



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 18 March 2025

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 18 March 2025

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

Bills

Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024

Royal assent

The PRESIDENT (12:04): I have received a message from the Governor, dated 18 March:

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

6/2025 Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025

Questions without notice and ministers statements

Construction industry

David DAVIS (Southern Metropolitan) (12:04): (845) My question is to the Minister for Industrial Relations. Minister, *60 Minutes* and the *Age* newspaper have reported gangland and bikie-linked figures are receiving large payments from companies on publicly funded projects looking to gain favour with union insiders, leaving state and federal taxpayers in effect underwriting payments to the underworld. The *Age* has also said:

... Victoria Police confirmed that Operation Hawk was not new and had been running for the previous nine months, after this masthead exposed the infiltration of the CFMEU construction union by organised crime figures.

I therefore ask the minister: on what day did you become aware of the Hawk taskforce, and were you consulted on the Premier's announcement yesterday of its so-called establishment?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): I thank Mr Davis for his question. At the outset I concur with the sentiment that revelations and stories of the allegations of inappropriate and, frankly, disgusting behaviour on any worksite are things that this government takes extremely seriously, and it is why we have taken action in a range of measures.

Mr Davis, you have directed your question to me as the Minister for Industrial Relations. I am not the Minister for Police. In relation to Operation Hawk, I would draw your attention to statements from VicPol, which have described Operation Hawk as a newly expanded taskforce who will have dedicated detectives to ensure that they are taking action in relation to any of the allegations occurring on and within the construction industry. I implore anybody who has any –

David Davis: On a point of order, President, the question was: were you consulted on the Premier's announcement yesterday of its so-called establishment? On what date did you become aware? Were you consulted? The minister has not gone anywhere near that.

The PRESIDENT: The minister is being relevant to the question.

Jaclyn SYMES: Mr Davis, as I have indicated, I should confine my remarks to my responsibilities as the Minister for Industrial Relations, but I take issue with your imputation that the Victorian government in any way directs Victoria Police. There are operational requirements of Victoria Police, and in relation to their establishment of any taskforces, it would be very inappropriate for any minister to direct Victoria Police. It would therefore be quite inappropriate for me to be consulted in an operational decision of this nature.

David DAVIS (Southern Metropolitan) (12:08): I note the minister did not say she was not consulted and did not tell us when she was consulted and when she became aware. In any event, according to reports in the *Age* newspaper yesterday, hard-earned taxpayers dollars funded payments to gangland and bikie-linked figures on publicly funded projects. I ask simply: when will these unlawful and corrupt payments stop?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): Mr Davis, I respect taxpayer money. Any money that is allocated to the delivery of infrastructure projects should be spent on exactly that. Any information, any allegations in relation to misuse of funds should be directed to the appropriate authorities. I point to the fact that there are current investigations that extend to fraud investigations being conducted by Victoria Police right now.

The PRESIDENT: I bring to members' attention that a former member of this chamber, Cliff Hayes, is in the gallery.

Housing

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:09): (846) My question today is to the minister for housing. Last week we found out that there will be no public homes rebuilt on the Flemington or North Melbourne estates. Residents had already begun moving out of these estates prior to this announcement. However, now it is clear that people will be moving back to an estate at the site of their former public homes where there will be no public housing present. Given that these residents left their public homes under the proviso that there was still a chance they could return to the security and affordability of public housing and now this will not be the case, is it the department's determination that residents have been able to provide informed consent, given they agreed to relocate away before these revelations came to light?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:10): Thank you, Mr Puglielli, for your question. You are right: I did make an announcement last week in relation to the 39 per cent uplift in social housing that will be provided across North Melbourne and Flemington, so that is a total of at least 700 new homes. I do want to use this opportunity to correct some of the misinformation and disinformation that is causing an enormous amount of distress across communities, and avoidably so, for what I would describe as cheap political purposes without regard for the impact by those who promulgate it. What I would say, Mr Puglielli, is unambiguously there is a right of return for people who are relocating from housing in these locations. Unambiguously, Mr Puglielli, we work very, very hard with people throughout the process of relocation and throughout the process of people nominating areas to which they might want to move – that might be in the neighbourhood or it might be in other parts of the city.

What I would also say to you, Mr Puglielli, is that your constant inference that community housing is somehow not as good as public housing betrays the fact that every week I get correspondence from you and your colleagues talking about how the public housing in which your constituents are housed is not fit for purpose, does not meet standards and does not enable people to live well and to live in accessible environments. I get constant requests for assistance – again, against the backdrop of record investment in maintenance and the backdrop of record investment in making sure that people have what they need – and what I would say to this is when we are delivering community housing across these sites we are doing so in a way that does not involve the sale of any land, that does not involve –

Aiv Puglielli: On a point of order, President, the question has not been responded to. It went to informed consent provided by the residents. I have not heard that mentioned in the response.

The PRESIDENT: I think the minister was relevant to the question and actually did answer it early on in her answer.

Harriet SHING: What a shame, Mr Puglielli, that you do not actually want to hear about the housing that is being delivered for the very people that you say you represent and care about, because we work very hard with people to make sure that they understand the process, that they are in a position to provide informed consent, that they have access to interpreters and that they are encouraged to get a legal support person or a support person as part of those conversations. Mr Puglielli, we will continue to do that work because, again, access to accurate information and to the autonomy and ownership of decisions is at the heart of what we are doing for some of the most vulnerable people in this state. It is something that beggars belief that you would again seek to perpetuate these myths about people not being encouraged to have conversations about what they need, because we work tirelessly to make sure people can identify the areas where they want to move, that they have a right of return and that they understand it. Please stop saying that, again, community housing is not permanent, that it does not involve a right of return or that it does not involve the sort of wraparound support that everybody deserves.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:13): I always appreciate being verbally by the minister in responses. Now that we know that there will be no public housing on these sites, will you guarantee that public housing level rents and conditions will be applied for the residents of Flemington and North Melbourne when they return?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:13): Mr Puglielli, there is no verbalising when I am taking this stuff directly from the information that you are putting out there publicly. Again, when I want to quote Adam Bandt, Gabrielle de Vietri or Samantha Ratnam about what we are actually doing to deliver housing, I am very happy to take you to that detail, because the bottom line is that you are happy to sit back and make sure that people are anguished, distressed and dismayed about what is actually not the case around the delivery of social housing.

Katherine Copsey: On a point of order, President, this is not an opportunity for the minister to attack the opposition or the crossbench. I ask that you return her to the question.

The PRESIDENT: I uphold the point of order. There are many precedents of that particular point of order being upheld. I will call the minister to the question.

Harriet SHING: Again, I am not going to stop calling you out on the sort of misinformation that you are providing. What I would also say – and again, I answered this question in the substantive, and I will continue to say it – is there is a right of return. Where tenants remain eligible for social housing – where they are not actually excluded because of household income and where they do remain eligible for the same configuration of housing – there is a right of return, whether to new developments or to the neighbourhood. Now, Mr Puglielli, please take that information – please take it and use it for good rather than making up disinformation that spreads lies and creates further confusion.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:15): How timely it is that I have an opportunity to talk about the uplift of more than 39 per cent in social housing across North Melbourne and Flemington. That is a total of at least 700 new social homes. Thanks to this project, not only will every eligible resident have a right of return but hundreds of additional Victorians will come off the social housing waitlist and go into secure housing. This plan will increase the number of social homes at Flemington from 360 to 400. That is an 11 per cent increase. Social homes at North Melbourne will increase from 143 to 300, a 110 per cent increase. That is more than doubling the publicly funded housing on this site. We are also proposing hundreds more affordable homes to be built at these sites – 300 at Flemington alone – which means that people like teachers, nurses, community workers and more will not be priced out of inner-city living. This is proposed to be delivered under the ground lease model, which means that no land sales will occur, and every single home – social, affordable and market – will revert to Homes Victoria management in 40 years. All of

this is on top of our \$6.3 billion Big Housing Build and the Regional Housing Fund. That is delivering more than 13,300 homes across Victoria, with more than 10,100 of those homes already complete or underway.

Despite this good news, certain inner-city political parties need to have something dramatic to post on Facebook. I would suggest that in fact it is an opportunity for people to come together and to look at how to alleviate the challenges of affordability and availability. I would suggest that they look to the fact that the federal Leader of the Opposition will scrap the Housing Australia Future Fund if they are elected. I would invite –

David Davis: On a point of order, President, Ministers statements are not just an opportunity for complete, utter rants –

The PRESIDENT: No. In answering questions, yes – that is why I upheld Ms Copsey’s point of order. In ministers statements, it is like any other statement.

David Davis: They’re allowed to do anything else, are they?

The PRESIDENT: Well, it is like when you do your members statement.

Harriet SHING: Rather than actually take up the federal opposition, the Greens political party has opposed social housing in the City of Darebin, at Yarra City Council and at Merri-bek City Council, including the member for Richmond, who as the then mayor of the City of Yarra, voted against social housing – not in her backyard.

Construction industry

David DAVIS (Southern Metropolitan) (12:18): (847) My question is to Minister Symes again. As the minister responsible for the Labour Hire Licensing Act 2018, you are responsible for implementing key recommendations of the Wilson report into the corrupt and crooked activities occurring on Big Build building sites. Why have you failed to implement all of the recommendations supported by government to this act, instead allowing criminal and corrupt behaviour to continue unchecked on Big Build construction sites?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:18): I thank Mr Davis for his question, and I do take the opportunity to thank Mr Wilson for the important work he did. We asked him to identify how as a government we can strengthen government bodies to respond to allegations of criminal and other unlawful conduct in the Victorian construction sector. Mr Wilson presented that report at the end of last year. Mr Davis, I will have legislation very soon in relation to the implementation of many of his recommendations, including amendments to the Labour Hire Licensing Act as well as the establishment of workforce inspectorate Victoria, which will be really important in being a one-stop shop for complaints, being able to make confidential disclosures and being directed as to where that information might be appropriate. But for me, particularly following reports in the last couple of days, I would like them to have a clear focus on women’s safety. They are some of the conversations that will be underway in relation to the development of the legislation, the debate of the legislation and ultimately the implementation of those important changes.

David DAVIS (Southern Metropolitan) (12:19): My question, therefore, is about the recommendation for a referral body, the alliance and all of the other matters. Why has the state government not established that referral body already, and why has the government dithered and delayed on establishing the new referral function in Industrial Relations Victoria, instead allowing the corruption to run unchecked on sites?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:20): Mr Davis, work to progress the recommendations is well underway. Legislation to commence the implementation of particularly the complaints referral process will be in

the Parliament very soon. But I would draw your attention to the Victorian Infrastructure Delivery Authority. It does have existing systems and processes in place to receive information about corrupt behaviours on Big Build sites, so there is an existing mechanism. What we want to do is make sure that it is strengthened and make sure that we have a body that can be more transparent and has the powers appropriate to deal with any of these allegations. I look forward to this legislation receiving bipartisan support in due course.

Mental health services

Rachel PAYNE (South-Eastern Metropolitan) (12:21): (848) My question is for the Minister for Mental Health. We recently celebrated International Women's Day, a time to reflect on how we can accelerate action to gender equality. Women living in Casey experience psychological distress at a higher rate than the state average. There was a mental health and wellbeing hub at Narre Warren to support people in Casey and Cardinia, and unfortunately that closed last year in anticipation of a mental health local opening in the area. Ten new mental health locals were due to be contracted nearly a year ago, including one in Narre Warren, and it is my understanding they are still in the planning phase, which has meant that there is now no mental health and wellbeing hub or local to service Casey and Cardinia. My question is: will the minister ensure the delivery of a mental health local at Narre Warren?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:22): I thank Ms Payne for her question and her ongoing interest in these important issues, particularly when it comes to mental health supports for the whole community – but we do know that women face particular needs. We have already delivered 15 locals across the state in metropolitan, regional and rural locations, and the services have been able to support over 17 000 Victorians to date. The missing middle is what these services are designed to address, supporting people who might have a mental health condition that is too serious for a GP but not serious enough for an acute mental health service, so these are important reforms that the government is delivering. Interestingly, that 17,000 has been skewing more towards women than men in the community so far.

In terms of your specific question around supports in your part of metropolitan Melbourne, the department obviously has been working closely with services in those areas. We have got a Dandenong local, which commenced services in December 2023. There was a transition arrangement in place for consumers who were accessing the Narre Warren hub to be offered the opportunity to transition over to the Dandenong local. For those that chose not to do that, there are still Commonwealth-funded Medicare Mental Health services, which used to be called Head to Health. The Commonwealth has recently rebranded them as Medicare Mental Health services, and there is one in Officer and one in Berwick.

Obviously my department is undertaking a pretty comprehensive evaluation of the first 15 locals, to take learnings from them, and we have also been working on workforce capacity and increasing the workforce pipeline. There was a \$15.8 million commitment in this year's budget to fund the graduate program to enable us to build that pipeline and obviously continue with the rollout of locals across the state. This is an important reform, and we are getting on with that work.

Rachel PAYNE (South-Eastern Metropolitan) (12:25): I appreciate the minister's response. By way of supplementary, in the short term community members are calling on the government to reinstate funding for mental health and wellbeing hubs like the recently closed service in Narre Warren. This interim measure would address the service gap and ensure that people are not worse off than before. Will the minister consider reinstating the funding for such hubs?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:25): I thank Ms Payne for her supplementary. The way that the bilateral agreement operates between the state and the Commonwealth in relation to these services is that the hubs are funded through the Commonwealth bilateral agreement, and as locals are rolled out those

hubs are pulled back. It is important that we keep the network, in terms of both locals and hubs, as we continue to build the rollout of future locals, but I am very happy to keep you updated in relation to those issues in the South-Eastern Metro area.

Ministers statements: bushfires

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:26): I rise today to speak about the support the Allan Labor government is providing to communities in the Grampians region who have been devastated by the summer bushfires, including in my casino, gaming and liquor regulation portfolio. My thoughts are with all those that have been affected – business owners, workers and families – who have faced hardship in the wake of this disaster. These fires have caused significant damage to local businesses, particularly the hospitality and tourism sectors. Many have lost income and faced mass booking cancellations during what should have been their busiest time of the year. That is why I am pleased that Liquor Control Victoria has provided fee relief to support affected licensees. Liquor licence renewal fees for 2025 will be waived for all venues within 5 kilometres of the fire-affected area, with full refunds for those that have already been paid. This support acknowledges the significant financial strain that these businesses are under and helps them with some of the immediate pressures they are facing. We know how important these businesses are, not just to the local economy but also to the fabric of their communities. They provide jobs, bring people together and help make the Grampians a destination that so many Victorians want to visit.

