you go to your local IGA or you go to work in your local IGA you are going to be protected and are less likely to have offenders stealing, being violent and running in with weapons.

As for those machete bins, what a disgrace to spend millions and millions of dollars. Yes, we need to have these machetes gone. We should not have even allowed them out in the first place. But since this government has allowed them, now they are trying to figure out how to bring them back. They have not changed the laws to stop online purchasing; they have only changed the laws to stop you being able to go into a store in Springvale or wherever to purchase your box of machetes. Now they expect people to bring them back, but they cannot legally bring them back until, what is it, 1 September?

Let us think about this particular bail law. It does not come into effect until March 2026. What is supposed to happen in the meantime? Why do they need so much time to implement their bail laws? I mean, how many people do they need to have running around in organised crime before they decide that it is time to actually implement it? We are waiting until March so they can say, 'Oh, look, we're cleaning this up.' Well, are you really? How many people are going to lose their homes or their cars, suffer injuries or have a situation where they lose a loved one or have a loved one severely beaten or injured permanently because they are not cracking down on this properly? To have a young person in my area brag that they can come out on bail 58 times and have nothing happen to them and that there are no consequences for their actions is sheer negligence.

I am pleased to see that there are some things that people will not be able to get out on bail for, and it is good that they have actually made this little list. But the bottom line is that if you go outside this list, it does not apply to you and somehow you are going to be able to avoid some of the consequences. As I have said before, basic rule-of-thumb law in youth work and social work is this: consequences for actions. It does not always mean that the best place for a person to go is jail first up, but if you are doing nothing to protect young people with laws that actually show that they are involved in criminal activity and make them feel that they are going to have consequences for their actions, then there is nothing to stop them from going out again and again and again. You are not protecting them, you are not helping them and you are not helping all Victorians.

The most talked about issue out in my community is crime. It does not matter whether you go out to a forum on something else, crime always comes up. People have stories either of themselves or of their neighbours or their friends. Every workplace knows of or has a story. Businesses do not feel safe to stay open, especially if they are small businesses, and if they cannot afford to have those additional protections, people are worried. It was mentioned here about the illegal tobacco industry. I mean, honestly, what is this government doing? Are they in bed with organised crime? Why aren't they cracking down on stuff and making it safer for every Victorian and for every business?

This is simply not doing enough as a bill, and we have amendments that will help tighten it up. We do hope that we will get support, because yes, great, we are looking at itemised offences of armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking and aggravated carjacking,

but you go outside that and suddenly we have an issue with bail laws. We are saying that more needs to be done. We are advocating for laws that are going to protect every Victorian. You cannot just make an amendment to a bail act for only six serious offences, and then if somebody gets out and they do something else outside of that somehow they are exempt from the law. That is ridiculous. It would not pass the pub test if you tried. We are looking at a number of things to make changes to. We really do not think that leaving laws to come in on 31 March 2026 is doable or fair on every Victorian or reasonable.

We have looked seriously at what happens. You have got down here in this bill that after the first time a person gets bail the accused must bear the burden of showing that there are exceptional circumstances. That is reasonable, and I am sure that in the courts circumstances will be taken into consideration. But as I have said, we are very concerned that we are not homing in on enough of the laws that were loosened by this government in 2023. They have not got back to a point where we can actually bring law and order under some sort of control in Victoria. By changing the law in 2023 this Labor government failed all Victorians, and all Victorians are paying the price. Everybody knows somebody that has been burgled, has had their car stolen or been under threat of having their car stolen or has been a victim of violence. Everybody will know someone in one of those categories, and just having bail laws that do not address every situation simply does not allow every Victorian to feel safe.

These are the concerns that we have, and that is why we are commending our amendments to the house. We are asking for support, and we do not feel that some of the amendments that have been brought forward by the crossbench actually go so far as to help people to understand consequences for their actions. This is just a general principle. As I said, it is a rule of thumb. It is a rule of thumb even in raising children – *(Time expired)*

Jeff BOURMAN (Eastern Victoria) (15:54): I rise to support this bill. Liberty is meant to be blindfolded – we have all seen the picture of the blindfolded woman holding the scales and all that sort of thing – but at times we have issues that come up when it would be imbecilic of me to expect that that is going to be a constant, and bail laws are one of them. Whilst I am hard on bail and it is easy to say that if you break bail you should go to jail, we have got to look at the totality of the circumstances. I believe we will be back doing this again in the near future. Bail is one of those things that, from the times I can remember, has been messed with time and time and time again, trying to find a perfection that just will not exist. It is always difficult to find something that keeps the rights of the individual alleged offender protected but also protects public safety. In the end we need to look at public safety, because public safety comes first.

There are a lot of people that break bail with minor offences, shop stealing being one of them. In the end, I find that the constant reoffending with that, whilst annoying, is not exactly a huge problem, and I feel that there should be services that that person is directed to, rather than it just constantly being: steal, bail, steal, bail. But when we have home invasions, when we have carjackings and when we have those sorts of things, whether the alleged offender is a youth or not is completely irrelevant. Public safety comes first. So we will see how these go. What I would love to see is less boasting and less carjackings. In fact I remember 25 years ago or so an aggravated burglary was cause for comment and carjackings were just not done, so something has changed. We need to find out what it is, and we need to fix it. But, again, public safety comes first.

Adem SOMYUREK (Northern Metropolitan) (15:57): A former policeman is a pretty hard act to follow on this particular issue, but I will try. I rise in support of the Bail Further Amendment Bill 2025. While I agree with the opposition that the bill could have gone further to cover additional crimes, I take the view that a small step is important on this particular issue. Certainly I think more needs to be done, but I take the view that a small step is important.

In the current milieu with home invasions and serious crime seemingly out of control and our system of bail being severely criticised in the media and the community, I think it is fair to say that the community has lost trust in the system of bail in this state, and the fact that the government have

brought in this bill indicates that they perhaps agree with me. A natural reaction to this erosion of trust in the bail system is to simply say, 'Throw them all in jail; throw the accused into jail, and don't deal with them until they come to trial.' That is a simplistic, pragmatic approach, but it overlooks one of the most fundamental principles of our legal system, and that is the presumption of innocence. Taking away the liberty of people who have not yet been found guilty is a profound breach of this principle. On the other hand, as legislators we have a responsibility, we have a duty, to empower the courts and the police so that they do have the power to safeguard the community and the community's safety. Bail therefore is about striking a delicate balance between protecting the presumption of innocence on the one hand and protecting the community on the other.

This bill I think goes some way to recognising that balance by strengthening bail in cases of repeat offending. For example, when a person is already on bail for an indictable offence such as burglary, robbery or assault and is then charged with another indictable offence, they will now face the tougher show compelling reason test. What this test does is flip the usual presumption. So rather than the state having to justify or show cause why the accused should be kept in custody until trial, the onus now flips to the accused to demonstrate or show that they are trustworthy enough to be able to be let out into the community whilst they are awaiting trial. This is important because repeat offenders undermine the integrity of the bail system and put community safety at risk. Again, like the speakers before me – certainly the opposition speaker before me – this is not a panacea, it is simply a step in the right direction. This step on its own is not going to be able to win over public trust in the bail system, but you have got to recognise a positive step when the government takes one. With that, I commend the bill to the house.

Trung LUU (Western Metropolitan) (16:00): I rise today to speak on the Bail Further Amendment Bill 2025. We are debating further bail law reform not because the government wants to make the community safer but because the government needs to rectify its soft approach to crime. The Labor government watered down and weakened bail laws back in 2023. Now we are seeing the consequences. This has come about because of public and political pressure on the Allan Labor government to act as Victorians experience wave after wave of crime. The bill we are debating today follows bail changes passed in the Bail Amendment Act 2025, the first tranche of reforms to reverse Labor's previous actions which weakened our state's bail laws and profoundly made our community far less safe. We debated these reforms earlier, as I mentioned.

I will go through the purpose. This bail bill amends the Bail Act 1977 and the Summary Offences Act 1966. With regard to the amendments to the Bail Act 1977, I will go to two provisions to keep this brief. The first one is introducing a new high degree of probability filter to add to the unacceptable risk bail test for persons charged, noting the high degree of probability for an unacceptable risk bail test only applies after the offender is released on bail and happens to be caught again committing one of six offences while on bail. I will just go through those six offences: armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking and aggravated carjacking. It is absurd that only six offences are listed, but this government is not really fair dinkum about bail. I will give you an example. If an arsonist burns down a house or premises and there was the possibility of some people being in there, that offence is not serious enough to be on this list. Kidnapping, abduction or even a sex predator sexually assaulting an innocent victim who is walking about are not worthy of making it on to the list of serious offences for the government. Other key changes that have been mentioned are uplifting the bail test for those charged with certain indictable offences while already on bail for indictable offences. Again, the government is trying to rectify its mistake in weakening bail over the years.

I can remember when a person was apprehended for a serious indictable offence with overwhelming evidence and was brought to the court or bail justice seeking bail, he or she had to provide reasons why he or she should be granted bail. He or she needed to convince the bail justice or the magistrate at the time. This is not happening at the moment. It is a revolving door that we are seeing. Youth, age, a person's situation and background et cetera are all factors that a bail decision maker has to take into

consideration. They should and they must, but being a young offender does not mean a remand- or jail-free card as we have seen under this Allan Labor government.

I will continue on in relation to some of the examples but keep it brief. In relation to offences committed whilst on bail, we are reminded of the debate on this earlier this year. The Allan government's so-called tough bail laws were brought in following sustained pressure for change. It was essentially to remove the principle that remand be the last resort for people under the age of 18, and therefore the government reintroduced bail offences, although without the consequences that existed when the Liberals and Nationals were last in office. I will just bring it back to where we are at the moment. Coming back to the present in Melbourne's western suburbs, which I proudly represent, we are becoming far too accustomed to many of these offences being broadcast in daily media. My community wants the strongest possible action taken to stamp out these offenders, and no doubt the rest of Victoria – east, north – wants the same. If we want to get a handle on bail laws, implement the break bail, face jail policy. Call it what you want, package it how you want to, but implement the policy, because it is the right balance.

I have some concerns about this bill, as I just outlined, but the opposition will not oppose this bill, because it does in fact make some minor improvements to the bail laws – for example, those six offences I quoted – which we all welcome. But it still leaves Victorian bail law exposed and weak thanks to the Labor government. The six offences the government wants to focus on will mean bail will be tougher for those six offences, but this bill masks weak bail laws for a range of other indictable offences, which is concerning. Also, listing robbery and burglary as schedule 2 offences, meaning tougher tests would apply, is absolutely something that should be included, but unfortunately under this bill it is not. So there are some concerns we have, as outlined, and I am sure this will not be the last that we hear of them, because this is just a reactive government.

Rachel PAYNE (South-Eastern Metropolitan) (16:07): I rise to speak on the Bail Further Amendment Bill 2025 on behalf of Legalise Cannabis Victoria. I have said it before and I will say it again: here we go again. Only a few months ago we were in this place debating the first tranche of bail reforms, and only a few months before that we were debating an overhaul to the youth justice system. It is still incredible to think about how this government undertook a massive reform of the youth justice system and then, before the changes had fully come into effect, changed bail laws. Reforms to the youth justice system were evidence led and largely unpoliticised; the same cannot be said for changes to bail laws.

It is disappointing to see the government turn a blind eye to the relationship between incarceration and recidivism. With that being said, it is not surprising. This is a government that turfed out plans to improve the bail system for young people and backflipped on their promise to raise the age of criminal responsibility. There is a reason the government had to do their bail reforms in two tranches: they know the dangers of what they are doing in tranche 2. There is a real risk of repeating the perverse outcomes from similar previous laws, like the doubling of the rate of Indigenous women in prison. While we are thankful that, unlike with tranche 1, we were able to receive a briefing on the bill well in advance of it coming before our chamber, consultation was still lacklustre. With the opposition's support, the laws will fly through. This has left the government unwilling to improve and uninterested in improving these laws. Amendments that could reduce the impact on marginalised and vulnerable communities were not given real consideration. We want to be clear: everyone has the right to feel safe, but we need to do the hard work to address complex motivators of crime, looking at schooling attendance, rates of family violence, mandatory treatment services, timely access to mental health support and cost-of-living stressors. More should be done to ensure, wherever possible, the justice system can play a rehabilitative role in people's lives, particularly for children who have not even fully developed consequential thinking. Entrenching children and young people in the justice system just leads to reoffending, and in the long term it does nothing to make the community safer.

Turning to the bill itself, it makes sweeping changes to the Bail Act 1977. Central to these changes is the introduction of a new high degree of probability test and the creation of a second-strike rule. The

new high degree of probability test will form part of the existing unacceptable risk test for people accused of committing a specified schedule 1 offence while on bail for another specified schedule 1 offence. This will require the bail decision maker to be satisfied there is a high degree of probability that the accused would not commit a specified offence while on bail. Specified offences include armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking and aggravated carjacking. You do not have to read between the lines to see that these offences have been selected not because they are the most violent and gruesome of offences but because they allow this government to target young repeat offenders.

The second-strike rule created in this bill is where someone is accused of an indictable offence and they later commit an indictable offence while on bail for the first offence. This will create an uplift where an applicant for bail will be required to pass the reverse onus compelling reasons test rather than the lesser unacceptable risk test. Importantly, the bail decision maker will be required to consider circumstances surrounding alleged offending as well as Aboriginal-specific and child-specific factors where relevant. It was pleasing to see that the bill provides a lengthy list of carve-outs for lower level offences, including low-value theft and criminal damage, nonviolent property offences and lower level drug possession. These carve-outs were included to avoid capturing nonviolent offences that are often linked to disadvantage, homelessness and other factors. Unfortunately, these carve-outs are limited in their application. The value limit of these offences is less than $2500 for theft and criminal damage and less than $5000 for nonviolent property and deception offences. If someone steals a backpack, they may find that they unknowingly stole a phone and laptop, and then all of a sudden they are subject to a strict reverse onus bail test. While it was excellent to see that this bill carves out lower level drug possession offences, it only does so for small quantity possession, and a wide range of drug-related indictable offences will continue to be captured by this new strict bail test.

Alongside some of my crossbench colleagues, we will be putting forward questions during the committee-of-the-whole stage to understand if it is the government's intention to capture so many nonviolent offences and, particularly, nonviolent drug offences. While the *Herald Sun* talk about the crime wave in Victoria, we get the sense they are not talking about your neighbour quietly growing some cannabis plants in their backyard. These laws apply to them all the same. It is good to see that this bill amends the existing statutory review to include these reforms and examine the impact on Aboriginal and Torres Strait Islander people. However, this review could be as late as two years from now, and we have no guarantees about the transparency of this process and whether any findings will be made public. We do not trust that this government will act on any negative findings of this review, particularly if the media hold up its pressure. On that note, we will be moving amendments to this bill, and I ask that they now be circulated.

This amendment will include a three-year sunset clause for the high degree of probability test, meaning that after three years it will cease to operate. In April 2024 New South Wales introduced somewhat similar changes to their Bail Act 2013. These changes included a temporary additional bail test for young people aged between 14 and 18. Under this test, unless the bail authority has a high degree of confidence that the young person will not commit a serious indictable offence while on bail, bail is to be refused. This test was originally subject to a 12-month sunset clause, which was extended for an additional four years earlier this year. When extending this test, the responsible Labor minister made clear that the bail test was only ever intended as a circuit breaker to immediately respond while broader community-based programs were implemented. The decision to extend the sunset clause was not taken lightly. It was justified by reference to continued efforts to reduce youth crime through therapeutic and community-based solutions that aim to minimise a young person's contact with the criminal justice system over the long term. The three-year sunset clause proposed in our amendment will bring us in line with the New South Wales 2028 sunset date and the expected completion of the statutory review.

This government talks a big talk about investing in bail support and interventions to tackle the underlying causes of crime. Now here is your chance to prove those were more than mere words. As we have no assurances from the government about the transparency and reporting obligations of the

statutory review, there is no guarantee that any perverse outcomes of these laws will be addressed. Including a sunset clause means that if the government want to keep their high degree of probability test, they can come back to Parliament and be held accountable for that decision. This will give us the opportunity to properly scrutinise the outcomes of these changes to bail laws. We encourage all parties to support this amendment. Our amendment does not affect the operation of the bill here and now. What it does do is give us the chance to change course if needed so that we can achieve the long-term goal of reducing youth crime through therapeutic and community-based solutions. We understand there will be further amendments to the bill for additional safeguards that will minimise unintended consequences on vulnerable and over-represented groups. We will be supporting these and the need for further consultation, because when we get it wrong, lives are changed forever and people die.

I would like to close my contribution, as I did my contribution on the first tranche of these bail reforms, with a message for the government. If police resourcing is an issue, regulation of cannabis offers a possible answer. In Atlanta decriminalisation led to a 20 per cent drop in crime despite fears it would do the opposite. Thanks to these changes, police could shift their focus to serious violent offences rather than dealing with low-level cannabis arrests. If this government is so set on bail reform, the least it could do is focus on violent crimes rather than making bail even harder to get for nonviolent offenders.

Renee HEATH (Eastern Victoria) (16:17): I rise today to contribute to the Bail Further Amendment Bill 2025 because Victorian families, businesses and the community just do not feel safe anymore. The primary responsibility of Western governments is to maintain law and order and to protect their citizens. Victorians are now demanding that there is a system that works. That means bail laws that keep repeat violent offenders off our streets, backed by a justice system with adequate police, court capacity and prison infrastructure.

Let me be clear from the outset: despite the government's claims about having the toughest bail laws in the nation, this amounts to little more than chest thumping. Every department briefing acknowledged that the high degree of probability test largely mirrors that in New South Wales. This is not groundbreaking. It is not new, like they keep saying. It is a copy and paste from New South Wales. This is a narrow scope of reform. This bill takes a small step where a stride is desperately needed.

Let me explain what it accomplishes. First, there is a tougher rule for repeat offenders of six specific crimes. If somebody is already on bail for armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking or aggravated carjacking and is again charged with one of those six offences while on bail, then bail must be refused unless the court is satisfied there is a high degree of probability that they will not commit one of those six offences if released. As I mentioned, it is the same standard found in New South Wales. Second, there is an uplift or tougher bail test for those offenders who are already on bail for indictable offences but with significant carve-outs and exemptions. If you are already on bail for a serious indictable offence and are charged again with a serious indictable offence, the test for bail gets tougher.

I was thinking last week, Minister Erdogan, that if I was arrested and charged with a crime and I got one phone call, who I would call if I got that one phone call. I would call Minister Erdogan. Why? Because I would want to sleep in my own bed. For those who are watching at home, Minister Erdogan is the Minister for Corrections and the Minister for Youth Justice, yet under his leadership every 50 seconds there is an offence committed in Victoria. There is a serious assault every 29.7 minutes. There is an aggravated robbery every 2.6 hours and a motor vehicle theft every 16 minutes. He is the one I would be calling, because I am going to talk to you about some of the carve-outs that the minister has allowed in this bill. It is not a strong bail bill at all. It is another one of these bills that gives a lot of exemptions. Let me go through a couple. The first one is youth offending. There has been a huge surge in youth crime driven by repeat offenders, yet the very offences that fuel youth crime are being excluded from the tougher bail test. The bill maintains a youth exemption for breaching bail, and the carve-outs mean that the most common youth offences, like car thefts, often will not even trigger the tougher bail test. Here is an example. Just say there is a 17-year-old kid on bail for burglary. Whilst

on bail they can steal a car, go for a joy-ride through the suburban streets, terrorise some families and put lives at risk, but under this bill, because it is theft of a motor vehicle and that is a schedule 5 exemption, the tougher bail test will not even apply to them. The same teenager who has already been given a chance on bail can walk out of court free to steal another car the very next day – even the same day. In fact in Victoria often youth are arrested, charged and then released on bail within 90 minutes. It is absolutely disgusting, and we have witnessed this repeatedly. This is not fearmongering, it is the truth backed by facts in this state.

A few months ago a magistrate sentencing a teenager who was a repeat offender – who had accumulated more than 400 charges – ruled that the youth had effectively proven incapable of complying with bail or community orders and ordered that he be immediately released. Over the past year he admitted to six aggravated burgs, 14 car thefts, four robberies and three shop break-ins, along with multiple offences including dangerous driving, trespass and handling of stolen goods. The magistrate said:

> I've lost count of how many times I have given him bail.

It is unbelievable. Then last week another article detailed how furious traders said that they were disgusted by a magistrate's decision to bail two teenage boys for violently holding up five supermarkets with machetes. This bill, however, would not affect them, because there is yet another carve-out – they are the wrong age. One shop owner said his young workers would continue to be terrorised by armed thugs without stricter penalties at court, adding that the court's decision was expected. Responding to comments that one boy wiped away tears with a tissue as he sat in the dock, the shop owner said:

> What about the tears of the retailers and staff held up by …

this young man.

> … It will stay with them for the rest of their lives.

If I was arrested for a drug crime or an organised crime and had one phone call, I would also call Minister Erdogan, because I tell you what, he would give me an exemption for that too. This bill exempts numerous drug and organised crime offences from the tougher test, including possession of drugs at trafficable quantities, tablet presses, precursor chemicals and the proceeds of crime. This defies common sense when the backbone of organised crime is the drug trade. Picture this: a dealer is already on bail for burglary. Police catch him with 50 grams of meth, enough to destroy dozens of lives and families. Under this bill, because drug possession at trafficable quantities is a schedule 5 exemption, he can walk out on bail again. Meanwhile the same dealer can continue to poison more in the community and put lives at risk. This is absolutely unbelievable.

Community safety is not something that is restored by words alone – if it was, it would have been restored in this state long ago, because this government loves a good slogan – but it is restored by results. The numbers that we are seeing are deeply concerning. Statewide criminal incidents in the last year have climbed to 474,937 – that is up by 20 per cent. The crime rate rose 13 per cent, driven by property and deception offences, car thefts – lucky they will be exempt through this one! – and retail crime. The majority of those criminals will probably be exempt too if they are the right age. Youth offending surged – again, under this bill those ones will get an exemption – while child offenders reached their highest level since records began in 1993. Yet a lot of these people will be exempt. In Cardinia, or the area I represent, in Pakenham and around there, incidents jumped approximately 32 per cent in the year to March. These are not just statistics, they represent real families whose lives have been shattered. I have spoken about Jack in this place, an 18-year-old who had his whole life ahead of him, who was bashed within an inch of his life. The ambulance never came. These kids were put on bail. This young man's life has been forever changed because of the injuries that he sustained, and the family have even chosen to leave the state. So there is just a little bit about some of the real effects and some of the exemptions that this bill allows. Businesses and families are bearing the consequences of this because of Labor's soft-on-crime approach.

Just in closing, while this bill represents a move in the right direction, it falls short of what Victorian communities actually need and deserve. It is narrow, patchy and riddled with exemptions that will allow too many offenders to slip through the cracks once again. Victorians deserve better than just political gestures. You can laugh, you can think whatever you want of that, but this is the fifth time in a year that we have tried to get the bail laws right. Why should we have trust this time? Five times within a year is absolutely ridiculous. Victorians deserve a justice system that works, one that keeps them safe so they can go about their daily lives. That system must be built on clear consequences for those who repeatedly offend, even if they are under the age of 18 years, proper resources for those who enforce our laws and a genuine commitment to community safety over political convenience.

Moira DEEMING (Western Metropolitan) (16:27): I too rise to speak on the Bail Further Amendment Bill 2025. As we have heard, this is yet another attempt at tinkering around the edges of bail. It is packed full of exemptions and special considerations. In fact it has been noted by many people in this chamber that this is a baby step. The standard has fallen so low in Victoria that even a tiny little baby step towards justice is something people are actually happy about, instead of all of us being able to rejoice in the right thing being done from the start. In Victoria it is pretty clear by now that the criminals are in charge. They are facing judges who say, 'What's the point?' They are facing police who are demoralised at the catch-and-release system. And when the government say, 'Please, please, would you please put your machetes in this box?' you know that the attitude out there is, 'What are you going to do about it? Nothing. Make me.' And why would they have any other attitude at all? They have called this government's bluff.

Bail was never meant to be a free pass. Its purpose from the beginning was actually very clear. If someone was released before trial, someone else had to vouch for them, and if the offender broke the rules again, the guarantor paid the price. Accountability was built into that system. But today, under Labor, accountability has collapsed. Offenders are bailed over and over again, and nobody in government pays the price. Instead, again, it is the ordinary Victorians who are left to bear the cost. They are unprotected, they are attacked and then they are ignored and vilified. Labor yet again, true to their pattern, only ever act when a media cycle forces them to. Their bail policies are forever driven by media outrage, not by community safety and not by principle. That is why Victorians never feel safer under Labor – because Labor only reacts after the harm has been done, never before it. We all know that the deeper problem, as usual, is a philosophical one. Labor's socialist world view shifts blame away from offenders and onto society. They talk about how so much crime is caused by disadvantage and race and gender and trauma and youth – anything but the offenders' own choices or their own systematic failure to put in disincentives. It is true that hardship makes life harder and it make doing the right thing harder, but it does not erase responsibility. Human nature tells us the simple truth that, just like children, people will do whatever they can get away with. That is why consequences matter, that is why being the adult in the room matters, that is why good governance matters and that is why the Liberals believe in equality before the law and that you can never sacrifice that.

Diversion has been mentioned, and it does have a place. We know that if a teenager steals a bike or shoplifts or does something else terrible for the first time, we want them to have a consequence, but we do not want to ruin their whole future, we want them to be rehabilitated on a better path. Yet Labor have treated bail, which is supposed to be a legal safeguard, as if it were a social program. That leaves dangerous people on the streets and victims completely unprotected. Bail was never supposed to be about that; it was supposed to be a balance between safety for the community and justice.

By the time a 15-year-old is caught hacking at another man's neck, as happened to one of my poor constituents, and then mocking him while he scrambled around looking for a phone, the time for hot chocolates and gentle counselling and ad nauseam chances is long, long gone. Some will say that stricter bail undermines the principle of innocent until proven guilty, but the presumption of innocence was never meant to be a presumption of release. It has always been about liberty for the accused on one side and protection of the community on the other. Under Labor that is completely reversed, though. And who gets ignored? The victims. Nobody in this state feels safe anymore. Obeying the law

is supposed to give you benefits in society. In Victoria it is reversed: you are victimised, you have no rights and no protection, no-one stands up for you, excuses are made and justice is just thrown under the bus. That is why I am proud to stand with the coalition's amendments. It is true that if you break bail you should face jail. Our position is simple – it could not be clearer: the way you protect families, restore trust in the justice system and deliver what this state needs is that you respect the law, you do not corrupt it, you apply it fairly, you apply it equally and you act in the best interests of the innocent.

Lee TARLAMIS (South-Eastern Metropolitan) (16:32): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025

Introduction and first reading

The ACTING PRESIDENT (Jeff Bourman) (16:33): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Worker Screening Act 2020** in relation to working with children and the time limit for prosecuting certain offences and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:33): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I declare that the bill is an urgent bill, and I move:

That the bill be treated as an urgent bill.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:34): 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 Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025.

In my opinion, the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill strengthens the operation of the Working with Children (WWC) check by implementing reforms to the *Worker Screening Act 2020* (Act). The purpose of the Bill is to assist in the protection of children from harm by strengthening the screening processes of the WWC check, including the treatment of criminal history information and relevant regulatory and disciplinary findings of people who work with children. Screening is necessary to reduce the risk that persons who may harm children will be placed in positions of care and trust.

A key reform in the Bill is to implement mutual recognition of WWC exclusions. The Bill will amend the Act to provide that a WWC exclusion issued in another state or territory is to be treated as a WWC exclusion under the Act. This means that a person who is excluded from child-related work under a corresponding working with children law will be excluded from child-related work under the Act.

The Bill also contains reforms that were identified by government through an urgent review of Victoria's WWC check scheme. These reforms will:

- prohibit certain individuals from working with children pending assessment or re-assessment;
- extend time limits for the laying of charges related to the summary offence of providing false or misleading information; and
- cancel clearances previously given to a person who provided false or misleading information when making an application or during a re-assessment, or where the person was prohibited from applying for a WWC check under the Act.

Human Rights Issues

The following rights are relevant to the Bill:

- right to recognition and equality before the law (section 8)
- right to privacy (section 13)
- protection of families and children (section 17)
- right to a fair hearing (section 24)
- rights in criminal proceedings (section 25)
- right not to be punished more than once for the same offence (section 26)
- the protection against 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 am satisfied that the provisions of the Bill are compatible with the Charter and, to the extent that any rights are limited, those limitations are reasonable and justified in accordance with section 7(2) of the Charter.

Right to recognition and equality before the law

Section 8 of the Charter provides that every person has the right to recognition as a person before the law and to enjoy their human rights without discrimination. It also protects the right for every person to be equal before the law and to be entitled to equal protection of the law without discrimination and the right to equal and effective protection against discrimination.

Recognition of inter-jurisdictional WWC exclusions

Legal recognition under the law (section 8(1) Charter) requires that persons enjoy equal rights under the law and receive the protection of Charter rights. In addition, section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. There is some uncertainty whether this right is intended to operate as a prohibition on unequal treatment by reference to discrimination based on a protected attribute as defined in the *Equal Opportunity Act 2010* or has a broader application beyond the protected attributes.

The right to recognition as a person before the law, and, assuming an application beyond protected attributes, affording equal protection of the law, may be limited by the provisions which recognise inter-jurisdictional WWC exclusions. By recognising WWC exclusions from other jurisdictions, through prohibiting a person who has been excluded in another jurisdiction, clause 16 of the Bill means that people may be treated differently under the Act depending on whether they have been excluded from a similar scheme in another jurisdiction or not. (The Bill also allows the Secretary to re-assess any previous WWC clearances that were the result of interstate exclusions from child-related work, and provides that once these amendments commence, the person is to be assessed under the new requirements (clause 18).)

This is due to the differences in schemes across jurisdictions. Offence categorisation across states and territories for WWC assessments differ which means that a person excluded in another jurisdiction would be automatically excluded in Victoria, even if the matter that led to the exclusion may not have resulted in the same outcome in Victoria. In addition, most jurisdictions do not have legislated rights protections, which means the original decision-maker would not have been required to consider and act consistently with rights when making an exclusion decision.

However, I consider that these limitations on the right to equality are reasonable and justified. The purpose of these provisions is to implement a joint commitment made by the Commonwealth and state and territory governments for mutual recognition of WWC exclusions, which will ensure greater protection for children from harm. This commitment, which was agreed by the Standing Committee of Attorneys-General, will deliver greater consistency in WWC checks across Australia by ensuring that a person who is excluded in one jurisdiction is barred from working with children in all jurisdictions. This is a first step towards further national

reforms including a National Continuous Checking Capability, which will be a secure system that continuously monitors WWC check holders against new criminal history information from national and state/territory datasets, which was a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse.

There have been egregious examples of child abuse that have come to light recently that have demonstrated a need to ensure that WWC schemes across Australia are strong and effective.

While there are differences in the legal frameworks for WWC checks across jurisdictions, there are nationally agreed standards and general consistency in the way schemes operate. This means the number of matters where a person excluded in another jurisdiction would not have been subject to the same outcome in Victoria will be limited. In addition, all systems share a common objective: to prevent individuals who pose an unacceptable risk to children from gaining access to child-related employment or volunteer opportunities.

Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The right to privacy is very broad. The fundamental values which the right to privacy expresses are the physical and psychological integrity, individual and social identity, and autonomy and inherent dignity, of the person. The right protects the individual's interest in the freedom of their personal and social sphere. Relevantly, this encompasses a person's right to establish and develop meaningful social relations, and may also incorporate a right to work in some circumstances (to the extent that work is necessary to establish and develop social relations).

The Bill promotes the right to privacy by strengthening the WWC scheme, the purpose of which is to protect the right of children to bodily integrity, an aspect of the right to privacy. The Bill also includes reforms which may limit the right to privacy, however, to the extent that any rights are limited, those limitations are reasonable and justified.

Prohibiting certain individuals from working with children pending assessment or re-assessment

Currently most applicants for a WWC check can work with children while their application is assessed, even if the Secretary proposes to refuse to give a WWC clearance on the basis of any charge, conviction or finding of guilt for an offence (except for serious sexual, violent or drug offences captured in clause 2 of Schedule 5 of the Act) or on the basis of disciplinary or regulatory findings.

Clause 12 of the Bill will introduce amendments that will make it an offence for a WWC applicant to work with children while waiting for a final outcome of an application if the Secretary proposes to refuse to give the person a WWC clearance. It will prevent an individual from working with children while waiting for the outcome of an application in a much broader range of circumstances, including where the Secretary is made aware of a relevant charge, conviction, finding of guilt or disciplinary or regulatory finding.

Clauses 13 and 14 will also make it an offence to engage another person in child-related work, or offer the services of another person for child-related work in these broader range of circumstances. These provisions engage the right to privacy, to the extent that it includes a right to work, as it will prevent a wider range of individuals from working or volunteering with children while waiting the outcome of the Secretary's decision.

Clause 8 of the Bill also introduces a requirement for the Secretary to suspend a person's WWC clearance if the Secretary proposes to revoke the person's clearance because they have become aware that the individual has been charged with, convicted or found guilty of, a relevant offence or has become subject to a relevant disciplinary or regulatory finding. Currently, the Secretary can only suspend a WWC clearance before a re-assessment has been carried out in limited circumstances: if the person has become subject to reporting obligations under the *Sex Offenders Registration Act 2004* or a supervision or detention order; if the person has been charged with, or convicted or found guilty of, an offence specified in clause 2 of Schedule 5 to the Act; or the person has been given a WWC exclusion in another jurisdiction. A person who has their WWC clearance suspended is taken to not hold a WWC clearance for the period of the suspension. This amendment engages the right to privacy, as it will prohibit a person from engaging in work with children pending the completion of a re-assessment by the Secretary.

Aboriginal people are particularly at risk of being impacted and receiving a WWC suspension on the basis of having a criminal history as an overrepresented cohort in the justice system. This may also potentially deter Aboriginal people from applying for a WWC check due to confusion about the consequences of them having a criminal record. This can be mitigated by development of frameworks to guide decision making under the suspension power, which could include reference to contextual factors unique to First Nations peoples and other vulnerable groups to inform decision-making.