This fee relief is just part of the broader support delivered in partnership between the Allan and Albanese governments. With Commonwealth support there is a total of \$29 million in help and support to businesses and communities across western Victoria, including cash grants, free business support and tourism support to boost visitor numbers. I also want to take this opportunity to acknowledge a couple of my colleagues in this place, members for Western Victoria Region, that have strongly advocated for strong business support in the area, in particular Minister Tierney and Jacinta Ermacora. They have strongly advocated to the state government on behalf of their communities. I thank them for that advocacy and for supporting their local communities. Our government will continue to stand with these communities as they recover from this disaster.

Construction industry

Evan MULHOLLAND (Northern Metropolitan) (12:28): (849) My question is to the Minister for Industrial Relations. Geoffrey Watson SC said of the Wilson review:

It needed actually to go inside the doors of the senior bureaucrats and actually into the ministerial offices in Spring Street. It didn't do any of that. It was, I'm afraid, a terrible disappointment. It operates as a cover-up because it didn't get to the bottom of anything.

Is he wrong?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:28): I thank Mr Mulholland for his question and the opportunity to again thank Mr Wilson for his important work. As I said, he was asked to identify how government could strengthen government bodies' ability to respond to allegations of criminal and other unlawful conduct in the Victorian construction sector, and there are a number of important recommendations that government is well underway in relation to establishing. Mr Mulholland, for any allegations of any nature that you believe could be substantiated, perhaps you might want to refer them to existing bodies such as IBAC, or Victoria Police where it involves criminal conduct. I will be focused on ensuring that the recommendations in the Wilson report are implemented as a matter of priority for my portfolio of industrial relations. Again, I look forward to bipartisan support in –

Evan Mulholland: On a point of order, President, I asked if Mr Watson was wrong in his characterisation of the Wilson report, and I am yet to hear an answer from the minister.

The PRESIDENT: I think the minister was being relevant to the question. In line with the standing orders, I do believe you are asking for an opinion about whether somebody is right or wrong.

Evan MULHOLLAND (Northern Metropolitan) (12:30): The government and the Premier endorse the administration of the CFMEU and the appointment of Mark Irving KC, who has appointed Geoffrey Watson SC, who said the state government undoubtedly knew of the corrupting of its Big Build. Why does it take a *60 Minutes* episode for the government to act and call the Wilson review and then another *60 Minutes* episode to immediately implement the recommendations of the Wilson review?

Jaelyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:31): Thank you, Mr Mulholland. The recommendations from the Wilson report were delivered at the end of last year. They are subject to legislation which will shortly be within the Parliament. If you, or indeed Mr Watson, have identified any issues that are of concern that should be referred to the appropriate authorities, I would urge that that information go to the appropriate authorities. I do note from reports yesterday and comments by Mr Watson that he had not provided that information yesterday to Victoria Police, and I hope it has since made its way there or anywhere else that it needs to be for appropriate action to be considered to look at those allegations.

Construction industry

David DAVIS (Southern Metropolitan) (12:31): (850) My question is to the Treasurer. Treasurer, the 2023–24 fourth-quarter financial report lists a \$2.2 billion payment from Treasurer’s advance to the level crossing removal program. Payments from Treasurer’s advance, according to the appropriation act, are to enable the Treasurer to meet urgent claims that may arise before parliamentary sanction is obtained. I therefore ask: Treasurer, can you assure the house that none of the money allocated through this Treasurer’s advance, or any other similar Treasurer’s payments, has been siphoned off by corrupt CFMEU officials and bikies who have a grip on the Allan Labor government’s Big Build programs?

Jaelyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:32): Mr Davis, it is my firm expectation that people act lawfully – people that are in receipt of government funding to deliver projects. That is what the money should be spent on. Again, I reiterate that with any allegations there are appropriate ways to report them.

In relation to Treasurer’s advances, I went through this in some detail with Ms Payne last week I believe in relation to the purposes of Treasurer’s advances, and obviously we are well versed in emergencies, disaster, support and the like. They are also used as contingency releases in relation to meeting invoices and milestones of already announced and funded projects, and I think that is what you were getting to in relation to the information in your question. I have, as you know, asked for further advice in relation to – despite measures for greater transparency – whether there is more that we can do in relation to ensuring there is the ability to distinguish between those two variations of Treasurer’s advances and their purposes.

David DAVIS (Southern Metropolitan) (12:34): I ask: will you indicate to the house what steps you will take before you authorise any further payments, such as Treasurer’s advances, for Big Build projects to ensure the money is not siphoned off to crooked CFMEU officials and bikies?

Jaelyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:34): Mr Davis, there are strict terms of contracts that, again, I expect compliance with. Any allegations of misappropriation should be referred to the appropriate bodies. I can confirm that Victoria Police have current investigations underway. If you have any information you would like to contribute to those, I would encourage you to do so.

Ministers statements: Aboriginal Children’s Forum

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): I rise to update the house on the Allan Labor government’s commitment to partnering with Aboriginal-led organisations to ensure Aboriginal children and families thrive. Last week I met with members of the Aboriginal Children’s Forum in Preston. I was thrilled to be joined by the Parliamentary Secretary for Children and local member for Preston from the other place Nathan Lambert. The Aboriginal Children’s Forum brings together representatives from Victoria’s Aboriginal community controlled organisations, community service organisations and the Victorian government. This year is the 10th anniversary of the forum, first established in 2015. Since then it has worked to promote the safety, health and resilience of Aboriginal children and young people.

Last week I joined forum members in congratulating Rumbalara Aboriginal Co-operative on recently becoming fully authorised under the Aboriginal Children in Aboriginal Care program. Through the program Rumbalara will work with children and their families to develop case plans and achieve long-term objectives in a way that is culturally appropriate and in the best interests of the children. I would like to congratulate CEO Felicia Dean and the whole team at Rumbalara for the work they have done to reach this important milestone. This is a fantastic outcome for Aboriginal children and families in the Goulburn area.

This program is just one part of the largest ever single investment from the 2023–24 budget of \$140 million over four years, because this Allan Labor government is committed to the expansion of the Aboriginal-led children and family services system. Through this investment we are expanding the Aboriginal Children in Aboriginal Care program and the Community Protecting Boorais program; providing additional koori-supported playgroups; allowing more Aboriginal families to access Aboriginal-led rapid engagement and diversion family services, which are aimed at diverting families from the child protection system; and funding additional Aboriginal families receiving the Aboriginal family preservation and reunification response.

In every step of the way we are working alongside Aboriginal-led organisations in the spirit of self-determination. I want to acknowledge the contribution and work of all members of the Aboriginal Children’s Forum. Aboriginal people know the unique needs of their communities best. We are proud to partner with Aboriginal-led organisations to ensure that together we can provide vital services to keep families together, thriving, culturally rich and strong.

Health workforce

Georgie CROZIER (Southern Metropolitan) (12:37): (851) My question is to the Treasurer. Treasurer, given the government has committed wage theft on a massive scale, affecting thousands of junior doctors working unpaid overtime in Victorian public hospitals over the last decade, and is required to pay \$175 million in settlement to these doctors, plus the dire state of Victoria’s budget, will a Treasurer’s advance be required?

Jaelyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:37): I thank Ms Crozier for her question. As you are aware, there are issues, not just in Victoria but also in other states, in relation to junior doctors and the expectations of unpaid wages that have been subject to legal discussions. I am not the lead minister for these discussions. You would appreciate the Department of Health and the Minister for Health have led those –

Georgie Crozier: It is \$175 million of taxpayers money, Treasurer. You are the Treasurer.

Jaelyn SYMES: It goes to the very point of the previous conversations we have had that just the fact that there are dollars connected to most things in government does not mean that I am the responsible minister. In relation to the legal discussions that have occurred, they have not been conducted by the Treasurer, they have been conducted by the Department of Health. I am trying to be

helpful in relation to confirming that those discussions have been undertaken, but I have not got responsibility for that legal negotiation in any way.

Georgie CROZIER (Southern Metropolitan) (12:39): Treasurer, you are responsible for the taxpayer's money. You are responsible for overseeing the budget.

David Davis interjected.

Georgie CROZIER: The custodian; exactly, Mr Davis. This is a really important issue – \$175 million and there will be legal costs associated with this. I will ask you, and if you cannot answer, then I will ask you to refer it on to the responsible minister and get the answer for the house this week: how much taxpayers money has the government spent on legal costs for this class action?

The PRESIDENT: I think the issue I have is that when a minister says it is not her responsibility and it is the responsibility of another minister, then a supplementary becomes very difficult. I will let the minister respond in her role as Treasurer. Whether or not she considers she will pass it on to another minister is up to her.

Jaelyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:40): As you would appreciate, I am also slightly concerned about any legal privilege matters and not inadvertently swaying into any commentary that I should not, so how about I take on notice Ms Crozier's question from the Treasury portfolio and see if there is anything I can provide that would be of assistance.

Housing

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:40): (852) My question is to the minister for housing. Minister, last sitting week the Premier claimed that maintaining public housing towers would cost billions, yet she has refused to release any financial modelling to justify this claim. Meanwhile an independent report by OFFICE, with expert advice from architects, surveyors and engineers, noted the cost of demolishing and rebuilding the Flemington estate at around \$500 million. Given that contracts have already been signed and demolition is imminent, will the government release a full cost breakdown of the demolition and redevelopment at Flemington and North Melbourne, including expected costs for construction, private sector involvement and the number of public housing units that will actually be delivered?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:41): Thank you very much for that question, Ms Gray-Barberio. The towers redevelopment is something which, again, is intended to address ageing stock which is no longer fit for purpose. When you talk about an independent report prepared by OFFICE, it is also important to note that the former leader of the Greens was fundraising in order to pay for that report. That is important to just put on the record there.

I also want to note that the report that was prepared for the purpose of understanding what a retrofit option might look like failed to consider relocations which would be required for the duration of that development and failed to consider the impact of amenity, particularly upon parents with littles, people who work shifts and older people, who would have to share lift wells and would have to work and move through construction sites even if they were to be developed floor by floor. What this report failed to consider is the fact that, due to the structural composition of these buildings, it is not possible to retrofit to a purpose where you have got compliance with flood, fire, seismic and emergency standards as they currently apply. It is not possible to put a balcony on the outside of a building for the purpose of retrofitting, again, within the amount of money as it has been described in this report.

Mr Limbrick quite rightly pointed out when we spoke on this a couple of weeks ago – and Mr Limbrick, I do not want to misquote you – and referred to having a measure of scepticism about a business case that goes down to the cents and the dollars at the end of a large number. Again, what I would suggest is that the basis upon which this report has been prepared goes only to a very narrow

focus around retrofit, which is not possible when we are talking about 20-storey towers which were built using concrete slab construction. If you do not have a subfloor section, it means that you cannot actually then install adequate lighting, adequate ventilation or adequate insulation because there is no space between the ceiling of your place and the floor above it.

What I would also say is that we are determined to make sure that information that we have has been provided and is published. There are two reports that are available publicly that do talk to the state of the towers and the need to update and upgrade them, so I would direct you to those publicly available documents. I would also say that when we work with people to understand what their needs and aspirations look like, the sorts of things that they tell us are important relate to being able to have somewhere that is warm in winter and cool in summer, that has adequate ventilation, that has access to natural light, that has entrance and egress that is accessible and that provides people with opportunities to feel safe, to have dignity and to have privacy in homes that do meet their needs and that are also places to be proud of. That is exactly what we are delivering.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:44): Minister, your government claims these homes are not fit for purpose, but independent reports by OFFICE have shown that they could be refurbished into modern, energy-efficient housing at a far lower cost than demolition. The government is spending millions to knock them down, yet you refuse to guarantee that public housing will be rebuilt on this land. Minister, can you confirm exactly how many public housing units will be replaced on the Flemington and North Melbourne estates, or is this just another land sell-off to developers?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:45): Again I come back to the answer to the first question that I received this question time. This land is not being sold. Please tell people this rather than talking about land grabs, as you are so fond of doing. Please also make sure that when you talk about social housing, you are prepared to countenance the very notion at the heart of the system, that people who are on the housing waitlist are served well by both public and community housing and that people who access community housing are able to access housing because of two specific models of housing delivered under the umbrella of social housing. When we are talking about retrofitting the towers, again I get correspondence from you and from your colleagues about how this housing is not fit for purpose. When we are talking about electrical circuitry that is embedded into the concrete –

Anasina Gray-Barberio: On a point of order, President, the question was: how many public housing units will be replaced on the Flemington and North Melbourne estates?

The PRESIDENT: Minister.

Harriet SHING: The preamble went much further than that. You know about the 39 per cent uplift in social housing across these sites, and again we are determined to continue delivering on more social housing for people in need.

Ministers statements: TAFE sector

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:46): This month marks the sixth anniversary of free TAFE in Victoria, and I am thrilled to confirm that more than 200,000 students have benefited from free TAFE, equating to over \$600 million in tuition fees. That is right; two MCGs full of students have benefited from free TAFE, saving an average of \$3000 per course. This is more proof that Victorians love TAFE and trust TAFE training. Last week I was joined by the member for Frankston Paul Edbrooke and the member for Hastings Paul Mercurio at the official opening of stage 2 of the Chisholm Institute's Frankston campus redevelopment. These upgraded spaces will accommodate more than 2000 students per year training for in-demand jobs. With this \$67 million investment, this campus is as spectacular as any university campus, proving once more that TAFE is a choice that is equal first to university for students. We met students

undertaking a certificate IV in cybersecurity through free TAFE and heard firsthand how the removal of the financial barrier made undertaking the course a reality. This was followed by a visit to Chisholm's Cranbourne campus with the member for Cranbourne Pauline Richards. We met students undertaking another free TAFE course. This time it was the certificate III in horticulture. We also met Cassie, a third-year plumbing apprentice who is excited to be studying at one of our world-class public TAFEs. These courses are about preparing students for secure, in-demand careers, and free TAFE is making training a reality for so many people, because training for a reliable, rewarding job should not come with a price tag. This means more Victorians can get the skills needed for reliable jobs that lead to rewarding careers.

Written responses

The PRESIDENT (12:48): I thank the Treasurer, who committed to providing a written response to Ms Crozier's supplementary question.

Constituency questions

Western Victoria Region

Jacinta ERMACORA (Western Victoria) (12:49): (1455) My question is to the Minister for Emergency Services Vicki Ward. Minister, last week the state and federal governments announced that they are providing more than \$29 million in assistance for small businesses and communities affected by bushfires in western Victoria. I would like to express my appreciation for the support that Minister Erdogan announced just now as well in relation to liquor licensing. This support and the previously announced emergency relief grants mean that more than \$1.3 million will be paid in emergency relief. My question for the minister is: is this assistance targeted to particular LGAs in western Victoria, and if so, which particular areas?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:50): (1456) My question is to the Minister for Environment, and it relates to the closure of the old port walking track at Port Albert, which has fallen into disrepair and is now inaccessible. Given that the port is a designated tourist area, and a beautiful one at that, it is crucial that tracks like this are properly maintained to ensure that they are safe and accessible and open for both residents and tourists. Minister, will you fast-track Parks Victoria planning and funding for the maintenance and reopening of this walking track and communicate when it will be reopened? In addition, Minister, there are other tracks that are still closed: Sealers Cove, Buchan Caves Reserve, Marlo –

The PRESIDENT: Your time has expired, but you can keep going.

Melina BATH: I have got a long list, President.

The PRESIDENT: No, don't then. I think we have got your question.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:51): (1457) My question today is to the Minister for Health, and it relates to my constituents' access to health care in the Box Hill area. Box Hill needs an urgent care centre. Residents have told me that people who live in and around the Box Hill area are finding it difficult to access affordable health care. They tell me that there are not sufficient bulk-billing clinics in the area, and those clinics that do offer these services often limit bulk-billing to existing clients or only offer it to children and to seniors. Accessibility becomes even more difficult outside of regular business hours, and people are often forced to attend hospital emergency departments for things that they would normally be visiting a GP for. With a well-located urgent care centre in Box Hill, people would be able to easily access affordable health care seven days a week from early until late. It would greatly improve the livability of Box Hill and would improve the health outcomes for those who live in this wonderful area. Minister, will you commit to opening one?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:52): (1458) My matter for constituency questions today is for the Minister for Industrial Relations, and it concerns corruption on Big Build sites. Specifically within my electorate there have been a series of reports about corruption on the Melbourne Metro site and indeed a number of the Big Build sites that deal with level crossing removals. But what we have seen is an incompetent government, a government that has failed to deal with these corrupt practices on sites, and millions of dollars is being siphoned off corruptly to union officials and bikies. It is time it stopped. It is time the industrial relations minister and the Premier got active and actually enforced the law, changed the law if necessary, to stop these corrupt practices which are siphoning off hard-earned taxpayers money. It is no wonder these projects blow out – *(Time expired)*

Western Metropolitan Region

David ETTERSANK (Western Metropolitan) (12:53): (1459) My question is for the Minister for Multicultural Affairs. My constituent who lives in Truganina is increasingly concerned for her safety following a series of high-profile Islamophobic attacks. The Islamophobic Register's latest research shows a concerning rise in assaults, abuse and threats, with in-person and online incidents more than doubling since the previous reporting period. Worryingly, there is also a gendered element, with three-quarters of the attacks targeting women and girls. Governments at every level must condemn hate in all its forms. In 2022 the United Nations General Assembly designated 15 March as the International Day to Combat Islamophobia, but this date is yet to be officially recognised in Australia. My constituent asks: could the minister provide an update on the government's response to the rise in attacks on Muslim women and girls and the government's position on formally recognising 15 March as the International Day to Combat Islamophobia?

Western Victoria Region

Joe McCracken (Western Victoria) (12:54): (1460) My constituency question is for the Minister for Roads and Road Safety. My constituent lives in Bacchus Marsh and often uses the Bacchus Marsh Road, which turns into the Old Western Highway. This road has roadwork signs on it and has had for the last four years. The speed limit has changed multiple times in the last 12 months, from 40 k's an hour to 60 k's an hour and 80 k's an hour towards Melton. On the dual carriageway there is one lane that has been closed off when you go up Anthony's Cutting, and that has been closed off completely. The irony of that situation is it means that all the traffic goes on one particular lane, and that one particular lane is riddled with potholes, cracks; it is in a really bad state of disrepair. It has concentrated all the traffic on that. With all the bollards and barriers in place and no actual work being done, it is a pretty laughable situation. My question to the minister is: what are you going to do to fix this situation? Because it is an absolute disgrace.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:55): (1461) My question is for the Minister for Roads and Road Safety. Bell Street between Sydney Road and Elizabeth Street in Coburg is notorious for being dangerous, with a lack of pedestrian barriers and crossings, poor signage and road markings, heavy traffic and careless driver behaviour. With an average of 47,000 vehicles and 2200 trucks passing through daily, Bell Street and surrounding streets face severe road safety issues. The risks to pedestrians, particularly schoolchildren, are severe. Since 2018 over 25 crashes at Bell Street crossings resulted in 30 injuries. This is a disaster waiting to happen. Minister, my constituents, especially my younger ones, cannot wait for a tragedy to prompt action. Will your government commit to installing an overpass to ensure the safety of students and pedestrians in Coburg?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:56): (1462) My question is to the Minister for Public and Active Transport, and I ask the minister about the lack of public transport options at all in the Hidden Valley community in Wallan. This is something I have raised before, but I have received

no clear response, only that there are no current short-term plans to introduce better transport links. This community is home to over 2500 residents, yet they still have no bus services connecting them to the Wallan township or nearby train stations. Locals have raised their concerns with both the member for Kalkallo and the member for Yan Yean, but to no avail. The minister has offered no support either. This community is desperate for bus links to Wallan or even Donnybrook or Craigieburn, but nothing has been offered. I ask the minister: how much longer will the community of Hidden Valley be ignored in their need for better public transport?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:57): (1463) My constituency question is for the Minister for Planning. The Suburban Rail Loop precinct plan for Box Hill has been published, and the SRL seems to be playing fast and loose with the future of the Box Hill brickworks site. The precinct plan seems to indicate it is zoned for high-rise and the illustrations seem to indicate it, but when you ask officers, they say there are no plans for high-rise buildings on the brickworks site. I ask the minister to please provide my community with clarity. They only have a few weeks in which to provide their feedback on that plan, so we need to know: is it the intention of the government that the Box Hill brickworks site be built on?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:58): (1464) My constituency question for the Minister for Local Government concerns the Southern Grampians shire's shocking plan to cut down Hamilton CBD's beautiful plane trees and the extraordinary cost of consultants employed to justify the plan. The 40-year-old majestic trees embody Hamilton. Their rich canopy is the pride of the town, offering sanctuary on a hot summer day, boosting the mental health of residents and bolstering tourism and the environment. They are also subject to a heritage order. A 2020 CBD master plan described the fantastic street trees as adding charm and character to the town centre. Just four years later, a brand new \$600,000 masterplan condemns the trees – \$600,000 is more than twice the total rates increase levied by the council on residents. Minister, will you ask the council to justify their opinion shopping, which has led to massive spending on this new report and its appalling and unpopular recommendations?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:59): (1465) My question is to the Minister for Local Government, and my question is: why is Casey council proposing to spend \$40 million to \$60 million, which I believe represents 40 to 60 per cent of its capital works budget, on the Cranbourne hub, a single project, when the general sentiment from a recent Cranbourne Chamber of Commerce meeting is that most are against the project based on cost and location? The chamber of commerce has a role in speaking up for Cranbourne businesses and the wider community on matters that affect us all. The public consultation closed on 16 March. Casey council, I understand, will seek endorsement to adopt the project, and the hub is said to open in 2029. Casey council has a meeting today, with local ratepayers, residents and businesses going to be locked out, which does not effectively allow public transparency, consultation or expression of local sentiment on issues that impact the community.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (13:00): (1466) My question is to the Minister for Police and is regarding escalating crime and antisocial and dangerous behaviour in Bendigo and surrounding towns and the need for additional protective services officers in the town and on public transport. I have spoken with local retail businesses that have been targeted by young thugs, including experiencing property damage, theft and personal attacks. Local residents have also reported serious antisocial behaviour on public transport, including Gwen, a lady in her 70s, who witnessed a young girl abusing staff, and another elderly couple who were left shaken after a man threatened their lives and those of young school students at the Bendigo train station. The Nationals have been advocating

for more PSOs in regional areas for years. There is a PSO presence at 212 train stations in Melbourne, but only four stations in all of regional Victoria have a part-time PSO presence. I ask the minister to commit to allocating more funding for PSOs to increase their presence in regional towns and on public transport and ensure the community is protected.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:01): (1467) My question is for the Minister for Transport Infrastructure. Will the minister cancel the demolition of the Benalla rail signal box, which is due to be demolished this weekend, 22 and 23 March, and instead relocate and restore this much-loved piece of Benalla's rail heritage? Over the weekend I was contacted by constituents wishing to make a plea for an eleventh hour stay of execution for the Benalla rail signal box. The signal box was built in the 1870s and has been a feature of the Benalla rail precinct ever since, but unfortunately it stands in the way of the inland rail project. Locals in Benalla understand it cannot remain in its current position but are keen to see it relocated near the proposed new platform on the Railway Place and Hannah Street side of the rail line. Relocation and restoration of signal boxes is not impossible. It has happened in many other places in Victoria. The engineer's report has identified that work would need to be done to make the signal box sound, but that should not be a barrier to preserving a community's heritage.

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 4

Sonja TERPSTRA (North-Eastern Metropolitan) (13:02): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 4 of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Legal and Social Issues Committee

Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023

Trung LUU (Western Metropolitan) (13:03): Pursuant to standing order 23.22, I table a report of the inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023, including appendices, extracts of proceedings, minority reports and transcripts of evidence, from the Legal and Social Issues Committee. I move:

That the report be published.

Motion agreed to.

Trung LUU: I move:

That the Council take note of the report.

This report of the Legal and Social Issues Committee examines a bill introduced in the Legislative Council by the Legalise Cannabis Party to regulate the personal use of cannabis in Victoria. This bill was sent to the committee in September 2024. The report is a comparatively short report by the usual standard of the committee, reflecting the very specific nature of the inquiry. In it the committee provides important background information that guides understanding of the bill. This includes a comparison of the bill with the legislation of the Australian Capital Territory that the bill is based on, as well as a summary of the latest research on the impact that the legislation has had in the ACT. The committee also explored jurisdictions globally that had either legalised or decriminalised cannabis for personal use and has included this analysis in the report.

Other relevant information that the committee provided includes a list of amendments to the bill suggested by stakeholders and a transcript of evidence from the public hearing the committee held on 14 February 2025. I take this opportunity to thank all stakeholders who made submissions and attended the hearing. The committee also appreciates the experts who took time to speak with the committee when they travelled to Canberra to investigate this issue. I would also like to thank my fellow committee members and the committee secretariat Sylvette Bassy, Caitlin Connally, Niamh McEvoy and Patrick O'Brien. I trust this report is useful in informing Parliament when deciding on the progress of this bill.

Ryan BATCHELOR (Southern Metropolitan) (13:05): The inquiry into Ms Payne's private members bill on the regulation of personal use and cultivation of cannabis was an efficient yet thoughtful consideration of the complex issues around cannabis regulation in Victoria. The inquiry did not seek to reinvestigate all the issues covered by the committee's broader 2022 inquiry into cannabis regulation but rather focused on the ACT's laws that fully decriminalised personal possession and cultivation of cannabis in 2020. Ms Payne's bill is modelled closely on those laws, with a few key changes. The committee visited the ACT and spoke with the government, ACT policing and health experts, and it is clear from that evidence that the ACT has had a generally positive experience of allowing people to grow a few plants in their backyards and possess small quantities of cannabis without penalty. There has been no increase in cannabis use and no increase in hospital admissions, but there has also been no decrease in organised crime or the illicit trade of cannabis in the ACT. In short, in the ACT not much has changed except perhaps removing people who use small amounts of cannabis from the criminal justice system, reductions in stigma and an increase in users seeking support. Those are clear benefits, and some argue that the same laws would have the same results here in Victoria.

But such a conclusion cannot be automatically drawn. Victoria today is not the ACT of 2020. We are a larger, more diverse jurisdiction with different challenges. The ACT has also had 25-plus years of using a simple cannabis offence notice, a \$100 on-the-spot fine for possession of small quantities of cannabis, which is a fundamental difference between the ACT of 2020 and Victoria today. We cannot automatically expect the same results starting from a different position. The committee has recommended that the government take note of the successes in the ACT and carefully consider the implications here in Victoria. There are benefits to the approach in the bill, there would also be challenges and we must think through both. The committee recommends that the bill also needs amendment. These are complex issues. Steps to reduce the criminal stigma from the possession of small amounts of cannabis would be beneficial, but they do need a thorough process through normal government policy development, not a private members bill.

Rachel PAYNE (South-Eastern Metropolitan) (13:07): I rise to speak on this report on behalf of Legalise Cannabis Victoria. Cannabis in Victoria should be treated as a public health issue, with law reform guided by the principles of harm minimisation. This finding reflects the fact that the overwhelming majority of submissions to the inquiry were in support of our bill. It also reflects the irrefutable evidence of the ACT's successful decriminalisation of cannabis. Despite our best efforts this report stops short of recommending our bill be passed, although it does recommend the Victorian government consider adopting an approach in line with that proposed by our bill. It is a shame that the Victorian government chooses to continue to be the only jurisdiction in Australia with a blanket policy of not supporting private members bills. It is also a shame that our recommendation to establish an independent expert advisory panel was unsuccessful. This panel would investigate the further regulation of cannabis, including a commercial market for cannabis in Victoria – a modest evidence-led reform like our bill. These concerns are elaborated further in my minority report. In closing, I would like to thank the secretariat for their outstanding work. I would also like to thank all the stakeholders who made a submission and presented at the public hearing. Your expertise and experiences have been invaluable, particularly those who shared their lived experiences. The opportunity to conduct an inquiry into our bill has helped us understand the best practice model for

regulating the personal adult use of cannabis in Victoria. I do look forward to seeing the government's response to this report, because the time for change is now.

Michael GALEA (South-Eastern Metropolitan) (13:09): I also rise to share a few words on the report which has just today been tabled by the Legal and Social Issues Committee. This has been a sincerely fascinating inquiry to be part of, and I would like to at the outset thank all of the committee staff, including the secretariat and Patrick O'Brien, for their very hard work in what was a very compressed timeframe, with some other things on our agenda too – a relatively short space of time we had to dive into this subject. It has been a very interesting opportunity for me as well. The inquiry primarily consisted of a day of hearings, a full transcript of which is enclosed in this report, but also the opportunity for us to visit the ACT, the subject of the model which Ms Payne's bill aims to emulate in Victoria, and to meet with lawmakers, with health officials and with the ACT policing division of the Australian Federal Police. It was genuinely very fascinating, very interesting to get insights from all of the submissions and witnesses and those other people we had the opportunity to meet with as part of this inquiry.