I do not consider that these amendments limit the right to privacy as they are lawful and not arbitrary. The interference will be lawful as it is authorised under legislation. The interference is not arbitrary, and any limitation is reasonable and justified as it seeks to minimise the risk of a person commencing or continuing to work with children while their application is being assessed or their eligibility to hold a WWC clearance is re-assessed in circumstances where the Secretary has proposed to refuse the application or revoke the clearance, and will therefore help protect children from harm. The Secretary can reinstate a person's WWC clearance after they have been issued a suspension in particular circumstances, for example, if the charge has been withdrawn or dismissed by a court or the person is acquitted of the offence by a court, or if a disciplinary or regulatory finding is quashed or set aside.

The Bill seeks to further protect children, which is a group with a heightened vulnerability to exploitative conduct which can in its nature be violent, sexual, abusive and neglectful. Screening is necessary to reduce the risk posed by persons who may harm children. While the Bill, and the Act more broadly, cannot entirely eliminate risk, clauses 8, 12, 13 and 14 provide a protective mechanism for preventing people who have been identified with criminal charges, criminal history or disciplinary or regulatory findings that indicate they should not be allowed to work with children from doing so until their eligibility to hold a WWC clearance is assessed.

Power to cancel WWC clearance if false and misleading information is provided on application

Currently there is no express power to cancel a WWC clearance where a WWC check application has been made in breach of, or contrary to, a provision of the Act, and a WWC clearance has been granted as a result.

Clause 9 of the Bill provides the Secretary with the power to cancel a WWC clearance if the person should not have been issued a clearance at the time of their initial or further application. This may occur, for example, where a person provided false or misleading information in relation to their application. Clause 18 applies this power retrospectively, so the Secretary will be able to cancel a WWC clearance that should not have issued regardless of whether the relevant application or re-assessment occurred prior commencement of the Bill.

These clauses may engage the right to privacy, to the extent that it includes a right to work, as it will prevent these individuals from continuing to work with children, which may require them to leave their existing workplace, in circumstances where they had relied on the WWC clearance being granted.

However, I do not consider that these amendments limit the right to privacy as they are lawful and not arbitrary. The interference will be lawful as it is authorised under legislation. Further, the interference is not arbitrary, as it has the important purpose of protecting children from harm by cancelling WWC checks that should not have been issued. This power is intended to act as a safety net in exceptional circumstances, such as where a WWC clearance has been given based on information that is false or misleading and the WWC clearance may not have been given if the information available to the Secretary was correct.

Additionally, clause 9 of the Bill requires the Secretary, in the case that a WWC clearance is cancelled on the basis of false or misleading information, to give to the person the reasons for the cancellation, inform the person that they may apply for a WWC check and explain how that application can be made. To the extent that these laws may limit the right to privacy, I consider that any limitation is reasonable and justified in accordance with section 7(2) of the Charter.

Recognition of inter-jurisdictional WWC exclusions

Currently the Act provides for consideration of interstate WWC exclusions or equivalent notices through the WWC check application and re-assessment provisions. A person who receives a WWC exclusion in another jurisdiction will either be a category A or category B application or reassessment which can result in the giving of a WWC exclusion under the Act. However, in some cases, a person who has been issued an interstate WWC exclusion can be issued a WWC clearance in Victoria.

Clause 16 of the Bill amends the Act to provide that a person who is excluded from child-related work under a corresponding working with children law is prohibited from applying for a WWC check under the Act. Additionally, clauses 4 and 6 categorise an interstate WWC exclusion as a category A application and re-assessment and clauses 5 and 7 repeal the previous category B application and re-assessment provisions. These clauses together mean that a person who is excluded from child-related work under a corresponding working with children law will be excluded from child-related work under the Act. Clause 18 also introduces amendments to allow the Secretary to re-assess any previous WWC clearances that were the result of interstate exclusions from child-related work, and provides that once these amendments commence, the person is to be assessed under the new requirements.

These amendments engage the right to privacy, to the extent that it includes a right to work, as it will prevent people who have a WWC exclusion issued in another jurisdiction from obtaining a WWC clearance in Victoria. Without a clearance, a person will be unable to work or volunteer in certain positions which involve contact with children. Further, they will not be able to continue in child-related work where an existing WWC

clearance is revoked. These provisions may have significant consequences for the person, as it may mean they are unable to pursue their choice of work, may have to leave their existing workplace, or cannot participate in certain volunteer activities.

However, I do not consider that these amendments limit the right to privacy as they are lawful and not arbitrary. The interference will be lawful as it is authorised under legislation. Further, the interference is not arbitrary, as it serves the important purpose of protecting children, who have a heightened vulnerability to harmful conduct. Additionally, through operation of the Act more broadly, if such a person was to have their interstate WWC exclusion lifted, they would be able to apply for a WWC check under section 77(2)(c) of the Act. To the extent that these laws may limit the right to privacy, I consider that any limitation is reasonable and justified in accordance with section 7(2) of the Charter.

Protection of families and children

Section 17 of the Charter provides that families are entitled to be protected by society and the State, and that every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children because of their age and immaturity, conferring additional rights on them.

The Bill promotes the rights of the child by strengthening the operation of the WWC check, which is an important safeguarding tool that assists in protecting children from sexual and physical harm by screening people who work with or care for children.

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The concept of a 'civil proceeding' in section 24 is not limited to judicial decision makers, but may also encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers. The right generally encompasses the established common law right of each individual to unimpeded access to the courts of the State, and may be limited if a person faces a procedural barrier to bringing their case before a court.

Prohibiting certain individuals from working with children pending assessment or re-assessment

Clauses 8 and 12 of the Bill may engage the right to a fair hearing as it does not provide an avenue for appeal for the amendments which prohibit a broader range of individuals from working with children while waiting for a final outcome of their WWC check application or a re-assessment of their WWC clearance in cases where the Secretary proposes to refuse a WWC clearance or where the Secretary suspends a person's WWC clearance if the Secretary proposes to revoke the clearance.

However, I do not consider that the amendments limit the right to a fair hearing, as these prohibitions and suspensions are temporary until the final outcome which will either be a WWC clearance or a WWC exclusion. A person who receives a WWC exclusion in these circumstances can appeal that decision to the Victorian Civil and Administrative Tribunal (VCAT).

Recognition of inter-jurisdictional WWC exclusions

Clauses 10 and 11 of the Bill may limit the right to a fair hearing as it provides that a person who has been excluded from a WWC check in another jurisdiction will not have the right to apply to VCAT for a review of this decision. Instead, the person will only be able to appeal the decision in the jurisdiction where the original exclusion was decided. Inconsistent offence categorisation across jurisdictions may also result in different appeal rights for persons excluded in another jurisdiction and those initially excluded in Victoria, even where the offence or disciplinary or regulatory finding may be identical. Clause 18 of the Bill applies this restriction retrospectively, so a person who has been excluded from a WWC check in another jurisdiction prior to the commencement of the Bill will not be able to apply to VCAT for a review of the Secretary's decision to issue an exclusion on this basis.

To the extent that this reform may limit the right to a fair hearing, I consider that any limitation is reasonable and justified in accordance with section 7(2) of the Charter. The purpose of this amendment to promote consistency across jurisdictions by ensuring that individuals who are excluded in one jurisdiction are not able to obtain a WWC check in another jurisdiction. This promotes the integrity of the WWC check system across jurisdictions and in turn, promotes the right of the child to protection from harm. While there are differences in the legal frameworks for WWC checks across jurisdictions, all systems share a common objective: to prevent individuals who pose an unacceptable risk to children from gaining access to child-related employment or volunteer opportunities. It is appropriate for the jurisdiction in which the original decision to exclude is made to consider any avenues for review of that decision. Additionally, if a person who holds an

interstate WWC exclusion has that WWC exclusion lifted, they can apply for a WWC check under section 77(2)(c) of the Act.

Extending time limits for the laying of charges related to summary offences

Clause 15 of the Bill extends the limitation period for prosecuting the offence of providing false or misleading information in relation to NDIS or WWC checks in section 128 of the Act, including applications or re-assessments, from 12 months to 5 years and 6 months.

This is a summary offence, which generally have a 12-month limitation period. Extending the period for prosecuting this offence to 5 years and 6 months may engage and limit the right to a fair hearing, as it may affect the ability of the accused to respond to the charges and may affect the quality of evidence they can obtain to defend the charges.

However, I consider that any limitation is reasonable and justified under section 7(2) of the Charter. The implications of a person providing false or misleading information in relation to an NDIS check or WWC check can be significant. For example, an individual who provides false information about their international criminal history information may present a serious risk to people accessing the NDIS or children. In addition, it may be that an offence under this section may go unnoticed for a period greater than 12 months. In such circumstances, criminal proceedings cannot be commenced against that person as the limitation period has expired. A longer limitation period is intended to provide a greater deterrent against providing false or misleading information as there is a longer period within which a person could be charged. The period of 5 years and 6 months covers the duration of a clearance for both NDIS checks and WWC checks, as the checks last for a period of 5 years and an individual can apply up to 6 months (for WWC checks) before their current clearance expires.

Rights in criminal proceedings

Section 25(1) of the Charter provides that all persons charged with a criminal offence have the right to the presumption of innocence. The right in section 25(1) is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Prohibiting certain individuals from working with children pending assessment or re-assessment

Clauses 12, 13 and 14 amend sections 121-124 of the Act to make it an offence for a WWC applicant to work with children while waiting for a final outcome of an application if the Secretary proposes to refuse to give the person a WWC clearance and to make it an offence to engage another person in child-related work, or offer the services of another person for child-related work, in these broader range of circumstances.

These clauses may engage the right to presumption of innocence as sections 121-124 provide that a person 'is not guilty of certain offences' if certain matters apply.

These provisions create an evidentiary burden on the accused, in that they require the accused to raise evidence of certain matters. However, in doing so, they do not transfer the legal burden. Once the accused has pointed to evidence of those matters, which will generally be within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence.

I do not consider that an evidential onus of the kind in the above provisions limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach. Accordingly, I am satisfied that these provisions are compatible with the right to the presumption of innocence.

Right not to be punished more than once for the same offence

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law.

Recognition of inter-jurisdictional WWC exclusions

This right is engaged by the reforms in the Bill that provide that a person who has been excluded from a WWC check in another jurisdiction will be excluded under the Act. As a result of these amendments individuals may have WWC checks refused, and holders of WWC clearance may have their clearances revoked.

However, in my view the right against double punishment is not limited by the Bill, because the refusal or revocation has a protective purpose, rather than a punitive one. The aim of the provisions is clearly to protect children from harm, rather than to impose a punishment for an offence. As the refusal or revocation is not a punishment, it does not amount to double punishment for the purpose of section 26, and the right is therefore not limited.

Protection against retrospective criminal laws

Section 27 of the Charter that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.

Extending time limits for the laying of charges related to summary offences

Clause 15 of the Bill extends the limitation period for prosecuting the offence of providing false or misleading information in relation to NDIS or WWC checks, including applications or re-assessments, from 12 months to 5 years and 6 months. Clause 18 of the Bill applies this limitation period retrospectively, so it will apply to applications and re-assessments made within 5 years and 6 months prior to the date of commencement of the Bill.

This may limit the protection against retrospective criminal laws as it will mean that a person may face prosecution for this offence more than 12 months after they provided the information, if it was within 5 years and 6 months prior to commencement of the Bill. However, I consider that any limitation is reasonable and justified in accordance with section 7(2) of the Charter as it is for the purpose of promoting the integrity of the worker screening test, which protects children and people who access the NDIS.

The Hon. Enver Erdogan MLC
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:34): I move:

That the bill be now read a second time.

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

The safety and wellbeing of our children is of paramount concern to the Victorian Government. The recent allegations of child abuse that have come to light demonstrate an urgent need to ensure that the systems in place to protect children in Victoria are robust and effective.

Today the government is introducing the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025 which contains important reforms to strengthen Victoria's Working with Children check laws. The Working with Children check scheme in the *Worker Screening Act 2020* (Act) seeks to support the protection of children by screening the criminal history information and relevant regulatory and disciplinary findings of people who work with children.

National mutual recognition of Working with Children exclusions

The Bill will amend the Act to recognise a Working with Children exclusion issued in another state or territory as an automatic exclusion under Victoria's scheme. This implements the agreement made by the Commonwealth, states and territories at the Standing Council of Attorneys-General on 15 August 2025 to urgently work towards national mutual recognition, so that a person denied a clearance, or whose clearance has been revoked, in one jurisdiction cannot be granted or hold a Working with Children check in another jurisdiction. The Commonwealth Attorney-General, the Hon Michelle Rowland MP, referred to this nationwide reform as 'banned in one, banned in all'.

This is a first step towards further national reforms including a National Continuous Checking Capability, which will be a secure system that continuously monitors Working with Children check holders against new criminal history information from national, state and territory datasets, which was a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Act currently provides for consideration of interstate Working with Children exclusions or equivalent notices, including at the application and re-assessment stage. The Act deals with interstate exclusions differently depending on the type of matter that gave rise to the exclusion. This means that, currently, some people who have been excluded in other jurisdictions can be issued a Working with Children clearance in Victoria.

The Bill will change this, so that all interstate Working with Children exclusions will be automatically recognised as exclusions in Victoria, as is already the case under South Australia and Queensland's Working with Children check schemes. This will meet Victoria's commitment to facilitate national mutual recognition of Working with Children exclusions. While there are differences in the legal frameworks for Working with Children checks across jurisdictions, there are nationally agreed standards and general consistency in the way

the schemes operate. All jurisdictions share a common objective of preventing individuals who pose an unacceptable risk from working or volunteering with children.

Expanding Working with Children check suspension powers

In April, the Premier announced an urgent review of Victoria's Working with Children check scheme. The review identified areas for reform, including expanding powers to suspend Working with Children checks on the basis of any assessment trigger, including any charge, conviction, finding of guilt or relevant regulatory or disciplinary finding.

Currently, Working with Children clearances can only be suspended before a re-assessment has been finalised in limited circumstances, including a person being charged with or convicted or found guilty of a sexual offence.

The Bill will expand the suspension powers in the Act to allow for the suspension of a person's Working with Children clearance in circumstances where the Secretary is made aware of a charge, conviction or finding of guilt for a less serious offence, or a relevant disciplinary or regulatory finding. This will ensure that people who have been charged with a criminal offence, have a criminal record or who have been subject to a relevant regulatory or disciplinary finding are not able to work with children until after their eligibility has been rigorously assessed.

Importantly, these reforms will work in parallel with amendments recently made to the Worker Screening Regulations 2021 that expanded the number of findings that trigger the assessment of a person's eligibility to have, or to hold, a Working with Children check, such as prohibition notices issued to early childhood staff by the Department of Education's Quality Assessment and Regulation Division as well as equivalent notices issued in other states and territories.

Cancelling clearances granted in certain circumstances

Currently, the Act does not provide an express power to immediately cancel a Working with Children clearance where a Working with Children check application is made in breach of the Act or where a person provided false or misleading information as part of their application for a check or re-assessment of their eligibility to hold a clearance. The Bill introduces a new power to cancel a Working with Children clearance in these circumstances

This power is intended to act as a safety net in exceptional circumstances by allowing the Secretary to act immediately where it becomes apparent that a person should not have been able to validly apply for a Working with Children check or should not have been given a clearance on application or been able to retain their clearance on re-assessment where they provided information that was false or misleading.

Expanding the limitation period to prosecute the offence of providing false or misleading information

It is an offence under the Act for a person to provide false or misleading information in relation to a worker screening application or re-assessment unless the person believed on reasonable grounds that the information was true or was not misleading. This is a summary offence which means that a prosecution must be commenced within 12 months after the false or misleading information was alleged to have been provided.

However, an offence of this kind may go unnoticed for a period greater than 12 months, which means that criminal proceedings cannot be commenced as the limitation period would have expired. Given the potential implications for child safety, we consider that such a short period for prosecutions is not justified. People that provide false or misleading information should be held accountable.

The Bill will extend the limitation period for commencing proceedings for an offence of providing false or misleading information from 12 months to 5 years and 6 months. This reflects the 5-year duration of Working with Children checks, including the 6 months a person has following expiry to renew their Working with Children check, and will provide a greater deterrent for people who may provide false or misleading information as there is a higher chance that they will be caught and charged.

Further reforms to improve child safety

This Bill sends a clear message that any risk to child safety will not be tolerated.

The amendments in this Bill are the first step in strengthening the Working with Children check scheme to ensure that it remains an effective and rigorous government screening process.

It is our government's priority to progress additional reforms to implement the recommendations of the independent Rapid Child Safety Review as quickly as possible to minimise the risk of harm to children in Victoria. Further legislative reforms will be brought to Parliament later this year.

> I will continue to do everything in my power to ensure that Victoria's Working with Children check system is robust, reliable and effectively prevents people who pose a risk to our children from working with them.
>
> I commend the Bill to the house.

The ACTING PRESIDENT (Jeff Bourman): Members, an urgent bill motion has passed, pursuant to standing order 14.35. The purpose of this motion is that this next stage, following the tabling of the statement of compatibility and the minister's second-reading speech, may take place forthwith and without leave being granted.

Georgie CROZIER (Southern Metropolitan) (16:35): I rise to speak on this urgent bill that has been presented to the house, and in doing so can I say that the Liberal and Nationals will be supporting this bill. At the outset, can I talk about the process of this. I have just learned that Mr Erdogan has carriage of this bill and not even the appropriate minister, the Minister for Children. I find it extraordinary that we do not even have the Minister for Children, who is responsible for a large part of these issues, in the house. She has fled the chamber and will not be taking questions or understanding the implications. I find this a gross cover-up and an extraordinary move by the government. What the government are trying to do is correct the wrongs that they have so badly failed on over the last three years. What this bill does is a number of things, but it does not go anywhere near what the Shadow Attorney-General Michael O'Brien and Shadow Minister Jess Wilson brought into this Parliament three weeks ago to strengthen the working with children (WWC) checks and to ensure that children are not at risk.

What the Victorian public found out six weeks ago, after the heinous crimes and the alleged issues that arose by Mr Joshua Brown, really brought into contrast a huge issue going on in this state. I want to also make mention of that. I know that that is an ongoing issue, an investigation, but it really goes to the heart of the failures of the government. In September 2022 the Victorian Ombudsman tabled a report of an investigation into a former youth worker's unauthorised access to private information about children. At the time the Ombudsman found that Victoria's working with children check system was amongst the most limited in Australia. That was in September 2022. I recall working on the child abuse inquiry here in Victoria, where we were also dealing with some very heinous crimes against children and looking at one of those recommendations which did suggest strengthening and looking at the working with children check. That was back in 2013. I really want to go to the heart of the Ombudsman's findings in 2022. What the Ombudsman Deborah Glass said at the time was:

> The biggest remaining gap is the need to amend the *Worker Screening Act 2020* … Working with Children Check Victoria should be able to act on information that indicates someone poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are brought.
>
> This is imperative: The powers of Victoria's screening authority are among the most limited in Australia. Reforms to the legislation are needed to bring Victoria in line with other states and territories, and to promote the rights of children and families enshrined in Victoria's Human Rights Charter.
>
> Some painful lessons have been learnt. For the safety of our children, more needs to be done.

That warning was ignored back in 2022. At the time the Shadow Attorney-General Michael O'Brien committed to fixing this system, because a number of recommendations were made, and I want to go to those. What Mr O'Brien said at the time was:

> A Liberals and Nationals Government will urgently amend the Worker Screening Act to implement the Ombudsman's recommendations and give Victoria's children the protection they deserve.

That was after the release of this report, because the recommendations that were also provided to the government included the following:

> Amend the *Worker Screening Act 2020* … to allow the Secretary to the Department of Justice and Community Safety to:
>
> a. obtain and consider any information that may be relevant to an applicant's suitability to work with children

b. refuse an application for a Working with Children Check if reasonably satisfied the applicant poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists)

c. reassess a person's suitability to hold a Working with Children clearance on the Secretary's own initiative, and without need for notification of a criminal charge or disciplinary outcome

d. pending determination of a reassessment, suspend a person's Working with Children clearance where the Secretary reasonably suspects the person poses an unjustifiable risk to the safety of children

e. revoke a person's Working with Children clearance following reassessment, where reasonably satisfied the person poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists).

They are the recommendations made to government in September 2022. The government failed to act on them, and then this shocking situation arose where the Victorian public learned of what went on in a number of childcare centres, affecting thousands of children. The crimes are hideous. They are absolutely appalling, and we have a government that has been running for cover. I am appalled at the lack of regard shown by the government to having total transparency and accountability for the failures in their dealing with this situation given what the Ombudsman found and the recommendations.

What the government is doing is putting in place some legislation which does not go towards what the Ombudsman recommended the government do. The bill does a number of things. As was highlighted last week following the Standing Council of Attorneys-General, or SCAG, there was a decision made that where an applicant for a working with children clearance in Victoria has been convicted in another state or territory of an offence that would see a working with children clearance denied in that state, it will have the same effect in Victoria. That is one issue, and that is one that we totally agree with.

The government's bill – a weaker bill, I have got to say, than what was brought into the Assembly three weeks ago and what I read into the house last sitting week – includes the power to suspend a working with children clearance if there is an intention to revoke a working with children clearance related to certain charges or findings – that is, where a person who was charged or convicted of a relevant offence in category A or B had an immediate suspension of a working with children clearance for a category C offence, there was a 28-day period to respond. It also cites natural justice. But this bill provides that there is an immediate suspension for that category C offence as well. This sounds okay in terms of acting on this and looking at it, but it does not provide the powers that the Ombudsman said the secretary needs to have. I want to come to that a bit later because the amendments that the Liberals and Nationals are putting forward will provide some assurances and provide the necessary powers for the secretary to act.

Under the government's bill when the secretary is notified by the Chief Commissioner of Police that a person has been charged with, convicted or found guilty of a relevant offence other than an offence specified in clause 2 of schedule 5 or is notified of a relevant disciplinary or regulatory finding being made against the person and the secretary proposes to revoke the person's WWC clearance under division 4, they must suspend that person's WWC clearance. The bill provides the power to reinstate the person's clearance if, after the suspension, the charge is withdrawn, the charge is dismissed by a court or the person is acquitted of the offence by a court. The secretary also has the power to reinstate a person's working with children clearance that has been suspended because of a relevant disciplinary or regulatory finding if, after the suspension, the finding is expressly or impliedly quashed or set aside. As I said, the secretary can do all of those things, but the secretary does not have the power to act if a red flag goes up and there are deemed to be children at risk, so there are serious shortfalls with the government's bill in relation to this.

Proposed section 87B, to be inserted by clause 9 of the bill, provides that where the secretary suspends a working with children clearance, the secretary must notify the working with children check clearance holder and the person or agency for whom the person has engaged in that child-related work of the suspension, and the secretary must provide notice in writing of the decision to the agency under that provision. They are technical things that the secretary needs to undertake, but I say it does not go far

enough in relation to giving the powers if a red flag has been raised around some terrible situations – as what we have learned have been going on in this state for far too long.

The next part of the bill, the cancellation of the working with children clearance, provides that the secretary may cancel a person's working with children clearance if the person had given information that was false or misleading. The secretary must inform the person around that and explain how such an application may be made and require that person to surrender their working with children clearance. It is very much a technical aspect around those components, which are pretty straightforward. This bill, as I said, makes changes around the working with children clearance, but it does not go far enough, because it really is not undertaking what needs to be done in relation to the Ombudsman's recommendations that Ms Glass made to the government three years ago, and it actually fails to implement the government's own rapid review into child safety findings that the government released with much fanfare last week. I will go to that and will be asking about this in committee. I really do think that, given the shocking revelations that have occurred in this state and what they triggered right around the country – which was a good thing; it did jolt other states into understanding exactly what had occurred in this state – it does not go to the warnings by the Commissioner for Children and Young People or the Ombudsman, which the government failed to undertake. I have asked in this house the minister – who refuses to be in here and take responsibility for this bill in her own area; I find it extraordinary – about those failings of funding, where the commissioner said, 'If you don't provide the funding, we can't do the investigations. We just don't have the resources.' The government will go on and do their line, but really what is at the heart here are the interests of children and their safety. It surely should be about that, yet we have had brush-off after brush-off by government around the failings. Really, how anyone can still hold their job given these monumental failings is quite staggering.

The bill the Liberals and Nationals three weeks ago tried to introduce in the other house and introduced in this place was really going to take on board and overhaul and strengthen every component of the working with children check system. It was really looking at the findings and the recommendations made by the Ombudsman and it was really addressing those concerns and filling that gap. This bill does not do that. It does not go anywhere near that extent, and that is why we will be moving amendments. I am wondering if I could have those amendments circulated.

The ACTING PRESIDENT (Michael Galea): They are not ready.

Georgie CROZIER: I will speak to them anyway, if I may. I know that this is an urgent bill, so I thank the parliamentary counsel for providing the assistance they have in drafting and providing the amendments. Really what we are proposing to do is look at those aspects that we brought to the attention of the house three weeks ago in the private members bill, and they are providing mandatory training and ensuring there is training around child safe standards and issues around child sexual abuse. We have had inquiry after inquiry around child sexual abuse, and it really is very standard that there should be that training so that anyone working in this system, anywhere in the system, with very vulnerable children – whether in kindergarten or childcare centres or playgroups or schools – undertakes all of this training. It is very important that we have that, and that is one part of our amendments.

Another part of the amendments that we are proposing, which will strengthen this bill – and the amendments are about strengthening the bill that we have got before the house and keeping children safe – as I mentioned before, will give the secretary the powers that we believe they should have to act in the interests of child safety if there are red flags, if there is any concern. If the secretary is satisfied that giving the working with children clearance would pose an unjustifiable risk to the safety of children, we must have an ability for the secretary to consider relevant information in that application and have the power to do that.

The amendments will go towards looking at the working with children check for those that are working with children in the system, not volunteers, having their working with children checks valid for three years, not five years. We believe that they should be checked every three years. That should not be

onerous. It needs to be done in the interests of children and to bring back trust to families and parents of children. Let us not forget what has happened. Let us not forget those thousands of children that have been subjected to sexually transmitted diseases tests, the concern of their parents, the worry and the unbelievable anxiety that that has led to. It has just been appalling. We need to put that trust back in the system and enable those people, and there are many good people that work in the system. We need to give them the trust as well, so that they know that they are doing the right thing and that the system is working on behalf of them as well, to know that they are doing the right thing and are being monitored accordingly and that they are not being put at risk.

Our amendments go to the suspension powers on the reassessment. The secretary may suspend a person's working with children clearance if, on the reassessment of that person's eligibility to hold a clearance, the secretary reasonably suspects that the person would pose an unjustifiable risk to the safety of children. Again, I say it is really about that – any relevant information obtained from any other person or source in relation to this, for that reassessment. It is critical that the secretary has the ability to then make that decision. This is the implementation of the recommendations of the Ombudsman. The very real aspects around what the recommendations were around implementing those recommendations. I just for the life of me do not understand why the government would not be bringing that on and giving the power to the secretary to have that information and make an assessment based on those issues. Again, I say it is around those red flags – surely with any red flag, any information like that, the secretary should have the power to act. Our amendments also go to the determination of reassessment and the general discretion to revoke, looking at, again, that unjustifiable risk – the likelihood of future threat to a child caused by the holder, any information given by the holder in relation to the reassessment and information obtained from any other person, as I said.

If we go back and have a look at what has happened, Ron Marks, who is the individual who has been under investigation, had his physical working with children check removed but not his digital working with children check, so he was still working with children, whether it was kinders, schools, playgroups or childcare centres. What the police found is just appalling, the nature of the imagery that the police have found – quite shocking findings, really. He was convicted last month for the possession of this child sexual abuse material. He was sentenced for accessing almost a thousand images of heinous child abuse material, including bestiality and the torture of children. This amendment deals with this. He was first investigated in September 2021, I think it was. The police raided his home and seized these vile images, but he has been allowed to work. How? What this amendment does is really deal with something like that. I cannot believe that the government has not fixed this loophole. It is just extraordinary. Our amendments go to that very point about not allowing somebody such as this individual who has undertaken these despicable crimes with the most vulnerable children, with those images of torture and bestiality – I mean, how much more degrading and ghastly can you get? Just appalling – words really fail me. Nevertheless, he has been out there with his working with children check. This government did nothing. If they had acted on the Ombudsman's recommendations in 2022, he would not be out there. It is just amazing.

Our amendments also go to other areas that the Shadow Attorney-General and the Shadow Minister for Education – Michael O'Brien and Jess Wilson – have been talking about. We believe that the information with the working with children clearance can be linked to the police LEAP database so that if any flags are raised through any other issues the systems are talking to each other and are actually working together and then an individual can be assessed in the circumstances and those children that they may be exposed to are not put at any risk.

Again, we do say that there needs to be more done in relation to this issue. There have been some very serious revelations over the last few months. It has been alarming how the government has not taken full responsibility for these failings. You would think in this day and age, when such shocking failures occur within the system, somebody would be accountable and somebody would take responsibility. But not this government. No, they will spin and they will talk about what they are doing, but we believe that they are not going far enough to protect children. They did not have the full interests of the children

at heart when they failed to address all of those issues that the Ombudsman raised and that their own rapid review recommended in relation to changing the regulatory framework. Many of those issues have not been addressed in this bill. It does not go far enough, and parents and the sector, which has also been implicated through these findings, have also been horrified.

I have spoken, like many of my colleagues, to affected children and affected people in the sector who have been horrified. They want change. They want this system to be strengthened, and they really feel that they have been let down by the inaction of the government, who failed every single Victorian – every single Victorian parent and every single Victorian child – because they disregarded the Ombudsman's findings and recommendations in September 2022. I say again they were pretty clear. It was very straightforward when the Ombudsman said:

> The biggest remaining gap is the need to amend the *Worker Screening Act 2020* (Vic). Working with Children Check Victoria should be able to act on information …
>
> This is imperative: The powers of Victoria's screening authority are among the most limited in Australia. Reforms to the legislation are needed to bring Victoria in line with other …

jurisdictions. Extraordinary oversight, extraordinary failure by the government. Nevertheless we are here this afternoon debating this bill which, as I said at the outset, we will be supporting, and I would hope that members of this chamber would support the coalition's amendments, which will further strengthen this bill, close the loopholes and ensure that we get those safety measures in place for the sake of children.

Jacinta ERMACORA (Western Victoria) (17:00): I am pleased to speak on the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. Child care forms a vital part of the care economy. Not only is it a valuable social and learning experience for our children, but it also allows parents to return to work. The provision of early learning also supports families in their capacity to earn an income. Early learning, as we know, supports the healthy development of our littlest and most vulnerable Victorian citizens at a time in their life when maximum benefit can be achieved. Child care is also very personal to every one of us. I remember handing over my own child to a council-run childcare centre in Warrnambool. I remember that feeling of needing reassurance that the people there would care for my child and keep her safe. Just four weeks ago I saw the stress experienced by that little girl as a mother herself when she introduced her own baby to child care for the first time. All of this was while we were all appalled to hear about the alleged criminal conduct of the individual in multiple centres across Melbourne. Again, like me, my daughter sought reassurance that her baby would be cared for, be kept safe and experience an enjoyable day at child care.

The alleged criminal conduct of the individual has highlighted a number of weaknesses in our childcare system. Families want to be confident that employees are checked for their qualifications and appropriateness to work with children. Parents want to be confident that the centre their child attends meets the basic safety and infrastructure and equipment standards. And judging by the childcare market demand, parents prefer government-run, community-run or council-run facilities over private for-profit centres, and that is obvious from the length of waiting lists.

We would not build the system from scratch like it is today. Reforms will involve unpicking a mess that is created by not only the shared responsibility of the federal and state systems but also the introduction of a quasi market for the private sector to profit from. In early childhood education and care families place an enormous amount of trust in the system. This is why the recent allegations of shocking abuse in childcare centres have broken that trust, and that is why the Victorian government has announced a child safety overhaul.

In addition to the changes in this bill today, we are taking immediate action to strengthen the working with children check and child safety in early childhood education and care settings, with a $42 million boost to the sector. We are accepting and implementing all 22 recommendations of the independent rapid child safety review: establishing a new nation-leading regulator that will more than double the frequency of compliance checks; beefing up the Social Services Regulator by bringing the working

with children check, the reportable conduct scheme and the child safe standards under the one roof by the end of the year, giving it new powers, removing silos and weeding out predators; introducing mandatory child safety training and expanding professional support programs, including through changes to the national law to build a greater culture of speaking up; and calling on the federal government to prioritise quality and safety in the national childcare system.

Like many other families in this state, we have found it very distressing to see what has gone on, and we look forward to the reforms. This bill is an important part of the reforms, and it is altering a very complex federal and state set of historic arrangements. I think it is very, very good that our minister Lizzie Blandthorn has done such a thorough and comprehensive job so quickly for this bill.

Wendy LOVELL (Northern Victoria) (17:06): I also rise to speak on the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. It is a bit of an anomaly, that title of this bill. There was once a time when Victoria actually led the way in providing safe, accessible and quality early education and care in our nation. We were the envy of the nation, but now unfortunately we are the laughing-stock of the nation. Going back to a time when we were envied, when we were the leaders in the nation, it was a time when we, the Liberal Party, were in government. This was a time when the Ministerial Council for Early Childhood Education and Care actually worked towards the national legislation and the national regulations, which Victoria both wrote and hosted. This national law was about bringing other people up to our standard – up to the standard of Victoria – where we were recognised as being the leaders in the provision of early childhood education and care in the country. Now unfortunately we are no longer the leaders; we are the laughing-stock.

I actually chaired the implementation through the ministerial council, introducing all of that national reform, so it is really disappointing to me to see how the standards have slipped under Labor. It was not long ago that I actually spoke with one of the people who had been an advocate for improving the quality of standards right throughout the nation, and that person told me that since my time as minister there has been no-one who has focused on continuing this work. Now Victoria is paying the price, because this government have allowed the standards to slip. This government rewrote the working with children check legislation and introduced the Worker Screening Act in 2020. Unfortunately, the loopholes in that act have led to the situation that we are in today.