These relatively short segments we have here to discuss reports will not allow me to go into the full range of discussion that I would like to, and I will save my fulsome remarks for a future statement on reports, but suffice to say, as Mr Batchelor has said, the recommendations and findings in this report present to government a very strong and reliable framework which an appropriate and very sensible decriminalisation model could follow. I commend the report to the house.

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:11): I rise also to take note of the report of the inquiry into the bill that has been brought forward by Legalise Cannabis Victoria in relation to the decriminalisation of cannabis in this state. I would like to begin by thanking the secretariat and staff for their involvement in what was a really effective and, as has been noted, quite efficient inquiry process into this bill. The ACT trip, the significance of the evidence that we heard there and through the hearings – really this was a highly effective process for stimulating the conversation around cannabis regulation in this state, looking at what I would say is a comparable jurisdiction, the ACT, where Labor is in power, where Labor have in the past worked to progress reform in this area, which has seen people diverted away from the criminal justice system for use of a plant.

There is so much that we can look to the ACT for in this space to learn from, when we look at this report and we look at the findings and recommendations that are consequent to this process. There is a lot that we should be learning from the ACT experience. Diverting people away from the criminal justice system for cannabis use or possession or growing in your own backyard makes sense. A lot of Victorians have been calling for this sort of reform for a really long time, so I thank Legalise Cannabis Victoria and my colleagues for bringing this process forward.

I will just close by stating that the doorway has always been open, all of this parliamentary term, for this government to make reform in cannabis and in decriminalisation or even legalisation in this space – from day one. It really should not have taken this process to get all of this on record but, again, doing so has been a really effective process. I look forward to the government's response to this inquiry process and what has been brought forward today and to a consequent government bill, given the government seems to have the hubris that only a government bill can become law in this place. I look forward to seeing the bill and seeing it pass the house.

David ETTERSANK (Western Metropolitan) (13:13): I would also like to just make a brief comment. Firstly, I would like to thank the other members of the committee for the very collegiate and professional way in which they approached the mission that was before the committee. I would also like to express deep appreciation to the secretariat, who performed incredibly well and incredibly professionally in meeting the challenges that were put before them in a very tight timeframe.

Every year in Victoria 9000 to 10,000 people fall foul of the laws relating to personal use and possession – nothing commercial; purely personal use and possession – and it was in this context that

Legalise Cannabis Victoria moved the bill, which seeks to address decriminalisation of personal use and to allow for home growing, sharing and a number of other key issues. We drew heavily on the ACT legislation in doing that. We have now seen five years of that very similar ACT legislation, and we have seen that reviewed by the health department in the ACT through a very comprehensive process. What that has shown us is that that reform has been overwhelmingly positive.

The committee heard from a deputy commissioner of police in the ACT, who said that they had many concerns when this bill came in and, as he said, none have eventuated. Likewise, we met with the ACT health minister, and she was glowing in her praise for these changes. No adverse impacts have been seen in the ACT, but what has changed is that the number of people falling foul of the law has dropped by over 90 per cent.

The government is committed here in Victoria to strategically reforming the way in which the criminal code affects people, particularly young people, and this is a perfect example of how at no cost to the government – in fact at a saving to the government – real change can be made. We call on the government to implement these reforms, consistent with the committee’s recommendations. I endorse the report to the Council.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Financial Management Act 1994 – 2024–25 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2025 (*Ordered to be published*) (*released on 7 March 2025 – a non-sitting day*).

Municipal Association of Victoria – Report, 2023–24.

Murray-Darling Basin Authority – Report, 2023–24.

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

Casey Planning Scheme – Amendment C301.

Greater Geelong Planning Scheme – Amendment C397.

Knox Planning Scheme – Amendment C192.

Melton Planning Scheme – Amendment C246.

Moonee Valley Planning Scheme – Amendment C212.

Mornington Peninsula Planning Scheme – Amendment C307.

South Gippsland Planning Scheme – Amendment C134.

Victoria Planning Provisions – Amendment VC267.

Wyndham Planning Scheme – Amendment C256.

Statutory Rules under the following Acts of Parliament –

Conservation, Forests and Lands Act 1987 – No. 2.

Surveying Act 2004 – No. 4.

Tobacco Act 1987 – No. 3.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 3 and 4.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: the Minister for Planning’s response to a petition titled ‘Stop the construction of a waste transfer station in Hampton Park’ and the Minister for WorkSafe and the TAC’s response to a petition titled ‘Ban all fireworks displays’.

*Production of documents***Planning policy**

The Clerk: I table a letter from the Attorney-General dated 16 March 2025 in response to a resolution of the Council on 19 February 2025 on the motion of Mr Mulholland relating to *Plan Melbourne*. The letter states that the date for the production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

*Business of the house***Notices****Notices of motion given.****General business**

David DAVIS (Southern Metropolitan) (13:33): I move, by leave:

That the following general business take precedence on Wednesday 19 March 2025:

- (1) notice of motion given this day by Georgie Purcell on wombat populations;
- (2) notice of motion given this day by Evan Mulholland on investigating corruption and misconduct in the CFMEU;
- (3) notice of motion 853 standing in Georgie Crozier's name on sentinel events; and
- (4) notice of motion 817 standing in my name on the Victorian debt ceiling.

Motion agreed to.*Members statements***International Women's Day**

Jacinta ERMACORA (Western Victoria) (13:33): I was thrilled to partner with Moyne shire to host an International Women's Day 2025 reception. I was prompted to do so because four of the seven councillors are women, and this is the first time that more than one woman has been elected to Moyne shire. I was able to speak at that reception about the women's pain round tables that I held in Portland, Hamilton and Warrnambool and online and the feedback that I received at those round tables that will form part of the Victorian government's inquiry into women's pain. The importance of that inquiry was totally reinforced by the recent comments by former Triple M radio host Marty Sheargold. Mr Sheargold should have read the 13,000 submissions that women from across Victoria made before he made those comments. It just shows how important it is to make sure that we provide a voice for women in Victoria on the issue of pain. On the same evening the Inspiring Women of Moyne award winners were also announced. Koroit-based barber Kayla Grant was recognised for her advocacy in mental health. Trish Smith was recognised for her years of public service and spoke eloquently of her passion for teaching. She was proudly wearing a purple scarf given to her by Joan Kirner. My thanks to Moyne shire for organising such a special reception.

Medical research

Georgie CROZIER (Southern Metropolitan) (13:35): It is very concerning to be reading reports about the medical research industry in this state being under threat as a direct result of the lack of funding and support provided by the Allan Labor government. Reports today talking about 14 institutes being on track to go broke by 2028–29 should alarm every single member of the government. This again shows the government's priorities are all wrong. They are prioritising spending and funding in areas that are not as urgent as health care or some of these areas like medical research, which provide life-saving medical trials for many, many Victorians, indeed Australians and people around the world. This is an incredibly important industry. It employs tens of thousands of people, but it provides life-saving drugs, research and innovation that have put Victoria on the map

globally. I would ask the government to reconsider some of their spending priorities and ensure that there is proper funding in this year's budget to ensure that this very vital and necessary industry sector is maintained so that we can continue with the great work that so many do.

Sikh New Year

Sarah MANSFIELD (Western Victoria) (13:37): It was a pleasure to attend the Sikh New Year celebrations in Melton on the weekend. Despite the very hot weather, Sikh Victorians and members of the broader community headed along to this event to enjoy some delicious food, drinks and social connection. It was an opportunity to learn more about Sikh history and culture from visual representations of significant past events as well as chatting to different stallholders, I learned about the significance of the turban and its importance in religious expression and about handcrafts and how they have evolved with industrialisation and colonisation in India, and I had the opportunity to have some great conversations with a range of people from the community. The Sikh community's contribution to the fabric of Victoria is immense, and their generosity was once again exemplified recently by the food assistance they provided to bushfire-affected communities in Gariwerd, or the Grampians. Thank you once again for the invitation to attend this event on the weekend and happy Sikh New Year.

Jewish Arts Quarter

John BERGER (Southern Metropolitan) (13:38): On the weekend I had the privilege to visit the Jewish Arts Quarter In One Voice festival in Selwyn Street, Elsternwick, a day of community, music, art, food, a makers market, kids' activities and more. The JAQ, or Jewish Arts Quarter, is a key part of Elsternwick's revitalisation strategy. It was great to be joined by the Deputy Prime Minister Richard Marles, the great local member for Macnamara Josh Burns, Senator Ciccone, Mr Batchelor and many others. The dream is well on its way. Like Lygon Street, Oakleigh and Chinatown, Selwyn Street is rapidly becoming a place of connection and importance, a place for all Jewish Australians and Australians to visit. Thank you to everyone who made the day a success. I found the presentations, speeches and videos very informative about the future of the quarter.

State Emergency Service Malvern unit

John BERGER (Southern Metropolitan) (13:38): On a second matter, I had the chance to catch up with the SES last night in Malvern. It was a great catch-up, and I want to pay tribute to their hard work, dedication and selflessness in putting themselves on the line for our community. You can see their work whatever they do. From floods to storms, broken tree branches and fires, the SES is always there. Thank you to the deputy controller for community engagement at Malvern SES unit for helping organise the visit.

Lara waste-to-energy facility

Bev McARTHUR (Western Victoria) (13:39): I was interested to read a recent social media post from the member for Lara. Commenting on a video with Deputy Prime Minister and local MP Richard Marles, she wrote:

For months now, local residents have been campaigning against a proposed waste to energy facility in Lara. We're proud to back the community in this fight ... we do not support a big incinerator in Lara. The proposed site is just too close to too many homes – with the nearest home only 350 meters away. Lara is a beautiful part of the world, and it is not the right place for a project like this.

This is remarkable: two local Labor MPs listening to their community and opposing a project. Why then do they and their colleagues ignore the big battery and solar projects surrounding Little River? As the member for Lara said:

Lara is a beautiful part of the world, and it is not the right place for a project like this.

But what about transmission lines? Why does the community's view matter on this project but not on renewables? Why does the environment matter on this matter but not on transmission lines? Some of

those will be equally close. Is this hypocrisy simply because Labor only care when they are getting outflanked by the Greens?

Shepp Feathers badminton club

Rikkie-Lee TYRRELL (Northern Victoria) (13:40): My members statement today is dedicated to celebrating the athletic achievements of the Shepparton Feathers badminton club and the participants in the Wangaratta Marathon over the weekend. On Saturday I was welcomed to the Shepparton Feathers badminton championship, where I was lucky enough to have a front row seat to see the men's final round. I was blown away by the skill and absolute speed of the players. Before the award ceremony we were also treated to a flash mob of kids putting on some very impressive dancing skills. Well done, Shepp Feathers, for a terrific season.

Wangaratta Marathon

Rikkie-Lee TYRRELL (Northern Victoria) (13:41): On Sunday I hauled my very unfit self out of bed at 6 am to join the hundreds of participants in the Wangaratta Marathon. Naturally, I only participated in the mini 5-kilometre run, but I was proud to pull on the Centre Against Violence singlet and hat and join the team running against violence. I am still feeling the workout today, but that is nothing in comparison to the thousands of Australians still facing violence every day. Congratulations to the organisers and the participants.

St Patrick's Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:41): I wish everybody a very happy St Patrick's Day – of course St Patrick's Day was 17 March – and acknowledge that the celebrations continue throughout this week. I thank the archdiocese of Melbourne for the invitation to join in the feast of St Patrick. St Patrick is the patron saint of the Catholic Archdiocese of Melbourne, and the Patrick oration was delivered by the Most Reverend Peter Comensoli, Archbishop of Melbourne.

VIEW Clubs of Australia

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:42): I had the pleasure of attending a local VIEW club. VIEW clubs, for those of us that do not know, in Australia are a national women's volunteer organisation with clubs right across the nation. They are non-political and have no religious affiliation. They were founded in 1960 by the Smith Family, and there are approximately 14,000-plus members across 300 clubs Australia wide. VIEW club women are connected by the common purpose of improving the lives of Australian students experiencing disadvantage by supporting their education. Membership is open to women of all ages from across Australia and from all walks of life, and friendship is a valuable part of the club. The VIEW club support 'learning for life' students by raising vital funds through local and national activities. Their aim is to empower children to change their lives by breaking the cycle of poverty. There are currently 1785 primary, secondary and tertiary students being sponsored by VIEW clubs.

Electric vehicles

Katherine COPSEY (Southern Metropolitan) (13:43): Over the last fortnight ex-tropical cyclone Alfred brought down power to hundreds of thousands of homes across Queensland and northern New South Wales. One example of household resilience that has emerged from this is that some have been able to use the batteries in their electric vehicles, which are much bigger than most home batteries, as batteries on wheels that can provide enough power to run a fridge and other appliances for up to a week. EVs that are equipped with two-way charging systems can act as an emergency generator or supply for devices such as lights, laptops, TVs and fridges, for your own home and for your neighbours. One woman made headlines in late 2023 when she used her EV to power her son's dialysis machine after a previous set of storms cut power to south-east Queensland. Her son, who is on the transplant list, would have faced life-threatening health consequences had the dialysis machine

remained off during the mains power outage. As the ABC reported last week, given the storm flattened hundreds of transmission poles, in Australia there was:

‘No quick fix’ to power outages in Qld, NSW as ex-Tropical Cyclone Alfred lays bare grid vulnerability

The science is clear: we can expect more extreme weather events from climate change. Electric vehicles can be an unlikely hero to help us in the fight against climate change by not just reducing emissions when we drive but also helping us remain resilient to the impacts of climate change, which makes it even more important to help people to buy EVs by reinstating subsidies.

Box Hill Chinese community

Richard WELCH (North-Eastern Metropolitan) (13:45): Last week it was my pleasure to sit down to a meal with the community leaders of business and volunteer groups from the Chinese community in Box Hill. We shared food and we shared meaningful discussions about strengthening local businesses, fostering economic growth and ensuring every voice in our community is heard. There are challenges and there are opportunities, but strong communities are built on collaboration, and it is vital that every business and cultural group has a seat at the table. I really appreciate the insights and the time that I spent with them, and I look forward to continuing our work together.

Landcare

Richard WELCH (North-Eastern Metropolitan) (13:45): This week in Parliament we are very fortunate that we have the Parliamentary Friends of Landcare hosting Landcare themselves and many groups from around the states presenting to us in Queen’s Hall. These volunteers restore habitats, improve soil and water quality and support biodiversity, work that benefits every community. I encourage everyone across all regions of Victoria to engage with their Landcare groups, hear their insights and see firsthand the difference that they make. Supporting grassroots conservation is not just good for the environment, it strengthens local community, it is good for mental health and it is good for physical health. Let us ensure Landcare continues to thrive from strong representation and strong participation of volunteers.

Vietnamese Museum Australia

Trung LUU (Western Metropolitan) (13:46): This year is particularly significant as it marks the 50th anniversary of Vietnamese settlement in Australia, a milestone that recognises the resilience, contribution and lasting impact of the Vietnamese Australian community to Australia, a place the Vietnamese community calls home. Taking the next step in the Vietnamese community’s contribution to Australia, it has established a museum – a long-held aspiration – with strong community support and bipartisan government backing at both state and federal level. On Sunday 16 March I attended the grand opening ceremony of Australia’s first Vietnamese museum, in Sunshine, with my colleague John Pesutto from the other place. This event marks an important milestone for the Vietnamese community as a part of the broader Australian community. The museum is recognition of the shared history and the importance of its preservation for the future of the Vietnamese community. I want to congratulate the Vietnamese Museum Australia team and the wider community in Sunshine and in Springvale for their support for this milestone event.

St John of God Bendigo Hospital

Gaelle BROAD (Northern Victoria) (13:48): I would like to commend the outstanding efforts of St John of God Hospital in Bendigo. Through the generous support of individuals, families, local companies, businesses and community groups, the hospital has successfully secured and installed a da Vinci robotic surgical system. The da Vinci robot, valued at \$2.5 million, has already been put to good use, with the first robotic surgery recently completed on a resident from Charlton. St John of God staff have been trained to operate this advanced technology, which will allow for up to a thousand surgeries each year. This will not only help reduce long surgery waitlists but also shorten the time patients spend in hospital, leading to better outcomes for both private and public patients. The presence

of this cutting-edge equipment will also attract more specialists to work in regional Victoria, further improving the quality of health care available to residents.

I thank St John of God for their commitment to advancing health care in our region and extend my heartfelt gratitude to all the donors whose generosity has made this possible. A special thankyou to Associate Professor Janelle Brennan for championing this investment and conducting the first surgery, to Anna Hill for leading the fundraising campaign and to St John of God CEO Michael Hogan for making this vision a reality. This remarkable achievement is a testament to the community's support and commitment to improving health care in regional Victoria and will make a tangible difference to the lives of thousands of regional Victorians.

Rotary Club of Shepparton

Wendy LOVELL (Northern Victoria) (13:49): On 31 December 1973 the Rotary Club of Shepparton buried their first time capsule, which was recovered on 1 January 2000. I remember the capsule being recovered and a family I knew who were teenagers when their parents passed away receiving letters from their mum and dad. This had a profound effect on me, and I encouraged my own parents to write letters to their grandchildren as part of the next capsule, which was buried on 27 February 2000 and recovered on 27 February this year. The recovery of the capsule has brought much joy to the recipients of letters and other artefacts buried for the past 25 years. For my own family, the overwhelming emotion of just seeing the unopened envelope with Dad's writing on it was amazing. The boys were so excited to read the letters from their grandparents, who spoke of their love for them and the special moments they had shared. Dad had also included some commemorative coins, and there was a birthday card to be opened on their birthday this year. I know so many others experienced the same joy as our family.

In addition to letters, memorabilia buried included newspapers from the turn of the century and many letters and bulletins from the then committee of community groups to the current committee. It is amazing how much has changed and yet how much still stays the same. However, looking at newspapers of the day did make me wonder if by the time the next capsule is recovered in 2050 a daily printed-edition newspaper may actually be a thing of the past. The capsule will be reburied on 31 May, to be recovered on 26 January 2050. Thank you to the Rotary Club of Shepparton for bringing our community so much joy.

Energy policy

David DAVIS (Southern Metropolitan) (13:51): I want to alert the chamber today, and the community, to the worst fears that many people obviously felt when they heard about the Victorian default offer released last week by Lily D'Ambrosio and the Essential Services Commission. This sets the electricity price high again. It is stuck at a high level. Under this government it has gone up and up and up. It is a small rise this year, but it is stuck at a high level. Victorians are doing it tough with the cost of living – families are and small businesses are. We saw an increase in 2022–23 of 4.5 per cent and then in 2023–24 of 25 per cent – huge rises in electricity costs in Victoria. I see one Labor member saying, 'Oh, they're the cheapest in the country.' Well, coal has kept it cheaper, but at the same time the costs have gone up and up and up, and we have got the highest level of electricity increases across that period in the country. That is the truth of the matter. This government has locked these charges in at a high rate – at an unaffordable rate for families – higher than ever before in Victoria, higher than ever before in this state. It is because Labor has mismanaged the energy transition. They have mismanaged energy policy. 10 years –

John Berger interjected.

David DAVIS: I tell you what, they were cheaper under us. People are paying more under Lily D'Ambrosio and Labor. They are paying more and more and more as prices go up and up and up.

The PRESIDENT: Mr Davis, your time has expired. I remind you about not pointing across the chamber.

Bills

Family Violence Protection Amendment Bill 2025

Introduction and first reading

The PRESIDENT (13:53): I have a message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Family Violence Protection Act 2008** in relation to service of certain orders and for other purposes.’

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (13:53): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: 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) (13:54): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Family Violence Protection Amendment Bill 2025 (the Bill).

In my opinion, the Family Violence Protection Amendment Bill 2025, as introduced to the Legislative Council, is compatible with human rights as set out on the Charter. While it may constitute a significant limit on rights, it serves a pressing and substantial objective to remedy an important issue where no less restrictive means exist. I recognise that the Bill may, in particular cases, have a significant impact on fundamental rights, and as such, I acknowledge a potential for the Bill to operate in a way that may be incompatible with the Charter. However, it is not possible to frame the amendments in a way that specifically addresses those particular cases. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The purpose of the Bill is to amend the *Family Violence Protection Act 2008* to overcome defects in certain copies of family violence intervention orders that were served, or purportedly served, on or after 15 November 2024.

Family violence intervention orders

A Family Violence Intervention Order (FVIO) is a court order that aims to protect a person and, where relevant, their children and their property from someone (the respondent to the FVIO) who has used family violence against that person, or their children or property. An FVIO will include conditions that a respondent must follow, including conduct that the respondent must not engage in. Failure to follow the conditions contained in the FVIO may amount to a breach of the FVIO, which is a criminal offence. A recognised DVO is an FVIO made in another Australian jurisdiction or overseas which is recognised in Victoria under the *National Domestic Violence Order Scheme Act 2016*. The Family Violence Protection Act authorises the court to vary or extend a recognised DVO, as if that DVO were an FVIO made in Victoria. References in this statement to FVIOs should be taken to include a reference to an order varying or extending an FVIO, or an order varying or extending a recognised DVO.

If a respondent is present in court when the FVIO is made, the order and its conditions will be explained to them at that time, and (unless the respondent is a child) it is not a requirement that they are formally served

with a copy of the order. However, if the respondent is not present in court when the FVIO is made, or if they are a child, they must be formally served with a copy of the order and provided with an explanation which confirms its conditions.

Defects in certain copies of relevant orders

In March of this year, it was identified that words contained in FVIOs when they were made in court were omitted in copies of the orders when the copies were printed and formally served. The phrase missing was ‘the Court orders that the respondent must not’, which should have been printed before the list of conduct that the respondent must not engage in. While the preceding phrase was omitted from the printed copy of the order, the description of the conduct prohibited was not affected by the error and still appeared on the copy of the order.

While rectified on 5 March 2025, it was established that this computer system error had been operating since November 2024, and a significant number of FVIOs printed in that period had been affected by the error, with the effect that they were not true copies of the order as made. This may result in a defect in service.

The Bill’s effect

In light of this, clause 3 of the Bill inserts into the *Family Violence Protection Act 2008* new section 235, which provides that a copy of any of the orders specified in new section 235(1) that were made on and after 15 November 2024 and before the commencement of the legislation, affected by the error and served on a respondent is taken to be, and to always have been, a true copy of that order as made by the Magistrates’ Court or the Children’s Court. It also provides in new section 235(2)(b) that any certificate of service completed in respect of that service or purported service

The orders specified in new section 235(1), made by the Magistrates’ Court or the Children’s Court, are:

- (a) a family violence intervention order;
- (b) an order varying a family violence intervention order;
- (c) an order extending a family violence intervention order;
- (d) an order varying or extending a recognised DVO.

The objective is to ensure that a mere defect in a copy of an order does not prevent enforcement action being taken against a person who breaches the conditions of an FVIO.

Human rights issues

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

- the right to protection from retrospective criminal laws (section 27);
- the fair hearing right (section 24(1)); and
- the right to recognition and equality before the law (section 8).

Retrospective criminal laws

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.

The Bill engages this right because, on a broad construction of the right, the Bill’s effect could be interpreted as criminalising conduct that was not criminal, and not otherwise an offence of which the respondent could be aware when they engaged in it. As outlined above, it is a criminal offence to engage in conduct that is a breach of a condition of the FVIO, even if that conduct would not be a criminal offence in the absence of an FVIO. For example, the conditions of an FVIO may provide that the respondent must not communicate with the protected person or go within a certain distance of where the protected person lives, where that conduct that would not otherwise be a criminal offence.

For respondents who were not present in court when the FVIO was made, the offence of breach of the FVIO will apply where two conditions are satisfied: they have been served with a copy of the order and they have contravened the order. When these respondents, who were not present in court when the FVIO was made, or who were children, were served a copy of an order containing the misprint, there is an argument that, despite the explanation provided to them at time of service, some respondents may not have been aware that breach of the conditions of the order would constitute a criminal offence, and so unknowingly engaged in conduct in breach of those conditions, and were not otherwise afforded notice in order to regulate their conduct to comply with an FVIO. As a result of the retrospective validation of the copy of the order as a true copy, to satisfy the service condition of the breach offence and enable the respondent to be prosecuted for the breach, the Bill’s effect would be to limit the right under section 27(1) of the Charter. I will now discuss the justification for this limit in accordance with the factors in s 7(2) of the Charter.

The nature of the right

Section 27(1) reflects the principle recognised in criminal law that there can be no crime and no punishment, other than as established by the law. It is a fundamental aspect of the rule of law and of the utmost importance. It has been interpreted as safeguarding two guiding principles: that no one should be punished under a law unless it is sufficiently clear and certain to enable the person to know what conduct is forbidden before they do it; and that no one should be punished for any act which was not clearly and ascertainably punishable when the act was done.

The nature and extent of the limitation

The extent of the limitation is best described as variable, with the potential to be significant in particular cases.

In my view, the impact on the majority of affected respondents will not be material. The true meaning of the order, and the purpose of the list of conditions, is still readily realisable from the text and surrounding context of the order. The copy of the order was accompanied by written explanations that made clear that the orders contained conditions which the respondent had to obey, and that these conditions imposed requirements that (for example) the respondent must not behave in certain ways, be around certain people or go to certain places. The explanatory material urges respondents to seek advice if they do not understand the order. Victoria Police officers effecting service were required under Victoria Police procedure to explain the conditions of an order to a respondent, which was routinely recorded on camera. As a practical matter, these requirements ameliorate the impact of any lack of actual notice of the terms of an FVIO received by a respondent as a result of being served with a copy of an order affected by the above defects.

I consider the majority of respondents would have inferred the missing wording from the surrounding context and the accompanying explanations. Respondents to such orders would have understood that they were prohibited from engaging in the conduct comprising the conditions listed in those orders. I consider that respondents to FVIOs were in substance notified and advised of their obligations under the FVIOs.

However, I acknowledge that the effect of the Bill may be particularly acute in some circumstances, such as where, as a result of the printing issue and their personal circumstances, a person did not understand the prohibition that applied to them, and proceeded to breach those conditions. The operation of this Bill will mean that such persons are exposed to potential conviction for an indictable offence, which is a significant limitation on a human right.

The importance of the purpose of the limitation

While the Bill's potential to limit human rights may be significant, it does so in pursuit of a pressing and substantial objective of public importance, being the protection of survivors of family violence. It is essential to the safety of survivors and the integrity of the scheme that the legal efficacy of orders are upheld. The enforceability of conditions are essential to ensure perpetrators of family violence can be prosecuted for conduct that a court has determined is necessary or desirable to prohibit to ensure safety, and that such prohibited conduct is continued to be deterred and denounced.

If service of copies of FVIOs affected by the defects outlined above is found to be defective, and therefore a defence to a respondent's breach of an order, it would have the effect of permitting perpetrators of family violence to avoid enforcement and undermine the protective function of the scheme. This would have a particularly devastating effect on victims, particularly where it occurs as a result of a defect in documentation.

FVIOs are key in enforcing the scheme established by the Family Violence Protection Act 2008. They serve the purposes of criminal law and sentencing, including deterrence, protection of the community and, in particular, a vulnerable cohort of people, and also punishment of respondents and rehabilitation of harmful behaviours. Accordingly, FVIOs promote the following rights under the Charter, held by those protected by the FVIOs:

- the right to life (section 9);
- the protection of families and children (section 17);
- property rights (section 20); and
- the right to liberty and security of person (section 21).

The relationship between the limitation and its purpose

In assessing the relationship between the limitation and its purpose, it is relevant that the Bill has been designed to have a limited operation. It is not intended to limit the discretion of a court to stay a criminal proceeding in the interests of justice, or to direct how a court decides cases or otherwise exercises its jurisdiction. Rather, it validates the service of a copy of the FVIO so that the breach offence will continue to apply and the validity of a prior court order is given effect to.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There is no other option available to protect survivors of family violence and ensure that, despite the misprint, a person who uses family violence in breach of an FVIO can be prosecuted for that breach and held accountable for that behaviour. Accordingly, I do not consider that there is any less restrictive means available to achieve the Bill's purpose.

I therefore consider that any limitation on the right under section 27(1) can be justified pursuant to the factors in section 7(2) of the Charter and conclude that, overall, the Bill is compatible with the rights set out in the Charter. I acknowledge the Bill has the potential to impact certain individual circumstances in a significant way which may be incompatible with the Charter, however the important and pressing objective warrants proceeding with the Bill, and it is not possible to address those individual circumstances while giving effect to that objective.

Fair hearing right

The Bill is intended to have the practical effect of assisting the prosecution to prove the service element of breach offences, while limiting the ability of the accused to defend the charges by contesting the validity of service. This may also limit the right to a fair hearing under section 24(1) of the Charter, by limiting the respondent's right to respond to the prosecution's case.