This is not the first time the government have known about the problems with that act. The government were warned about this by the Ombudsman. The Ombudsman produced a report back in 2022 where she spoke about all of the problems with the legislation and what needed to be done. She said in that report that the powers of Victoria's screening authority are amongst the most limited in Australia. Isn't that a shame? We have gone from the state that led the way to the state which is the most limited in Australia when it comes to the screening of people who are working with children. But this bill that the government has before the house does not even respond to those recommendations that were made by the Ombudsman; in fact the government have never, ever responded to, let alone acted on, any of those recommendations that were made by the Ombudsman. The government have also had their own rapid review into early childhood education and care, but this bill does not respond to the recommendations of that review. Ms Ermacora spoke about a child safety overhaul. This is an overhaul after the event, not about child safety but actually about crisis management. This bill, as I said, does not even address the Ombudsman's recommendations or the recommendations of the rapid review. This is scrambled-together legislation that does not fully address the seriousness of the issue that is facing Victorian families at the moment.

The opposition introduced a bill on 29 July into the lower house of the Victorian Parliament that would have dealt with the recommendations of the Victorian Ombudsman, but the government would not even allow that bill to be read into the lower house, so a mirror bill was introduced into the upper house. Our bill would have gone a lot further to addressing the problems there are in Victoria. Our bill would have provided greater protection to children and greater certainty for parents. But the Labor government are determined to go ahead with this cobbled-together piece of legislation that will not address all of those recommendations and not address safety for Victorian families.

I know there are a lot of people who want to talk about different issues to do with this bill, so I will not take up the Parliament's time other than to say that we will support this legislation but we do not believe that the government has gone anywhere near far enough to address the issues in Victoria. This is because there have been a series of children's ministers in this state who have dropped the ball on the protection of our children and the quality of the provision of care in early childhood education and care, and the Labor Party should hang their heads in shame.

Sheena WATT (Northern Metropolitan) (17:12): Thank you very much for the opportunity to make a contribution here this afternoon on a bill that will strengthen the working with children check scheme and increase protections for children by preventing people who may pose a risk to children from engaging in child-related work. The bill will make further urgent amendments to the Worker Screening Act 2020 (WSA). It will ensure that a person who is banned from working with children in another jurisdiction will be automatically banned here in Victoria. It will allow for the immediate suspension of a person's working with children check clearance upon being notified of any charge or relevant regulatory or disciplinary finding, pending determination of an assessment, whereas currently people can work for 28 days pending natural justice processes. The bill before us will also introduce a power to cancel a working with children clearance where it was granted based on false or misleading information or otherwise pursuant to an unlawful application. It will also increase time limits for commencing a prosecution of the offence of providing false or misleading information in relation to a worker screening application or reassessment from 12 months to five years and six months.

On 15 August 2025 the Standing Council of Attorneys-General agreed to urgently work towards implementation by the end of 2025 – that was an agreed time there – with a mutual recognition of working with children exclusions being a primary part of the work in the urgent implementation so that a person denied a working with children check or whose working with children check has been revoked in one jurisdiction cannot be granted or hold a working with children check in another jurisdiction. The bill before us also explicitly prohibits a person who has received a working with children check exclusion in another state or territory from applying for a working with children check in Victoria.

The bill before us will expand the powers of the Secretary of the Department of Government Services to suspend a person's working with children check in appropriate circumstances, pending reassessment of that person's eligibility to hold a working with children check. The secretary will be empowered to immediately prevent a person from working with children, pending reassessment of their working with children check, if they have been charged with, convicted of or found guilty of any offence that may represent a risk to children or have had any relevant disciplinary or regulatory findings made against them. This will also ensure that people who have a criminal record or who have been subject to relevant regulatory or disciplinary findings are not able to work with children until after their eligibility has been rigorously assessed. The reform is a significant expansion of the current suspension powers under the Worker Screening Act 2020, which only allows for the suspension of a working with children check in the most serious of circumstances. Importantly, these reforms will work in parallel with amendments recently made to the Worker Screening Regulations 2021 that expanded the number of findings that trigger the assessment of a person's eligibility to hold a working with children check, such as prohibition notices issued to early childhood staff by the Department of Education's quality assessment and regulation division, as well as equivalent notices issued in other states and other territories.

The bill will also expand the time limit for laying charges related to the summary offence of providing false or misleading information under the WSA. The time limit extension will apply to a person who has provided false or misleading information in relation to an NDIS check, the working with children check application or indeed a reassessment. The extension from a general limit of 12 months to five years and six months is intended to capture all applications made by current NDIS or working with children clearance holders. This will act as a deterrent and ensure that current clearance holders can

be held accountable – such as when facts emerge that demonstrate they made a false declaration on their application.

I thank you for the opportunity to make a short contribution on the bill before us. Just finally I will say that the amendments in this bill are a first step in reviewing and strengthening the working with children check to ensure that worker screening in Victoria remains an effective, rigorous government screening process. I commend the bill to the house.

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:17): I too rise today to speak on these important amendments to our working with children check and child safety. What I want to say about this bill, first and foremost, is that this is about protecting children and protecting the sons and the daughters, the vulnerable, of parents and grandparents who are looking after these little ones. It just defies logic for me that we have had to wait this long to make these small changes, given that the report was dropped and the government now has the rapid child safety review and has responded with recommendations. The Premier is saying they are going to implement all 22 recommendations. To me it is: why are we drip-feeding this moment? This is an incredibly important part of a change that needs to happen, and the Liberal–Nationals have been fighting for this for a long time. We presented a bill to Parliament that could have been passed and could have been implemented immediately, but just out of sheer pig-headedness the government chose to say, 'No, we're not doing yours. We'll do ours.' Then they took a whole month to come up with something. To me, that is simply not good enough.

I think that the fact that we are only implementing a really small amount of what needs to be implemented in a rapid moment suggests that we are going to be drip-feeding this along over time. Really, this is too serious to be delaying. Every time I stop to think of a little baby being sexually abused and someone taking photos of that and then us having this long delay with who can work with children, what those recommendations are and how we are going to bring them in – to me, it is just completely inappropriate.

I am sure every parent is now worried about putting their child in child care. I can tell you that I have spoken to many, many parents who have said to me, 'I feel uncomfortable with the childcare system. I need to know that this is fixed.' It is not fixed. It has not yet been fixed, and these delays do not make it comfortable for parents to be in the workforce when they have vulnerable children. It is a disgrace. I cannot help but look at the fact that in September 2022 the Victorian Ombudsman tabled the report *Investigation into a Former Youth Worker's Unauthorised Access to Private Information about Children*. Out of that there was a recommendation, and the recommendation was:

> The biggest remaining gap is the need to amend the *Worker Screening Act 2020* (Vic). Working with Children Check Victoria should be able to act on information that indicates someone poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are brought.
>
> This is imperative …

it says. 'Imperative' is not a word that can be used lightly.

> … The powers of Victoria's screening authority are among the most limited in Australia.

That is right, Victoria is the most limited in Australia, and yet we are still delaying and only drip-feeding some of these changes.

> Reforms to the legislation are needed to bring Victoria in line with other states and territories, and to promote the rights of children and families enshrined in Victoria's Human Rights Charter.
>
> Some painful lessons have been learnt.

Well, were they? Were they learned? Because this was written in September 2022.

> For the safety of our children, more needs to be done.

We are now here in August 2025. These recommendations were made at a time when the children that have recently been violated could have been protected, but this government sought to delay its action. There are children who will grow up to be adults who will suffer because of what happened to them.

There are families and parents today who are suffering because of what has happened, and it can never be eradicated. It is something that can never be changed, and some of the implications for some of these people's lives are going to change the course of history for them because this government failed to act rapidly and effectively.

I consider the rapid child safety review to not be rapid enough. We are pleased to be able to support at least this token gesture of sorting out parts of the working with children check, but it is not enough. For anybody that loves their children and wants to protect their children and maybe even knows someone that has had their child violated, it just is not enough to be coming out with things in drip-feeding moments and saying, 'We're going to bring out another act where we're going to change this bit, and then we'll bring out another bit that will change this.' No, it is not fair. It is not fair on the parents that have to work and need someone to look after their children, it is not fair on the children – it is absolutely not fair on them – and it is not fair on good childcare centres and good childcare workers who want to be able to do their job and do it well. They want to know that they are in an environment where they are going to be protected by the law and where the law is going to protect the children that are under their care. Too often I hear from childcare workers that there can be one childcare worker with umpteen children at any one time – that just cannot be. Too often I hear that there are not CCTV cameras, that there is not the protection, that there is not a way to prevent the violations. I am pleased that we are working on the working with children check. It is good that we are working on it, but we could have worked on it in July when the Liberal–Nationals brought their bill – a much better bill, a much stronger bill with a lot more areas covered – to the chamber, and this government, through sheer pigheadedness and arrogance, chose to vote it down.

It is just not good enough to play politics with the safety of the children in Victoria. It is not good enough to play politics with vulnerable families and working parents. You can, as I said, never eradicate the damage that gets done when people are violated in this way. If this turns out to have any systemic failures across the board, which I suspect it does, if it turns out that there is any organised crime somehow permeating through the abuse of children, well, shame on this government, because how many of our babies are at risk under them? Thank goodness you have brought something to the chamber at last. Thank goodness for all of these families. But it is too little, too late, and I look forward to seeing more come into this chamber and not through one dribbly little bill. Do us proud and do the right thing by all Victorians and implement the changes that you have got from your rapid review, and let us see how you can actually make children in this state safe. We will be supporting this bill.

Michael GALEA (South-Eastern Metropolitan) (17:25): I also rise to speak on the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. This is an important bill; it is a timely bill – indeed it is rightly an urgent bill. The reforms in the bill today will address some of the most time-critical measures to address some loopholes in the working with children system that will enable, as my colleague Ms Watt discussed, the mutual recognition of interstate bans, changing from a process where bans in other states would be counted against and add to the process to a system where they are automatically disqualifying. They also will extend the powers of the Secretary of the Department of Government Services to suspend a person's working with children checks in the case that they have been charged with, convicted of or found guilty of any offence that may present a risk to children or if they have had any relevant disciplinary or regulatory findings made against them. This is a bill targeted towards some of the most time-critical elements of this issue.

As has been mentioned in a number of contributions already today, the public received last week on Wednesday the *Rapid Child Safety Review*, just five days after it went to government. I acknowledge the work of both the Minister for Children and the Attorney-General in bringing regulation and reform to this space as best we can. I note that the 22 recommendations of this review are being accepted in full by the Allan Labor government. Those recommendations that go to the purview of other jurisdictions, such as the Commonwealth, the state government has committed to urgently advocating for in that space as well. Insofar as it relates to the recommendations, those recommendations have put

certain time parameters around their implementation, and the government's full acceptance of this signifies that it intends to meet each and every one of those timelines.

Today's bill is not the last, it is the first. As I said, it addresses some of the most critical components. There will be further legislation, and I very much look forward to speaking on that in more detail in due course. As with some other members here in this chamber right now, I will also have the opportunity as a member of the new select committee into the early childhood care and education sector to – in a timely fashion, I believe – examine the rollout of the regulation, examine the rollout of the government's response to those recommendations and provide that additional check and assurance that those recommendations, which have been accepted enthusiastically by government, will be implemented and delivered, as has been clearly and definitively indicated.

There will be plenty of other opportunities when we are debating bills that are less urgent to enter into a longer conversation and debate on this. I would like to just conclude my remarks, though, by acknowledging the very serious and very grave trauma that far too many Victorian families have had to endure, not to mention the anxiety and uncertainty that many others still have had, not knowing if they are implicated in certain recent cases.

I would like to finish by quoting from page 1 of the rapid review, which is a quote from a parent which was provided to the Weatherill–White review. It says:

> It is really important to remember that it's not that early childhood educators are perpetrators of abuse, it is that some paedophiles have targeted some of the gaps that exist and exploited them … All of the incredible early educators who are absolutely not perpetrators, … this is not about them.

Anasina GRAY-BARBERIO (Northern Metropolitan) (17:29): I too would like to rise today to make a contribution on the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. We know that this bill comes after a series of serious concerns have been raised over the past decade and, most heartbreakingly, the exposure of a clear crisis within our early childhood education and care sector that has allowed for abuse, exploitation and harm to transpire. In 2015 the Royal Commission into Institutional Responses to Child Sexual Abuse report described Australia's working with children check systems, including Victoria's, as being in need of urgent strengthening and more harmonisation. In 2022 the Victorian Ombudsman investigation into a former youth worker's access to Victorian government information about children and young people exposed serious shortfalls in Victoria's working with children check scheme. In April of this year Liana Buchanan, the former principal commissioner of the Commission for Children and Young People, spoke publicly about the systemic barriers she faced in her role. The ABC revealed that as far back as 2019 Ms Buchanan had been lobbying the government to change laws that were, in her words, hamstringing her ability to act in the best interests of children. She even went as far as stating that ongoing underfunding of the commission would mean children would be abused. These were not abstract concerns. Ms Buchanan was doing her job as the commissioner and tried to raise these issues with the government and the former Attorney-General by lobbying and authoring submissions to inquiries, yet her efforts to bring up these important issues went unanswered by this government.

In July of this year this Labor government was plunged into political damage control, scrambling to contain the fallout from the alleged childcare worker abuse scandal by announcing its rapid review into Victoria's early childhood sector. Let us be clear: this alleged child abuse scandal in Victoria has been the most harrowing to read, listen to and watch. Like many Victorians, I am heartbroken and cannot say enough how sorry I am and the Greens are to the families impacted by this tragedy that Victoria has found itself in this situation. I acknowledge as a parent myself that this has been a living nightmare for parents to go through with their babies and toddlers. These families have been betrayed by a system meant to put their children's safety first, betrayed by a government that had all the warning signs to do something and instead chose to sit idle with recommendations that urged them to strengthen the working with children check. The rapid review findings, released last week, confirmed what experts, educators, whistleblowers and we already knew – the working with children check system is

broken; it is flawed, with gaping holes. The Greens have known this for a while, which is why we requested documents relating to child care back in June from this government – documents we are yet to receive. Every week since the horrific allegations against Joshua Brown broke, we are finding out more and more about the failures and a system that is being gamed by dangerous people not fit to be around children.

While the Greens welcome this government finally taking some meaningful action to bolster and close the gaps on the working with children check system, it should not have taken a full-blown crisis for them to act. We know these reforms are long overdue. It is only now, after being forced into a rapid review and confronted with its own policy failures, that this government have suddenly begun invoking the best interests of the child principle, a principle that in the context of early child care they have failed to act on. This principle is not new. It is aligned with the United Nations Convention on the Rights of the Child, specifically around article 2 and article 3, which make very clear that every child has a right to be protected from harm – the best interests of the child shall be a primary consideration – and to be kept safe in every environment, and that includes early childhood settings. For too long this government has allowed this broken system to persist – one that left children exposed and unprotected – and now, under the weight of an alleged scandal and public outrage, it has finally decided to act. Labor has rushed through the bill with barely any chance for review or proper scrutiny. I only received this bill after-hours last night. The outcome is a bill with gaps like Swiss cheese, pushed through without genuine collaboration to deliver the best outcomes of our children. If we are serious about protecting children, this can only be the beginning. The Greens are ready to work with the government on real reforms that put children first. The Greens want to see long-term, well-consulted legislation that will protect children, support the many educators that are doing the right thing and rebuild trust with parents.

The Greens welcome this bill's attempts to mitigate risks and close the gaps in the working with children check scheme. Many of the changes are sensible reforms, and the Greens strongly support strengthening each and every impact on the safety of our children. However, the Greens do not feel that this bill goes far enough. The rapid child safety review made it very clear: for-profit corporations now dominate the childcare sector. You just have to look at the market-driven business structure that the early childcare sector is in to know that there are many for-profit providers out there that are being driven by profit rather than the best interests of children. Even the Labor government admitted this last week. Yet the bill in front of us does nothing to address this basic problem. The government can insist all it likes that these reforms will put children's safety first, but history shows us that when corporations are in charge, making money will always come before children's wellbeing.

Victorian parents and families are not asking for much, just that their children are protected from harm in the very places they are meant to be safe. Yet this government has failed to deliver even that basic legislative framework. It is not enough to issue rapid reviews and media releases. This government must act decisively and transparently to rebuild trust and place child safety at the centre of early childhood education. The Greens are ready to work constructively to ensure the best interests of the child are not just words in a press conference but the foundation of real sector-wide transformation – and nothing less is acceptable.

Bev McARTHUR (Western Victoria) (17:38): Labor say they will 'establish an independent, strengthened authority to regulate early childhood services'. They say they will 'more than double the frequency of compliance checks' and that this 'nation-leading body … will provide families with confidence that children are safe and supported'. That is what they say, but what is it worth?

At the heart of this is trust. The government say they have a new system which will work, but how can we trust them? They had systems before, but when the news cycle moved off them, they did not listen to them, they did not fund them, they did not care. What is to stop exactly the same thing happening again? If you do not believe me, bear with me for a few minutes. Listen to this. These are the actual words of the Commission for Children and Young People – the CCYP, the body responsible for the

reportable conduct scheme – not political spin, not my words but direct quotes from the CCYP's annual report for 2021–22:

> For the first time this year a small number of lower-risk reportable conduct investigations were not fulsomely examined by the Commission before being finalised … it is challenging to manage such growth in demand without impact on workplace sustainability and staff health and safety, and without risking the objectives of the Scheme.

Without risking the objectives of the scheme – that is, without risking child safety. That was from their annual report published in 2022, so Labor cannot say it is just a recent problem which had not worked its way through the system, which ministers could reasonably say had not been brought to their attention yet. The next exhibit is the CCYP annual report 2022–23. Pages 9 and 10 say:

> … the Commission has received no additional funding for the Scheme … we are worried that this underfunding may compromise our ability to ensure the Scheme delivers on its objectives to ensure responses to allegations of child abuse are acted on quickly and effectively by organisations.

Could it be clearer? Somehow the next year's annual report is even more damning. Page 20 says:

> With no additional funding for the Scheme despite increased notifications, the Commission has progressed a risk-based strategy to manage demand. These measures have seen us significantly reduce our oversight of a high number of investigations.

Significantly reduce a high number of investigations. They continue:

> Our efforts will continue to be focused on the cases of highest risk, however resourcing for the Scheme has started to impact on the Commission's ability to run the Scheme in a way that maximises child safety.

This is not hindsight. We are not being wise after the event here. We are not blaming Labor ministers for things they could not reasonably have predicted. They were told about it. These warnings were public, on the record, in reports directed to ministers. They were clear, open and frank. Ministers did not fail to read between the lines – they failed to listen whatsoever. They might as well have tossed every annual report in the bin. And now we know the terrible consequences. I did not think there was any worse to come, but there is. It is not just annual reports, it is the CCYP's submission to the government review of Victoria's reportable conduct scheme from November 2022. This was a review purely about the system and it was a submission from the body responsible for administering the scheme, not a disgruntled whistleblower, not a mischief-maker, not a political opponent trying to spin things – any of these might reasonably be discounted or have less attention paid. But these are the words of the Commissioner for Children and Young People:

> Base funding provided to the Commission to administer the Scheme has not changed since 2018 …
>
> Given the large increase in mandatory notifications, the Commission is currently under-resourced to administer the Scheme, which creates a risk of delayed responses to serious safety risks to children in over 12,000 organisations across Victoria.

Serious safety risks to children. They continue:

> The Commission is implementing further risk-based initiatives to target its limited resources. However, if no additional funding is received, the Commission will be forced to further reduce its oversight of organisations' responses to alleged child abuse and child-related misconduct in a way that places children at risk.

Finally, they say:

> Without additional funding, the unsustainable workload … presents the following risks:
>
> - delays will occur in notifications to police about potential criminal conduct or to Child Protection regarding concerns about a child who may require protection from harm, abuse or neglect
> - limitations on the Commission's capacity to intervene in a timely and effective way to ensure organisations manage risks to children …
> - the Commission cannot finalise cases in a timely way, resulting in delayed referrals to other child safety regulators, such as Working with Children Check Victoria (WWCC Victoria). This increases

the risk that people known to pose a risk to children will continue to be able to work with children for an extended period

- children will be abused, or continue to be abused, by a person who would have otherwise been prevented from working with children as a result of the Scheme and the Commission's actions …

Their words, not mine. I do not know what more you can say here. All the systems in the world, all the bodies, all the regulators mean nothing if the ministers responsible for them do not listen when these bodies beg – literally beg – for money to do their job to protect the children of Victoria. I for one have no confidence this new set-up will be any better – new system, same ministers, same Labor. Their failures, despite repeated clear, credible warnings, have been shameful – unforgivable. Every single one of them should resign.

Gaelle BROAD (Northern Victoria) (17:45): I do not wish to speak for long on this bill, the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. When I consider what has happened and the horrendous failures in Victoria's childcare system, which has impacted thousands of people and led to 2000 young children and babies being tested for STDs, it makes me feel sick. The Ombudsman highlighted the failures. Victoria, they found, was well behind other states when it came to the working with children check. The Ombudsman outlined the actions that needed to be taken back in 2022, and Michael O'Brien, who was the Shadow Attorney-General at the time, highlighted the need for reform and made a commitment that the Liberal–Nationals in government would make the reforms that were required.

This Labor government has had three years to fix the issues. I commend Jess Wilson, a young mum herself, who did the work, along with Michael O'Brien, to bring forward a bill three weeks ago, and we have a mirror bill in this chamber that was introduced on 13 August and is yet to be debated. In the other place the government refused to consider that bill. Today we are considering the government's bill. Will this bill fix all the issues? No. It falls well short of the reform that is needed. It fails to meet the Ombudsman's recommendations and the government's own rapid review that was released last week. What does this government do when urgent reform is needed, like the bail laws, like tobacco licensing and like the ban on machetes? They wait and they wait, and while they wait to introduce the reforms that are needed, more families and children suffer.

They like to use the word 'urgent' – urgent bill, rapid review, time critical, urgent reform. Yet they have waited for years to introduce this bill, and further reforms will be delayed for months. We have been very clear that we will work with the government to address these issues and prioritise children's safety. We would like to see further reforms to link the working with children check database with the police database to identify any issues early; to introduce mandatory training about child safety standards; to improve screening for the secretary to be able to remove a working with children clearance if holding it would pose an unacceptable risk; and to reduce the duration of the clearance from five years to three years.

I remember when our kids were young – we had three kids under five at the time – and both sides of the family lived some distance away. I remember trying to find quality child care for our children. They are our most precious gift and finding care where they will be safe is so important. When I read the news reports of what has happened, and is continuing to happen, of someone caught with thousands of inappropriate images of children who still holds a valid working with children check, it is absolutely horrendous. My heart does go out to every family affected, and I am very conscious of the responsibility we share in this chamber to make sure that we do whatever we can to ensure that this bill does bring about the reforms that are needed to keep our children safe.

The Australian Childhood Foundation has been advocating for change for over a decade, and they support our proposed reforms. This is not the time for political spin to force a bill through Parliament in a day to make it look as though you are doing something when the contents of the bill fail to address the issues at hand. It is not the time for political smoke and mirrors to get the media headline. It is the

time for urgently needed reforms that put the safety of our children first. This bill is a small step in the right direction, and we will support it, and we will continue to advocate for further reform.

Renee HEATH (Eastern Victoria) (17:49): Tonight I rise to speak on the government's Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. Victoria was promised bold reform, and we have waited and we have waited for six weeks – actually eight weeks now – and what we have is something that I think does not even come close to what we hoped for. It tinkers at the edges while ignoring the documented deep issues that have failed our children. Two months ago a childcare worker was charged with more than 70 offences. Since the first complaint against him was made, he has managed to work in 24 centres. This is one of the most extensive alleged abuse cases in Australian history. During the same period, further evidence of systemic failure has come to light. One of these tragedies was a Victorian mother who pled guilty to infanticide. Her surviving twin daughter now lives with permanent brain damage. Despite the verdict and her family's repeated pleas, she has been cleared to work with children until this day. The working with children check system stamped her as safe to work. This is not a one-off mistake, this is the collapse of a system. Parents have trusted this government to keep dangerous people away. Instead, it has approved people proven to be unfit to care for children again and again.

Instead of recalling Parliament to ban childcare workers under police investigation, the Allan government promised a rapid review. It dragged on for six weeks, and when it finally arrived it did not offer anything new. Every recommendation was recycled from the 2022 Ombudsman's report, and Jaclyn Symes, the former Attorney-General, had already ignored those same recommendations for years, so they delayed action just to wait for a review to provide recommendations that they could ignore once again. This so-called review was nothing more than recycled words and delayed time. Parents waited, staff waited and the government knowingly left children exposed to childcare workers who were under police investigation till today, making it eight weeks. Now Jacinta Allan has demanded to be congratulated for finally proposing some legislation. This is despite the fact that the Liberal Party offered evidence-based solutions to these key failures more than six weeks ago.

In 2022, in response to the Victorian Ombudsman's report, the Liberal Party called for all the Ombudsman's recommendations to be immediately made law. Labor ignored us, all while claiming to care about the safety of our children. Now the government demands congratulations for this bill, but let us be clear about what it does. It introduces new suspension and cancellation powers. It allows bans in other states to apply here in Victoria and it extends the time limit for prosecutions. Yes, those are very important things, but they are also basic housekeeping. They are easy tick-box exercises. What it does not do is a bit more telling: no power to act on unsubstantiated intelligence from police or child protection, which was one of the Ombudsman's core recommendations; no changes to the reportable conduct scheme; no shared intelligence or risk assessment capability; no independent regulator; no support for parents or staff to raise concerns; no mandatory training for workers; and no transparency around enforcement. In fact of the 12 recommendations for Victoria in the rapid review, this bill barely touches on two, and of the Ombudsman's six core recommendations, not one is implemented. This is not an accident, this is a pattern.

Complaints to the quality assessment and regulation division, the regulator inside the same department that it is supposed to police, have risen 45 per cent since 2018. Enforcement actions have fallen 67 per cent. Over 500 people with revoked, expired or suspended working with children checks were flagged in the last three years. Their workplace remained uninformed. Enforcement actions, which once occurred in one in every 20 complaints, now occur in one in every 88. This is not oversight, it is a system that is not working. And of course there is always that element of secrecy. The government still refuses to release three years of enforcement documents. In New South Wales similar documents exposed abuse, injuries and fraud. Here in Victoria families still seem to be left in the dark. Instead of transparency we have excuses and instead of accountability, spin. When confronted, senior ministers criticised the media for being insensitive. We have to realise that we are not playing politics. The media is not playing politics when a failure of Labor Party policy is impacting the youngest and the

most vulnerable in our community. Where was the sensitivity when warnings from the Ombudsman were ignored, when parents were misled, when hundreds of children had to be tested for sexually transmitted infections? Tone is not the issue; truth is and safety is.

This bill does not fix the system, and many people have acknowledged that. It papers over cracks. It offers the illusion of action while leaving central loopholes wide open. Children remain at risk, families remain in the dark and a government in denial refuses to accept responsibility or a plan. The Liberal and National parties have put forward a comprehensive plan to broaden powers, act on intelligence, a genuine independent regulator, stronger, shorter working with children check renewal periods, transparency in enforcement and the culture change needed to put child safety ahead of departmental self-protection.

We will definitely support this, because it is a small step in the right direction, but it is weak. We need to look ahead and start strengthening this a whole lot more. It is a bandaid over a broken system. Labor wasted six weeks on its review, which did not tell us anything new. They have ignored the Ombudsman for three years now. They have ignored 10 of the 12 recommendations from the rapid review. Victoria's parents and children certainly deserve more.

Georgie PURCELL (Northern Victoria) (17:57): I rise to speak in support of this bill before us today. This is an urgent bill that does make some urgently needed changes. Today in Victoria there are more than 170 people facing allegations who still have working with children check clearance, and that is not good enough. From the outset I note that this work would not be urgent if the government had listened to any of the many, many calls to improve the working with children check system. I am, however, pleased to see it come to the house despite the devastating crisis that has triggered it.

There were warnings in the Victorian Ombudsman's working with children check report in 2022 and as part of the 2015 Royal Commission into Institutional Responses to Child Sexual Abuse. Over a year ago I joined with my good friend and one of my former staff members Emma Hakansson to launch the Our Collective Experience report and call for mandatory education and training on child sexual abuse prevention within the working with children check program. Emma is someone who was sexually abused as a child when she was in the care of someone who held a working with children check. Something that she has made really, really clear is that we can never fully stop people from abusing children, but what we can do is ensure that people who have checks have the education and training to identify when it is happening. It is absolutely essential for adults who work with children that they train to recognise and respond in order to protect children.

I have said in here before many, many times when I have spoken about this – and well before this crisis came to the minds of the chamber – as I have worked alongside Emma trying to progress this work that it is a disgrace that it is more difficult to obtain a responsible service of alcohol permit in Victoria than it is to be left alone with a child in a professional setting in our state. A person has to undergo more training to pour a beer in a pub than they have to do to work with children. We really need to reflect on how we have gotten to this place when that is the case.

I note that the opposition have amendments to address some of the other recommendations of the snap review. Although I largely agree in principle with these amendments, I am not going to support the inclusion of them in this bill. I am really grateful to the opposition for their engagement with the Australian Childhood Foundation on this issue, but this is something that they have made clear to me that they want to get right, and it is absolutely essential for mandatory training to be included in the requirements for granting a check. But considering the fact that this bill will be coming into effect almost immediately, I am concerned that this would potentially create chaos in the sector. What would be devastating is that that education and training are not shaped in the right way they need to be, which the government has committed to do by October, mandating training that as of right now does not exist. It is just so important to get that right, and I say that as someone who first brought that very issue to this place and has long advocated for it. I clearly support these changes; I am just hesitant to urgently rush them into a bill that will essentially kick in within days.

Alongside all of the other recommendations of the snap review, as mentioned, the government has committed to introducing the mandatory training in the next tranche of reforms in October. I can assure them and members of the community – and particularly the survivors who have worked so hard, far too hard in fact, to make this happen and share stories and things and relive their experiences in a way that they never should have had to – that I will be ensuring that I am working alongside them, that it is gotten right and that that commitment is held on the timeline that the government has said.

I just want to say as well that it is crucial that this training is developed by, not in consultation with, the foundation and the many survivors who contributed to the Our Collective Experience report that first raised the issue of mandatory education and training in the working with children check. There were 350 survivors surveyed as part of this project, and it was launched over 18 months ago. It really pains me to think that if this crisis had not happened in the sector they probably would have been asking for a far longer period of time to get these vital changes in the check system to identify child sexual abuse in professional settings. I want to also say that, at the International Childhood Trauma Conference just last week, on the day of this announcement the Australian Childhood Foundation were not notified that this change was going to happen. I think that really is demonstrative of the way in which the government needs to improve its relationship and its communications with the people who have been leading this charge far before it came to the forefront of the minds of the government, and that they need to do the work required to ensure that they are up close and involved and with them on every part of this journey, because as I have said, it is the only way that these changes will work.

Improving working with children checks is just one major part of improving safety for children and must come alongside broader changes, which I note there are some in this bill. I also note that the royal commission cautioned against an over-reliance on the working with children check system, which is something we also need to be very mindful of. Many of these changes must also be done across the entire country. Mandatory education and training in the check system is something that needs to be done in coordination with our federal government, and we must examine the broader systemic issues within the childcare system, which is why I joined in on the calls for the Commonwealth to hold a national inquiry into child care, because something that has become, unfortunately, very abundantly clear through this process is there is a whole lot more work to do.

In summary, I am grateful to the government for bringing this bill before us today and for treating it with the urgency that it deserves, but it is urgency that it deserved quite some time ago, which was made really, really clear by the survivors that I, and I know Ms Payne and other members of the crossbench, have been engaging with for a really long time and unfortunately could not get in front of the government to talk about. I would also like to acknowledge the opposition and their amendments. I understand the intention behind them, I am in support of what they actually propose, but because of my work with the people who have been also doing this work, I am fearful that if we rush this through and do not get it right it could have catastrophic consequences as well, and that the people who want to shape this work and want to be part of this work just cannot do it in the urgency that would be required if it was to become part of this bill, noting that we also must hold the government to account to meet their October timeline that they have committed to. In that, I will commend the bill to the house and look forward to asking some questions in committee.

Moira DEEMING (Western Metropolitan) (18:05): I also rise to speak in support of this emergency Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025. Working with children checks – I have had one for my entire working life. I have been thinking about what the check is supposed to be. It is supposed to be this stamp of approval – a shield for children. It is supposed to have all of our taxes and all the power of government behind it. But it is not working as a shield for children, and it has not been. Everyone has been begging for more money and legislative change, and nothing has been done. It is just inexcusable. I would have thought that it would already mean that there would be no child abuse convictions, that there would be no charges for possessing child abuse images and that there would not be anybody under police investigation for

anything like this. I would have thought that was already in place. I think every single Victorian had already assumed that this was happening.

I found out that depending on which agency and on which level you are a child educator in, you can have a 24- to 48-hour or even a seven-day window in which you can report an incident that you have seen. I rang up my friend who is a teacher, and I said, 'Can you imagine any of us even going home that day before reporting an incident where a child was harmed?' What on earth would you need seven days for? Why would you need 24 hours? I would not even go to my next period.

I do not believe that you do not know what child safeguards are. This is just the worst thing I have ever heard of you doing, to be honest, out of all of the things that have happened. What has finally brought action? Thousands of children – babies and toddlers – having to go and get blood tests for STIs. Those are people in my area. I had to get my husband to look up whether my child went to any of those childcare centres, because I could not do it. Thank God they are not on that list. But maybe there will be more lists coming out. It is just ridiculous. It is absurd. It is grotesque. You did not need to wait for the feds. You did not need to wait for this review. You did not need to wait eight weeks.

I pointed out the last time we talked about this topic that I do not call them paedophiles, I call them paedosadists because paedophiles do not love children – they hate them. It is not a sexual orientation and it is not 'minor attracted', it is a predatory sexual deviance, and they are unsafe and unfit to be around children. If they had any ounce of decency, they would voluntarily exclude themselves, not try to normalise what it is that they think is right. We have got concept creep. We have got this Premier and these people in this government abusing parents and abusing child safeguarding whistleblowers, calling them hateful for pointing out problems in the curriculum that are already there. That is why I agree – I do not trust this government to write any kind of child safeguarding training.