Reasonable limits on particular aspects of the right to a fair trial can be justified if the hearing as a whole remains fair. I consider that the Bill would not affect the overall fairness of the process for prosecuting that offence. To the extent that the Bill does have this effect, I consider that any limitation would be justified in accordance with my analysis above.

Equality

Finally, the Bill engages section 8 of the Charter, which provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Respondents who have limited comprehension skills may have been less likely to have properly understood the conditions that applied to them as a consequence of the defect in the copy of the order and having a protected attribute (for example, race or disability). To the extent that the Bill has the effect that persons with a protected attribute are disadvantaged, this may result in indirect discrimination. Again, as above, the effect on rights will vary in the circumstances, and for the reasons outlined above, however, I consider that any limitation is compatible on the basis of the importance of the objective and that alternative less restrictive means are unavailable, noting there may be specific cases where a limit may be unreasonable in the circumstances to be incompatible with the right.

Hon Enver Erdogan MP
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) (13:54): I move:

That the bill be now read a second time.

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

The Bill before the House proposes to make urgent amendments into the Family Violence Protection Act 2008 (the Act) to address a technical issue with the service of copies of some family violence intervention orders. The Bill deems copies of family violence intervention orders made between 15 November 2024 and the commencement of the Bill that are served on respondents to be true copies of the original orders of the Court.

For a person to be convicted of contravening a family violence intervention order, the Act provides that the Court must make the order and arrange for the respondent to be personally notified of the order and its conditions, unless an order for alternative or substituted service is made. The respondent can be notified of the making and conditions of the order either by having the order explained to them in Court, or, if they are not present in court when it is made, or are a child, by being served with a copy of the order. If the respondent then contravenes a condition of the order, they have committed a criminal offence.

The Magistrates' Court of Victoria and Children's Court of Victoria identified that, from 15 November 2024 to 5 March 2025, copies of some family violence intervention orders generated by the Court for service

contained a defect. The defect did not impact the validity of any Court orders, however, there may have been an issue with the service of some copies of orders made between 15 November 2024 and 5 March 2025. The technical issue which resulted in a defect in the copies of some orders was resolved on 5 March 2025. The Bill will ensure that any copies of orders made during that timeframe and served on respondents at any time are taken to have always been true copies of the orders made.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (13:54): I rise to speak on the Family Violence Protection Amendment Bill 2025 on behalf of the opposition. From what we understand, due to a printing error at Court Services Victoria the government is introducing the Family Violence Protection Amendment Bill. The printing error impacts copies of family violence intervention orders made in the Magistrates' Court and Children's Court between 15 November 2024 and 5 March 2025 for service on respondents, which meant that printed copies of the orders did not include the complete wording of the court orders. The orders made during this period are believed to be valid, and the government is acting out of an abundance of caution, but I would stress that it is highly distressing for many women in this situation – many people in this situation – that those orders might not be valid, and so it is definitely not something we will get in the way of.

I will note it has occurred within Court Services Victoria, but I will also note that this Labor government has cut \$19.1 million from the Court Services Victoria budget this year, so you have got to ask: how much have Labor's cuts, because they cannot manage money, contributed to errors like this one that has put 11,500 family violence intervention orders in jeopardy?

Katherine COPSEY (Southern Metropolitan) (13:56): I rise to speak on the Family Violence Protection Amendment Bill 2025. The Greens will be supporting this bill today, and I would like to thank the Attorney-General for her time last night to brief us on the urgent background as to why this bill is necessary. I think that stands in stark contrast to the rushed approach that the government is taking in relation to its bail laws, but in relation to this law it is important for the Parliament to act quickly today to pass this bill.

As has been outlined so far and no doubt will be covered in contributions, this bill addresses an issue that has arisen at Court Services Victoria that has jeopardised the correct service of family violence intervention orders. The Greens have long been on the record as voting for measures that support victim-survivors of family violence, and the bill before us today ensures that family violence intervention orders, including an order to vary or extend a recognised domestic violence order, are valid and enforceable, by deeming a number that contain a typographical error to be a true copy of an order that was made in the Magistrate's Court for the purposes of service.

From the Attorney's briefing we understand that an IT upgrade on or before 15 November 2024 resulted in printed copies of these orders having missing words and therefore being incomplete and not true copies of the orders. I note that the Attorney has undertaken that she will be investigating what happened at Court Services Victoria that allowed this IT snafu to affect family violence intervention orders and why it remained undetected over a number of months. I will be asking some questions in the committee stage, largely to ascertain whether Court Services Victoria was one of the government agencies that have suffered from the government's public service cuts, with a mandatory reduction of 10 per cent of staff, that were imposed on many departments last year, and whether IT services at Court Services Victoria have been outsourced or privatised or if those are managed in house. We have decades of evidence that privatising public services quite simply degrades the quality of service, makes it more expensive or both, so we are interested to understand the circumstances behind this mistake, as no doubt the government is too, and we would urge that those matters also be part of any investigation that is undertaken to try and prevent this sort of occurrence from happening in the future.

That said, we thank the Attorney again for taking the time to brief us. It is good that this mistake has been realised, and for the 11,500 orders it is a matter of urgency that the Parliament deal with those. The Greens consider that in these circumstances the solution proposed by the government is a sensible one, and we will be supporting the bill today.

David LIMBRICK (South-Eastern Metropolitan) (13:59): I also would like to say a few words on the Family Violence Protection Amendment Bill 2025, on behalf of the Libertarian Party. I will start by saying that the Libertarian Party will not be opposing this bill. It is highly irregular to get two urgent bills in one day. However, I do accept that under certain circumstances these emergency procedures are valid and there are situations that require Parliament to act very quickly. I accept the government's arguments that this is one of those cases.

Essentially, this bill is correcting a clerical error that happened with family violence intervention orders that technically were not served correctly because there were words missing on the printed copy. This is to ensure that there is no uncertainty as to the validity of those orders and also to not waste public funds on challenges. We do not know the outcome of those challenges, but likely they would fail anyway and just waste resources. On that note, we will not be opposing this bill. I think that it is a good example of when we need to use these emergency procedures in Parliament, unlike others I have seen in the past and may also be experiencing today. We will not be opposing this, as I think it is very important that everyone is given certainty as to the validity of these orders that have come up during this short period of time.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:01): I want to take this opportunity to thank the house for enabling this bill to be considered so urgently, and all colleagues and in particular the three members Ms Copsey, Mr Mulholland and Mr Limbrick for their thoughtful consideration of the matters and also for their support for the urgent bill before us.

Community safety is the government's number one priority because all Victorians deserve to feel safe, whether at school, at home, at work, out shopping or going about their daily lives. In Victoria victim-survivors of family violence deserve to be heard, respected and protected by the legal system. They are brave, and when they report abuse they rightly expect the system to protect them, which is why the government has acted as a matter of urgency to introduce the Family Violence Protection Amendment Bill 2025 to Parliament in response to a technical printing error by Court Services Victoria that impacts copies of family violence intervention orders made in the Magistrates' Court and Children's Court between 15 November 2024 and 5 March 2025. Let me be very clear that orders made during this period are valid, and I have had confirmation from the Department of Justice and Community Safety and Victoria Police that the error has not affected anyone's safety to date. The Allan Labor government in this instance, as has been outlined by many others, is acting out of an abundance of caution to make sure that respondents continue to comply with those orders and that perpetrators are held to account. The Attorney-General has asked the department to provide advice on how they can ensure this never happens again, and all options are on the table.

Ms Copsey has flagged that we might be entering into a committee stage, and I will have more to say in the committee, but in terms of funding and investments in court services, in particular a new case management system for the Magistrates' Court and Children's Court, there was a significant amount invested during the 2023–24 budget: \$7.9 million in output funding to complete the implementation of a new case management system, and there was an additional \$3.5 million in the state budget for the Magistrates' Court. In relation to those two questions, I could probably address them now if that assists everyone in the house – because I think Ms Copsey was the only one that flagged the need for a committee stage. I can confirm that there was no mandatory reduction of 10 per cent of staff at Court Services Victoria as part of the 2023–24 financial year. I think that is one of the questions that Ms Copsey flagged with the chamber.

In terms of the additional question, Court Services Victoria's IT services are an in-house service. They are a public service. It is not subcontracted to external agencies or external companies to manage those court services. This was an error, I understand, and in terms that have been explained to me as well, as part of an upgrade to a glitch in the system. As a government, as I stated earlier, we have continued to invest in new case management systems, understanding that digitalisation and automation across our systems are important, and important for effective delivery of court services. These were not

subject to a 10 per cent staff reduction in 2023–24 at Court Services Victoria. I hope that may alleviate the need for a committee stage, Ms Copsey.

Motion agreed to.

Read second time.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:05): I move, by leave:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, a message will be sent to the Assembly informing them that the bill has been agreed to by the Council without amendment.

Business of the house

Notices of motion and orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (14:05): I move:

That the consideration of notices of motion, government business, 278 to 870, and orders of the day, government business, 1 to 5, be postponed until later this day.

Motion agreed to.

Bills

Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (14:06): I rise to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. It is great to finally have the opportunity speak on this bill, given it has been about 113 days since its first reading in the other place. Some bills can take a very quick time to come through here; others sit in this sort of purgatory. We come to this debate after a summer of crime and of course after the Premier's very substantial backflip on crime in the face of pressure from the Liberals and Nationals and indeed from the community on the machete crime crisis that has gripped our state.

There are two main components to this bill. One is dealing with the Terrorism (Community Protection) Act 2003. The other is dealing with the Control of Weapons Act 1990. To start with the first act, the amendments to this act introduce two new intervention pathways for individuals in Victoria who are identified as being at risk of radicalisation towards violent extremism. These intervention programs are voluntary and managed through a case management scheme designed to support individuals participating in these programs. The intention is clear: to prevent individuals, particularly young people, from progressing down the pathway of radicalisation and engaging in extremist activities.

The essential feature of this initiative is the establishment of the Countering Violent Extremism Multi-agency Panel. The panel serves an advisory role, providing oversight and case management to the Secretary of the Department of Justice and Community Safety in relation to the voluntary case management scheme. Notably this scheme has been operational since September 2022, but the

eligibility criteria has previously limited its reach. Specifically, individuals who might have benefited from the intervention have been excluded from participation due to existing legislative constraints.

The amendments in this bill seek to rectify these limitations, expanding the program to include a broader range of individuals who might be at an early stage of radicalisation or who were previously engaged in countering violent extremism programs. These include expanding the functions of the secretary under part 4A of the act to enhance coordination and implementation of deradicalisation efforts; strengthening the framework of the Countering Violent Extremism Multi-agency Panel to ensure more effective oversight and management of cases; refining the eligibility criteria of the voluntary case management scheme, allowing more individuals to access crucial intervention programs; making minor adjustments to align with amendments to the Australian Security Intelligence Organisation Act 1979 at the Commonwealth level; and introducing relevant changes to the Control of Weapons Act 1990 to strengthen Victoria Police's ability to respond to violent extremism, which will be discussed separately.

While the intent behind these amendments is commendable, significant challenges do remain. The effectiveness of this initiative is questionable due to limited uptake of the program. According to the most recent update provided to the member for Caulfield, there were only six active participants, with two additional new participants enrolled. This means that despite the program being in existence for over a year, there are only eight individuals currently participating in it. This does raise some concerns about the program's reach and also its effectiveness. Furthermore, the government's funding for this initiative has been inconsistent. The Victorian government initially allocated \$1.2 million for the program, but that funding has not been consistently available. Instead, there has been increasing reliance on federal funding to sustain the initiative. If this program is to be taken seriously and if Labor are serious about the deradicalisation and removing risks from our streets, then funding must be reinstated and guaranteed on an ongoing basis, otherwise legislative change alone will not suffice to address the root causes of radicalisation as they keep going – as with many other portfolio spaces – cap in hand to the Commonwealth.

I would like to turn now to changes to the Control of Weapons Act 1990. Part of this bill introduces further measures impacting planned or unplanned designated area weapons searches to give police greater flexibility to combat weapons offending where there is a heightened risk to community safety. I understand that the Premier's announcement on the weekend is going to lead the government to move an amendment to its own bill to do what the opposition has been begging it to do for quite a while, and that is to crack down on machete crime. What did we hear on that side whenever we suggested this? Jeering. What did we see on that side? Thumbing their nose at community concern and thumbing their nose at the opposition, saying 'We knew best. We knew best; we listen to our community as well.' This is what those on the other side were saying.

We tried not once, not twice, not three times but four times to change the machete laws to introduce a ban on machetes, responding to significant community concern. On 28 November 2023 we introduced a private members bill to amend the Control of Weapons Act 1990 and classify machetes as prohibited weapons. This proposal sought to ban the possession of machetes without lawful excuse. The Labor Party opposed this bill. On 22 February 2024 we moved an amendment to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024, the one where the government has had to come back and clean up its efforts from last time, in the Assembly to reclassify machetes from controlled to prohibited weapons. This change would have imposed stricter regulations on their sale and possession. Labor opposed our amendments. On 21 March 2024 I moved an amendment to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024 in the Council to reclassify machetes from controlled to prohibited weapons. This change would have imposed stricter regulations on their sale and position, and of course, Labor opposed this.

I kept the receipts, because I remember, and I am sure Dr Heath remembers, significant jeering from those opposite about our amendments and about the fact that we were moving an amendment to change machetes from controlled to prohibited. There are a number of members on that side of the

chamber who clearly do not listen to their communities, who clearly do not know what is going on in their communities. There are several of them that are always good for a quote when Jacinta Allan does a backflip. There have been several of them, and I have quite enjoyed every time using the resources that we have available in the parliamentary library and *Hansard* to research and look up what people said during debates. A number of them are always good for a quote, and I have got a few to go through in the bail bill. But I have got one now; my friend Mr Galea is always good for a quote when the government does a backflip. I have got several banked up from him and the other side for when the government eventually backflips on the Suburban Rail Loop, which will be amusing. He said, on our amendment, that:

What this would do is effectively criminalise a raft of people who currently use machetes for legitimate purposes, including, and chief amongst them, farmers.

He went on to say:

If you are going to outright with one stroke of a pen, under your amendment, decide that all these farmers who currently use machetes are going to be subject to these onerous restrictions, they are going to have to scramble to register themselves, else they will find themselves inadvertently on the wrong side of the law merely for continuing a practice that they have legitimately been doing for a long time.