I have been looking up for a while now the definition of 'grooming'. Other states have one. I have not been able to find a Victorian government definition of 'child grooming'. There is no excuse for not having these things. It is not some kind of futuristic, unknowable thing that needs to have more research done into it to figure out what exactly constitutes a child safeguard. I am pretty disgusted, to be honest. I have heard some things that I had never heard before today. I heard child care called a 'vital part of the care economy'. I heard talk about how it is so important for Victorians so that they can go to work and pay taxes and participate. Children were called 'young citizens'. They are our sons and our daughters, and all of us, every single family, are owed better than this.

I do not believe that today is about child safety at all. The fact is you said you would do it all and yet you are doing it in two tranches, blah, blah, blah. I do not care about your excuses. It is absurd that you have not cancelled everything on your list, done an omnibus bill and fixed child safeguarding. It is a disgrace. This is about getting a political controversy off the news cycle. Children are not safe in Victoria under Labor, and it is just undeniable.

Rachel PAYNE (South-Eastern Metropolitan) (18:10): I rise to speak on the Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025 on behalf of Legalise Cannabis Victoria. This bill makes a number of urgent amendments to the Worker Screening Act 2020. Among other things, it will ensure that someone who is banned from working with children in another jurisdiction will automatically be banned in Victoria. This implements a recent joint commitment by the Commonwealth, state and territory governments. It is truly unbelievable that this was not already the case. The bill will require a working with children check to be immediately suspended while it is under reassessment for intended revocation, without exemption. We understand that 173 working with children checks will be immediately suspended as a result of this change. The bill will also allow for the immediate suspension of a person's working with children check upon being notified of any change or relevant regulatory or disciplinary finding and where it was granted on false or misleading information. This closes a loophole where people could still work for 28 days after a notification was given. Again, it is unbelievable that this was not already the case.

These reforms were announced following Victoria's long-overdue rapid child safety review. While it is promising to see this be treated as an urgent bill, up until now this important issue has not been treated as an urgent issue at all. It was not until children were abused on a massive scale in Victoria's childcare system that this government finally listened to stakeholders and committed to a major sector overhaul. It is shameful that this government have sat on their hands for so long and allowed this broken system to continue. Changes to working with children checks have been on the Victorian government's radar for years. The Australian Childhood Foundation, the Victorian Ombudsman, victim-survivors and MPs across party lines, including me, have warned of this broken system time and time again.

All the way back in 2022 a Victorian Ombudsman's report highlighted the limitations of Victoria's working with children check framework. This report followed a youth worker being cleared to work with children despite facing sexual offence allegations. Back further again, in 2015 the Royal Commission into Institutional Responses to Child Sexual Abuse put forward recommendations of the working with children check system and highlighted the need to shift to a national approach. Victoria has a reputation for having some of the weakest working with children check laws in the country. In Victoria only formal charges, convictions, guilty findings or substantiated disciplinary or regulatory findings can form the basis of a working with children check refusal or trigger a reassessment. These same restrictions do not apply in most other Australian jurisdictions. There a working with children check can be refused, reassessed, suspended or cancelled on the basis of unsubstantiated allegations of misconduct or incomplete criminal investigations. This is common where a victim does not wish to give evidence or press charges. We welcome the government's commitment to establish a regulator to deal with unsubstantiated allegations and to expand Victoria's working with children check reassessment process to include notifications of new unsubstantiated information or intelligence.

Before concluding I would like to welcome the government's announcement that they will finally address serious failures in the working with children check system and introduce legislation in October for mandatory child abuse prevention education. Centralising existing entities including the worker screening unit, reportable conduct scheme and child safety standards into the Social Services Regulator is central to supporting this work. While it is important that this training is urgently implemented, it needs to be done right to avoid perverse outcomes. These changes are essential to keeping our kids safe, and I hope to see collaboration with the sector, including the Australian Childhood Foundation, on the development of this training and other improvements to the working with children system. I will seek an assurance from the government during the committee-of-the-whole stage that this will be the case. We will be supporting these long-overdue reforms because we can and we must do better.

Nick McGOWAN (North-Eastern Metropolitan) (18:15): It is difficult to know quite what to add to what has been said in this chamber today, because so many speakers across the political divides have covered quite a lot. It is perhaps important to go back and remember what it is we are confronted with other than the inertia and the lack of action by those opposite for too long, and that has been well documented today. In particular what I speak of and what I refer to are the child protection reports received each year. Victoria has the second-highest number, which should be a point of shame for all of us. In 2023–24 that figure was 139,612 child protection reports received. I will repeat that figure: 139,612. 12,275 children were placed in at least one out-of-home care placement during the year. On average per day 9316 children and young people are in out-of-home care. That is a daily average – 9316. These are the children we know about. In terms of those that we have reports on, then it is the question of the investigations that have commenced, and we know that that figure is far smaller than the reports received. We know that in 2021–22 there were 35,479 investigations commenced. Concerningly, in 2022–23 that number went up, because the total number of reports went up – 39,404. In 2023–24, investigations commenced – 41,123. In what is an alarming trend not only does the number of reports increase and not only does the number of investigations commenced increase – which we would want, for them to be investigated – but likewise the substantiations also go up.

Many in this place have already referred to Deborah Glass, and I think it is important to read her words rather than mine, because I think they perhaps are most poignant. I am sure that Deborah Glass is sitting somewhere tonight watching this, perhaps at home. I do not know whether she has started a new job, but her words will ring out to every Victorian, not least those parents who were forced to go and have their children tested for STDs or STIs. In September 2022 we all know that the Ombudsman tabled her report. Deborah Glass, the Ombudsman at the time, said:

> The biggest remaining gap is the need to amend the *Worker Screening Act 2020* (Vic). Working with Children Check Victoria should be able to act on information that indicates someone poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are brought.

She continued:

> This is imperative: The powers of Victoria's screening authority are among the most limited in Australia. Reforms to the legislation are needed to bring Victoria in line with other states and territories, and to promote the rights of children and families enshrined in Victoria's Human Rights Charter.

Her last sentence perhaps speaks loudest:

> Some painful lessons have been learnt. For the safety of our children, more needs to be done.
>
> Deborah Glass
>
> **Ombudsman**

I do not know how those opposite justify their inaction. I suppose what is more concerning is we have not even seen an attempt to do so. While those right across both houses in fact have spoken in one clear voice that we want and seek change and have been seeking change for years – in fact decades, as we have heard tonight and today and previously – I wonder whether those opposite when they rest their heads do so with a clear conscience, because they are charged with the responsibility of governing and yet they have failed our most vulnerable Victorians in such a heinous, despicable way. Those opposite will have to live with that. Unfortunately, so too will the children, their parents, their relatives and their loved ones, and our community will suffer for very many generations to come because of it.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (18:21): I would like to first thank all members of the chamber for recognising the urgency of this bill. This bill is another step in demonstrating that the Allan government is moving with urgency and getting on with its child safety overhaul. This bill will progress the first stage of reforms to the Worker Screening Act 2020 to ensure that the working with children check remains robust and effective. Additional reforms to strengthen the working with children check scheme will also follow in October 2025 to implement recommendations of the rapid review.

The safety and wellbeing of our children is a paramount concern to this government. The awful allegations of child abuse demonstrate the real need to ensure that the systems in place to protect children in Victoria are strong and are effective, and changes are required immediately. I would also like to acknowledge that the bill does make changes to the Worker Screening Act, and the government understands that more needs to be done. I do appreciate that many of the contributions from speakers on the government side, the opposition and the crossbench acknowledge that, which is why we are taking action to strengthen the working with children check and child safety and early childhood education and care settings with a $42 million boost to the sector and by (1) accepting and implementing all 22 recommendations of the independent rapid child safety review; (2) establishing a new nation-leading regulator that will more than double the frequency of compliance checks; (3) beefing up the Social Services Regulator by bringing the working with children check, the reportable conduct scheme and child safe standards under the one roof by the end of the year, giving it new powers, removing silos and weeding out predators; and (4) introducing mandatory child safety training and expanding professional support programs, including through changes to the national law, to build a greater culture of speaking up and calling on the federal government to prioritise quality and safety in the national childcare system.

While the government is working to implement all of the recommendations of the rapid review, this bill intends to make the following urgent amendments to the Worker Screening Act 2020: (a) ensure that a person who is banned from working with children in another jurisdiction will be automatically banned in Victoria; this gives effect to a joint commitment by the Commonwealth and state and territory governments at the most recent Standing Council of Attorneys-General meeting on 15 August 2025; (b) allow for the immediate suspension of a person's working with children clearance upon being notified of any charge or relevant regulatory or disciplinary finding, pending determination of an assessment; (c) introduce a power to cancel a working with children clearance where it was granted based on false or misleading information or otherwise pursuant to an unlawful application; and (d) increase time limits for commencing a prosecution of the offence of providing false or misleading information in relation to a worker screening application or reassessment from 12 months to five years and six months, to make sure all that do provide false declarations in effect are captured.

I think these reforms are vital and important. Every child deserves to be safe, and every parent must be able to trust that the system will keep them safe. This work is being undertaken as a matter of urgency. I want to thank everyone – the Premier, the Attorney-General and the Minister for Children – for their collaboration in bringing this to the chamber. I think it is vital legislation that I look forward to debating further in the committee stage. But before we do that, I just want to thank everyone and commend the bill to the house.

Sitting suspended 6:25 pm until 7:30 pm.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (19:33)

Georgie CROZIER: I am just wondering if I could have my amendment circulated, please. I understand that the amendments came late because this bill has come into the Parliament today and across from the Assembly this afternoon, so thank you for that indulgence.

Minister, I am wondering if you could please provide an explanation to the house as to why you are at the desk and the Minister for Children, who is responsible for child protection and child safeguarding, including child safe standards, the reportable conduct scheme and the regulation of early childhood services, is not taking this bill.

Enver ERDOGAN: I think it is quite clear and should be very clear to everyone in this chamber why I am taking this bill. The Worker Screening Amendment (Strengthening the Working with Children Check) Bill 2025 is an Attorney-General bill and in the upper house I represent the Attorney-General. Therefore, as it is one of her bills, I have carriage of this legislation.

Georgie CROZIER: Will the Minister for Children be responsible for and take carriage of the next tranche of legislation?

Enver ERDOGAN: I will seek some guidance.

I understand that the Minister for Children will be taking the next tranche of legislation.

Georgie CROZIER: Thank you for that confirmation, because I think there are many questions that parents and members of the community would like to ask the minister in the committee stage. Given she is not here, I might leave some of those questions for when she appears in the committee stage when that next piece of legislation comes forward. But I will ask you, Minister: in April the Premier ordered the Attorney-General and the Minister for Government Services to conduct a review into the working with children system. What sparked that review?

Enver ERDOGAN: I understand that the Premier did ask the Attorney-General and the Minister for Government Services to undertake that review, but I am not privy to the motivation behind that.

Georgie CROZIER: Minister, you have come in here saying you are representing the Attorney-General. The Premier ordered the Attorney-General to conduct a review. Could you take that on notice and come back to us before the end of this committee stage? That is well and truly in the purview of your responsibility, and I think the house would like to understand what sparked that review. You might need to take this on notice given I have a series of questions on this. Did this review recommend implementing the Ombudsman's recommendations from three years ago?

Enver ERDOGAN: I think the government would say that many of the recommendations the Ombudsman made in 2022 were considered by the rapid review. The government obviously initiated its own rapid review, which made 22 recommendations and we agreed to adopt all of them.

Georgie CROZIER: Minister, it is a bit late coming in here and saying you are adopting the recommendations from the rapid review. This was from the Ombudsman's findings and recommendations in September 2022 – three years ago – so I am not going to buy that answer, I am so sorry. I would like to know: did the review recommend implementing the Ombudsman's recommendations from three years ago – the review that was ordered by the Premier for the Attorney-General and the Minister for Government Services? I just think that is a totally unsatisfactory response to provide to the house.

Enver ERDOGAN: I think, Ms Crozier, the Premier was quite clear. We had our own expert rapid review. That review was more comprehensive and had broader reach in its ambit to look into what has occurred and what the future looks like across the sector, and it made 22 considerable recommendations that the government has agreed to adopt.

Georgie CROZIER: Again, I say that is an unsatisfactory answer, and I would ask you to take that on notice. I would also ask you to do this: did it recommend urgent legislation be required to close any loopholes that were identified by the review ordered by the Premier in April for the Attorney-General and the Minister for Government Services? I mean, you are representing the Attorney-General. I am sure the advisers would know given they come from that office.

Enver ERDOGAN: I think matters for the Minister for Government Services and the Premier's motivation in relation to that review are probably best directed to the Premier, to be frank. But I would say to you that obviously the Attorney-General is responsible for this bill, and she is responding to the urgent need and concerns that the community have about child safety.

Georgie CROZIER: Minister, I will say it again: the Premier ordered the Auditor-General and the Minister for Government Services to undertake a review. You have not answered any of my questions in relation to this really important area. You are just providing government spin on what you are doing now. Could you please provide a copy of the review to the house?

Enver ERDOGAN: I do not have a copy of the review with me. In terms of this bill, I think we are focused on this bill going forward, especially considering we have had our own rapid review, and a lot of the findings in this bill and the recommendations in the legislation are based upon that review.

Georgie CROZIER: Which review? The Premier's review that was ordered of the Attorney-General, or are you talking about the rapid review?

Enver ERDOGAN: The rapid review.

Georgie CROZIER: Well, again, Minister, I would ask that the house be provided with a copy of the review. I know you do not have a copy with you.

Enver ERDOGAN: I understand that I do not have any document to release in relation to that review from earlier this year, Ms Crozier.

Georgie CROZIER: Well, let us hope the government does the right thing and releases it through the next process that we will go through. Minister, what was the government's motivation for not accepting the Ombudsman's recommendation in 2022?

Enver ERDOGAN: I am not aware of any non-acceptance of that 2022 review. I think what I am aware of is the rapid review that the Premier commissioned, and that is what has led to the formation of this bill.

Georgie CROZIER: Minister, are you aware of the recommendation from the Ombudsman, given your responses to my questions?

Enver ERDOGAN: Would you like to be more specific about which recommendation?

Georgie CROZIER: Certainly. I am very happy to be more specific. This is what the Ombudsman's findings were:

> The biggest remaining gap is the need to amend the *Worker Screening Act 2020* (Vic). Working with Children Check Victoria should be able to act on information that indicates someone poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are brought.
>
> This is imperative: The powers of Victoria's screening authority are among the most limited in Australia. Reforms to the legislation are needed to bring Victoria in line with other states and territories, and to promote the rights of children and families enshrined in Victoria's Human Rights Charter.
>
> Some painful lessons have been learnt. For the safety of our children, more needs to be done.

Then the Ombudsman went on – and it is what I said in my second reading, twice – and I will just remind you, given you are not aware:

> **Recommendation 1**
>
> Amend the *Worker Screening Act 2020* (Vic) to allow the Secretary to the Department of Justice and Community Safety to:
>
> a. obtain and consider any information that may be relevant to an applicant's suitability to work with children
>
> b. refuse an application for a Working with Children Check if reasonably satisfied the applicant poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists)
>
> c. reassess a person's suitability to hold a Working with Children clearance on the Secretary's own initiative, and without need for notification of a criminal charge or disciplinary outcome
>
> d. pending determination of a reassessment, suspend a person's Working with Children clearance where the Secretary reasonably suspects the person poses an unjustifiable risk to the safety of children
>
> e. revoke a person's Working with Children clearance following reassessment, where reasonably satisfied the person poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists).

So that is the recommendation I was referring to and the finding from the Ombudsman, and all of those issues were made known to the government. The question was not about the rapid review and what the government have done in the last few weeks, it was about why they did not act on that recommendation.

Enver ERDOGAN: What the government would say is that we are committed to acting in relation to that, because in the end the rapid review has a similar recommendation. It is obviously the goal of government, subject to the cabinet process, to bring in further legislation that will look at some of those issues that you just read out and that were in the Ombudsman's report and that the rapid review also considered about unsubstantiated claims. It is important that we do get it right, because we are talking about people's livelihoods and we are talking about children's safety. We need to do it carefully, and that is why we are having to take the time for the second tranche to implement that recommendation or part of that recommendation.

Georgie CROZIER: But you have not got it right, have you, so far?

Enver ERDOGAN: I would say we are focused on urgently making changes that are needed, and that is why we are here.

Georgie CROZIER: Three years too late, Minister. Last month Ron Marks was convicted for the possession of child sexual abuse material. He was convicted and sentenced for accessing almost a thousand images of heinous child abuse material, including bestiality and the torture of children. It is pretty rough; it is just shocking. Police first investigated him in September 2021 when they raided his home and seized the vile images. At that time police took his physical working with children check (WWCC) card, but he continued to hold an active clearance in the system. He was not ultimately charged until January 2025, despite being under investigation for three years. During this time he visited schools, kindergartens, playgroups and childcare centres in the Horsham area because he had an active working with children check. Minister, if the government had implemented the Ombudsman's recommendations three years ago, do you think this would have immediately allowed Ron Marks's working with children check to be cancelled?

Enver ERDOGAN: Ms Crozier, it sounds like you are putting a hypothetical question to me. What I will say is we are focusing on strengthening the working with children checks; that is what we are doing today. It is the first tranche of reforms to increase child safety. We have already taken a number of steps in the last few weeks, but we are committed to doing more.

Georgie CROZIER: It is not a hypothetical. These are facts; he was charged. It is not hypothetical. Police seized over a thousand images. So if the recommendation from the Ombudsman had been in place, do you think it would not have made any difference? Is that what you are telling the committee?

Enver ERDOGAN: I am not going to speculate on what the decision would have been, because obviously there would be experts that would do that, and that is what will happen in prospective matters. I am not focusing on necessarily previous individual cases, because then we would be talking about individual cases case by case and every case is different. But what we are focused on is making sure that we do have a system that will be more rigorous than what it is now.

Georgie CROZIER: More rigorous than it is now? It is non-existent. Minister, do you acknowledge there is a loophole in the system that does not allow decision-makers to act on intelligence from police, child protection services and other authorities to suspend, revoke or refuse a working with children check?

Enver ERDOGAN: Currently once someone is charged, they can be suspended. But there is a gap, and that is why we have accepted that going forward we need to make sure that where there is a claim, although yet unsubstantiated, the expert regulators can have a look at this matter and make a decision about whether it is safe to allow this person to act or not. The recommendation of the rapid review has been accepted, and we are going to implement that.

Georgie CROZIER: Minister, does this bill today close that loophole and implement the Ombudsman's recommendation in full?

Enver ERDOGAN: To answer your question, today's bill will not close that loophole, but that is why we have committed to introducing another piece of legislation later this year.

Georgie CROZIER: Still some big gaps. Minister, as a consequence of this bill would Ron Mark's working with children check be able to be cancelled if he was still under active investigation by the police, or does this bill fail to close this loophole as well?

Enver ERDOGAN: As things stand, Ms Crozier, no. If he is charged, yes.

Georgie CROZIER: Can you confirm that under the current system a person can be arrested over child-related offences and still hold a valid working with children check? Does the bill close that loophole?

Enver ERDOGAN: For clarity, if someone is arrested and charged, yes. But if they are not charged, no.

Georgie CROZIER: Right. Okay. He was under investigation, arrested. It is a very serious case, and I think you have just highlighted to the committee how flawed the process has been. I will go to the rapid review. Recommendation 6.1(a), working with children checks, changes the working with children check regulatory frameworks to allow unsubstantiated information or intelligence, for example, from police, child protection or other relevant bodies, to be obtained, shared and considered in order to assess, refuse, temporarily suspend or revoke a working with children check. When will it be implemented?

Enver ERDOGAN: The goal is to introduce that legislation later this year, and this bill is obviously being implemented straightaway. But in terms of the timeframe for implementation, as that legislation is not drafted, I cannot really comment on it.

Georgie CROZIER: Part (b) of recommendation 6.1 permits a working with children check reassessment when the screening authority is notified or becomes aware of new unsubstantiated information or intelligence. When will that recommendation be implemented?

Enver ERDOGAN: I think, Ms Crozier, those recommendations around unsubstantiated claims will be included in the next piece of legislation, so you will get an opportunity to kind of interrogate the operation of those parts. But they are not included in this legislation.

Georgie CROZIER: This is the rapid review, and we are talking about children's safety. In fact today in question time the Minister for Government Services said something along the lines of there being nothing more important than the safety of children, yet when the rapid review is making these recommendations you cannot tell us when they are being implemented. I will go to the next question. Recommendation 6.1(c) is to:

> Require organisations to verify or validate that they have engaged a Working with Children Check clearance holder to provide accurate historical and current information of movements across different organisations.

When will that be implemented?

Enver ERDOGAN: We are committed to implementing all 22 recommendations of the rapid review. Some of those recommendations are not necessarily in this legislation, but they will be in the next tranche.

Georgie CROZIER: The rest of the recommendations are to:

> Create an internal review process for Working with Children Check decisions and remove the ability to seek review at the Victorian Civil and Administrative Tribunal.
>
> All applicants must complete mandatory online child safety training and testing before being granted a Working with Children Check.
>
> Fund the Working with Children Check screening authority so it is resourced to undertake more manual assessments and interventions under new Working with Children Check settings, noting any efficiencies delivered by the new Shared intelligence and Risk Assessment Capability …
>
> Work with the Commonwealth government and other states and territories to develop a national approach to the Working with Children Check laws and advocate for an improved national database that is able to support real-time monitoring of Working with Children Check holders.

You cannot answer about when any of those recommendations will be implemented because of your answers to the previous questions: you are waiting for the next tranche of legislation. Will the next tranche of legislation incorporate all of those elements?

Enver ERDOGAN: I think the goal of the next tranche of legislation is to acquit as many of those recommendations as possible. Some of them are national. I know the Attorney-General and the Minister for Children have been having discussions nationally. There was a Standing Council of Attorneys-General (SCAG) meeting, as you would be aware, on 15 August where some of these

matters were discussed and a commitment was made to working together and collaborating between jurisdictions to make sure we have a system that works for all children across the country. But in this legislation it is very clear what we are focused on in terms of the first step. The next tranche of legislation will try to acquit as many of those recommendations as possible but understand some of those recommendations are national and may take a longer time to implement to get consistency across jurisdictions.

Georgie CROZIER: Not all of them, and most of them can be applied here, so I need you to spell it out to me if you would not mind. Given you said there are a number that need Commonwealth or national regulation and will take some time to be implemented, could you highlight, out of the rapid review recommendations, which are Commonwealth responsibilities?

Enver ERDOGAN: I appreciate, Ms Crozier, the path we are going to, but I think we are kind of pre-empting the next tranche of legislation that is going to be introduced to this chamber. I am really solely focused on what we have before us – the urgency to fix these elements before us today.

Georgie CROZIER: The reason I ask is because the Liberals and Nationals, as you are aware, have introduced a bill that would deal with a lot of these issues. We are also moving amendments given the importance of it. So you must have some idea around permitting a working with children check reassessment when the screening authority is notified or becomes aware of new unsubstantiated information or intelligence. What will the impact be if there are delays in the system, if that is not implemented very quickly after the next tranche of legislation? Or will that be? I asked when would it be implemented, and you could not answer it, but what will the implications be?

Enver ERDOGAN: Again, Ms Crozier, with all respect, I think they will be considerations with the drafting of the next bill – making sure there is an implementation plan, making sure measures are there to ensure safety. I do not want to speculate upon what will be included and the timeframes for those, but I think the rapid review is clear that we need to aim to implement all those recommendations, and we have accepted that.

Georgie CROZIER: Minister, can you confirm that an individual who is under police investigation for child sexual abuse who has not had a formal charge, conviction or formal disciplinary finding can still hold an active working with children check and engage with children?

Enver ERDOGAN: Those changes are not included in this bill. But again, that is the goal for the next bill – to include those elements. Currently when people are charged, that action can be taken; otherwise, it cannot.

Georgie CROZIER: So under the current law and this bill, the secretary will not have the power to cancel a working with children check in that circumstance. Is that correct?

Enver ERDOGAN: Yes.

Georgie CROZIER: Okay. And the same would apply to a person who has been arrested for child sexual abuse but not charged. Is that correct?

Enver ERDOGAN: Yes.

Georgie CROZIER: Can the secretary cancel a working with children check on the basis of a police investigation or intelligence only?

Enver ERDOGAN: My understanding is no, because there needs to be a charge.

Georgie CROZIER: So given that the Ombudsman really did point out that that was one of the issues that needed more powers, why is the government not allowing the secretary to have more powers in relation to those concerns that have been raised?

Enver ERDOGAN: I think we are committed to giving the secretary more powers in this space, but we are saying we need to get this right. It is about child safety, but we are also talking about

people's livelihoods, especially where it is an unsubstantiated claim. We need to make sure that there is a process in place and that we understand the ramifications, in particular where there are vexatious claims. Obviously the more serious examples you are giving I think would be a lot clearer for any secretary and in particular within the worker screening unit, who are trained to be able to properly assess these claims which contain allegations compromising the safety of children. We have introduced this bill to focus on these elements before us, but also the next tranche will be focusing on those elements you are discussing. We have agreed with the recommendation from the rapid child safety review.

Georgie CROZIER: Those loopholes that I referred to that the Ombudsman actually made findings on and made recommendations to fix – those loopholes continue under the Allan Labor government because this bill does not close those loopholes. Is that correct?

Enver ERDOGAN: They are matters that we are aiming to implement in the next tranche of legislation.

Georgie CROZIER: So not now. So we are months away still from closing these loopholes, and our children are at risk because of that?

Enver ERDOGAN: We have taken steps – and that is what today is about – ensuring we have a safer system that is immediately implementable. We need to also understand, as part of passing legislation, that we need to be able to implement those changes in a swift way and in a rapid way, and that is what we are aiming to do today. But those elements will be included in the next tranche. It will be this year.

Georgie CROZIER: Minister, can you guarantee that these loopholes will not be exploited?

Enver ERDOGAN: I think the goal is to close all those loopholes, and that is why we have committed to implementing all the recommendations from the rapid review, understanding that the Attorney-General only received the rapid review on 15 August. There was a SCAG meeting on 15 August and here we are, just over a week later, responding with urgent legislation. Again, I take this opportunity to thank everyone in the chamber for accepting this urgent bill. We are going to do the work, but you need to understand that when you are drafting legislation you need to be careful to get it right. Safety is the priority, and the safest way we can do this is by getting the legislation right so that we do not cause more harm.

Georgie CROZIER: Minister, you have had three years. You have known about it for three years. The Attorney-General did not hear about it just a couple of weeks ago, like you referred to then. The Attorney-General was provided these findings and recommendations three years ago, and your government did nothing. Nothing, and look what we have got – thousands of children being tested for STIs, parents beside themselves, a system in crisis. We need to build trust back into the system, yet we have still got these loopholes. Our amendments would have closed those loopholes. Why would you not accept that? Why have you not worked to close those loopholes as quickly as possible given the potential that thousands of children still remain at risk?

Enver ERDOGAN: We are focused on getting these reforms right. Do it once, do it properly. That is why we are committed to establishing a whole new regulator, which will deal with unsubstantiated claims and these kinds of situations that you raise where there are allegations. We need to make sure that the infrastructure is in place and the personnel are in place to do this right. Child safety is the number one priority, but there also needs to be natural justice.

Georgie CROZIER: I do not think parents will be any more reassured by what the government is doing. I think they think it is a quick fix for a political problem. But I want to go to a reference one of your MPs made in their contribution. They spoke about parents preferring council and not-for-profit childcare centres and were highly critical of the private sector. Given the basis of the backbencher's

comments, has any modelling been done by the government on what the sector would look like if the private sector was not included in the childcare industry?

Enver ERDOGAN: From the outset I wish to state that from my perspective as a parent who has children in both systems, I think the private sector plays a really important role and a lot of the educators and staff in the private sector, as well as the public sector, do amazing work and do provide a safe environment for many children. From my perspective, this is not about a debate about ownership of these facilities. It is about making the system as safe as possible for all children so that all parents can have peace of mind.

Georgie CROZIER: I am reassured to hear that, given it would cause a huge amount of distress to many people, but thank you for that clarification. Given the minister responsible is not here, I do not think I can go to my further questions. I will wait for the next tranche of legislation to come in and ask the minister some questions.

Anasina GRAY-BARBERIO: Minister, I want to ask you some questions around the natural justice period. The bill removes the 28-day natural justice period for category C professional misconduct cases. Removing this timeframe risks undermining procedural fairness. How has the government balanced this change with the need for ongoing procedural fairness? And what safeguards are in place to ensure justice is not compromised?

Enver ERDOGAN: Thank you, Ms Gray-Barberio, for that really important question. We are talking about people's livelihoods in this debate as well, we need to understand that, especially people that are working in the field. But obviously others more broadly will be affected, not necessarily just workers but volunteers as well. I think that is why we are committed to establishing a new regulator. The Social Services Regulator will have an internal review team mechanism, so that will be an internal kind of review mechanism. That team will be staffed by experts in this field that understand and can get the kind of intelligence-led assessment process. So people will have an opportunity to apply for a review once a decision is made and there will be an internal review process, and of course people will still keep the right to apply to the Supreme Court for broader administrative review if needed.

Anasina GRAY-BARBERIO: When you are talking about experts that are going to be staffing this regulator, are you referring to authorised officers?

Enver ERDOGAN: That is a very detailed question and a good one. I understand those details are being worked on about the make-up and how this internal review mechanism will work.

Anasina GRAY-BARBERIO: If this is the plan, how long is this going to take? This is going to require recruitment and operational staff. Is this going to be a long period? We are talking about safeguards to ensure that justice is not compromised. Has the government thought about a timeline around this?

Enver ERDOGAN: I cannot provide a timeline for you today, but what I will say is that these are really good questions especially for the next tranche of legislation, which will be embedding that system of review that you are talking about.

Anasina GRAY-BARBERIO: I want to talk about the appeal and review process. Is there a clear, accessible appeal and review process, and how quickly can a wrongly suspended educator have their clearance reinstated?

Enver ERDOGAN: I think these will be the matters that are probably better put during the next tranche of legislation. It is our goal to introduce legislation in October, so it is going to be debated this year. This legislation has a key focus on those matters before us, so in terms of that regulator, the make-up and its operation, I think those questions are better put for the next tranche of legislation.

Anasina GRAY-BARBERIO: Thank you, Minister, but I actually think this question is valid for this tranche, because it is related to natural justice, so would you be able to seek advice?

Enver ERDOGAN: I will seek some advice.

Ms Gray-Barberio, I understand that, per this legislation, people will still have 28 days, but while they are suspended. So they will get an opportunity to reply, because they will be given notice that they are being suspended or are under review. They will have 28 days to respond, but during that period they will not be able to work unless they are cleared.

Anasina GRAY-BARBERIO: Can I get confirmation from you: on the working with children check, who is responsible for reinstating that – who has that power?

Enver ERDOGAN: I guess the secretary has the power, but in terms of the language about 'reinstated', during this period when someone is suspended, if they are cleared the suspension will be lifted so they could continue, otherwise their working with children check would get cancelled, and that power would sit with the secretary.

Anasina GRAY-BARBERIO: I want to take you to the second amendment around mutual recognition. The Greens are quite concerned and cautious around mutual recognition of working with children exclusions across jurisdictions, given inconsistencies in terminology. You answered Ms Crozier's question around a SCAG meeting between attorneys-general from across the country. In Victoria the language is 'working with children exclusion', while in other states it is called a 'negative notice' or a 'prohibition notice'. How will your government ensure that these differences in language do not create loopholes that predators could exploit?

Enver ERDOGAN: We would say that although there may be different terminology used, ultimately the paramount duty or goal is children's safety. So although the words might be technically different, the meanings are similar and their application is similar across jurisdictions.

Anasina GRAY-BARBERIO: I guess what I am looking for in that question is: what are the tangible logistics that the government is going to take or safeguards it is going to take to close up these loopholes to ensure that predators do not see it as a way in?

Enver ERDOGAN: It is probably something that we are looking at going forward, but if a person is issued an interstate exclusion based on a lower grade offence or type of misconduct and the worker screening unit can make a determination about granting a working with children clearance and it would not pose an unjustifiable risk to the safety of children, that person can currently be issued a working with children clearance in Victoria. So the bill would ensure that every person who has been issued an interstate working with children exclusion will be prohibited from working with children in Victoria regardless of the circumstances.

Anasina GRAY-BARBERIO: I have to say I am not very confident in your answer, so I am going to move on. Just while we are on here, we note that while most states and territories have signed on to the national reference database for working with children checks, the Northern Territory has not. This bill does not appear to contain measures to address that gap. How will your government ensure that predators from the Northern Territory cannot exploit the lack of participation in the national database? I will just get you to answer that part of the question first, please.

Enver ERDOGAN: It is a really good question, because that is definitely a gap at the moment, and I think that was an issue raised at SCAG, and a lot of states were looking to the Commonwealth for a commitment to assist the NT to set up those systems in place so that they do have a comparable system that can work with this national scheme. So that was a topic at SCAG, and the attorneys-general agreed and put it to their federal counterpart that they need to kind of work with NT to make sure that their systems are up to scratch and are similar to every other jurisdiction.

Anasina GRAY-BARBERIO: How will your government ensure there is a safety net for children here in Victoria to ensure against those travelling from the Northern Territory who should not have a working with children check for obvious reasons? How is your government going to address that?

Enver ERDOGAN: My understanding is that anyone that comes here to work here will still need to apply for a working with children check in Victoria, so they will still need to go through that process. When they apply here for the first time, they will have to go through those checks.

Anasina GRAY-BARBERIO: Except here in Victoria they will not have access to the Northern Territory database – correct, Minister?

Enver ERDOGAN: That is not necessarily correct, because I guess if they go to apply for a working with children check, they will still do background searches on people, in terms of their history, to make sure. There is a national police check, so they will still have to go through that application process. Obviously there is no comparable database to what exists in other jurisdictions.

Anasina GRAY-BARBERIO: Minister, did you say that your government will be advocating to its federal colleagues for national consistency?

Enver ERDOGAN: Yes, I understand that was discussed at SCAG, and that is what has been put. The states are committed to working together to try to create some consistency in this area.

Anasina GRAY-BARBERIO: Who actually has access to this national reference database?

Enver ERDOGAN: The worker screening unit will have access to this database.