He also asked where the Nationals were on this. He tried to poke the bear a little bit and asked what the Nationals thought about the amendment, which they were supporting. He also pointed out the differences between the Liberals and the Nationals, of which there were none. I am really looking forward to hearing from Mr Galea when he eventually speaks on this bill in this debate, once the government has moved its amendments, to ask what he actually meant by saying that the government is acting decisively by doing something it refused to do a year ago. I am looking forward also to his backflip on his comments that it will set onerous restrictions and that it will be bad for farmers. I am looking forward to him explaining whether he has actually listened to his community, as he should have this time last year, and personally changed his mind on a machete ban.

I have certainly heard a lot of stories from my community. I particularly want to go to a shocking incident that occurred to one of my constituents, Gurinder Singh, when there was a violent armed robbery at his home in Kalkallo, where people broke in with a machete, holding it up over his elderly grandmother, who they pushed to the ground, and slashing him several times in the arm. This is the kind of daily, frightening incident that has taken place because people like Jacinta Allan have refused to listen to our community. There have been so many shocking incidents of knife crime, particularly in my electorate. Whether it be in Kalkallo or whether it be in Preston, it is horrifying. Just a couple of days ago it was reported that a rideshare driver and international student lost two fingers after a horrific attack by a group of armed men who allegedly forced their way into a car, beating and stabbing him. A few weeks ago a man was left fighting for life after a machete attack in Footscray. The 24-year-old was stabbed several times after a group came to blows with locals and diners. In December, in Preston in my electorate, Frank Bonnici was on a stroll over the Darebin Creek footbridge with partner Mykey O'Halloran on a Saturday night when four young people approached them and started to yell slurs. He was later slashed with a machete. Whether it be Fountain Gate or Highpoint, several shopping centres, particularly in the cities of Wyndham and Melton, have become absolute hotbeds for machete crime.

And what did we have from this government over the last year and a half when we continuously pointed this out? Denial. We had complete denial from Jacinta Allan to do anything about it until it was a political issue for her own leadership, until she started reading the opinion polls. I take this message to the Victorian people: this Premier of Victoria is not at all concerned about your safety; she is only concerned about her own job, and she only acted once the political pressure started because of her tanking opinion polls. That is not leadership. That is not standing up for your community. That is a Premier moving from crisis to crisis, whether it be crime, CFMEU corruption or fleecing of taxpayer money on construction sites, and a Premier that has only moved on this to save her own job, not to actually protect the community – not to protect people like Gurinder in Kalkallo, not to protect young people who are facing machete crime and not to protect business owners who on the daily see youth

offenders with machetes that have no legitimate purpose to have a machete in this state. Yet we have a Premier that has only acted on this because it is a political problem. She does not care about the safety of these Victorians, but she does care about her own job and that is clearly what we have seen.

The Liberals and Nationals will be moving amendments to this bill. I ask that my amendments be circulated.

Amendments circulated pursuant to standing orders.

Evan MULHOLLAND: These amendments have two purposes: to bring the proclamation date forward by three months and prohibit the sale of machetes immediately. That would mean retailers would be required to treat them as a prohibited weapon and they could only be sold under the prohibited weapons provisions. Ask any Victorian, whether they be in Wallan, Werribee or wherever, and they will tell you that this is a crisis that needs fixing – and not in three months or when the Premier feels like it. It is a problem that needs fixing today, and that is what our amendments do. The Premier can go out and do whatever morning radio she likes and say that she is tough on crime. But you cannot kick it off into the long grass and at the same time pretend that you actually care. We need more solutions to Labor’s crime crisis, not more dithering and pushing solutions off into the never-never.

I will go through some of the details of the proposal. The purpose of our amendments is to enhance community safety by introducing immediate restrictions on the sale of machetes by bringing forward the introductory date for the prohibited weapon classifications by three months. We have seen too many examples to kick it off to later in the year. We recently saw a teen attack a man in St Kilda with a machete; a woman’s hand slashed in a random machete attack at a car wash; violent crime sprees including machete attacks on elderly people; a 24-year-old killed in a vicious machete attack in Lyndhurst, where he was stabbed to death after a fight broke out at a shopping centre, the 10 assailants still on the run from police; and a 25-year-old rideshare driver and international student left with maimed fingers, as I said. I think to myself, ‘Some of these incidents could have been prevented.’ It is nice to go through and read all the comments from the other side of the house – and how hypocritical they are now in bringing this back – but some of these attacks could have been prevented. That 24-year-old could still be alive if not for the actions of this government in not acting sooner. That is why it makes me and my community so angry that Jacinta Allan, the Premier of Victoria, the leader of this state, only acts when it is a political crisis to save her own job, not to protect people in this community and not to protect the safety of this community.

This government had to be dragged kicking and screaming to a solution to this crisis and to admit that they stuffed up, but ultimately it is Victorians that are paying the price, and sadly, over the last year many Victorians have paid the ultimate price because of this government.

Katherine COPSEY (Southern Metropolitan) (14:26): I rise to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. This bill amends two different acts. The Greens are thoroughly supportive of the government’s efforts in relation to one and have serious concerns in relation to the other.

In the first section the bill seeks to amend the Terrorism (Community Protection) Act 2003 with regard to existing powers for the voluntary case management scheme, a diversionary tool for people identified as at risk of becoming radicalised. The bill allows the Secretary of the Department of Justice and Community Safety to delegate those powers to the department case manager and to allow co-design of the case management plan with consent of the participant or a parent or guardian. There will be more flexibility to vary a plan if a person’s circumstances change, and the changes also allow the case manager to disclose information to a parent or guardian. The Greens are broadly supportive of these changes, which enhance this diversionary program. We are especially supportive of those programs that have early intervention as their approach, schemes that are voluntary and ones that use co-design, simply based on, as the explanatory memorandum sets out, best therapeutic case management, which

is more likely to result in positive outcomes for program participants and therefore more likely to help the case management system achieve its aim of removing that risk of radicalisation.

The second part of this bill, however, seeks to amend the Control of Weapons Act 1990 with regard to searching people for weapons in planned and unplanned designated areas. This state has already handed over extraordinarily broad search powers to Victoria Police. Under existing powers for designated areas, from various amendments to the principal act since 2009, a member of Victoria Police may search a person without a warrant or any reasonable suspicion or belief that that particular person is in possession of a weapon, so this means that there is no legal requirement for a member of Victoria Police to have any basis to search someone other than the mere fact of their presence in a declared search area during the designation. The police have powers in designated areas to detain any person without reason for as long as necessary to do a search, to request people to remove face coverings such as masks or scarves, to conduct a pat down and to issue charges and fines for refusals to comply. Currently Victoria Police can already designate a public place for up to 12 hours with either a planned or an unplanned designation.

What we see in this bill, and in the house amendments that we understand the government will be bringing forward – and that many of us have only just seen in the last few hours – is a broad suite of new powers for the Chief Commissioner of Police to declare a designated area for, as we understand it, up to six months, even when there is no evidence of a previous incident of violence. The bill also removes the requirement for notice of designated areas to be published in newspapers – it only requires that notices are published on the Victoria Police website. Let me tell you, those notices are not easy to find on that site. It is almost as though it was designed to obscure what is occurring under everyone's noses. We know that extending police search powers without a warrant or reasonable suspicion is failing to protect communities while also dramatically increasing stigmatisation of communities experiencing disadvantage. This issue of how the designated areas are currently working is compounded by a lack of empirical data and reporting that should be required when exercising these powers. The designated area search power is designed to regulate non-firearm weapons and body armour. But without any empirical analysis of the outcomes of the searches that Victoria Police are undertaking during these designations, there is a reasonable basis to be concerned that these designations are serving a secondary purpose in relation to seizing non-weapon items, such as drugs. Victoria Police may be using these powers to manage non-weapon-related offences, which is not a lawful use of the designated areas power.

There is evidence to support this, obtained by Liberty Victoria's rights advocacy project. Their report is titled *Unreasonable Grounds: Reforming Victoria Police's Stop and Search Powers*. Using FOI laws, the rights advocacy project requested and then analysed Victoria Police data relating to these search powers. The FOI data revealed that between January 2021 and January 2023 Victoria Police authorised and implemented 61 designated areas. A total of 18,906 wand searches and 4812 pat-down searches were conducted. Of those 27,718 combined searches, only 252 of them resulted in 'objects or substances being found'. What were those substances? Were they found illegally using these powers? Because we do not have proper reporting, we simply do not know. We do not know about the outcomes of those searches.

These 252 outcomes, these find rates, comprise just 1 per cent of the people that were subject to search using the existing designated area powers, showing that in 99 per cent of cases where police have stopped and searched a person in a designated area that person has been subjected to an invasive, stigmatising and unnecessary public search when they have not done anything wrong, apart from being present in an area that has been declared. With that 1 per cent find rate, I really question if this is a wise use of police time and resources. We are concerned that with the broadened scope these police powers will have an increased negative impact on community members who are most likely to be subjected to a 'no reason' police search in public. We know from the evidence that being young or of a perceived racial background does mean that you are more likely to face a search under these existing police powers.

The Greens urge the government to withdraw the section of the bill that increases police powers relating to designated areas. Police have significant existing powers. The evidence is showing us that the outcomes do not seem to be efficient in relation to the designated areas, and we do not think that the expansion is going to assist the government to achieve the intended purpose of this bill. The Greens have three amendments to this bill. I ask that the amendments standing in my name be circulated now.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: The amendments are on three sheets, and I will speak to them separately. Amendment sheet KC37C standing in my name deletes part 3 of this bill. Part 3 is the portion of this bill that deals with the designated areas: clauses 55, 56 and 57 and other relevant clauses that relate to designated areas. For the reasons that I have outlined above, we have concerns about the way that the designated area powers are currently impacting communities of colour and First Nations people. We also have concerns about the efficiency of the searches and their outcomes, so we are not supportive of the expansion that is proposed by this bill.

There are amendments on sheet 38C in my name. This bill already has a clause for review of the voluntary case management system terrorism element of the bill. What my amendment does is require a statutory review of the designated areas power, so that is on 38C. The final amendment that the Greens are proposing to this bill is on sheet 42C in my name and is an amendment regarding better reporting on the searches that are conducted in designated areas. It is beyond belief to me and my colleagues that we require less reporting in designated areas, where police have extremely broad powers, than we do in general field contact reports, where police have contact with members of the public. Our amendment asks that reporting on designated areas be raised to the standard that is required on general field contacts. I have outlined our concerns, and my colleague Ms Gray-Barberio will speak further to the concerns that we have about the way that the designated search powers are already impacting particular communities and particular individuals and deepening overpolicing of marginalised communities.

At the very least, we think the government should be interested in this issue and that the government should inquire as to the alarming findings that have come out from fantastic stakeholders like the Centre Against Racial Profiling, who have also conducted an analysis of the disproportionate impacts the designated area searches are having on communities and people of colour and First Nations people in this state. Our reporting amendment would require an uplift in the types of reporting and the data that is recorded by police, and we would ask that that be published so that stakeholders do not have to go to the extent of lodging an FOI request in order to get access to what we think is a pretty important piece of information about how our laws are impacting our community generally but most particularly marginalised communities that we know already face overpolicing. That concludes my contribution.

Jacinta ERMACORA (Western Victoria) (14:37): I too speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. This legislation deals with one of the most important objectives of this government, and that is keeping Victorians safe. Our government remains vigilant to any changes to the threats facing our communities, whether they be motivated by extremist ideology or simple criminal behaviour, and we are responding. This bill will bring a range of measures to protect Victorians and support our police and security services in combating terrorism and crime. Specifically, it amends the Control of Weapons Act 1990 to strengthen the ability of Victoria Police to conduct planned and unplanned weapons searches. These changes are in response to advice from Victoria Police and will ensure that police can use existing powers to search for weapons more easily, more often and for longer periods of time. It also refines the Terrorism (Community Protection) Act 2003 to strengthen the operation of the voluntary case management scheme. This scheme creates pathways for Victorians who are at risk of radicalising towards violent extremism. The bill also makes minor amendments to reflect changes to the federal Australian Security Intelligence Organisation Act 1979 relating to warrants.

Looking at the issues being addressed here, Victorians have a right to be safe and to feel safe, and the reality is that a healthy society must be based on a balance of rights and responsibilities. Individuals should have rights that give them the ability to live with dignity, but individuals also have a responsibility to ensure that their actions do not harm others, and carrying a knife in the form of a machete around the streets should not be a right in a safe and secure society. We know of the devastating impacts of weaponised citizenry in the USA. In 2024 alone police seized a record 14,797 knives, swords, daggers and machetes, the most at any time over the past decade, and we are determined to face this emerging problem. We are listening to our community. We are reading the data and analysing the data. If you put others at risk by carrying knives and other weapons, society has a right to expect that you will face the consequences.

Victoria Police keep us safe by holding serious youth offenders to account and bringing them before the courts. A small number of repeat offenders are driving increases in serious offences committed by young people. Victoria Police are making more arrests than ever but they also do incredible work diverting young people away from the justice system, and we have invested more than \$40 million in funding to the youth crime prevention program. That program provides essential wraparound support and social engagement to at-risk young people. Our investment is working, with an evaluation showing that completing the program drives a 29 per cent reduction in offending for participants and a significant reduction in the severity of offending when it does occur. Through our crime prevention programs we have invested more than \$100 million in over 948 initiatives since forming government, because our government understands that the best way to keep people out of the criminal justice system is to prevent them coming in contact with it whenever possible. Just to extrapolate on that, there is plenty of evidence that supports our focus on early years development and our investments in making sure that more little Victorian children than ever before have access to all of the developmental, learning and socialisation opportunities that kinder, pre-prep and good quality child care provide.

Our laws need to strike the right balance between ensuring a young person who makes a mistake has the opportunity to turn their life around and holding serious repeat offenders to account. It is such an easy thing to say here in a speech in a chamber like this, but when it comes to practice and a judicial system and policing system and the system that provides support programs and the support, there is enormous complexity in this space. I think the principle is important, but we also need to be adaptive in the tools we provide our authorities based on what is going on at any point in time in history in our state. So make no mistake: if you commit a serious violent offence, there are serious consequences for your actions.