Anasina GRAY-BARBERIO: Will employers have access to this database?

Enver ERDOGAN: I think the goal is for it to be the Department of Government Services and the worker screening unit. In terms of employer access to the database, let me just check on that detail. Ms Gray-Barberio, I understand that the worker screening unit will have access and the Department of Government Services. The employer will not have access to the database, but the employer will be notified of the outcome once the check is done.

Anasina GRAY-BARBERIO: I want to talk about knowledge of employers and agencies. What additional resources or training will be provided to ensure employers and agencies properly understand and comply with these new obligations?

Enver ERDOGAN: In this legislation there is no new obligation on employers, but there will be obviously in the next tranche because we envisage training and other major changes. I guess that is something to be considered there.

Anasina GRAY-BARBERIO: Given the urgency of this bill, why has that not been included as an obligation to employers?

Enver ERDOGAN: In terms of training obligations? Ms Gray-Barberio, were you asking about training obligations or –

Anasina GRAY-BARBERIO: Yes, I am just trying to understand: if you are going to be bringing this bill in, how are service providers or early childcare education agencies going to understand this new bill and make sure that they comply?

Enver ERDOGAN: There are no new obligations in there, but there will be obviously new obligations as part of training and other changes that have come out of the rapid review. I guess when those changes come in, then that discussion about how to educate providers in the sector will be a key one. But in relation to these changes, I think the providers will be provided the information about the changes, but they are not necessarily making new obligations. It is more about creating mutual recognition between states, making sure there are suspensions in terms of a person's working with children clearance and making sure that we have the power to cancel where someone is being misleading. We are not necessarily bringing new obligations. It is more in terms of the enforcement tools as well for people that are providing misinformation, the ability to go back beyond 12 months to be able to prosecute people for providing misleading information when they got their working with

children check. It is not necessarily bringing new obligations on employees; it is more about strengthening the penalties for people doing the wrong thing.

Anasina GRAY-BARBERIO: I want to talk about workforce shortages. Automatic suspensions, retrospective reassessments and stricter exclusions could exacerbate workforce shortages, particularly in rural and regional areas where replacement staff are obviously hard to find. What is the government doing to prepare for this and support the existing workforce?

Enver ERDOGAN: I know about workforce shortages and the measures to mitigate this. I will say, more broadly, I do not see that necessarily in the scope of this bill per se. I think it is a broader discussion of the childcare system across the nation. I am not sure if it is really in the scope of this bill, but I am happy to be challenged on that.

Anasina GRAY-BARBERIO: It is within the scope of this bill, because this bill that you are presenting to the chamber talks about reassessments and talks about the possible cancelling of a working with children check, so it does speak to things like that. If I may repeat my question: what is the government doing to prepare for this and support the existing workforce, especially in rural and regional areas where it is very scarce?

Enver ERDOGAN: I do understand those concerns, but I think the goal of today's bill is about child safety. I think there are national workforce challenges, that is clear. I know the federal government in the past has moved to, for example, increasing the rates of pay in what is broadly a low-paid sector of the economy to support attracting more people to the sector, but I think workforce challenges remain. But in terms of this bill, this bill's real primary focus is on child safety and bringing the first step towards strengthening the system.

Anasina GRAY-BARBERIO: Minister, you have spoken tonight about getting it right. How does your government guarantee that this bill gets it right?

Enver ERDOGAN: This bill is the first step in enacting the findings and recommendations of the Weatherill child safety review. That review was quite rapid, but it was an important review which made a number of recommendations to improve the current system. This is a first step towards that. We are not saying it is the whole solution, but it is a key step towards implementing those recommendations.

Anasina GRAY-BARBERIO: I just want to ask my final question this evening. Culturally diverse women represent a big part of the workforce in early childcare settings. How does this bill ensure that it does not unintentionally entrench disadvantage in that workforce?

Enver ERDOGAN: I think these are some of the matters that need to be considered going forward. I know one of the issues that the rapid review looked at, and we know it is right, is that a lot of migrant women are working in the childcare sector, like the childcare place that one of my daughters is at. One of the key recommendations and findings is that we need to encourage staff, because of the power imbalances between employees and employers, to be able to speak up and report, because we have heard that come through in a lot of the reporting but also a lot of the testimony around this area, about people's fear of speaking out. Empowering staff across the board, irrespective of their backgrounds – but definitely migrant women are more vulnerable and more disadvantaged, we know that – I think is a key element and education piece but also having a mechanism where people can speak out without fear of being disadvantaged in any way.

David ETTERSHANK: A couple of softball questions maybe, just to get started. The government is effectively seeking to record or monitor that all employees working in an agency, whether it is a childcare centre or a kinder, has a current working with children check. Is that correct?

Enver ERDOGAN: Yes, Mr Ettershank.

David ETTERSHANK: And that is all staff in all agencies?

Enver ERDOGAN: Yes. Anyone that is employing someone to work with children must have a valid working with children check. That would be an obligation on employees but also on agencies that provide staff.

David ETTERSHANK: Is it incumbent upon employers to confirm the existence of a current WWCC for each employee working in that centre?

Enver ERDOGAN: Yes.

David ETTERSHANK: With respect to casual workers who are working across multiple services, who has the responsibility to report where that person is working, and who enforces and monitors their compliance?

Enver ERDOGAN: The employer has that obligation to do a status check. But I guess if they have got multiple employees, then all those employees would have that responsibility that the people working in their centre have a working with children check. If someone is working with two different employees, two different employers would have that obligation, but of course if they are working for one employer across multiple sites, then obviously the one employer is responsible.

David ETTERSHANK: A lot of services have trouble filling their rosters, and in that context they tend to use agencies. Those agencies generally maintain contractor relationships with agency staff who regularly work across multiple workplaces. In that context of staff who are contractors via agencies working across multiple facilities, who has the responsibility for reporting, and how will this be enforced and monitored for compliance?

Enver ERDOGAN: From the outset I think it is important to understand that individuals also have a responsibility, so the individuals that are doing that work have that onus on them. But I think your question is a really good employment law question, almost, in terms of the coverage. You are right, the agency's business model may be a subcontractor model – you are talking about that really – so someone is 'self-employed' potentially. I think in the end if someone is self-employed, they have the obligation themselves. But I would say that they all share responsibility. The agency engaging should be checking the people that it engages to do work on its behalf have a working with children check, and obviously the employer accepting that person has an obligation as well for everyone working at their centre to have a working with children check.

David ETTERSHANK: So are you saying that even though the agency is not an employer, this legislation will require those agencies to ensure that there is a currency of working with children checks and that will be monitored and enforced by the worker screening unit?

Enver ERDOGAN: Yes, I think they will have an obligation to independently verify and maintain compliance with the working with children check, because if they have contracted to provide workers, I would say they are the employer.

David ETTERSHANK: I think any range of courts have found, Minister, that employment agencies are not employers. So I guess I am wondering, in that scenario, given in some childcare centres 20 per cent of the staff are agency, how that would work in terms of enforcing that. How is this worker screening unit going to know if there are contractor employees who are or are not providing that advice, and how is that going to work? Or is that going to be the responsibility of the employer in the agency? Because I do not see how this can be enforced upon agencies – as in labour hire agencies – themselves.

Enver ERDOGAN: I think the centre will have an element of responsibility as well for the people that come in to work there. But I think we need to make sure that the agency is covered. I might just seek some guidance about that. The individual obviously has an obligation under the act as well, but I think we need to make sure that, obviously, those agencies are classified in the same way employers are, because I would hate to see them avoid their responsibility. I might just seek some guidance.

Mr Ettershank, we have clarified that the employer has responsibility, so the centre has responsibility, and the individual has responsibility. My view would be that the agency has responsibility, but I think it is something to flag as well with the next tranche of reforms if there are loopholes where the agency can exclude its responsibility as an employer, because it is engaging the person to do the work. I think we need to make sure they are closed off as well. We are getting to really technical employment law here, but they are important questions of responsibility because they do go to the heart of the way the sector operates.

Rachel PAYNE: Minister, I only have the one question, and it is in relation to sector and stakeholder consultation and collaboration. Can you advise what collaboration with the sector and the Australian Childhood Foundation we can expect to see in the development of mandatory training and other improvements to the working with children check system? I am just emphasising that it is really important to hear from those with lived experience in creating some of these systems.

Enver ERDOGAN: Thank you, Ms Payne, because I know people with lived experience are really important across my portfolios. The second tranche will be led by the Minister for Children. I guess it will be a matter for her to consider who they consult in the development of that legislation, because that is where the training aspect will be looked at. I appreciate you giving a reference for one of those kinds of people. That will be one to consider.

Bev McARTHUR: Minister, do you accept that you are in this crisis because your government took no notice of the commissioner for children and young people's continual reports about the crisis they were facing due to funding?

Enver ERDOGAN: With all due respect, Mrs McArthur, I am not sure if this is within the scope of this bill. Deputy President, I think it is out of scope.

The DEPUTY PRESIDENT: Sorry, what was the question?

Bev McARTHUR: Minister, we are here because you failed to take notice of the commissioner for children and young people's continual reports that there was a crisis occurring in the monitoring of child safety in the reportable conduct scheme. Do you not accept that?

The DEPUTY PRESIDENT: I do not think that is within the scope of the bill. It is an opinion sought on why the legislation may have been put before the house, but it is not within the scope of the legislation.

Bev McARTHUR: The Commission for Children and Young People said that they were under-resourced in numerous reports. What extra funding in this piece of legislation is forthcoming to ensure the problems that occurred will be overcome?

Enver ERDOGAN: With all due respect, Mrs McArthur, I am not sure again if budgetary discussions about funding for a broader system are necessarily in the remit of this legislation itself.

The DEPUTY PRESIDENT: Mrs McArthur, this is the committee stage for this bill, which is dealing with the working with children checks, not the budget of the commissioner for children and youth. We need to stick to questions that are within the scope of this bill.

Bev McARTHUR: How much extra allocation of funds have been allocated to the working with children certificate to ensure that the problems that we have had in the past are overcome?

Michael Galea: On a point of order, Deputy President, I believe you have been very clear in your ruling on the scope of this bill, and the minister has also been very clear on what is included in the scope of this bill. I do not believe Mrs McArthur's questions are going to the scope.

The DEPUTY PRESIDENT: Mrs McArthur, your question was about additional funding for the actual working with children check. I think that is a fair enough question within the scope of the bill.

Enver ERDOGAN: Mrs McArthur, I guess we are taking immediate action to strengthen the working with children check. I understand that the Premier did make an announcement of a $42 million boost to the sector more broadly, but some of those funds are not necessarily in the scope of this bill. It is across a whole range of areas across government.

Bev McARTHUR: There is a relationship between the WWCC unit and the reportable conduct scheme, so isn't it the commission's job to pass those fundings through the WWCC unit?

The DEPUTY PRESIDENT: Mrs McArthur, can you just clarify what you are asking? I think it is outside the scope of the bill, but we will just double-check.

Bev McARTHUR: Minister, we need to be assured in this piece of legislation that the problems we have had in the past are going to be overcome. I am trying to establish how you are going to ensure with this piece of legislation that that is going to occur. Is any money changing hands? Are we just living in hope, or are we waiting for the next piece of regulatory legislation and taking you on trust?

Enver ERDOGAN: I think that is more of a statement than a question by Mrs McArthur, but I will just say that that is what we are doing today. We are taking urgent action – needed action. We have had the rapid review that was handed down less than 10 days ago. In response to that we have introduced legislation today that is the first step towards strengthening the current system for working with children checks, but the broader reforms will be in the next tranche of legislation, led by the Minister for Children, who is working tirelessly to bring further legislation to this chamber. We have announced a large package of funding that is really across portfolios, because there is a lot more work that needs to be done. We have talked about training today. We have talked about mutual recognition between jurisdictions. We have talked about cancellations for people and we have talked about further reforms about unsubstantiated claims, so I think that work is being done. It is being done with immediacy. It will be done this year in particular to introduce the next tranche of legislation, but we are taking the action that Victorians expect.

Bev McARTHUR: We love hearing all the propaganda about how we are going to make this work, but I just want to know how much money you are allocating to ensure that the working with children check is now going to be viable. If you cannot answer it, that is fine.

Enver ERDOGAN: I do not have a breakdown of what portion of that $42 million is specifically for the working with children check, but what I will say is of course a lot of that work is interconnected.

Georgie CROZIER: As I said in my contribution, the amendments that the Liberals and Nationals are proposing are about strengthening this bill and about keeping children safe. The entire amendments are looking at those various issues that I went through. Looking at the first two amendments, I move:

1. Clause 1, page 2, line 20, omit "information." and insert "information; and".
2. Clause 1, page 2, after line 20 insert –

> "(f) to make other amendments relating to the screening of persons who work with or care for children.".

I went through in detail around the mandatory training and the issues around giving greater powers to the secretary to act on issues if required and information if it is provided, which was also a recommendation of the Ombudsman – those red flags, any information like we have just discussed through clause 1of the committee stage where we highlighted and gave examples of having a look at the determination of reassessment for anyone who would pose an unjustifiable risk – and as I said, providing more information to keep children safe. That is what these amendments aim to do, but in relation to these two parts of the amendments, I would urge members to support them.

Enver ERDOGAN: I thank Ms Crozier for her amendments. The government will not be supporting them, not necessarily because of the merits but because we believe that we need to strike the right balance and do these carefully because they are quite substantial changes. That is why we have said that we do take on board the findings in that regard from the Ombudsman and the rapid

review we have had, but we need to, considering the broad ramifications they will have, take the time to get it right. Therefore today we cannot support these amendments.

Anasina GRAY-BARBERIO: I rise to respond to Ms Crozier's amendments on behalf of the Greens and would like to say that we support them in principle; we support the intention of these amendments put forward by Ms Crozier. We do want to acknowledge that even though we will not be supporting these amendments put forward by the opposition, we do appreciate the opposition seeking to hold the government to account over the catastrophic consequences of their failure to act to protect children from harm. We have not been given enough time to engage our stakeholders over this, and that is one of the reasons why –

Georgie Crozier: That is not our fault.

Anasina GRAY-BARBERIO: No, and that is exactly what I am going to lead to, Ms Crozier: that is not the opposition's fault; this falls squarely on the government and their rushed-through legislation that does not give ample time for members across this chamber to scrutinise the legislation, to engage appropriate stakeholders and to ensure that all loopholes are covered. We have not been afforded that opportunity. So even though we will not be supporting the amendments, it is not because they do not have the merits and what the Greens are looking for, it is because we have not been given enough time to go over this and scrutinise it.

David LIMBRICK: I actually concur with Ms Gray-Barberio. I also am sympathetic to what the opposition is trying to do here; however, I only received these midafternoon. We just have not had enough time to analyse them. I am also not confident that the government has the systems in place to be able to implement these changes in time, and therefore I consider that it would be irresponsible of me to support this with those facts in mind. However, I am sympathetic to what the opposition is trying to do, and I hope that the government makes some sort of commitment to looking into this and actually doing something. But I do accept the government's position that these systems are not in place and would take time to set up – I acknowledge that. But also, we have not had time to analyse this correctly and, as Ms Gray-Barberio said, consult with stakeholders. Of course that is not the opposition's fault, because we were only presented with the bill yesterday, so this is one of those things that happens with urgent bills in that people need to make decisions very quickly. There have been enough mistakes with bail laws in this state, and I do not want to risk making another one, so therefore I will not be supporting these amendments.

The DEPUTY PRESIDENT: The question is that Ms Crozier's amendments 1 and 2, which test her amendments 3 to 9, be agreed to.

Council divided on amendments:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Adem Somyurek, Rikkie-Lee Tyrrell

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

Amendments negatived.

Clause agreed to; clauses 2 to 16 agreed to.

New clause (21:00)

Georgie CROZIER: I move:

10. Insert the following New Clause to follow clause 16 –

'**16A New section 130A inserted**

Before section 131 of the **Worker Screening Act 2020 insert** –

"**130A Secretary to provide Chief Commissioner of Police with information for Law Enforcement Assistance Program**

The Secretary must provide the Chief Commissioner of Police with the following information about each person who holds a WWC clearance or who has made an application for a WWC check for the purpose of the information being included in the electronic document and records management system known as the Law Enforcement Assistance Program –

(a) the full name of the person and any other names by which the person is or has been known;

(b) the date and place of birth of the person;

(c) the gender of the person;

(d) the residential address and telephone number of the person."'.

This amendment is a commonsense approach and practical measure to link up the systems. The reason of course is that having the LEAP database and that system connected with the working with children check applicants and holders will ensure that any of those interactions that the police might come across if there is domestic violence or any alleged criminal behaviour, family violence incidents, as I said, or missing persons will then trigger warnings and provide a red flag so that it can be acted upon. I would suggest that it is a very sensible measure to help with strengthening this bill.

David LIMBRICK: I am again sympathetic to the intent of this, but I do not think anyone here really has a good understanding of the implications of this, including me. These are complex IT issues that we are talking about here and integrating systems, and I do not think that I feel comfortable supporting this going into legislation considering that it is going to be enacted probably by the end of the week. I would hope maybe that the government would come up with some sort of commitment to looking into this, because I think that it is worthwhile looking at it, but I am not comfortable enough to support this at the moment.

Anasina GRAY-BARBERIO: The Greens will not be supporting this amendment as per the previous answer given that we have not been given enough time to scrutinise it. This is not the fault of the opposition; this is the fault of the government for rushing through these urgent reforms and not allowing members of this chamber to be able to fully scrutinise the legislation before them.

Enver ERDOGAN: I thank Ms Crozier for her proposed amendment. The government will not be supporting this amendment. As Mr Limbrick and Ms Gray-Barberio highlighted, I think there are some administrative burdens, especially technological infrastructure burdens, that at this time would not be able to be implemented. Therefore the government will not be supporting this amendment.

David LIMBRICK: Could I ask the minister: would the government make a commitment to at least look at integrating these systems? Because it does sound like a worthwhile proposal. I acknowledge that it is technically complex. I worked in the IT industry for a long time, so I know it is complex, but I would at least like the government to look at this.

Enver ERDOGAN: Let me seek some guidance. But, Mr Limbrick, when it comes to technological upgrades and integration, I think it is probably a matter for the relevant ministers in terms of police and also obviously the Minister for Children going forward. I am reluctant to make a commitment around technological upgrades, especially on the go in this kind of situation. Of course we always look for agents to work closely together to get the best results in terms of children's safety, but at this point the government cannot support this amendment.

Council divided on new clause:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Adem Somyurek, Rikkie-Lee Tyrrell

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

New clause negatived.

Clauses 17 to 19 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) (21:08): 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) (21:08): I move:

That the bill be now read a third time.

David DAVIS (Southern Metropolitan) (21:08): I want to reinforce some points made by Ms Crozier about the government's approach to this bill and the difficulties that that has created. This is a very important bill. The government has let this drift. The government did not listen to the Ombudsman and consequently brought this bill to the chamber in haste, without the proper work being done on it. As we heard from a number of the crossbench, they did not have sufficient time to examine it fully or indeed to examine the various amendments that may well have been presented by others, but ours as well, to actually improve the bill. This is an important bill. The truth is the government has let it drift for three years and left children at risk, and this is completely and utterly unacceptable. We obviously support any step, including this bill today, but the process has been absolutely shocking.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Bail Further Amendment Bill 2025

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

And Katherine Copsey's amendment:

That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government commits to changes to the bill so that it:

1. does not exacerbate the risk of human rights abuses; and

2. does not result in disproportionate incarceration of vulnerable groups, including women and First Nations peoples, leading to deaths in custody.'

David ETTERSHANK (Western Metropolitan) (21:11): I rise to speak on the Bail Further Amendment Bill 2025, and I would like to start out by echoing the comments of my colleague Rachel Payne that everyone has a right to feel safe in their homes or in the streets. This is a very live issue in my electorate. A recent survey by the RACV and Neighbourhood Watch focused on how safe people feel in their homes. People in Western Metro recorded the state's lowest safety rating. They are concerned about home invasions and carjackings, as residents have been increasingly subjected to these terrifying crimes. So we are in no way discounting those people's concerns or dismissing their fears. They are entirely legitimate, and I am sure that sentiment is shared by all my colleagues in the Legislative Council. Where there is not such unanimity is how as a society we respond to these crimes and these perfectly reasonable concerns. In our view, and that of a wide cross-section of the legal fraternity, the police, community leaders and community workers, these new laws, the Bail Amendment (Tough Bail) Bill 2025 and the one before today, are reactionary responses to complex issues which will push more young people through the revolving door of disadvantage and incarceration.

The government claims its first tranche of reforms are working. The Premier stated:

> … the changes we made earlier this year … are already working. The number of bail revocations and people on remand has increased.

If the goal were to simply lock up more people, then you could say that those laws are working. However, if they are supposed to reduce crime and make our communities safer, then we have to say, as I think most of the community would say, they are not working at all. The Premier went on to say:

> … we're … bringing more prison beds online.
>
> … almost 1,000 additional adult prison beds will open … and a further 88 beds will open at Cherry Creek and Parkville youth justice facilities.

I find the Premier's enthusiasm for bringing more prison beds online quite depressing and, frankly, deeply frustrating, because evidence shows us that jailing young people does not decrease crime or enhance community safety. We are not the only state in Australia to go down the 'lock 'em up' tough-on-crime route instead of addressing the underlying factors that see young people ending up in the criminal justice system. The Northern Territory government is very big on jailing young people – very, very tough on crime. Indeed, if the Northern Territory were a country, it would have the second highest incarceration rate in the world, second only to El Salvador and well above Russia, China or the US, and surely no-one wants to be at the top of that particular ladder. The NT recently amended its youth justice laws to remove detention as a last resort for children, despite overwhelming evidence that it inflicts profound harm on children and inevitably sets them up for reoffending. But with all those bad kids in jail it must be the safest place in Australia. Well, sadly, no. There is no evidence that putting more people in jail reduces the crime rate or makes the community safer, and the Northern Territory is a case in hand.

In New South Wales we have more proof of the failure of detention to create safer communities. In 2024 the Minns government – in another example of headline-grabbing, tough-on-crime posturing trumping evidence-based policy – introduced its own reforms to its Bail Act 2013. Warned that it would increase prison populations – namely, with more vulnerable children, who are already over-represented in the justice system – and do nothing to prevent crime, New South Wales passed legislation which made it harder for children to get bail than adults. A year later the results are in: youth detention rates have increased by 34 per cent in just two years, with nearly 60 per cent being Aboriginal. Do the good burghers of Sydney feel any safer as a result? Of course not.

Every jurisdiction that has adopted tough on crime bail laws for children has seen higher rates of children detained and higher rates of reoffending, with no improvement in community safety. If people are not moved by the trauma inflicted by these policies on vulnerable, over-represented communities,

maybe the very high price tag will bring a tear to their eyes. We know that young people who end up in the criminal justice system are far more likely to experience greater levels of poverty, social and economic exclusion, family violence and housing insecurity. Of course people need to be held accountable for their actions, including children. It is not about minimising crime or its impact, but we cannot keep funnelling young people through the justice system only to spit them out into the same cycle of disadvantage that led to their offending in the first place and that will most certainly lead to reoffending. We need community-led solutions for the things that actually do build community safety.

One thing that does help and is certainly a damn sight cheaper than locking kids up is keeping them in school. I have seen this figure so many times, and it never ceases to blow my mind: it costs $7500 a day to keep a child in detention and $6000 a year to have them in school. I have spoken before about Target Zero, a program aimed at ending the criminalisation of vulnerable young people in Brimbank, Melton and Wyndham and reducing their over-representation in the criminal justice system to zero. Project 100 runs concurrently with Target Zero, with the goal of 100 per cent year 12 completion, and there is no doubt that there is a correlation between these two percentages. Foundational supports that address the drivers of crime lead to greater community safety and a reduction in crime. Better supports for schooling, drug and alcohol dependency, mental health, family violence, and homelessness – alas, we never seem to find the money, but it is blindingly obvious that these are better and cheaper alternatives to building and staffing jails – $7500 a day to detain a young person, $6000 a year to educate them.

Another cost-effective way to reduce crime in my electorate is to fund the Wyndham Law Courts precinct for its full suite of therapeutic court lists. It will be to the detriment of the whole community if Wyndham opens without them. The government committed to a range of therapeutic courts, including a drug court and a Koori court, in the 2021 budget, but it is unclear whether these specialist courts will ever be resourced, despite being cheaper to run than mainstream courts and effective in reducing recidivism.

It is profoundly depressing that these amendments will pass and become law, but at least we knew that we were in for it this time around – it is no less disappointing, however. These new measures will not make the community one jot safer. To quote that most eloquent of American baseball players Yogi Berra, 'Oh no, it's deja vu all over again.' I like the irony of that quote given this legislation introduces a second-strike rule, a whimsical coincidence in this discussion but a tragedy for the marginalised communities who will be traumatised by that rule and the consequent uplift provisions. We need to stop seeing this as a binary issue – tougher policing and harsh justice versus therapeutic and restorative measures.

For all the shrill headlines about youth crime wave epidemics, we are talking about maybe a couple of hundred kids who are recidivists and who are generally known to the police. I might add that I am very heartened by the fresh approach to policing that our new Chief Commissioner of Police is seeking to bring to the force. In the past we have seen police taskforces established to deal with these particular cohorts instead of passing sweeping laws that disproportionately impact upon a broad swathe of vulnerable people, but perhaps those sorts of solutions do not lend themselves readily to pithy, biting sound bites.

My colleague has circulated an amendment to include a sunset clause in the bill to review the high degree of probability test after three years, and we will support further amendments requiring additional safeguards for vulnerable and over-represented groups. We do not support the government's bill. There are effective and proven ways to reduce crime and keep communities safe. The bill before us today contains none of these.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (21:20): I am pleased to rise to speak on the Bail Further Amendment Bill 2025. We have discussed this matter a number of times in this place, and I think this is a part of our government's commitment to strengthening the bail laws so that we are tough

on crime, because every Victorian deserves to not only be safe but feel safe. We as a government are also proud of our record of being tough on the causes of crime. If you read the second-reading speech by the Attorney-General, you will see that we are a government that is committed. I know my portfolio is on people's ability to rehabilitate and successfully reintegrate through wraparound support when they end up in a custodial setting. We are also committed to preventing people from coming into contact with the justice system in the first place, and that is why we run programs from early childhood education through to education and through to TAFE, and also in health and mental health. We have programs across government that are all focused on keeping the community safer, because we know when we invest in people we have better outcomes and better communities and stronger, safer lives.

This bill today is a targeted bill that is focused on some of the worst types of offending – offending that the community is rightly outraged over. We see that with the targeted amendments to bail law. I do take issue with Mr McCracken's comments. I do recall during his contribution he said that this was just Victoria getting up to speed with New South Wales. I take issue with that, because we would say that our bill is tougher than New South Wales because theirs is a temporary measure whereas ours is a permanent change to the Bail Act 1977. I would also say that their amendments only make changes to the way the high degree of probability test is applied to young people or children; our test applies to adults also. From that point of view I would say that our high degree of probability test is not the same as New South Wales – it is markedly different in that regard – but I am sure that will be debated through the committee stage, and that debate is important to have.

I know there have been a number of amendments circulated across the chamber in relation to this bill. I think the bail bill is about strengthening and targeting key parts of legislation that we said we would do earlier this year as part of our commitment to keeping the community safe. I do want to say this is about community safety from the criminal justice perspective, but for us as a government, safety is part of the whole-of-government effort. When we talk about gambling harm, when we talk about mental health and when we talk about investment in skills and training that is all about community safety as well, and that should never be forgotten.

This bill will introduce a tough new bail test and make it difficult for people who are out on bail and charged again with serious offences that we know are likely to be repeated on bail. I have seen it raised quite a few times during the debate, and again I want to thank everyone across this chamber for their thoughtful contributions. I did not agree with all of them, it would be fair to say, but they were thoughtful and there were different viewpoints – the kinds of viewpoints that I do see across the community. It was a good reflection of the different views in relation to justice settings. We do know that with issues such as aggravated burglary, robbery, home invasion, aggravated home invasion, carjacking and aggravated carjacking there seems to be a pattern where these are serious offences and there are repeat offenders, and that is the target. This is not a blanket bill, as the opposition would have us do. This is targeted at what we are seeing repeated, and it is evidence based.

This is one of the strictest bail tests in the country, and it sends a clear message: if you continue to pose a serious risk to the safety of Victorians, you are unlikely to get bail. The bill also introduces a second-strike rule. This means that those who allegedly commit indictable offences on bail are subject to a tougher bail test, where they must provide compelling reasons to justify bail. This new rule will be subject to carve-outs to ensure those charged with some low-level nonviolent offending are not remanded unnecessarily. I think that is important.

In bringing this bill today I can say the Attorney-General and Minister for Police did deliberate at length on getting these settings right and trying to strike that right balance. I know there has been a lot of commentary about the amount of times in this chamber we have had a chance to review bail settings, but I think that is a reflection of the complexity and the need to strike the balance in this area, because one way or the other, you can have quite dire consequences for people. That is what we are about: making sure all Victorians are safe.

The bill also outlaws monitoring of people on private bail. I think that is important. It is an issue that has obviously had a lot of public interest, and we are addressing that. These reforms are strong, they are necessary, but they are also proportionate. This is bail reform that prioritises community safety and ensures that the most serious and repeat offenders are held to account and not vulnerable individuals caught up by disadvantage. I know some of the discussion has been about the double-up provisions that have been in the past. It is not the same as that. This is very, very different and much more targeted. We are being tough on that repeat high-level offending. If you read the second-reading speech, you will see that the Attorney-General has considered all aspects of addressing the needs to address the causes of crime as well as the criminal behaviour. Here we are targeting those repeat serious offenders, that criminal behaviour and that criminal element that the community has really had enough of, which as a government we are seeking to address through these amendments to the Bail Act.

In that regard, I might just leave my contributions there, because I am expecting we will have a long and considered committee stage. Again I just want to thank everyone. I want to commend the bill. I hope that we can pass this bill without any amendments to the government's legislation – to the Attorney-General's legislation that she has brought here – because it is well considered and balanced.

Council divided on amendment:

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

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendment negatived.

Motion agreed to.

Read second time.

The PRESIDENT: Before we go to committee, I have considered the amendments on sheet JMC03C circulated by Mr McCracken. In my view, amendments 1, 4, 5 and 6 are in contravention to the same question rule as they are the same in substance as amendments proposed to the then-titled Bail Amendment (Tough Bail) Bill 2025 and less than six months has lapsed since the house has considered that bill. Mr McCracken may seek leave for a motion to suspend standing orders to enable the offending amendments to be considered in the committee of the whole.

Joe McCRACKEN (Western Victoria) (21:34): I move, by leave:

> That standing order 7.06 be suspended to the extent necessary to allow amendments 1, 4, 5 and 6 on sheet JMC03C to be considered during the committee of the whole.

Leave refused.

Committed.

Committee

Clause 1 (21:35)

Joe McCRACKEN: Minister, why is the commencement of this bill set to take place on 31 March 2026?

Enver ERDOGAN: I think it is clear in the bill that that is the default commencement, but there are powers to be able to bring it forward. I think it is about system readiness. We know these changes are quite significant. They are the toughest bail laws in the country, which will mean changing practice,

in particular when it comes to law enforcement, changes in court systems and also making sure we can safely ramp up our corrections system.

Joe McCRACKEN: You said that could be the very latest. Does the government have an intent to do that earlier than 31 March 2026?

Enver ERDOGAN: I think it is a clear objective of the government to enact these provisions and bring them to fruition as early as possible. There may be elements that will be able to be brought forward, but in terms of the whole bill, obviously that option exists for 31 March 2026. In terms of some of these tests, if we can bring it forward, we will. That is our intention, when the system is ready to do so, in a safe way.

Joe McCRACKEN: You have brought this to this chamber as an urgent bill, yet the implementation at the very latest is going to be 31 March 2026. Would you concede that that seems a little bit at odds with the intent? You are saying it is urgent, but it is going to be delayed by implementation. Doesn't that seem a bit strange?

Enver ERDOGAN: The last bill was urgent. This one is not urgent.

The DEPUTY PRESIDENT: Mr McCracken, the last bill was the urgent bill. This one has not gone through as an urgent bill. It is getting late, we understand. Do you have another question, or do you want to rephrase that question?

Joe McCRACKEN: I do. Thank you for correcting me there. Does the government have a date in mind when they want to see this bill implemented, earlier than 31 March 2026? I respect that the minister said they intend to do it as soon as possible. Is there some sort of date that you are aiming for?

Enver ERDOGAN: The legislation has 31 March 2026 as the default commencement, and that is quite clear. I do see the urgency in relation to this bill, although it is not an urgent bill – the last bill was. I think community safety is always a priority for government. We want to do it in the safest way possible, so it is always dependent on system readiness in terms of the courts, law enforcement and our corrections system. We will look, if possible, to bring elements of it forward, but clearly the whole package will be ready by 31 March 2026.

Joe McCRACKEN: I will move on. In the new section 4F, where a person commits a crime, the six crimes are armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking or aggravated carjacking. The high degree of probability test will basically compel a bail decision maker to find the risk unacceptable unless the test is met. Why has the government decided that it only applies to those six crimes?

Enver ERDOGAN: I want to thank Mr McCracken for that question. I think it is a really good question. From the Attorney-General's office and as a justice minister, we can see that they are offences that are inherently dangerous, all of them, and there is significant community concern, and it seems that there is a pattern: people that are bailed on those offences seem to reoffend with those offences. That is why we had to introduce this new high degree of probability test as part of the unacceptable risk test to ensure that the people who commit those six offences effectively face this new highest test, because they are the ones that the evidence shows are being repeated. We said that this was targeted at repeat high-level harm, and these seem to be the offences that the data shows are being repeatedly committed and are causing significant harm and concern in the community. Victorians are rightly outraged by some of these incidents we have seen. I noticed during their contributions many members talked about what they have heard and seen at local IGAs and what they have seen with a lot of the incidents at people's homes. Victorians deserve to be safe, and that is why we have tried to target it at what we are seeing, and the response is this high new test for those six offences that are creating the greatest concern.

Joe McCRACKEN: So if a person is on bail, let us say, for carjacking but they then go out and commit dangerous driving, they would not be captured by the high degree of probability test – true?

Enver ERDOGAN: Yes.

Joe McCRACKEN: Wouldn't it be fair to say, though, that dangerous driving is within the same sort of realm of dangerousness, community harm or risk as carjacking?

Enver ERDOGAN: With carjacking, especially because it involves a direct threat to a person, I understand that they are still subject to an unacceptable risk test. They would not be subject to the high degree of probability test, but they may be pushed up to the exceptional circumstances test, which is still a very high threshold to meet. But they would not be covered by the high degree of probability test, because the high degree of probability test is limited to those six offences.

Katherine COPSEY: Minister, how does the government reconcile the ethical and cognitive dissonance of moving forward with treaty, which recognises and affirms Aboriginal self-determination, in the same week as enacting these regressive bail laws that evidence shows, and experience has already shown from tranche 1, will disproportionately and negatively impact Aboriginal people?

Enver ERDOGAN: Ms Copsey, that is a very good question. As a government we have reaffirmed that we are proceeding with our treaty legislation, and it will be a historic moment this week when the Premier will get to speak in Parliament about our commitment and our acting on our commitment to be the first jurisdiction in the nation to have a treaty with its First Peoples. We are one of the few jurisdictions in the Commonwealth that does not have a treaty with our First Peoples, so I think that will be a very historic moment.

Right here in relation to what we are talking about, this is about alleged criminals and the bail setting as part of the broader network of the criminal justice system. We know that Aboriginal people are over-represented in the criminal justice system, and that is as a consequence of outcomes before people come in contact with the criminal justice system. In our government the Attorney-General has worked tirelessly to try and strike the right balance. These reforms are not easy. To avoid disproportionately impacting Aboriginal people we have included specific carve-outs to our uplift provisions to exempt offences at the lower level that are nonviolent and what we would say are all linked to crimes of poverty and disadvantage. It is a difficult balance, and I believe the Attorney-General has struck the right accord. But as one of the justice ministers – I am not resiling from that responsibility – I, the Minister for Police and the Attorney-General all do work collaboratively in partnership with the Aboriginal Justice Caucus and regularly attend Aboriginal justice forums where we do meet with the Aboriginal community. Some have expressed concern – significant concern – over this legislation. But at the same time you would understand the criminal justice setting is for all Victorians. We have tried to carve out where we can in terms of the considerations, and we have made sure to avoid a return to the unnecessary double uplift settings of 2018.

Katherine COPSEY: I just want to follow up a couple of things. You spoke about disadvantage leading to people having contact with the criminal justice system. That is certainly true, and we all acknowledge that. But another way that our criminal justice system continues to be racist in its operation is by enacting laws that we know from past experience will have a disproportionate impact on First Nations people. The government here is repeating mistakes of the past, so it is not fair to say that it is just disadvantage factors; the laws that you bring to this place and enact really have a huge impact on how many people get swept up and drawn into our criminal justice system. In relation to your comments around ongoing engagement with bodies like the Aboriginal Justice Caucus, they have been absolutely clear in their request to the government to not proceed with this tranche of bail laws. Why are you ignoring them?

Enver ERDOGAN: I think our government has a strong commitment to the Aboriginal justice agreement and working with Aboriginal partners in relation to criminal justice settings that do disproportionately affect Aboriginal people. I know the Attorney-General has worked tirelessly to provide carve-outs that recognise the disproportionate effect that we are trying to avoid. It is a fine

line, but we will ensure that we do treat serious repeat offending with a gravity commensurate with the impact on the community and on victims as well. We understand that some of these high-level offences that we are focused on do have quite significant impacts on victims, and we have tried in the drafting of this legislation to mitigate those risks to Aboriginal people. So I do disagree with the premise of parts of your question. I think some of them were definitely valid, but for other parts I would disagree with the premise. We always continue to speak with Aboriginal partners; I would not say 'stakeholders'. We are always speaking to them and getting feedback, and that is right. Part of that partnership means that at times we do disagree on where the settings should be, and this is clearly one of them. Law reform is difficult.

I know that the police minister and the Attorney-General attended the most recent justice forum. It is my plan to attend the Aboriginal Justice Forum in November, and obviously there will be some issues we agree with Aboriginal people on and our Aboriginal partners on, because we do work closely with them and we rely on them because we know we get better outcomes when we work with Aboriginal people. Sometimes on where some of the settings should be we do not necessarily agree, but we have tried to make changes that provide carve-outs that do not capture that kind of low-level crime that has been the biggest concern for getting people into custodial settings unnecessarily. But we are not returning back to 2018 settings; I just want to be clear on that.

Rachel PAYNE: Minister, the Victorian government's allocation of $727 million to expand prison capacity also included 88 additional youth justice beds. This is compared to a 46 per cent reduction in funding for youth crime prevention programs. In 2023–24 it was $24 million; in 2024–25 it was reduced to $12.9 million. How does the government justify this shift towards a punitive approach over evidence-based early intervention, particularly when such measures may disproportionately impact over-represented cohorts and exacerbate long-term social harms?

Enver ERDOGAN: In my summation of the bill I said that we are a government that is being tough on crime and on alleged crime, in this case when it comes to bail, but we are also tough on the causes of crime. I would say that a lot of our investments might not just show up at the end of the criminal justice process, because we want to see people avoid the criminal justice process. It might not be shown in terms of youth justice or in adult correction systems, but a lot of those investments to prevent young people and people of all ages and all backgrounds making contact with criminal justice system are made across other service provisions that the state makes. That is why we invest in early childhood education. That is why we invest in primary and secondary education and obviously skills, training and TAFE. We are proud of that record, including for mental health and health, because it is all about ensuring that people have a protective factor so they avoid contact with the criminal justice system. It is not either-or. I feel like we need to do both, because when people have caused significant harm, they do need to be held to account for those actions. I always say corrections is at the end of that process, and we in corrections have an obligation to support people in their rehabilitation, because that will make us all safer into the long term. Again, I cannot agree with all aspects of your question. I think hopefully I have been able to answer some of it.

Joe McCRACKEN: I just want to return to the six crimes that we were talking about before in terms of the application of the high degree of probability test. What was the criteria the government established in choosing those six crimes?

Enver ERDOGAN: I think it is clear that the new high degree of probability test has been carefully calibrated to target repeat offending in relation to high-harm offences. This is evidence based. These six high-harm offences are more likely to be committed while on bail and involve randomly chosen victims, which the community is rightly concerned about. It is evidence based. We have looked at what is being repeated, and that is what we are seeing.

Joe McCRACKEN: Minister, with the greatest of respect, I am asking for what the criteria was. Did you have a criteria?

Enver ERDOGAN: I think when we set out to make reforms to bail we always said they were going to be targeted at high-level repeat offending. These six fit that criteria, and they are causing big community concern.

Joe McCRACKEN: We talked a little bit before about a carjacking incident and how if a person goes and commits dangerous driving that would not be captured in the test. Wouldn't it make sense to group similar sorts of crimes? What I put to you is that if a person is out on bail having committed, let us say, carjacking, there is a propensity that they may commit a similar sort of offence; whether it is dangerous driving or whether it is theft of a car, they are similar sorts of crimes. I note that they are not exactly the same, but wouldn't it make sense to group similar sorts of crimes like that because they are related? I put that to you: why are they not included?

Enver ERDOGAN: I think Mr McCracken has asked a really fair question. Carjacking is a more serious version, I guess, of a car theft. That is clear because it involves a person and is inherently riskier. So we have tried to group together what we call the riskier to the person offences that are repeated, and these are the six that we are seeing that are creating the greatest concern. I think the theft of a car, although it may be a similar offence, does not have the same level of risk and danger that these six provide, because they inherently interact with people. That is why we are focused on these six. I guess at some point you do need to draw a line with what you categorise for this. This test is a tough test, understanding that it will make it very tough for people to be granted bail. But I think they are considerations that bail decision makers will need to consider, because they are similar, not the same, and bail decision makers will still rely on the unacceptable risk to the community. With some of these, where it is a repeat offender, they may be elevated to the exceptional risk reverse onus test, which is quite tough as well. I think bail decision makers, on a case-by-case basis, will still have those tools. The high degree of probability in the example you gave would not apply, but there will still be tough tests for them to satisfy a bail decision maker, and we feel that is important to limit this targeted approach to these six.

Joe McCRACKEN: A lot of these situations, as you quite rightly say, Minister, do rely on circumstances. One could quite rightly argue that carjacking is incredibly risky, but that is not to say that dangerous driving is not equally as risky or sometimes even more risky. You do not just put the person who is driving the vehicle at risk; there are many other road users that could be at risk, and that could cause fatalities, but a carjacking may not cause a fatality. So again, the question is: the government includes carjacking as a repeat offence, but a similar sort of offence like dangerous driving is not included and is not captured by the test. Why?

Enver ERDOGAN: I think what we are seeing is that these are the offences that have been the most common kind of repeated offences, and it is about being proportionate. The circumstance that you gave is a really good one for a bail decision maker to make that assessment. There will still be a high test because it is repeated and it is dangerous. That is why a bail decision maker will be able to make a determination based on the high test but not necessarily the high degree of probability test, because these are very specific and targeted to these circumstances.

Joe McCRACKEN: Minister, you spoke about the high degree of confidence test in New South Wales. You are obviously aware of that test.

Enver ERDOGAN: Yes, I am.

Joe McCRACKEN: The high degree of confidence test from New South Wales, would it be fair to say that is reasonably similar in nature and operation to the one that is being proposed in the legislation here?

Enver ERDOGAN: Yes.

Joe McCRACKEN: Is there a difference at all, from your understanding?

Enver ERDOGAN: I did look at both pieces of legislation before today. I guess the way we have implemented it is as part of the unacceptable risk test. It is just the way our Bail Act 1977 is drafted and based on the best advice the Attorney-General had. The actual test that is being applied is the same test, but I say it is tougher because we do not have a sunset clause and we do not apply it only to children – it is also applied to adults. The New South Wales one initially was time limited – obviously they have extended it since – and its application was only to young people or children. Ours applies to adults as well as children, so we say our test is tougher.

Joe McCRACKEN: I would only contend that it is a tiny, tiny, little bit tougher, Minister, but you are the minister, not me. But it would be fair to say that the test – and I know many government members have said this as well – brings Victoria into line with New South Wales in terms of the robustness of the test. Would that be fair to say?

Enver ERDOGAN: Yes. The wording of the test, that is right. The wording of the test and the application will be up to bail decision makers, but we envisage that will be applied in a similar manner.

Joe McCRACKEN: The substance of the test is, as you say, Minister, pretty much the same as that of New South Wales. You are just saying the application of that test is applied more widely than the New South Wales test is, and that is how you make the claim it is tougher. Is that a correct understanding, from my point of view?

Enver ERDOGAN: Yes, it is tougher because it has a broader application. One is only applying to minors. This is applying to adults as well, so it is tougher by default – it impacts a greater amount of people. It also does not have a sunset clause; therefore it provides certainty going forward. It does not automatically disappear. It is there to stay.

Joe McCRACKEN: I will move on from that line of questioning. Thank you for confirming that it is the same robustness as New South Wales; it is greatly appreciated.

Business interrupted pursuant to standing orders.

Gayle TIERNEY: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 hour.

Joe McCRACKEN: Clause 9 inserts new section 4AA(4A), which outlines new circumstances for the show compelling reason test, which includes indictable offences where somebody is on bail. Why doesn't that include any summary offences?

Enver ERDOGAN: I think this is a reflection of community concern. Victorians are worried in particular about violence, and that is what we are trying to focus on here. We were very clear from the outset that we would not return to the unnecessarily harsh double uplift in the settings of 2018, so our approach is about being proportionate. Someone who commits an indictable offence on bail will only ever be subject to the compelling reasons test. So we think it is proportionate and fair. That is why we have gone to this.

Joe McCRACKEN: Offences contained in schedule 4 will not be subject to the show compelling reason test even though they are all indictable offences. Why is that the case?

Enver ERDOGAN: My answer will be similar to the answer to the previous question: that we were aiming at a proportionate response, and we felt that this was what was proportionate and fair in the circumstances and we did not want a double uplift, so therefore people will only be elevated to compelling reasons in these instances.

Joe McCRACKEN: Again, Minister, some of these crimes are associated with organised crime, such as dealing with the proceeds of crime, amongst others. Why does the government want to exempt those from the show compelling reason test when in actual effect they could have a larger risk for the community than some of the other indictable offences?

Enver ERDOGAN: I think if someone is involved in organised crime – say, drug-trafficking type offences – they would be captured, because they are quite violent crimes. But I think the goal here has been to take out nonviolent crimes, because we know that the community concern is greatest about violent crimes. Of course we are serious about taking on organised crime, and that is why we have got tough penalties, whether it comes to drug trafficking or in Victoria in particular some of the tobacco-trafficking offences we are seeing. But in particular we do have a carve-out for nonviolent offences because the community concern is greatest about violent offences, and that is where we have focused this legislation.

Joe McCRACKEN: I do not have too many more questions, so I will make sure this is good. My same question applies to the schedule 5 offences. Some include the theft of a motor vehicle. I know carjacking is included. It is quite possible that a person can be carjacked and their vehicle stolen, yet that is not applicable to the show compelling reason test. Why is that?

Enver ERDOGAN: Mr McCracken, I know that usually I am the person supposed to be answering the question, but I just wanted to seek your clarification, because schedule 5 is a carve-out with a threshold. Can you just clarify that question a bit more?

Joe McCRACKEN: It was the same thing that I was saying about schedule 4. They are not subject to the show compelling reason test. So basically, the theft of a motor vehicle is not subject to the show compelling reason test, even though, for example, you could have your car being carjacked and effectively you would have it stolen as well. Why is that not subject to the show compelling reason test? That is my question. Does that make sense?

Enver ERDOGAN: Obviously if it has been carjacked, then it would be covered by the uplifts in this legislation. But the lesser charge, when there was not a carjacking, of car theft – with a lot of these provisions it is about, with some of the exceptions to the uplift provisions in schedules 4 and 5, reducing the risk of remanding people unnecessarily. We have had to make a balance to make sure that the laws are proportionate and fair, and we have settled on the fact that some of the exceptions are required. If someone is committing a theft of a motor vehicle co-occurring with dangerous driving, then that is now part of schedule 2, so it depends what offence you are specifically talking about. But more broadly, some of the exceptions to schedules 4 and 5 are to reduce the risk of remanding people unnecessarily.

Joe McCRACKEN: I have two more questions. The specific crime that I am talking about is theft of a motor vehicle, which is contained in schedule 5. It is quite possible that someone gets carjacked, which is using violence, as we all know, to take possession of a car, and then that car is stolen as well. It could be dumped somewhere. But the person who was the original owner does not have ownership of it anymore. It is stolen. It is possible that those two things can happen. The question I was really getting to is: why isn't the theft of a motor vehicle, which is the crime that I am talking about, not included in the show compelling reason test?

Enver ERDOGAN: I think it is a slightly confusing question. But what I will say is if someone is involved in the carjacking, then they will be obviously treated to a tougher test. Car theft is something that we have addressed as part of tranche 1, where it co-occurs with dangerous driving, so it depends on the circumstances of the car theft. Car theft with dangerous driving is treated as a schedule 2 offence and does get uplift. Car theft on its own, by itself, would not be subject to the uplift provisions. Let me seek further guidance, if it assists you.

I was just getting some clarity on the theft of a motor vehicle. I think it is clear that if you are out on bail and you commit a theft of a motor vehicle, then it is uplifted to compelling reasons. If you are not on bail and you commit the theft of a vehicle, unless it is co-committed with, say, dangerous driving, it is not uplifted. So it is not carved out, if you may say that. There are carve-outs, but some of those carve-outs are for theft under $2500, forgery, public nuisance. So there are other offences that are carved out, but theft of a motor vehicle is not carved out.

Joe McCRACKEN: My last question is a different topic, electronic monitoring. Who do the government have in mind as the prescribed entities that they envisage might undertake these monitoring activities?

Enver ERDOGAN: We do not have someone in mind at this moment, so to speak. But I think in future, if there were someone to come forward, then regulations I guess would be able to be put in place, if they met the criteria to be able to provide this service. But there is no-one specifically in mind.

Joe McCRACKEN: I am sorry to take longer than I need. I did not mean a specific business or something like that. I just mean: what is the nature of these prescribed entities? Are you trying to say private organisations outside of the remit of government? It is not agencies and those sorts of things, it is completely separate from government – that is what I am trying to get at.

Enver ERDOGAN: I think it is important to understand that in the landscape currently we do have this kind of electronic monitoring. We provide it for people. We have got people on parole, people complying with community corrections orders. But in terms of private electronic monitoring of bail, we are just making it permissible for regulations and later prescribed entities. We do not have plans to do that, but I guess some of them could be private companies. It could potentially be them that could qualify for it, yes. We do not have anything in mind at the moment, but if someone came across and said, 'We want to do this,' there may be a discussion to be had. But right now we do not have any plans to do any of that.

Georgie PURCELL: Minister, given that people with unidentified disabilities are even less likely to overcome barriers to bail and are not covered by consideration under section 3AAA, what safeguards will be included in the bill to ensure that bail decision makers have an obligation to inquire into potential disability so that appropriate decisions are made and supports provided?

Enver ERDOGAN: Thanks, Ms Purcell, for that really important question. In every bail application the bail decision maker must consider all relevant surrounding circumstances, and 'surrounding circumstances' includes but is not limited to the list of factors in 3AAA of the Bail Act, and that includes special vulnerability, such as a disability – physical or intellectual or cognitive impairment. But there are also non-legislative supports that exist in court settings, and I think that is important to understand. Duty lawyer services, such as provided by Victoria Legal Aid – and anyone that has gone to some of our suburban courts will have seen the important work that the VLA does. I want to give them a shout-out, because they do really important work on the front line. We have a court integrated services program, which can provide bail support, and we also have Forensicare, which can assist courts in identifying accused persons with mental illness. So there are existing supports, but you are right, at a certain stage there is a person that needs to highlight the issue.

Georgie PURCELL: The government is pushing ahead with bail reforms that will inevitably hit people with intellectual disabilities and acquired brain injuries the hardest. Corrections Victoria has found that more than four in 10 men and one in three women in prison have an ABI, compared with just one in 25 in the general community, and the Auditor-General has confirmed the department of justice still does not even know how many prisoners have these disabilities or what supports they actually need. What safeguards and resources will the government put in place to prevent the proposed bail reforms from further entrenching this disproportionate impact?

Enver ERDOGAN: We accept that factors such as intellectual disability and acquired brain injury do make an accused more vulnerable. Bail decision makers must already take into account any special vulnerability, including a disability such as a physical or intellectual disability or cognitive impairment. In addition, when a bail decision maker is considering granting bail or imposing bail conditions they also must consider any support services that can assist an accused to comply with their bail undertaking, such as services specifically supporting people with an intellectual disability or an acquired brain injury. Putting my corrections minister hat on, I will make the point that corrections does not get support from NDIS, so therefore in those settings it is obviously up to us to support. But

in the custodial space we also have programs and services that seek to address the needs of people with cognitive disability in prison and prepare them for reintegration into the community. So there are safeguards and resources, but I do understand that it does make people specifically vulnerable.

Katherine COPSEY: Will the government be expanding the Koori Court to hear bail applications?

Enver ERDOGAN: Really good question, Ms Copsey. I do not have an announcement on this, but I know that the Attorney-General is obviously speaking with the Aboriginal Justice Caucus on this and it is something that she is working on.

Rachel PAYNE: Coroner McGregor noted in his findings on Veronica Nelson's coronial inquest that:

> Short periods in custody are destabilising and often serve to exacerbate issues underlying the person's alleged offending by producing loss of housing, work or income, the breakdown of relationships and support networks, and disrupted access to treatment and other services.

These outcomes are contrary to rehabilitation and adversely affect the underlying social issues that drive offending. What is the evidence-based policy that the government has relied upon that supports incarceration as a more effective pathway for addressing the underlying causes of alleged offending?

Enver ERDOGAN: I think as a government we accept that remand or incarceration even for a short period can have a dramatic destabilising effect. In drafting this bill, as with the one in March, it was about the balance between competing interests here. We have the accused's right to liberty against the very real threat posed by some high-harm and repeat offenders. That is what is really competing here, and obviously we have said for some of these offences a tougher test is appropriate. The balance is not easy to strike, because we do know that there is a big destabilising effect entering into custody. I think some of the carve-outs that the minister has put into this bill around pregnant women, for example, are good ones that are about addressing the destabilising effect that incarceration can have.

Georgie PURCELL: Evidence shows that time in prison does not address the underlying causes of a person's alleged offending, which is often related to health issues, financial stresses and poverty, unstable housing and homelessness. The best way to curb offending and improve community safety is to invest in community-led support for people to address the underlying causes of their offending behaviour. What is the government doing to invest in these programs?

Enver ERDOGAN: I said in one of my earlier answers that we are a government that is proud of our record of being tough on some of the causes of crime and also supporting people with protective factors such as engagement in education. That is why we have invested in early childhood; that is why we have invested in primary and secondary schools. We are talking about protective factors. We are a government that is investing in people through TAFE and employment pathways and cheaper health care for families and support for school camps and excursions. Today we were talking about the $100 energy rebate to help with rising energy bills. But it is about being tough on the causes of crime as well. We do understand that they are disproportionately people from low socio-economic backgrounds – that is just factual – and disadvantage. The best outcome is for people to avoid contact with the criminal justice system, so I would say all the social supports we provide are in many regards prevention-of-crime measures. Obviously the criminal justice system is really the pointy end. It is usually when something has already gone horribly wrong.

Katherine COPSEY: The *Yoorrook for Justice* report made specific, detailed and reasonable recommendations, Minister, for amendments to the Bail Act, which would have reduced contact with the criminal legal system for Aboriginal people and protected Aboriginal lives from further deaths in custody. Minister, why is the government ignoring these recommendations and instead advancing these laws, which will make the state a far more dangerous place for Aboriginal people?

Enver ERDOGAN: I think the bill has been carefully designed to avoid the mistakes of the past, and that is why we do not have the double uplift that we saw in 2018, but we do acknowledge that the

past bail system and the criminal justice system have had devastating consequences for Aboriginal people. That is why there are a number of elements that are about providing safeguards in the reform and carving out offences from our second-strike uplift, especially for nonviolent offences that are driven by poverty and disadvantage. Let us be clear: this is a tough bail test, especially with the high degree of probability test, but it is targeted to high-harm repeat offences and it is not to punish poverty or disadvantage or the Aboriginal community.

Rachel PAYNE: Minister, in 2010, section 3A was inserted into the Bail Act as a special measure under the charter to recognise historical disadvantage leading to the over-representation of Aboriginal people remanded in custody. Since when was defending the luxury items of people in certain suburbs more important to the government than correcting historical and systemic colonial injustices?

Enver ERDOGAN: Ms Payne, I disagree with that characterisation. I think everyone, irrespective of their socio-economic position, deserves the safety and protection of the law, and I think our government has proven that in our record for over 20 years. We have an Aboriginal justice agreement in Victoria – it was the first of its kind – and we are now going to the next iteration. It is all about making sure that we continue to invest in programs that do make a difference and making sure people do not come into contact with the criminal justice system in the first place. I think we have to be fair, but there is a balance here about the safety and the rights of victims of crime as well that we are trying to strike. I think the Attorney-General has done a great job in striking that balance by targeting the offences for the high test.

Georgie PURCELL: Australia has endorsed the United Nations Declaration on the Rights of Indigenous Peoples, and Victoria has an obligation under it to consult and cooperate in good faith with Aboriginal people to obtain their free, prior and informed consent before adopting laws and policies which will impact them. Why is the government ignoring Aboriginal people's right to free, prior and informed consent in adopting this bill?

Enver ERDOGAN: The government always consults with stakeholders but also partners so that we can work on this law reform. It is difficult work. It is a challenge because, as I said, you have got competing interests here. I would say that we have had broad consultation, and sometimes some of our partners and we as a government do not necessarily agree on the best way forward, but I think the Attorney-General has tried to focus here on making sure we target the high-level repeat harm we are seeing in the community, because that is what Victorians expect. I disagree that we ignore Aboriginal people's right to free and prior informed consent in this bill. It is difficult whenever you make changes like this, but they are really targeted and we are not trying to target disadvantage – we are trying to target the high level of harm and the high repeat level of harm being caused.

Katherine COPSEY: Statutory amendments to the Bail Act that were enacted in 2017 and 2018 following the Coghlan review were intended – it sounds so familiar now – to enhance community safety by making access to bail more difficult for violent offenders, but the changes made it more difficult for all people to access bail. What they in effect meant was that Aboriginal people, and particularly women, were disproportionately affected by those laws. Between 2015 and 2019 the number of unsentenced Aboriginal and Torres Strait Islander people held in Victorian prisons tripled. In that same period the imprisonment rate of Victorian Aboriginal and Torres Strait Islander adults doubled. What features of this current bill are designed to prevent this outcome from happening again?

Enver ERDOGAN: It is a really good question. I think what we had then obviously in 2018 was a double uplift, and we saw the horrific consequences of that. But I think also caring responsibilities and pregnancy being explicit added an important protective factor. As Minister for Corrections, I do also see the statistics, and we have already seen in the last two months an increase in the amount of Aboriginal people in custody. As a proportion of the Victorian population, Aboriginal people continue to be over-represented. I am not going to pretend that has not occurred – it has – but we have carefully tried to mitigate those risks through these carve-outs, with the existing mechanisms such as section 3AAA and the carve-outs for pregnancy and caring duties, and also to make sure these uplifts

are not applied to lower level offending, repeat offending, which, as I said, has had tragic consequences in the past. We have tried to implement all those safeguards from the lessons learned from the past, but I am not going to pretend and say that we do not have a disproportionate over-representation of Aboriginal people in custodial settings, because we do. I am the Minister for Corrections.

Rachel PAYNE: Due to the increasing number of untried and unsentenced people in custody, the use of degrading practices like solitary confinement and routine lockdowns is widespread in Victorian prisons. I know I and many of my crossbench colleagues have raised this in this place before. Why then has the Attorney-General failed to assess the impact of this legislation on people's rights to humane treatment when deprived of liberty and to protection from torture and cruel, inhumane and degrading treatment under the Victorian charter of human rights?

Enver ERDOGAN: I do reject the premise of this question. That is why we are taking the time to scale up accordingly in the safest possible way. From time to time there are lockdowns for the safety and security of staff but also those in custody and our service providers. But the majority of the additional funding is about ramping up in the safest possible way to make sure we have got staff in the right posts and the right services in place, and we need to be careful to get that right. We always try to keep lockdowns to a minimum. I know, for example, out-of-cell hours in Victoria are still above the national average. Of course we always aim to be better, so I am not disregarding that. I think these are operational decisions, and in implementing these laws I think the additional funding will assist us in making sure we have the most modern and effective system possible. The most humane system possible is also a goal of mine. Obviously at times we can do better, and we are aiming to always do better, but we are already above the national average when I compare us to any other jurisdiction. We have already made significant investments to make these custodial facilities as safe as possible, with new health providers and with the physical infrastructure as well, such as trauma-informed reception centres and healing units. But there is obviously more we can do. So I do reject the premise of your question. I think we are focused on trying to have the most modern, effective and humane system in the country.

Georgie PURCELL: Since implementation of the first tranche of bail reform in March this year, the number of adults on remand has surged by 22 per cent, while youth remand numbers have increased by 71 per cent. This surge has led to a 216 per cent rise in adult clients detained without conviction and a 300 per cent increase in youth clients in the same category. The rapid implementation of these reforms, without adequate consideration of their impact on the justice system's capacity, risks further entrenching the cycle of incarceration and undermining efforts to address the root causes of crime. Why is the government rushing the commencement of these bail reforms when Victoria's prisons are already overcrowded and increasing remand numbers will only worsen the crisis and put people in custody at even greater risk?

Enver ERDOGAN: The increase in young people on remand is not 71 per cent, it is 26 per cent, which is still a significant number in a short period of time. I reject the premise that our system is overcrowded. In fact the number of people in custody in Victoria is 20 per cent below what it was in March 2020, just over five and a half years ago. We have the lowest incarceration rate in the nation, so it is not overcrowded. But we do want to make sure that it is the most modern, effective and humane system, and that is why we are doing it the right way. We have made significant investments and changes and improvements over the years, and we want to build on that. Even with the upscaling, the additional funds that the Treasurer has supported us with will allow us to do that in the safest possible way in terms of making sure we have got the right people in the right posts across both our adult and youth justice systems, because we do actually have the physical beds but we want to make sure we open them up in the safest possible way. We definitely do not have the same challenges that we are seeing in other jurisdictions where they are effectively at 100 per cent capacity already.

Katherine COPSEY: Minister, it is really difficult to accept that answer given that since tranche 1 was introduced court data shows that remand numbers have risen exponentially. Prison and police custody cells are at their thresholds. Corrections Victoria has been at crisis point in terms of staffing

shortages, which is contributing to the rolling lockdowns that we are seeing in our prisons. Introducing harsher bail laws, with respect, in these circumstances is just a recipe to contribute to another preventable death in custody. What is the government doing to rectify the shameful operation of forced solitary confinement that is resulting from these operational lockdowns? And I have some questions about the numbers of lockdowns that have happened since January 2025 across all Victorian prisons, if you have that available, please.

Enver ERDOGAN: I am just seeing if I have got that data with me – one moment. I do not have the data in relation to the amount of lockdowns since January 2025. I might need to take that on notice because I do not have that. I can give you the population of people in custody in terms of remand and people in custody, if that assists.

Katherine COPSEY: No, it is not what I asked for, Minister. It might come up in relation to one of our later questions. Thank you for taking that on notice. Minister, I would also like to know, in relation to lockdowns that have occurred since January 2025 across all Victorian prisons, for what length of time were those lockdowns taking place and the reason for the lockdowns from the beginning of this year.

Enver ERDOGAN: That is a good question. Some of that data would be difficult to pull out because it is still a very manual process, but I can seek to see what we have on hand to provide that.

Rachel PAYNE: Minister, the annual prison statistical profile, which was updated in August to include the 2023–24 financial year, shows that the overall rate of self-harm for the state's prisons was 9.7 incidents per 100 prisoners, almost 10 incidents per 100 prisoners. Now that is up 32 per cent from 7.4 in 2016–17. Women and First Nations women in particular are vulnerable. The self-harm rate at the Dame Phyllis Frost Centre was the highest of any Victorian jail, reported at 54.5 self-harm incidents per 100 prisoners, shockingly double the rate of just two years earlier. Minister, acknowledging the duty of care that the state has towards those it holds in prison, do you accept this bill will increase pressure and make the problem worse?

Enver ERDOGAN: I thank Ms Payne for that question and the statistics about self-harm. I think the issue with relying on statistics is that there is always a large lag. Since those, there was obviously a lot of public interest. You would have seen the reporting and the response from Corrections Victoria. In fact the end-of-financial-year statistics for this year, which have coincided with an increase in lockdowns in our women's system, show almost a halving of the self-harm incidents. Of course every self-harm incident is concerning, but I have been following it up today to get that data, because obviously it takes time for it to be published. But the most recent data over the last 12 months would show the halving, and I will see what I can share with you in relation to that. So in terms of the premise that self-harm incidents are increasing, it is actually quite the opposite over the last 12 months.

But all these self-harm incidents are very serious, and I think it is also a reflection of the cohort of women. Going to Ms Purcell's question from earlier, a lot of people that enter into our system do have mental health issues and disabilities as well. I guess the concern in relation to when people come into a custodial facility is probably reflected there as well. The numbers are still high, although this year there is almost a 50 per cent decrease from the year that has been quoted and that was publicly reported, and I will see when that data becomes publicly available, because I was following that up. I do need to correct that. In particular in our women's system there are challenges. Obviously with the new support we have in terms of additional funds, we are hiring new people, which means new squads are in training, and some of them will start in September at Dame Phyllis Frost.

Rachel PAYNE: Just on your response, you referred to how the rates for this year are actually at a 50 per cent reduction. What has changed that is now bringing those numbers down? You mentioned additional staffing, but considering access around service provisions and the like, can you just provide a bit more detail to that response, please?

Enver ERDOGAN: I will get more detail in relation to what they believe is underlying that. It is clear that 2023–24 was a bit of an outlier. It was a jump. It was a spike. It could also be the cohort of women that entered the system during that period. That actually coincided with record lower numbers in custody as well. It could also be the fact that you have got lower numbers and also a more complex cohort. We have had an increase in the number of women, but as a percentage, self-harm incidents have decreased. But I will try to tease that data out further, because I only got a hold of it today from the department.

Georgie PURCELL: The Youth Justice Act 2024 was passed last year after five long years of consultation with Aboriginal community controlled organisations and the legal sector. Why is the government making changes to bail laws now, including for children and young people, before Victoria's new youth justice regime has even had a chance to begin operating and positively affect the trajectory of children involved in the youth justice system?

Enver ERDOGAN: I think the Youth Justice Act was transformative, and it has meant a different way for young people to interact with the criminal justice system, where we have embedded cautions, early intervention and diversion at an earlier stage to keep young people away from custodial settings where possible. But of course our justice package is focused on the high levels of harm being caused by some young offenders and offenders of all ages, and that is why we are implementing these bail law changes for the accused – I will make that clear as well, because people have the presumption of innocence at the bail stage – to match the high level of harm we are seeing. That is why, again, this bail law was targeted at the high-level repeat offences, and a lot of them are committed by young people, and it is causing great harm in the community and great concern as well. I think it is about balancing those interests. But the Youth Justice Act overall has been transformative in embedding that early intervention and that caution system to divert young people away at an earlier stage and also to have that comprehensive support. I have got to be careful here, because an issue that others have touched upon is that we are able to also ensure that young people get access to programs, even on remand, which are not necessarily available to adults in the correction system. So I guess the protective factors and supports available to young people are a lot greater than what are available to adults.

Katherine COPSEY: The statement of compatibility states that the high degree of probability test imposes no new limitations on people's rights flowing from remand given the consequences of detention remain the same. But doesn't that statement fail to acknowledge that this test is going to drastically increase the number of people remanded in custody and therefore expose more people to breaches of their right to liberty and their other human rights whilst in custody?

Enver ERDOGAN: The statement of compatibility does expressly recognise the right to liberty is further limited by this new test, because if they are repeat offenders in these type of offences, they are more likely to be remanded in custody. But the new test does not impact how people are treated while in custody, and it does not impose any new limitations on the rights impacted as a result of detention, such as the right to freedom of movement, the right to privacy and protection of families, but placing people in custody within the law can and is done in ways that can uphold people's rights. This is fundamental to the operation of the criminal justice system. Remand has been a feature of the criminal justice system for many years, and the bill does not change that. It does impose a tougher test, that is clear, which will mean that some people will not be able to meet that tougher test and that will lead to their incarceration.

Katherine COPSEY: The statement of compatibility acknowledges that the high degree of probability test may limit the right to equality as well and disproportionately impact groups that are over-represented in the criminal legal system, and that includes children, Aboriginal people, people with disability and those who are pregnant or caregivers. But at the same time it states that provisions requiring consideration of individual circumstances under section 3AAA of the principal act, the surrounding circumstances section, and section 3A, Aboriginal considerations, and section 3B, child-specific considerations, may not be relevant to a bail determination and will only apply where they are relevant to the reoffending risk that the bail decision maker is considering. Given this, Minister, will

the high degree of probability test result in automatic detention of people with vulnerabilities? And does this high degree of probability test effectively override Aboriginal people's cultural rights and children's rights to protection in their best interests? Why, with this test, is the government seeking to punish and put vulnerable people in prison?

Enver ERDOGAN: The new tests will not result in automatic detention. I think you have got to understand that the bail decision makers still have significant discretion. They have discretion also about what weight they apply in terms of the new tests, in terms of taking into account surrounding circumstances, including Aboriginality, being a child, experiencing ill health. Bail decision makers will still have the ability to kind of consider these factors, as in all cases. It is a tougher test – I do not deny that – but it is not automatic. On a case-by-case basis the bail decision maker will have that discretion to apply these surrounding circumstances and take into account all of them in informing their decision.

Katherine COPSEY: I really want to get clarity on the government's intent in relation to this. Can you just confirm that it is the government's intent that bail decision makers should still take into account all of those sections that I read out, the surrounding circumstances, Aboriginal considerations and child-specific considerations, even if we are in a circumstance where the high degree of probability test applies?

Enver ERDOGAN: In short, just for the record: yes, that is the intention.

Katherine COPSEY: What does the statement of compatibility refer to here when it says that those considerations may not be relevant to a bail determination where a bail decision maker is applying the high degree of probability test?

Enver ERDOGAN: The court of course, as I clarified in my answer to the previous question, retains the discretion to consider all the relevant facts and circumstances, including factors in section 3A that apply to an Aboriginal person, when deciding a bail application where the new test applies. Where the high degree of probability test applies, however, greater focus is expected to be given to factors relevant to the risk of serious reoffending. When we talk about weighting, we are saying greater weighting should be given to the relevant factors to the risk of reoffending.

Rachel PAYNE: Why has the government chosen to impose a higher bail test, for certain nonviolent offences such as aggravated burglary with the intent to steal, than the test that applies to most serious offences, like rape and murder?

Enver ERDOGAN: Similar to the answer that I gave to Mr McCracken earlier, this is about the evidence of what is being repeated and causing high levels of harm and concern on a repeat basis. Just because an offence does not cause injury to a person does not mean it does not cause harm. The new test is about cracking down on these high-harm offences that are, according to evidence, most likely to be repeated on bail. These are the types of offences that when people are on bail they seem to be repeating and doing again and again and again. I think aggravated burglary, armed robbery, home invasion, aggravated home invasion, carjacking and aggravated carjacking seem to be the common themes, and obviously we are trying to target these for that purpose.

Katherine COPSEY: This concerns me – the government's rhetoric of these 'repeated offences'. It is a good segue into my next question. The Victorian Law Reform Commission found in 2022 that there is systemic overcharging carried out by Victoria Police – for example, children frequently charged with aggravated burglary or home invasion only to later have those charges reduced to trespass. When you talk about these patterns of charging, how are you ensuring that that established finding around Victoria Police systemically overcharging is not contributing to the government's perception of harm?

Enver ERDOGAN: This is a difficult one because we are going into perceptions of overcharging, and you would understand that criminal investigations and the way law enforcement makes those

decisions are matters for Victoria Police, so they are difficult ones for me to comment on. That is where I was going to end my answer, but if you want me to repeat part of it, I feel like it is a difficult one to comment on because Victoria Police makes these decisions independently in terms of what charges to press.

Katherine COPSEY: I am simply commenting on the law reform commission's 2022 findings there. I should hope that the government has taken that into account in determining its definitions of high harm. Minister, I would like to ask what safeguards the government is putting in place to ensure that children who might be, as it is called by stakeholders, overcharged are not then subjected to an unfairly strict and in effect insurmountable bail test, particularly if they later have charges reduced.

Enver ERDOGAN: Yes. I think it goes to the fundamental way bail operates. Bail decision makers will be able to take into account relevant circumstances, and that includes the strength of the prosecution case. There are many examples we see in the youth justice system where the prosecutor and the bail decision maker will take an early preliminary view on the strength of the prosecution case and make a decision accordingly. I think we need to trust the bail decision makers to take in these factors. I think that is an important safeguard of our system.

Rachel PAYNE: Can the government clarify how it reconciles the Bail Act's stated purpose of balancing community safety with the fundamental rights to liberty and the presumption of innocence, given that the offences captured by the high degree of probability test do not inherently involve the kind of serious, violent danger that would justify depriving an untried person of their liberty?

Enver ERDOGAN: This is about a balance here, and just because an offence does not cause physical harm to a person does not mean it does not cause harm. The high degree of probability test is a test that applies to a very targeted cohort, someone on bail for one of the six offences who is charged again with one of the six offences. The evidence shows that these are the offences that are more likely to be repeated on bail, so we are responding to a very real risk to community safety, because these six offences are inherently very dangerous, and in response we are being proportionate and targeted.

Ann-Marie HERMANS: I am just trying to get my head around some of the responses, they are a little bit convoluted for me. So you have mentioned the six – the armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking and aggravated carjacking – and you have mentioned that if someone gets out on bail on one of these and then goes in on the same offence as I understand, then they might be refused bail. But if it is a different one of those six offences, then they could go out on bail again is my understanding, and if they then go and commit rape or kidnap or do a firebombing or run around with machetes and axes, if they are not doing one of those six things, they are still able to potentially be out on bail, so we could be looking at people who go out on bail several times. Is that correct?

Enver ERDOGAN: I think you have got a bit of a misunderstanding of how the Bail Act works. For a lot of those offences that are repeated, there will be almost a reverse onus of presumption against bail and they already have an exceptional circumstances test, which is a very high test for them to meet, but they would not be subject to the high degree of probability test. So a high degree of probability test, which is the new bit we have inserted, is only for those six offences. You are right: if you do those six offences and you do one of those six offences again whilst on bail, then yes, you get this new test. But for every other offence and especially the type of high-level harm offences you described, the exceptional circumstances test would apply, which is still a very high bar to pass. In most cases – murder is a good example, or rape – it is rare for people to be granted bail, even in the first instance, let alone if they were to recommit those offences. So there is a high test in place for those high schedules 1 and 2 offences in place already.

Ann-Marie HERMANS: But is it correct that it has to be the same offence that they are committing, or is it just any one of those six? Just to get some clarity, because I have a local issue. I want to put a scenario to you and just try to understand it, and then I will be finished.

Enver ERDOGAN: Yes, it is any of those six. You do not have to do the same offence, but if you are out on bail for one of those six and you commit any of those six, then you get this new high degree of probability test that applies to you.

Ann-Marie HERMANS: Thank you for this clarification. Just to understand, we have in my area people who have experienced carjacking from home invasions, where people have broken into their home, taken their keys and taken their car. It is not necessarily, though, a carjacking in Victorian terms because they may not have made a threat to individuals in the home, but they have taken their car and broken into their home, so that is a home invasion. Let us say they use that car for other purposes, for criminal activity, and then they torch it, because that is how they get rid of the evidence. Let us say they get caught for the home invasion and they are now out on bail. Now the gang – let us say they are part of organised crime in whatever regime that looks like – say, 'You're out on bail, so rather than you getting caught up on bail, you can be in charge of just torching the stolen cars.' That then, as I understand it, would not be considered to be one of these high-risk offences, because they are not putting an individual at risk, they are just damaging property. So my understanding is that a person out on bail for one of these issues could then be involved in a number of criminal activities and still be allowed to be out in the community based on this bail law. Is that correct?

Enver ERDOGAN: Mrs Hermans, I think that is quite a hypothetical situation, but what I will say is if someone commits one of these six offences and they go and commit another one of these six offences, then the high degree of probability test will apply to them, but if they commit any other offence, than the high degree of probability test will not apply. But that does not mean that they will not be uplifted to the highest tests – the exceptional circumstances tests. Every situation is different, but for the high degree of probability test to apply you need to commit one of these six with another one of those six. You gave some really nasty examples, and I do appreciate that there are many of those kinds of examples across communities in Melbourne and across our state, so they are very real, and I feel that that is the real purpose of this bill, to address that kind of high harm. But if someone does a home invasion or a carjacking, the exceptional circumstances test, which is a very tough test, already should apply. But for the high degree of probability test you would need to commit one of those six with another one of those six. That is the formula under this new tough test, because they are the ones that we are seeing being repeated in our communities, and to be frank, this bill is rightfully targeting those offenders.

Katherine COPSEY: Just returning to consideration of section 3A by bail decision makers, considerations as to a person's Aboriginality, section 3A was included in the Bail Act to mitigate systemic overincarceration of Aboriginal people and to protect Aboriginal people from the carceral system. Aboriginal people advocated for the inclusion and application of 3A. Returning to your answer before about the balance that bail decision makers are required to undertake in applying the high degree of probability test, how exactly does the government square this approach with not only your commitments to treaty and self-determination for Aboriginal peoples but also your longstanding commitments under the National Agreement on Closing the Gap and the Aboriginal justice agreement?

Business interrupted pursuant to standing orders.

Gayle TIERNEY: Pursuant to standing order 4.08, I declare that the sitting be extended by up to 1 further hour.

Enver ERDOGAN: Ms Copsey, the Aboriginal-specific considerations in section 3A of the act have not changed, and as I have said previously, the government is committed to advancing treaty in Victoria and to supporting Aboriginal self-determination. That is a commitment we have made. As we were saying, it is a commitment that we will keep, because this week we are planning to introduce that legislation, which will shortly be debated in this place and hopefully pass. So I would say that we are committed in terms of this bill. It is targeted at the high level of harm, and obviously there is always a

balance in criminal justice reform. But the Aboriginal-specific considerations in section 3A of the act have not changed at all, and it is not true to say that this bill diminishes that obligation.

Rachel PAYNE: Proposed new section 4F would legislate the exact formula of bail conditions that led to the unjust bail decision in the case of Veronica Nelson, which we all know led to her tragic and preventable death in custody – namely, a double uplift provision for low-level offences with no consideration of section 3A and section 3AAA factors as mitigating considerations. Why is this government legislating this life-endangering formula and ignoring the coroner's advice?

Enver ERDOGAN: From the outset I do want to express that the death of Ms Veronica Nelson in custody was a tragedy, and it was clear that, as the coroner found, there were a number of grave errors across the justice system that led to that. In relation to this specific provision in the act, I would say that it is not really necessarily correct to say that new section 4F would legislate the same formula of bail consideration that led to Veronica Nelson's death. The high degree of probability test is specifically designed only for these six offences, so it is very different to her circumstances. The offences targeted pose a significant risk to the community and are a cause of significant community concern. In contrast, the double uplift, which was repealed in 2023, saw repeat offending for shoplifting of small groceries being uplifted all the way to exceptional circumstances once someone had breached their bail a couple of times. That is not where we want to end up, and that is why we have made sure that this bill has been formulated in this way.

Katherine COPSEY: Minister, I will be pleased if you disagree with me in relation to this question, because stakeholders have expressed concerns that the high degree of probability test is going to be almost impossible for bail applicants to satisfy, particularly those who find themselves in vulnerable circumstances, potentially without adequate representation, and therefore is tantamount to automatic detention in breach of the charter of human rights. How does the government justify the onerous burden that this test places on bail applicants against the principles of natural justice?

Enver ERDOGAN: I do disagree with you. We say it is not true, and we do not believe it will result in automatic remand, because there are still thresholds that need to be met and also the courts are required to still consider the surrounding circumstances in 3AAA, the Aboriginal and child-specific factors in section 3A and section 3B and the availability of bail conditions that might mitigate the reoffending risk. I can see many circumstances where the prosecution may pursue an outcome and not necessarily meet the test, and even when the test is applied it does not mean automatically that people will be remanded. So I do disagree, respectfully.

Rachel PAYNE: Minister, what bail supports is the government going to provide and fund to help vulnerable people avoid reoffending and being the subject of life-endangering double uplift provisions?

Enver ERDOGAN: I think it is ensuring that when people are in custody, they have appropriate supports. That means having mental health checks in place, and our partnerships in place for Aboriginal people. We have Aboriginal wellbeing officers and health checks – as I have said, physical and mental health checks. It is about making sure we have programs that people can engage in. I do not want to see people going unnecessarily into custody, and that is why this bill has been drafted – to avoid that unless there is genuinely a high risk to the community. That is what we have tried to do with the carve-outs, appropriately, to reduce the over-representation of people that are specifically vulnerable to legislation such as this. There is always more that can be done, but we have a range of programs to support people when they enter into custody, like I said, from mental health checks to physical health support, wellbeing officers and obviously a range of other wraparound supports available to people. But the key is to remind people that this bill is really targeted at the high-level repeat offending.

Katherine COPSEY: Minister, recognising the high prevalence of disability amongst people in contact with the criminal legal system, this amendment bill should be accompanied by adequate

investment and resourcing for disability support and assessments at an early stage of the criminal legal process. This goes to the circumstances I was referring to earlier, where someone who is in a vulnerable circumstance may find themselves facing a very onerous bail test. What is the government investing in to provide support specifically for people with a disability around early intervention and prevention diversions through their contact with the criminal legal system through the NDIS?

Enver ERDOGAN: That is an important question. I guess in making decisions, bail decision makers must consider people's vulnerability, including their disability. I have talked about duty lawyers and legal aid and the court integrated services program. That is trying to assist people to navigate the system through the bail process. I guess when people end up in a custodial setting, more so for sentenced prisoners, we do have release planning where we try to connect people with NDIS providers. But when people are coming in the front of the system, that kind of broader engagement with NDIS, because it is so fast and there is uncertainty about timing, is more challenging, to be frank, for the justice system as a whole. But it is about early detection and the court integrated services, duty lawyers and also bail decision makers taking the onus to refer people accordingly, especially in circumstances where people do not have those existing supports. I guess some people do have those supports, and that is the role of duty lawyers. Lawyers these days, especially upon recommendations from a number of reviews, are more aware of the cognitive ability of their clients. I do find, as a former personal injury lawyer myself, that lawyers are quite good at referring people to appropriate services. But in terms of getting people onto NDIS, they are more medical questions. I know for people coming out of the corrections system, we do refer them to appropriate services, because obviously they are not eligible for NDIS support whilst in custody.

Katherine COPSEY: Just so I can confirm, the government has not considered what extra supports will be needed for the large volume of people who will be swept up by these changes. You are not considering any additional resources specifically related to disability, despite the high prevalence of mental injury and disability for people getting swept up in the criminal justice system.

Enver ERDOGAN: I am not going to get into the considerations of cabinet, but I think part of that $727 million for preparing our custodial facilities is about having the service providers that are working behind the four walls to support people. But I guess in terms of the bail decision making process, as I have said, a lot of times people are referred to the NDIS. If they already have NDIS support, then I guess it is more straightforward, because those people will engage. But in other times it is about identifying those people and getting them referred on to the appropriate people at that early stage. I think it is something that we are focused on in custody to make sure that the service provisions that exist are scaled up proportionately.

Rachel PAYNE: Minister, I want to make reference to recommendation 92 of the Royal Commission into Aboriginal Deaths in Custody, which called upon governments to legislate that imprisonment should be only used as a last resort. However, we are hearing from community legal representatives and stakeholders that they fear the new bail test is going to be hard to satisfy and effectively will amount to automatic detention, against charter rights issues. Why is the government not following the recommendations of the Royal Commission into Aboriginal Deaths in Custody, considering it was 34 years ago that these recommendations were made?

Enver ERDOGAN: In Victoria we do have the lowest incarceration rate, but we do not have a legislated provision that imprisonment should be a last resort. I guess that is about creating that balance between the risk to community safety and making sure people are held accountable for their actions, especially where they have caused a high level of harm. We do not want people entering into custody for low-level offending, and I think this bill is another demonstration of that commitment. We are trying to create carve-outs and make sure that low-level repeat offending is not captured. We are focused on the high-level repeat offending, and I think that is our goal. We do have the lowest incarceration rate, as I have stated, but custody as a last resort is not necessarily what we have in particular in the adult system.

Katherine COPSEY: Minister, in New South Wales, a similarly worded high degree of confidence test has been condemned by the judiciary as:

> … a ham-fisted attempt to deal with a political difficulty in a manner which … creates significant problems for the administration of justice and does not deal with the problem that was sought to be overcome …

How does the high degree of probability test in new section 4F differ from this New South Wales test?

Enver ERDOGAN: I guess the biggest difference is that our test forms part of the unacceptable risk test. This is a clear signal that the government considers these offences a serious risk to community safety. There is also just the way that the acts interact. Our act puts the onus on the prosecution to make it out, whereas if you read the New South Wales act, the onus is on the bail decision maker to consider with a high degree of confidence that the person will not repeat the same or a similar offence and harm. I think it is a tough test. They are very, very similar – I accepted that proposition earlier – but they apply in different ways. Theirs is like, 'After all considerations that you've gone through for practicality, the test applies,' whereas ours is incorporated into our existing unacceptable risk test.

Katherine COPSEY: I understand your point about where the onus of proving the application of the test lies, with that jurisdictional example in New South Wales. How about, though, the commentary that the New South Wales test attempted to deal with a political difficulty and did not overcome the problem that it sought to overcome? How is this approach in Victoria going to be any different?

Enver ERDOGAN: I am not going to comment about individual commentary on the judiciary of another state. But as you are very familiar with, many people have commented about our existing laws. Some have said they are disproportionate and too tough on alleged criminals; others have said they are too soft and do not go far enough. So I think there are different viewpoints on this legislation and its effectiveness will be tested in time. That is why it is great to see that a review is embedded, and that review will look at, I guess, the performance of these bail laws with the stated intention in today's bill.

Katherine COPSEY: Okay, so moving to the review: can the government confirm that the legislated review of this bail change will be conducted publicly and transparently, with the findings of that review made available for scrutiny by Parliament and the community?

Enver ERDOGAN: I will seek some guidance.

Ms Copsey, you would appreciate that the review is slated for 2027, so there is the possibility of a new government and a new minister in that time. It is always difficult to make undertakings to bind a future government. We know that the chances of holding a future different government in particular would be difficult. But what I will say is that the Attorney-General, during her second-reading speech, did commit to co-designing a review with the Aboriginal Justice Caucus, and obviously I would expect with something that has been co-designed that the outcomes, because there is such public interest, you would share with the community. But again, I am reluctant to commit a future Attorney-General to what course of action they may or may not take. But we are committed, and it is legislated to have a review in 2027.

Georgie PURCELL: The proposed bail reforms expand the range of offences subject to the show compelling reason test. Given that people with psychosocial, cognitive or intellectual disabilities face systemic disadvantages that make it harder to satisfy these elevated thresholds, how will the government ensure that such reforms do not disproportionately deny people with disabilities access to bail?

Enver ERDOGAN: The uplift reforms in bail include safeguards to ensure proportionality, including carve-outs. When uplift does apply, bail decision makers must balance a complete, complex set of circumstances and weigh up many competing considerations when considering the show compelling reason test. These include consideration of all relevant circumstances, such as the strength of the prosecution case and the accused's personal circumstances and criminal history. The Bail Act already requires decision-makers to take into account any special vulnerability and any support

services that can assist the accused to comply with the bail undertaking. So I think there is a range of factors that the Bail Act already allows the decision-maker to consider.

Rachel PAYNE: The Victorian Alcohol and Drug Association reports that in 2024 more than 4600 Victorians were on the daily waitlist for alcohol and drug treatment, a 93 per cent increase since 2020. These delays mean that people who want help cannot get into the program, and under the proposed reforms, they would be forced to meet the show compelling reason test while still without treatment. How does the government justify a bail framework that risks remanding people for low-level offending simply because systemic failures in treatment access make it impossible for them to demonstrate compelling reasons for obtaining bail?

Enver ERDOGAN: That is absolutely not the intention of these reforms. I would say that is the policy of the opposition, not us. We are not seeking to make it harder for people to get bail if they cannot access supports. As we said, this bill is about striking the appropriate balance, especially for that high-level repeat harm.

Katherine COPSEY: Minister, the government promised Veronica Nelson's family that they would never let anyone else suffer the injustice that she suffered when she was denied bail and left to die in a Victorian prison for a small-value theft that would not have ever resulted in a term of imprisonment at trial. Despite that promise, the government has set the cash value threshold for theft in this amendment bill so low that it will lead to more people who are just in financial need getting locked up. How can the government betray Veronica's family and the broader Aboriginal community in this way?

Enver ERDOGAN: The death of Veronica Nelson was absolutely tragic. As I said earlier, she was failed at many stages of the justice system, including in the corrections system. But in relation to saying the thresholds are too low, we have set the threshold at $2500 for a single incident. I do not think that is so low. Those opposite will say that, but –

The DEPUTY PRESIDENT: Minister, I think you should just stick to answering the question from the government's point of view. The committee stage is an important part of the bill that is used to interpret legislation, and you would not want to confuse that with talking about opposition policy – and it is not your place to announce opposition policy.

Enver ERDOGAN: Thank you, Deputy President. I will just say that with respect I do not agree with that. I think $2500 is not a low figure. Again, we have tried to distinguish between the common low-level theft and the higher level theft that we see, and I think $2500 strikes that balance.

Georgie PURCELL: Minister, women are disproportionately criminalised in circumstances linked to their experience of violence, such as defensive acts, low-level offending tied to poverty and control or being a co-accused of a perpetrator's offending. Therefore the increased risks of the bail changes are heightened for victim-survivors of family violence. There was an assumption in the lower house debates that family violence is already signposted as a consideration in section 3AAA. However, it is not currently included. Explicitly listing victim-survivor status would provide clear legislative guidance that these circumstances are relevant and give bail decision makers clear authority to consider these matters. Why has this government refused to include consideration in this bill of being a victim-survivor of family violence as a critical safeguard for victims?

Enver ERDOGAN: I do appreciate the intent behind the Greens' amendment. I thank Ms Copsey for bringing this important issue to the chamber and for her desire to protect survivors of family violence. I will say that the Attorney-General and the government are committed to doing further work in terms of the women's safety package and we will have more to say later. There is momentum building for law reform in this area, but it is unclear what this amendment alone would achieve in practice, and the advice is that it may have some unintended consequences. We say that section 3AAA already allows bail decision makers to take into account all surrounding circumstances relevant to the matter before them, and the list is not exhaustive, so we say these factors are already considered.

Further, there is section 4A. That step requires a bail decision maker to consider if there is a family violence intervention order made against the accused. There are already factors there where these are considered. The government is working on further law reform in this space, and the Attorney-General's reform in relation to women's safety will be introduced – the goal is later this year. Although well intentioned, I am not sure the amendment will have the impact that may be intended.

Katherine COPSEY: Minister, just returning now to the statutory review of the bill, you spoke before about the Attorney's commitment to designing that review with the Aboriginal Justice Caucus. Clause 18(3) of the bill requires that a review of the bail amendments must expressly consider their impact on Aboriginal people. Can you give some further insight into what the Attorney plans as to how this review will include the Aboriginal Justice Forum and the Aboriginal Justice Caucus and the timing of this?

Enver ERDOGAN: I can envisage, just going off past engagement, that when they design what is to be evaluated in terms of the effectiveness, the disproportionate impact – all those factors – the guidance will be sorted with the Aboriginal Justice Caucus to make sure the elements that they want to be reviewed are reviewed. So their input directly will shape what the review takes into account – I think that is what we are looking at. But the Attorney-General would have been doing that herself. Especially when it involves Aboriginal people, she would be looking to the Aboriginal Justice Caucus to provide that input and ideas about what they want examined in the review, so setting up the evaluation criteria where it impacts Aboriginal people specifically to be led by the Aboriginal Justice Caucus. That is quite common; that already does happen in the justice space in what we call co-design, because we know that Aboriginal people do know best when it comes to their own communities. I think that is important. I am not sure if that has answered your question, Ms Copsey.

Katherine COPSEY: Will the review also consider the impacts on other cohorts over-represented in the justice system, such as women, children and people with a disability?

Enver ERDOGAN: Yes, I think that is clear with the intention of this bill. We should look at those factors. One trickier one that I think is worth looking into as well – but the data is not as good I think – is the disproportionate impact on CALD communities. I am now pre-empting the work of a future Attorney-General, but I think definitely we need to pay attention. We know in our corrections system – and as minister I have seen it – that there is definitely a minority–majority system, that is for sure, so it is something that we need to be aware of and seek to address where we can.

Rachel PAYNE: Minister, I too would like to ask a question in regard to the statutory review. You did point to the co-design with the Attorney-General and the Aboriginal Justice Caucus, so you may have partly answered this question, but I will ask it anyway just to clarify. Will the review consider the effects of the amendments on offending and reoffending rates, bail and remand rates, long-term social and emotional wellbeing of Aboriginal people in contact with the legal justice system, justice and health-related outcomes under the National Agreement on Closing the Gap and Victorian Aboriginal Affairs Framework, summary data of the reasons given by bail decision makers for refusing bail, access to culturally safe and appropriate bail hearings and, finally, access of culturally safe and appropriate support services for Aboriginal people on remand, including health care?

Enver ERDOGAN: Thank you, Ms Payne, for that quite detailed question. I cannot commit to the review incorporating all that, because it is going to be co-designed, but many of them are really good factors to look at. Recidivism rates and all those factors are really good broad principles that you would want to observe and see the effect they have had. But I cannot say that all of them will be incorporated, because I think it is a quite a detailed list, and I guess we will let the co-design take place. A lot of those points I am sure would be in it, but probably not all of them.

Katherine COPSEY: This is my last question. I have some queries around the government's purpose or intention in relation to part 3, clause 22, which is the part of the bill that substitutes 'a person' for 'an accused'. Minister, can you speak briefly to the government's intention in this

broadening of the application of that section? Something I am keen to understand is in relation to family violence safety notices. There are bail-like conditions that can be placed on those orders, and what I am concerned about and what stakeholders have raised with me is if you are broadening that definition of 'an accused' and replacing it with 'a person', then people who have been placed on a family violence order could be swept up in that 'a person' definition. I would like to understand the government's intention and how you are going to ensure that that vulnerable cohort are not swept up unintentionally in this change.

Enver ERDOGAN: I might seek some guidance from the box.

That is a very technical question. I understand that it is a consequential amendment; it is not intended to have the impact you outlined and that you are concerned about. This is just to clarify where a respondent to a family violence intervention order application is on bail and breaches conditions designed to protect a victim-survivor, they are liable to the offence of breaching bail conditions. Because some people may not be an accused – they may be a respondent – changing the definition to 'a person' means they are still covered. It is a technical issue about being a respondent, not necessarily being an accused.

Katherine COPSEY: Apologies, I am just going to ask it, because I do not feel I asked that question particularly clearly either. A respondent to a family violence safety notice can be placed on bail to appear at the hearing of an application for an interim intervention order that is triggered by the family violence safety notice. But, Minister, the concern we have is that we know and the government has acknowledged that police misidentification of the primary aggressor in family violence incidents is prevalent. This can occur, for example, where someone is in a family violence situation and acts of self-defence or the like see them misidentified as a perpetrator where in fact they are a victim. This amendment could expose misidentified family violence victims to charges for breaching bail. What safeguards are the government putting in place to ensure that misidentified victims are not captured by this amendment, because they will be subject to compliance with bail conditions requirements before there is an opportunity for court oversight essentially. What safeguards are you putting in place to prevent that? And can you confirm that it is not the government's intent for that situation to occur?

Enver ERDOGAN: I guess we would say that the risk of being misidentified is not amplified by this. It is not a major amendment, it is just a clarifying one. There are different processes to a family violence safety notice. This process involves a court putting a respondent on bail. Where a respondent is put on bail, it will be a court that puts the person on bail. This is an alternative process to family violence safety notices, where police issue the notice.

The DEPUTY PRESIDENT: I invite Ms Payne to move her amendment 1, which tests all of her remaining amendments.

Rachel PAYNE: I move:

1. Clause 1, line 5, omit "that" and insert "that, for 3 years,".

This amendment will insert a three-year sunset clause for the high degree of probability test, meaning that after three years of this bill being in operation the test will cease to operate. This is based on similar legislation that was introduced in New South Wales in changes to their Bail Act in an effort to reduce youth crime through therapeutic and community-based solutions. We would like to see that bail laws like this are not necessary in the long term and that there is an opportunity to look at whether they are fit for purpose and whether they are continuing to serve the community as appropriate. The intent is also to hold the government to account. The sunset clause means that if the government want to keep the high degree of probability test, they would come back to Parliament to ensure that that was enacted.

Enver ERDOGAN: The government will not be supporting this amendment. We do not support a sunset clause because we are concerned that it will risk undermining the certainty and stability that is needed in our bail laws. We have also already committed to a statutory review of the bail laws. If those issues or concerns that you have come out through that process and it is having an unintended effect,

there will be opportunities for a future government to correct that. The new test is carefully targeted to address repeat high-harm behaviour. We want an enduring outcome. This is it for the bail laws. We have had a number of discussions, and these are the final settings, but of course if the review finds something else, a future government can consider that. A sunset clause is not something we would consider.

Katherine COPSEY: The Greens will be supporting the Legalise Cannabis amendment. It is interesting to hear the government talk about certainty in relation to bail reform when we are seeing the government rip up its own progressive reforms to bail that were enacted just earlier this term. We are gravely concerned about the impacts that the extremely onerous tests that the government is imposing with the high degree of probability test are going to have. It is going to lead to overincarceration of vulnerable populations in Victoria, and it is going to contribute to, sadly, the risk of further deaths in custody. We are fully supportive of the sunset clause as proposed by Legalise Cannabis, and we would urge other parties to take the opportunity to limit the harm that this bad bill is going to do.

Joe McCRACKEN: I will just quickly say the coalition will not be supporting these amendments.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendment negatived.

The DEPUTY PRESIDENT: I invite Ms Copsey to move her amendment 1, which tests amendment 2.

Katherine COPSEY: I move:

1. Clause 1, page 2, after line 13 insert –

"(iva) to provide that where that Act requires surrounding circumstances to be taken into account, this includes particular circumstances relating to family violence and social or economic disadvantage; and".

This amendment standing in my name relates to making it explicit in the act that consideration of surrounding circumstances by bail decision makers is to include particular circumstances relating to family violence and social or economic disadvantage, as was discussed during some of the committee questions. It is clear from some of the government contributions in the lower house that this is considered to be implicit or that some of the government MPs are under the impression that this is something that bail decision makers are supposed to take into account. We think that it is fair and will reduce the discriminatory impact of this bill by explicitly acknowledging that in the surrounding circumstances portion of the bill.

Joe McCRACKEN: The coalition will not be supporting this.

Enver ERDOGAN: The government will not be supporting this amendment.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendment negatived.

Joe McCRACKEN: I move:

2. Clause 1, page 2, line 24, omit "offence." and insert "offence; and".
3. Clause 1, page 2, after line 24 insert –

"(c) to further amend the **Summary Offences Act 1966** so that the offence of contravening certain conduct conditions applies to children on bail.".

We want to remove the current exemption for youth offenders who breach bail conditions without reasonable excuse. That is basically the thrust of these amendments.

Enver ERDOGAN: I would like to indicate the government will not be supporting this amendment.

Katherine COPSEY: The Greens will not be supporting this amendment. We do not support the Liberals' continued push to throw more and more children into Victorian prisons.

Council divided on amendments:

Ayes (14): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Rikkie-Lee Tyrrell

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

Amendments negatived.

Clause agreed to; clauses 2 to 4 agreed to.

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Pursuant to standing order 4.08, I move:

That the sitting be extended.

David DAVIS: I think it is important to put on record that the government's shambolic management of bills this week has forced this late sitting. I mean, it is out of control the way they brought this bill in without actually dealing with this for weeks and weeks and weeks.

Members interjecting.

David DAVIS: I am allowed to talk to this.

Members interjecting.

David DAVIS: I am. No, I am.

Jaclyn Symes: On a point of order, I ask the Deputy President to put the question.

The DEPUTY PRESIDENT: Mr Davis, sorry, there is a question before the floor, so we need to deal with the question before the floor.

Motion agreed to.

Clause 5 (00:00)

Katherine COPSEY: I move:

1. Clause 5, line 24, after "burglary)" insert "in circumstances where what the intent that is alleged is the intent of committing an offence involving an assault to a person".

I will actually speak to all of my amendments on sheet 56C at once now. Repeatedly throughout the debate and in the rhetoric that has been expressed through the media the government has been speaking about how these are targeted laws and they are targeted to high harm. We share the grave concerns of stakeholders from First Nations legal human rights backgrounds that the government is not actually being as targeted in its intent as it thinks. I think the ballooning numbers of people on remand speak to just how poorly targeted tranche 1 was. We are concerned that we are also going to see people who have not committed violent or intended to be violent offences and people who have in fact committed relatively low property offences swept up in these changes. The effect of these amendments will be to require that in order to be subject to the high-harm provisions the commission of the acts would require there to have been an offence involving an assault or the intent of assault or threatened use of force or use of force and also to shift some of the property offences into schedule 4 with the exemption from the high probability test. The intent of this group of amendments is essentially to align the bill more squarely with the government's stated rhetoric.

I will put on the record that when we discussed the initial bail amendments the Greens put forward our own set of amendments to the bail bill that this session of Parliament first considered that would have replaced bail tests with a single unacceptable risk test, which is the core thing that community members are seeking to have bail decision makers rule on, would streamline decision-making under the act and would align with Poccum's law. We want to see bail that is effective. We do not think that the government's approach in this bill is going to achieve the end it seeks, and we are trying to ameliorate what we think will be some of the worst sweeping effects of this that will see people who may not ultimately face a term of imprisonment, even if convicted, swept up in the criminal justice system.

Enver ERDOGAN: The government will not be supporting these amendments, as we say that we have struck the right balance in terms of balancing the interests of justice. We think the changes are proportionate and fair.

Joe McCRACKEN: The coalition will not be supporting these amendments either.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendment negatived.

Katherine COPSEY: I move:

2. Clause 5, page 4, line 9, omit "(a)." and insert "(a); and".
3. Clause 5, page 4, after line 9, insert –

"(c) who is alleged to have used or threatened to use force against any other person in the commission of –

(i) the offence of which they are accused as referred to in paragraph (a); and

(ii) the offence for which they were on bail as referred to in paragraph (b).".

Council divided on amendments:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendments negatived.

Clause agreed to.

Clause 6 (12:10)

Katherine COPSEY: I move:

4. Clause 6, after line 9 insert –

"(ab) an offence against section 197(1) or (3) of the **Crimes Act 1958** that is not charged as arson; or".

5. Clause 6, line 16, omit "4;" and insert '4;".'.

6. Clause 6, lines 17 and 18, omit all words and expressions on these lines.

The DEPUTY PRESIDENT: This amendment also tests Ms Copsey's amendments 7 to 18.

Council divided on amendments:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Amendments negatived.

Clause agreed to; clauses 7 to 18 agreed to.

New clause (00:13)

Katherine COPSEY: I move:

1. Insert the following New Clause before clause 19 –

'**18A Guiding principles**

In section 1B(1) of the Principal Act –

(a) in paragraph (d), for "procedures." **substitute** "procedures; and";

(b) after paragraph (d) **insert** –

"(e) taking into account issues that arise due to a person's Aboriginality when making a determination under this Act in relation to that person.".'.

This is the amendment which inserts into the guiding principles of the principal act the requirement for bail decision makers to take into account issues that arise due to a person's Aboriginality when making a determination under this act in relation to that person.

Joe McCRACKEN: The coalition will not be supporting this.

Council divided on new clause:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

New clause negatived.

Clauses 19 to 23 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (00:18): 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) (00:18): I move:

That the bill be now read a third time and do pass.

Council divided on motion:

Ayes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell

Noes (6): Katherine Copsey, Anasina Gray-Barberio, 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 has agreed to the bill without amendment.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (00:21): I move:

That the house do now adjourn.

Suburban Rail Loop

Sonja TERPSTRA (North-Eastern Metropolitan) (00:21): (1859) My adjournment matter this evening is directed to the Minister for the Suburban Rail Loop, and the action I seek is for the minister to offer a briefing to the member for Bulleen and any of his interested colleagues in the Assembly on

the progress of the Suburban Rail Loop East. If the Liberals are going to backflip into supporting infrastructure based on where the holes are already in the ground, they may as well be properly briefed on what they are now pretending to believe in. This marks the eighth policy the Liberals have had on the Suburban Rail Loop. It is no longer a plan, it is a magic eight ball – shake it and you will get a new answer every time. The Allan Labor government has only ever had one position on the Suburban Rail Loop, and we are getting right on with it. Construction is well underway, workers are on the ground and tunnel-boring machines will arrive imminently. It is a generational project with generational benefits, slashing travel times, taking pressure off our outer suburbs, delivering 70,000 homes along the line and connecting families to jobs, universities and health care. It is now up to the divided Liberal Party to confirm how long their newest policy will last, because the 3,000 workers on this project and their families simply deserve better. Victorians cannot afford this circus – not their chaos, not their cuts and certainly not their contradictions.

Epping police station

Wendy LOVELL (Northern Victoria) (00:23): (1860) My question is for the Minister for Police, and the action that I seek is for the minister to confirm how many days since 1 July 2024 the Epping police station has been closed and the reason for each closure and also to commit to providing adequate police numbers at Epping station to ensure that it always remains open to serve the residents of Epping.

In a recent meeting with Whittlesea council I was made aware of the troubling news that on 15 July this year Epping police station had been closed due to staff shortages. It is completely unacceptable that in Victoria local residents are being abandoned, left high and dry without a police station to visit or call, because the Labor government has totally dropped the ball on staffing our police force. I have also been contacted by several constituents who have alerted me to rumoured plans to permanently close the Epping station and redistribute the staff between Mill Park and Mernda police stations due to ongoing police shortages and also because of the Allan Labor government's failure to properly maintain the building. For the sake of transparency and in the public interest, the Minister for Police must clarify how many times Epping station has closed and for what reasons.

The possibility that the station may close permanently is very worrying indeed. According to the last Crime Statistics Agency data, aggravated robbery in the City of Whittlesea increased by 24 per cent, residential aggravated burglary increased by 31 per cent, stealing from a retail store increased by 45 per cent and motor vehicle theft increased by a staggering 81 per cent. These numbers really hit home when we look at the horrific headlines of crime in Epping. For example, in February this year a 14-year-old girl and a security guard at the Pacific Epping shopping centre were stabbed during a fight involving three girls. Then in May four teenagers were arrested after an attempted carjacking in a busy Epping shopping centre car park. The statistics and the stories of crime are both deeply troubling, and residents of Epping no longer feel safe in their homes. That is why reports of understaffing and the potential closure of Epping station are so worrying. Residents rely on their local station to provide a rapid response to call-outs in the area. Waiting too long for police to come from a station further away could mean the difference between life and death. The people of Epping deserve a police station that is open and able to provide a rapid response to calls for help and a close place of refuge for those in need of urgent assistance.

Crime is out of control in Victoria because the Allan Labor government refuses to take a strong stance against repeat offenders and continues to let them out on bail. The Liberals will restore police funding and bring back move-on powers to ensure Victorians feel safe again.

Early childhood vision screening

Sarah MANSFIELD (Western Victoria) (00:26): (1861) My adjournment is for the Minister for Health. The action I am seeking is for the Department of Health to introduce a universal preschool vision-screening program in Victoria. Amblyopia, or lazy eye, and myopia, or short-sightedness, are becoming increasingly common across Australia. In fact without intervention myopia is set to affect 20 million Australians by 2050, which will be approximately 50 per cent of the population. For school-

aged children undiagnosed visual conditions can have a significant impact on their ability to learn in the classroom, participate in the playground and in extracurricular activities and develop important social skills. All of this impacts their journey into adolescence and adulthood, increasing the health burdens for Australians overall. The upside is that restorative treatment is possible, especially for children. Because of the neuroplasticity of children's brains, targeted intervention at an early age can significantly reduce the symptoms of both eye impairments, if not eradicate them altogether. But this plasticity tapers off at eight years old, so it is essential that children are seen early and that they are effectively triaged for specialist support and treatment.

In Victoria screening and treatment is available but for the most part run through maternal and child health clinics. This means that in reality not every child is accessing the screens when they need them, because we know that participation rates for these appointments taper off as the child gets older and can reach as low as 55 per cent of the population by around four years old, depending on where you live in Victoria. Instead, advocates and eye experts urge that universal programs such as those already run in New South Wales and Queensland should be rolled out in each state and territory. In Victoria the best location for these are at four-year-old kinder, undertaken by optometry professionals or maternal child health nurses and supported by the child's trusted network of educators. The cost-effectiveness of such programs is already very well documented, with the New South Wales program costing $4 million and the Queensland program costing $7.5 million a year to roll out, and the benefits are absolutely enormous. Before a child is screened it is important that parents know that there is plenty they can do to reduce the risk of developing eye conditions. Optometry Australia uses a simple catchphrase: 'Off screens, outside, optometrist'. Parents can try to keep time spent on digital devices to a minimum and increase the time spent outdoors to 2 hours a day where possible. Now we just need the Victorian government to come on board and ensure universal access to early optometry screening.

Education system

Sheena WATT (Northern Metropolitan) (00:28): (1862) My adjournment matter tonight is for the Minister for Education in the other place. Victoria really does have a proud record when it comes to education. Our students continue to achieve incredible results, with the latest NAPLAN data showing our state's strongest performance ever. It is a testament to the dedication of teachers, school leaders, students and families, and it shows why Victoria is leading as the Education State. Part of that success is phonics, which we introduced into the curriculum earlier this year. When I recently visited Brunswick North Primary School and Kensington Primary I saw firsthand phonics being put into action. Walking around, I could see the students engaged, confident and enjoying the process of learning to read. They were practising sounds, blending letters and applying these skills in their writing. It was a reminder of how much difference evidence-based programs can make when they are brought to life in the classroom. I could also see the teachers supporting students patiently, encouraging them to take risks and to celebrate small successes, which makes such a difference to the students' confidence. Phonics is about giving children the tools to read, write and understand the world around them. It builds their confidence, supports learning across all subjects and lays the foundation for long-term success in their education. Seeing it in practice reinforced just how important it is to continue backing teachers and schools with the right resources, training and support. Strong literacy skills from an early age are critical not just for academic success but for students' engagement in learning more broadly. On behalf of the parents of the Northern Metropolitan Region, the action I seek is for the minister to provide an update on how the Allan Labor government is supporting phonics in classrooms across my region.

Greyhound racing

Nick McGOWAN (North-Eastern Metropolitan) (00:30): (1863) I have been looking forward to this moment all day, and in fact it has taken an entire day to get to this point. I have a letter here which I would like to read aloud, and it is for the attention of the Minister for Casino, Gaming and Liquor Regulation in the other place. I will also provide a copy of this letter to him. I read this very proudly on behalf of Lachlan. Lachlan is a young student, grade 5, at Blackburn Primary School. It is also a

pleasure that the Minister for Children is in the chamber tonight, because she too will have the pleasure of being able to understand and hear this letter from young Lachlan, who is a passionate young boy. In fact I saw him again last Friday at a ping-pongathon the school was holding, at Blackburn Primary School. It was a great night. There was fairy floss, popcorn and a lot of games to be played. But I will read Lachlan's letter. It goes like this:

> **Greyhound racing should be banned.**
>
> Did you Know that over 11,000 Greyhounds are bred into the racing industry each year in Australia?
>
> Hi, my name is Lachlan and I have a Greyhound named Roxy Doughnut who is 4 years old. Roxy Doughnut was her racing name and she participate in 4 races and won no money, so they put her up for adoption. This means that there are hundreds and hundreds of Greyhounds unwanted, abandoned and hopefully put up for adoption each year. Crazy right?
>
> Why are Greyhounds not treated and valued like other dog's? Why are they getting bread to race and not being bread into loving homes?
>
> At this point, these sweet dogs are looking for a forever home because the shelters are at full capacity. We got Roxy Doughnut for free because the shelter had 50 dogs to rehome that weekend.
>
> I really hope in the coming years the racing industry stops and let these beautiful, adorable and caring Greyhound's live a long and happy life. Let them be the world's fastest couch potato that they love to be.
>
> Thank you.

It is a very sweet letter from Lachlan. I will pass this on to the minister, and I very much look forward to the minister's response to Lachlan. Congratulations, Lachlan – fantastic effort, beautiful letter. I cannot wait to see what the response is.

Community safety

David LIMBRICK (South-Eastern Metropolitan) (00:32): (1864) My adjournment matter this evening is for the attention of the Minister for Police. When this Parliament debated the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024 earlier this year, the first question in the committee stage of the debate was related to exemptions. Minister Erdogan, in his response, gave a clear indication that the government expected that they would need to grant exceptions to the new machete ban, as the definition was very broad. Well, this evening I am flagging one area that may have been overlooked. Members of the Australian circus and busking community have become increasingly concerned that they may be caught up in these prohibitions. Many performers, including street performers, use juggling knives as part of their acts. Many of these have dulled edges but not always. These are, however, clearly for entertainment purposes, and the machete bans are not directed at preventing Australian and international performers from entertaining people on the street. My request for the minister is to work with Live Performance Australia, Theatre Network Australia and the Media, Entertainment and Arts Alliance to ensure that an appropriate exemption is granted to allow circus arts to continue to flourish in Victoria.

Landcare

Tom McINTOSH (Eastern Victoria) (00:33): (1865) I had the joy of getting out to Red Hill Scout group, Tootgarook Primary School and Mornington Peninsula Landcare Network to celebrate the great work they are doing with their local landcare grants. The action I seek is that the Minister for Environment update the house on how landcare grants are benefiting the local environment, local spaces and local places all over Eastern Victoria.

Energy policy

Bev McARTHUR (Western Victoria) (00:34): (1866) My adjournment debate tonight for the Minister for Energy and Resources concerns the so-called VicGrid stage 2 reform bill. It is being sold as a way to speed up energy infrastructure, but like much of this government's energy policy, it is driven by ideology. The approach is not about consensus or trust, it is about imposing a model regardless of the cost to rights, fairness or due process. The truth is it strips away democratic oversight,

hands unprecedented powers to a single state-controlled body and removes checks and balances that prevent abuse. I want to acknowledge the work that Darren Edwards at the Energy Grid Alliance has done in exposing the real consequences of this legislation. Darren, along with other voices across western Victoria, has shown expertise, energy and passion. They have fought tirelessly for their communities and for fairness and transparency in our energy transition, doing so as volunteers simply because the threat of these transmission lines was imposed on them. Under this bill VicGrid becomes planner, developer, regulator and enforcer. That concentration of power is dangerous. Worse, it allows entry to private land without consent, the use of force, police involvement and heavy penalties for landowners who object. It even makes it a criminal offence to try to slow or stop activity on your own property. Transparency is discarded. VicGrid will be exempt from freedom-of-information laws, shielding decisions that affect entire communities from public scrutiny. That destroys trust.

We have already seen the consequences of this top-down approach. The Western Renewables Link and VNI West projects have suffered massive cost blowouts. The Western Renewables Link alone jumped from $370 million to $3 billion with years of delay because the government ignored community voices and forced through flawed plans. This bill would lock that broken model into law. Here is a hint to the government – it should be pretty obvious, really: if your policies are sensible, there would be no need to rewrite centuries of property law. Instead of addressing real problems this legislation bulldozes opposition, treating Victorians as obstacles rather than partners. Victoria's energy transition is vital, but not at the expense of democratic rights, property rights and public trust. This bill seeks to scare us into believing we must abandon those rights, using threats of blackouts to intimidate communities into compliance. Minister, the action I seek is simple: withdraw this legislation and work with Victorians, not against them.

Community sport

Aiv PUGLIELLI (North-Eastern Metropolitan) (00:37): (1867) My adjournment matter is to the Minister for Community Sport, and the action I seek is that community funding and programs to promote LGBTQI+ inclusion in sport are expanded. Do folks know there are currently no men's AFL players who are out as gay or bisexual? None – zero. Now, folks might ask, 'Why does that matter?' Well, it is not that there are no gay footballers – statistically that is impossible; it is that the culture inside men's AFL is so homophobic that players are simply afraid to come out, with AFL being seen as a hyper-masculine sport and society trying so hard to teach us all that being queer is somehow weak and feminine and, therefore, bad. The biggest insult that men who are obsessed with this hyper-masculinity can think of is calling someone gay. Why would anyone in the sport ever come out in these circumstances?

Personally, from a young age AFL was a big part of my family life, and I am sure many of us grew up being told by our parents who to barrack for. But it was pretty clear to me quite early on that AFL was not a sport that I would ever be welcomed in, and for many people this is still the case. Too often there is a news story about another dude who has used another homophobic slur, and if that is what they are saying in the game, what are they saying and doing when the refs cannot hear? And the media is certainly not helping. A star Adelaide Crows player referred to someone using a homophobic slur on a field recently – we have all heard about it – and most of the commentary across the media was focused on how many games he will miss and how it would affect the Crows' chances, as if his number of disposals, kicks or possessions matter. They spoke of the impact on his mental health, as if the bad thing here was him getting caught. Is this the best we can do? Really? Behaviour like this is learned. I am a queer person; I was born this way. But people are not born bigoted. We need to find the point of intervention to stop this culture. We need to stop this systemic homophobia for good.

Working from home

Jacinta ERMACORA (Western Victoria) (00:39): (1868) My adjournment matter is for Minister for Industrial Relations Jaclyn Symes. The Allan Labor government has launched statewide consultation on new laws giving eligible workers the right to work from home. The action I seek is

that the minister provide an update on how feedback from workers and employers will shape these laws to ensure fairness, practicality and stronger, flexible workers rights.

Teacher workforce

Ann-Marie HERMANS (South-Eastern Metropolitan) (00:40): (1869) My adjournment is to the Minister for Education, and the action I seek is that the minister immediately address the teacher shortage plaguing our state. The 2023 Victorian teacher supply and demand report exposed the full extent of Victoria's teacher shortage. The numbers do not lie. With approximately 1100 vacancies across Victoria – 73 vacancies across 14 schools in my electorate alone – it is affecting special schools, primary schools and secondary schools. It affects schools in my electorate – Dandenong, Narre Warren North, Mordialloc, Cranbourne, Frankston and Rowville. To combat this crisis, the inquiry into the state education system in Victoria recommended the development of a standalone teacher retention policy, but what has been the government's response? Pointing to existing inadequate initiatives and promising to keep us updated on their progress. Business as usual simply is not good enough when more than one in four registered teachers are choosing not to work in the sector, when 50 per cent of teachers leave the profession within five years of graduation and when 40 per cent of staff are uncertain about remaining in our public schools.

Teachers are facing rising administrative burdens, increased independent education student plans and worsening student behaviour, and some lack career progression options. It is no wonder that so many teachers are experiencing burnout and throwing in the towel. Add to this low wages and increasing responsibilities. This shortfall is affecting our students' learning, with a disrupted learning environment and a decrease in quality of education. Teacher absenteeism contributes to student absenteeism as some students feel there is no point in going to school since they are not getting the classroom support they need. Through my visits to Emerson, David Scott and Berry Street schools, I have seen firsthand how reduced staff-to-student ratios support students who are experiencing learning difficulties. It fills me with dread to think how some of our special schools and their students will fare if this teacher shortfall is not addressed, and I cannot even begin to say how many people need behavioural schools added in this state.

One of the submissions provided to the inquiry came from the Centre for Independent Studies, which recommended streamlining the teacher registration process; developing a series of professional learning modules for early career teachers that build on the foundations of initial teacher registration and align this with accreditation; and ensuring more minimum professional development hours for priority areas, including classroom and behavioural management, pedagogy, curriculum assessment and professional behaviours. I commend the positive impact of simple, explicit instruction learning methods in schools like they have in Bentleigh West Primary. I call on the Allan Labor government to consider proposals like these rather than leaving our children to bear the brunt of their failures. With so many former teachers as MPs in our coalition, the Liberal–Nationals will back our educators by driving down the administrative burdens on teachers, pushing for explicit instruction and improving student learning and behaviour.

Community sport

Georgie PURCELL (Northern Victoria) (00:43): (1870) My adjournment matter is for the Minister for Community Sport, and it relates to sexism in local football clubs. Recently a man in Mildura, using a camera hidden in his wardrobe, filmed and shared a video of him having sex with a woman without her consent. The woman has since described the anguish of having the video shared like wildfire around Mildura and Robinvale, largely in football group chats. He was fined just $5000 for this behaviour. Police chose to withdraw the charge of distributing the sex tape as he argued it was his footy friends who accessed his phone and shared the video without his knowledge. This is not an isolated incident. In fact it comes just after a 19-year-old member of the Werrimull Women's Football

Club reported sexual harassment by a senior male player, only to be ignored. After her mother confronted the player, a committee member approached her and said:

> Your daughter is nothing but a …

followed by an incredibly offensive gendered slur. The Werrimull women's league then chose to boycott the Millewa centenary game in protest.

I have spoken many times in this place about the courage of the Kyneton Women's Football Club in standing up to sexism at their club, but it should not be up to women to do something about this kind of treatment that they are receiving. If the government is committed to stamping out sexism in Victoria, they must take action to improve the culture in our local sporting clubs. Football clubs have major social influence, particularly in our regional communities, and it seems they are often the last remnants of the worst kinds of misogyny that exist.

Last week the media was also awash in commentary around the use of a homophobic slur by a player in the AFL. The sad truth is that this kind of bigotry is normalised throughout our sporting cultures, and it starts right at the community level. With the recent decision to scrap the Office for Women in Sport and Recreation and the prevention of violence through sports program grants, this government seems to have washed its hands of doing anything about the deeply embedded cultural problems that exist within our local and community sporting organisations. So the action that I seek is for the minister to update the house on what the government is doing to address the very clear cultural issues in community sport.

Registered Accommodation Association of Victoria

Michael GALEA (South-Eastern Metropolitan) (00:46): (1871) My adjournment is for the Minister for Consumer Affairs, and I ask that he meet with the CEO of the Registered Accommodation Association of Victoria and join me on a tour of a passive house rooming house in my electorate.

Early childhood education and care

Trung LUU (Western Metropolitan) (00:46): (1872) My adjournment is for the Minister for Children and concerns the shortage of kindergartens and kindergarten placements for my residents in Williamstown and surrounding areas. The action I seek is for the minister to immediately request the department to work with my concerned constituent Mr Paul McArd from Williamstown, who has contacted my office and seeks support for his son Oliver to obtain access to kindergarten services in his local neighbourhood. I am aware my constituent has also written to the minister on this matter, and I would have hoped that by now the minister would have provided Paul and his family with timely support. I was shocked to learn that Paul has attempted to enrol Oliver in their closest kindergarten, Robina Scott Kindergarten in Williamstown, which is about 1.4 k's from their home, only to be informed that his application for his son was not approved due to limited numbers of spaces. This is the family's first option. The family showed flexibility and tried to enrol Oliver in nearby services, including the Range kindergarten, also in Williamstown, and the Home Road Kindergarten in Newport, only to find that they had no availabilities for their son. This is not good enough.

This issue is felt by many of my local constituents in the west, where it is clear there is nowhere near enough local kindergarten spaces for a number of families. I hear this too often – namely, from those living in the south-east of Wyndham council. Therefore I ask the minister to seek for her department to urgently review the current number of spaces available for families in kindergartens across Western Metropolitan Region as of August, where vacancy rates are highest in the LGA and, therefore, where the family can enrol their son Oliver so he would not be required to commute for an unreasonable amount of time and distance. I also ask the minister to support a guarantee that all children can have as their first choice the closest kindergarten possible and to set a target to achieve this goal, including transparency measures to ensure that this happens via annual reporting. This is critical if it is to ensure its three- and four-year-old kindergarten reforms are realised.

Electric bikes and scooters

Katherine COPSEY (Southern Metropolitan) (00:48): (1873) My adjournment this evening is to the Minister for Public and Active Transport. The action I seek is for you to stop the proposed ban on people taking e-bikes and e-scooters on public transport. There has been consultation on this proposed ban, and there has been a public outcry since it was announced. Large representative stakeholders, though, have put forward constructive alternatives. Bicycle Network warns that a ban would punish responsible riders and undermine sustainable transport, noting that there have been no known train fires from devices that meet recognised safety standards, with the incidents that have been reported linked to cheap and noncompliant batteries. They are instead calling for a standards-based approach. Bicycle community groups across Melbourne echo this. Boroondara Bicycle Users Group and Streets Alive Darebin warn a ban would push people back into cars and penalise thousands who rely on bike-plus-train trips. They are urging action on unsafe, substandard products, rather than on riders doing the right thing. Port Phillip BUG is collating submissions that describe the proposal as regulatory overkill that would exclude e-bike users from social rides and everyday trips that often combine both bikes and a train. The Public Transport Users Association has said a blanket ban is not the best way forward and that we should manage risk intelligently, not prevent people from combining train travel with last-mile bike riding. Media reports also have shown that there are concerns a ban will disadvantage vulnerable users unless we target unsafe devices and improve station facilities.

The actual solution here is product regulation and enforcement. We Ride Australia points to the need for a national action to control the importation of illegal e-bikes and to reinstate and enforce proven safety standards such as EN15194 for e-bikes and compliant battery systems. The ACCC has also highlighted the potential to manage lithium ion battery risks and the role of better product design, supply chain controls and compliance, making it clear this is a consumer product safety issue. Other jurisdictions are moving to mandatory standards and certification rather than these blanket access bans. Victoria should definitely lean in that direction, not away from it. Minister, please abandon plans for a blanket ban on e-bikes on trains. Work with the Commonwealth to enforce urgent product battery standards, targeted import controls, retailer obligations and penalties for noncompliance, and invest in practical risk management. Have secure bike parking at stations, clear charging rules, staff training and incident protocols so Victorians can keep safely combining bikes and train travel. Please do not curtail people's ability to use e-bikes responsibly. Fix the products and solve the problem at its source.

Suburban Rail Loop

John BERGER (Southern Metropolitan) (00:51): (1874) My adjournment is for Minister Shing, the Minister for the Suburban Rail Loop, and the action I seek from the minister is to invite the member for Bulleen in the other place on a tour of the Suburban Rail Loop – yes, the Suburban Rail Loop, Australia's biggest transport and housing project, a project that will be delivered under the Allan Labor government – out on site for a tour of the project that he said would never go ahead. He seems to have had a change of heart. As Australia's largest growing city, Melbourne will be home to almost 9 million people by the 2050s, around the size of London today. The Allan Labor government knows we must manage the immense opportunities and challenges growth brings by ensuring that there is affordable and high-quality housing on the doorstep of world-class public transport close to jobs, schools and universities and essential services. That is why we are building this once-in-a-generation project. Victorians have backed this project at four state and federal elections, because they know it is essential for the future of the city and state, for housing choices and for liveability.

Last week yet another Liberal Party leadership aspirant said if the project is commencing, the project goes ahead, and it is simple as that. That is the same guy who went to two elections vowing to scrap the $34.5 billion project. The Shadow Treasurer has backed down from his budget reply commitment to stop it, down tools and shut the project. Meanwhile the L-plate leader is having a bet each way. He says, 'I'm not going to leave two massive holes in the ground but would also pause construction on the irresponsible Suburban Rail Loop.' We do not know how long the Liberal Party's newest policy will stand, but we know that they cannot be trusted with it. Works on the Suburban Rail Loop are

steaming ahead, with 3000 workers currently on site, 3000 workers working hard. Victorian families deserve to know if blocker Battin will sack them or keep them in limbo. The Liberals do not know the first thing about building the city-shaping infrastructure that this growing state desperately needs.

Ambulance services

Gaelle BROAD (Northern Victoria) (00:54): (1875) My adjournment is to the Minister for Health. Last week a resident told me that they waited hours for an ambulance and none came. They ended up taking the lady directly to Bendigo Hospital, only to have them admitted immediately because of the seriousness of their condition. I also received a letter from a staff member in the aged care sector in Bendigo:

> … during a recent visit, I met an elderly individual living in deplorable conditions who needed medical attention for wound care but couldn't access transportation for their appointments. Multiple calls to service providers were made, but none had the funds or capacity to assist. In another instance, an elderly person required transportation for cancer treatment. While they were taken to the hospital by ambulance, they were supposed to be transported back home the same way. However, due to an emergency call, the ambulance was unavailable, and the elderly person had to travel home by public transport in the dark, leading to a fall at the station and subsequent hospitalization.
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> Daily, we receive numerous calls from desperate families and elderly individuals seeking assistance.

Minister, I ask the government to urgently address the ambulance ramping and the severe shortage of patient transport services in Northern Victoria.

Public sector review

Melina BATH (Eastern Victoria) (00:55): (1876) My adjournment matter is to the Minister for Environment, and it concerns the ongoing trend of this government to cut jobs in regional Victoria, indeed in his own Department of Energy, Environment and Climate Action and in particular on public land, bushfire prevention, forest services, and pest and weed control. The action I seek from the minister is to make that commitment and make that guarantee that no frontline jobs will be cut from public land management programs, including bushfire, forest services, and pest and weed control. Minister, I am aware and you are aware that your government is in a vast black hole of debt, and you have been asked to cut jobs. In fact in DEECA 350 jobs are alleged to be going, and my concern is in my shadow portfolio of bushfire and forest services 31 staff are going to be cut from biosecurity and weed and pest control. These are not back office jobs; these are frontline workers.

DEECA has become bloated with bureaucracy, full of suits and far too few boots, and the government has had this trend ongoing. In September 2024, 208 staff were cut from bushfire and forest services across 99 regional sites. In 2024, in November, 100 parks jobs were slated to go – then deferred while the review that is being done is still hidden from the public. In February this year, 33 jobs were cut in your other portfolio of Victorian Fisheries Authority. This is a pattern of neglect of the regions, and we also see it in priority 5 of your Parks Victoria annual delivery plan. It commits to reducing threats to species and ecosystems through pest, plant and animal control, yet you are cutting away the very staff that can deliver these controls and support our environment. All the while we have got a debt that is going to blow out to $194 billion in the forward estimates. You are picking and choosing jobs to cut in terms of environment, and you are cutting the services in the regions.

Minister, in terms of your own department, I actually really, really feel sorry for the people who work in our regional departments, because they are having to take the axe to people who need to do the work, who want to do the work. There is no money to do the work because you are stifling them. Minister, commit and make that guarantee that no frontline jobs will be cut in this area.

Cardinia shire planning

Renee HEATH (Eastern Victoria) (00:58): (1877) My adjournment matter tonight is for the Minister for Planning. In 2013 72 landowners between Peck Road and Brown Road in Pakenham came together because they wanted to subdivide their land into 1-acre and 5-acre lots. The land is

zoned as green wedge, but the soil quality is poor, so they cannot grow anything and feel that the land is being wasted. For 12 years now, landowners have felt extreme frustration because when they have gone and spoken to Cardinia Shire Council, the council says that it is a state government decision. And when they have followed up with state government, they have sent them back to Cardinia Shire Council. They said that it has been frustrating because there has been a decade of being batted between the two authorities. So my question for the Minister for Planning is: will the minister please meet with Cardinia Shire Council to confirm who holds the responsibility around this zoning issue and then inform the residents so they can have clarity around what they can do with their land?

Planning policy

David DAVIS (Southern Metropolitan) (00:59): (1878) My matter is also for the attention of the Minister for Planning, and it concerns the state government's forced densification and high-rise agenda across certain areas of the city. The 50 smaller centres and 10 large centres that they have laid out, particularly in the case of Stonnington and Glen Eira – those municipalities are ones that have very high levels of density already but particularly a lack of open space. Recent figures show that Stonnington and Glen Eira have the lowest amount of open space for population of any municipality in Victoria, and that is actually quite an important point, because these municipalities are the epicentre of the government's decision to force in massive density and massive high-rise. What I am seeking from the minister is that in all of these areas, all 60 of them, there be prepared proper open space plans and that these be put out immediately so that the community can see what the government is proposing and how they intend to fund the open space. If you think of a municipality like Stonnington, there is a massive shortage already in open space, and the state government intends to pack many, many more people in on their population – or more correctly, their dwelling targets.

Michael Galea interjected.

David DAVIS: Well, there is not enough open space. I am saying that the amount of open space per head of population is the lowest in Stonnington and Glen Eira of any municipalities in Victoria, and yet these are the epicentres of where the government wants to put massive new developments. What I want to say is: where will the children play? Where will they go for ovals? Where will they go for parkland? Where will they walk? Where will they walk their dogs? I have to say, the state government has not thought this through, and they have not put one cent of money in for the purpose of actually providing the open space that will support these vastly increased populations. In the City of Boroondara, for example, they are almost going to double the number of dwellings. You would then say there is going to be a large number of children who will need sporting ovals to play on. Where will those sporting ovals go? Who will pay for those ovals? How is the state government intending to do that? The Minister for Planning needs to immediately come forward to explain to the communities how the government will deal with these open space requirements. Or does she expect them to live like sardines – crammed in, packed in? That is exactly what she intends.

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (01:02): Ms Terpstra raised a matter for the Minister for the Suburban Rail Loop. Ms Lovell raised a matter for the Minister for Police. Ms Watt raised a matter for the Minister for Education. Mr McGowan raised a matter for the Minister for Casino, Gaming and Liquor Regulation. Mr McIntosh raised a matter for the Minister for Environment. Mr Limbrick raised a matter for the Minister for Police. Ms Ermacora raised a matter for the Minister for Industrial Relations. Mrs McArthur raised a matter for the Minister for Energy and Resources. Mr Galea raised a matter for the Minister for Consumer Affairs. Mr Puglielli raised a matter for the Minister for Community Sport. Mr Berger raised a matter for the Minister for the Suburban Rail Loop. Dr Mansfield raised a matter for the Minister for Health. Mrs Hermans raised a matter for the Minister for Education. Ms Copsey raised a matter for the Minister for Public and Active Transport. Ms Purcell raised a matter for the Minister for Community Sport. Mrs Broad raised a matter for the Minister for Health. Ms Bath

raised a matter for the Minister for Environment. Dr Heath raised a matter for the Minister for Planning. Mr Davis raised a matter for the Minister for Planning.

Mr Luu raised a matter for me as Minister for Children in relation to kindergartens. I am happy to acquit that now and inform Mr Luu that there is indeed a kinder infrastructure and services plan agreed with Hobsons Bay City Council. These plans are about agreeing to supply and demand numbers across the municipality to make sure that there are adequate kinder places. There is also a Building Blocks partnership with Hobsons Bay City Council, and to support this commitment the state government has provided in-principle support to contribute up to approximately $9.95 million for early childhood infrastructure over the course of the three-year-old kindergarten reform through to 2029. The first part of this package will see the state government contribute up to approximately $7.95 million across four major kinder infrastructure projects, with more than 270 funded kindergarten places based on the 15 hours of kindergarten delivered for the 2024 and 2025 kindergarten years. These projects include both new and expanded early learning centres, including in Altona North, operational in 2024 with 106 places; Newport, 2024, another 75 places; Altona, 2024, another 58 places; and Seabrook, 2025, another 35 places. I am also pleased to advise Mr Luu that I am advised that there is a central enrolment system, also supported by Hobsons Bay City Council, which is allowing the council to successfully manage the allocation of places fairly across the municipality, and that if his constituents have further concerns that would be the place to direct them.

The PRESIDENT: The house stands adjourned.

House adjourned 1:05 am (Wednesday).