Strengthening the Control of Weapons Act 1990 will help our officers to detect weapons and deter people from using them in the first place. The changes relate to the random weapons search scheme, and that scheme has been a key tool for Victoria Police for over 15 years. It allows Victorian police to combat the unlawful possession and use of weapons in public places by allowing them to conduct random weapon searches in 'designated areas'. These powers have been used with positive results since 2009, but Victoria Police are telling us that they need more flexibility with the way they operate, which is why this bill is before the house today. We know that every day in any weather at any hour our hardworking police officers are out patrolling the front line, often putting themselves at risk to keep our community safe. I want to take this opportunity to thank every single Victoria Police member and their families for the service they provide our state. A huge portion of the daily work they do involves interacting with people who are traumatised or being involved with traumatic events themselves. This comes at a terrible cost for some police officers, and I just want to thank them all for their commitment and for the role they play in our society here in Victoria. The Allan Labor government is proud of its record of working with Victoria Police to ensure they have the tools and resources they need to keep doing this important job.

I want to talk a bit more about the major changes to stop-and-search events – when they can be made, how often and on what basis. Currently a planned event declaration can only take place while an event itself is happening, not while events are being bumped in and not while crowds are leaving venues.

This bill will give police the ability to make a declaration over an area both before and after an event takes place, as the Chief Commissioner of Police deems reasonable. In practice, this change means that police will be able to use their powers to search for weapons that might be stashed while an event is being set up – bumping in, as they say – if the chief commissioner determines it to be necessary. It will also give officers the power to search after events while people are leaving, and this will help with community safety when large crowds are leaving at the same time and with regional and rural events where there is often one road in and one road out.

We are also reducing the gap required between designations of an area, which is currently once every 10 days. This limitation is stopping police from being able to protect high-risk areas. Take, for example, a situation where a public park or a shopping centre has become a venue for conflict between gangs. The police may know that there is potential for violence, particularly on weekends. Right now the police would be unable to conduct planned stop and searches on consecutive weekends even if the threat of violence remained ongoing. This bill will mean that Victoria Police are only required to leave a gap of 12 hours. It also provides greater flexibility in the test for designating an area, to make sure Victoria Police can be agile and respond to new and emerging events. We are also extending the 12-hour window for planned or unplanned search operations to 24 hours, on advice from Victoria Police. They told us that in situations where retaliation attacks can be expected, a longer window of time gives them the flexibility they need to keep the community safe. When an effective response can be provided in less time, a declaration will be made for a shorter period.

On obstructing PSOs, the bill also provides a penalty for the offence of obstructing a PSO while they are using their stop-and-search powers. This will mean that the same penalties will apply whether it is a PSO or a police officer who is being obstructed.

Last sitting week I stood in this chamber and spoke about the threat of violent extremism to Victorians. This government is determined to stamp out violence and vilification driven by extremist views. All Victorians have a right to feel safe at home, in their neighbourhoods or anywhere in this beautiful state. Our anti-vilification proposals are one way in which we seek to achieve that. This bill deals with another of this government's initiatives to reduce the risk of violence and extremism. The voluntary case management scheme, or VCM scheme, is an example of this. The VCM scheme establishes pathways for Victorians who are at risk of radicalising towards violent extremism. It is a voluntary program providing support for people who are at risk of radicalising towards violent extremism. The scheme helps these people access the services they need and identifies ways to reconnect them with the community. Now that this scheme has been in place for a few years we have a good sense of what is working, and these amendments respond to the needs of our experts working in the sector. The amendments will make a range of changes in the operation of the scheme to ensure best practice, such as ensuring that case management plans are developed in collaboration with the participant, making changes to language to reduce the stigma associated with joining this voluntary program and clarifying the role of the Countering Violent Extremism Multi-agency Panel as being that of an advisory body. The amendments also allow for a wider cohort of people to be eligible to access intervention, reducing the likelihood of them posing a risk to the community.

In summary, I just want to say that there is a lot of talk about people having rights, and sometimes we get the balance wrong or distorted. I would say that there is an equal balance between our responsibilities as citizens of this state and our rights as citizens of this state, and the task here today is to address that balance in relation to this bill. I commend it to the house.

Nick McGOWAN (North-Eastern Metropolitan) (14:51): I will pick up where the last speaker left off: rights and responsibilities. Clearly those opposite have a talking sheet. Clearly they have talking points, and so far today they are clearly sticking to their talking points. Rights and responsibilities: that is the best this government could come up with. I am not quite sure how to tackle today's debate in this chamber. I would like to do so with a sense of humour, but this subject does not accord itself any humour at all, very sadly. A bit of levity – again, this subject accords us no levity, because it is a very serious matter. I have also got to be very cautious that I am not just plain angry, because that never

goes over well, and all it would illustrate is my absolute frustration and lack of faith and confidence in this deplorable, despicable, hopeless government. You can get a bit of a sense already with the words I am using that that anger is coming out. But there is a very good reason for this anger, because if you were to listen to those opposite today, you might well be in a parallel universe – not dissimilar to the member in the chamber not too far from here who spoke just a couple of weeks ago in his maiden speech and said that crime was not an issue, and then lo and behold, guess what, it is an issue. It is an issue right across Victoria, and it is not simply a case of rights and responsibilities.

Michael Galea: On a point of order, Acting President, not only is Mr McGowan misrepresenting another member, but he is misrepresenting a member in another place who does not have the opportunity to respond, so I ask Mr McGowan to withdraw.

The ACTING PRESIDENT (Jacinta Ermacora): I do not uphold the point of order.

Nick McGOWAN: Where was I? Rights and responsibilities. I am a bit frustrated, so I apologise to anyone out there in the universe that is watching this, at home or at work, and listening to my dulcet tones yet again – apologies in advance. But some people might recall, this is not a new issue. It is not a new issue, very, very sadly. Back in November, in fact, in the Public Accounts and Estimates Committee (PAEC), a committee that I serve on with some of those opposite, I raised this very issue with the then police commissioner. That police commissioner is no more – gone. Where's Wally?

Melina Bath: He fell on his sword.

Nick McGOWAN: He fell on his proverbial, that is exactly right. That police commissioner is no longer with us, but I did raise this with the police commissioner. Then it was 2023. I raised with him machetes. This is two years ago, keep in mind – two long years ago – and that speaks to my frustration. Anger is probably an appropriate word, but I would like to choose a more sophisticated word because anger does not actually help on many occasions. But I am angry at this government because they were warned, they were told and they did very, very little. They ignored the obvious, that machetes – certainly in my view – had no place in Victoria in 2023, much less in 2025. Yet here we are today debating a bill, the contents of which still leave most of us asking more questions than having answered questions. We do not know, for example, what the exemptions will be – no detail there, none whatsoever. For all we know, for all Victorians know, this could be an act of smoke and mirrors, because we know Labor is so good at that, and that I give them credit for, smoke and mirrors. They are the perfectionists. They are the true artists of such things. Back in 2023 I raised this with the police commissioner, and I actually followed that up. I wrote to the police commissioner in the following year, in early 2024, and I said:

Dear Chief Commissioner,

I am writing today following the presentation of new legislation from the Victorian Government to make machetes a “controlled weapon” in our state.

As you may recall, I asked you about this very issue at the most recent hearings of the Public Accounts and Estimates Committee (PAEC) in November last year.

That is true. Mr Galea, you were there too.

Michael Galea interjected.

Nick McGOWAN: I did turn up even though it is a government-controlled committee and its value is somewhat questionable. Nonetheless, I was there that day –

Ryan Batchelor: What? Why are you disparaging the Parliament?

Nick McGOWAN: I will take up the objection – questionable because unfortunately the committee that is charged with responsibility in this state for scrutinising the government, those opposite, and their budget and the way they spend money – we know what their record is like; it is horrendous – is controlled entirely by government members. We know that, like clockwork, any time we try to have

a thorough investigation, it is shut down immediately, because they use their numbers to block any true questioning. They use their numbers to make sure that every PAEC, like clockwork –

Harriet Shing: I have answered all the questions you have ever asked me.

Nick McGOWAN: Minister, I long for the days that you were on PAEC. I am sorry that you are not there. If it would help, I can write to the Premier –

Harriet Shing interjected.

Nick McGOWAN: Well, you do appear before the committee, that is true, but you are on the wrong side of ledger these days, I am afraid. You have got to be on our side asking questions, penetrating questions. I could even take count this coming estimates hearings of how many penetrating questions the government members will ask. No disrespect to those opposite – I know that they feel like some of those questions are quite investigative. Nonetheless, I have digressed if just for a moment, and I will continue on with the letter that I wrote to the police commissioner, who is now sadly no longer with us of course. I said to the chief commissioner:

While the draft legislation makes these weapons illegal for under 18's to purchase and for anybody to be carrying around in our communities and on our streets without a "lawful excuse", such as relevant and related employment, it is my view (and that of the State Opposition) that these weapons should be classified as a "prohibited weapon" ...

Wow, this is like looking into a crystal ball, isn't it? It is like having a teeny, tiny, little crystal ball, Minister. There it was, and the government just refused to look at it. Keep in mind, it was November 2023 when I first put this to the chief commissioner. Then I wrote to him in the new year, in 2024, saying precisely this:

... effectively banning them from the State, and making it illegal to sell them to a person of any age in Victoria.

Personally, I do not believe that there is any legitimate reason why someone should require a machete in the state of Victoria in 2024.

Of course I would now add to that 2025, and given the rate at which the government that is opposite is anticipating implementing this legislation, it could passably be in 2026 as well. Who knows?

Minister, you look quizzical, but if you look very closely at what you are proposing, some of the timelines for the implementation of these aspects of this bill stretch all the way up to December of this year. I would say to the current government, 'Bring it on. Let's get rid of these things.' In fact has the government even considered a buyback? Silence.

Harriet Shing: I thought it was a rhetorical question, because you are not allowed to invite interjections and you have to go through the Chair.

Nick McGOWAN: But I will take that interjection up nonetheless, and I thank the minister for her interjection. The minister nicely interjects, and it is a legitimate question, because we know the success that the Howard government had in their buyback program with weapons. But the question of course to those opposite is: have they considered it, or do we know if this is part of your scheme? How do you anticipate bringing these weapons of violence into police stations? Again, we assume that is where they are going to go for their collection points. We do not know that, because yet again we do not have the exact detail. Yet again the amount of detail missing here is quite extraordinary.

I am happy to be corrected on this by the minister or anyone opposite, but if the purpose of this bill is to make a prohibited weapon any knife, a machete so called, of 20 centimetres and larger, that is going to be very interesting indeed, because most machetes well and truly exceed 20 centimetres. I do not know how this government thinks it is going to possibly implement that. In fact if you go into any house in Victoria, I would wager that there is a 99.99 per cent hit rate of that house having at least one knife that is a 20-centimetre knife. Under this government's proposal, potentially that constitutes a

machete, does it not, Minister? Nonetheless, we will find out perhaps in the committee stage. I concluded to the commissioner:

As always, I appreciate the work that is done by you and your colleagues –
that is true –

to address the rising crime in this state –
and this was two years ago –

and the level of youth crime that is occurring.

Thank you for taking the time to read this letter and I look forward to your response.

You can imagine my disappointment when I received a response. In February 2024 I received a response from the police commissioner, the independent police commissioner. Those opposite, even today in question time, like to wax lyrical about how independent the police commissioner is. He was so independent he was pushed out of his job. But nonetheless, putting that aside for a moment, the police commissioner wrote back to me on 22 February 2024:

Dear Mr McGowan:

I write on behalf of the Chief Commissioner to acknowledge receipt of your recent letter concerning the classification of machetes under the *Control of Weapons Act 1990*.

The Minister for Police and Chief Commissioner of Police *Inter-Office Procedures* require all correspondence from Members of Parliament raising policing issues with the Chief Commissioner to be addressed to the Minister for Police in the first instance, except when written as a private citizen on a private matter.

What? What happened to his independence? So if I am writing to the police commissioner with a concern for my constituents and my community more broadly, the advice from that police commissioner is that that would need to go to the minister. Wow, what a spectacular display of his independence in this case. If that is what I need to do, I will just write directly to the minister. I mean, this is part of the halfway house that obviously that last police commissioner chose to occupy. Either he is the independent police commissioner giving fearless advice to government and also to opposition members and the crossbench for that matter, or he is not. To redirect my letter, a sincere letter written after a conversation with the police commissioner himself, and to simply palm that off to the minister was in my mind discourteous at best and contemptuous at worst, I will be very honest.

Fast-forward to 5 August 2024 and a letter from the minister – because, remember, that is where the letter has ended up; it has gone straight back to government, with no independent verification and no input from the police commissioner himself in terms of what has occurred anyway. This is a somewhat lengthy letter and I do not intend to read every part of it, but the critical part is the third paragraph. I am happy to table it for those opposite who are interested. I quote Minister Carbin's here:

As you are aware, the Firearms and Control of Weapons (Machetes) Amendment Bill 2024 ...

Remember the government did this last year, and we are now back here doing it again this year. I mean, this is how inept this government is. They simply got it wrong last year. They are getting everything wrong every year, so it is not surprising. Every year we come back, and unfortunately the opposition and crossbench are in the position where they are saying, 'Told you so. If you'd listened to us in the first place, we wouldn't be here.' The sad reality is this: while I am talking about letters and exchange of ideas and beliefs and views and all those other things, too many Victorians have actually been victims of attacks by knife, and that is the greatest tragedy here today. Rajneesh is a 25-year-old rideshare driver and an international student. He now has life-changing injuries as a consequence of the frenzied machete attack that he was subjected to out west. A 24-year-old son by the name of Timothy was also slain outside a shopping centre in a frenzied machete attack in the south-east.

There is barely a week that passes – in fact I would proffer that there is not a week that passes – where a Victorian is not either maimed, seriously injured and/or killed by knives and knife attacks, and yet for two years this government has blundered its way through, has ignored the crime crisis and has let

every part of our community down – no matter where you live. It has actually done such a disservice, and with constituents of mine – men, women and children – voicing their concerns to me that they no longer feel safe going out at night by themselves and women have said to me that they do not feel safe in their own homes by themselves at night, you start to understand that there is something seriously wrong here in Victoria.

Crime has been allowed to flourish under this government. All the warning signs were there. This government were told time and time again. The minister in his letter talked about the clarification in terms of the definition of a controlled weapon, of a machete:

This important clarification in the definition will enhance the community's understanding that machetes may only be possessed, carried and used with a lawful excuse and cannot be sold to children or purchased by them.

What a joke. That was on 5 August 2024. Here we are seven months later and only now is this government acting – and even when they act, it is smoke and mirrors. We do not know how many classes or people or Victorians they will exempt from this legislation. We know less than we did before. I can have no confidence that this will be effective whatsoever.

David LIMBRICK (South-Eastern Metropolitan) (15:06): I would also like to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. The bill does two main things. One is related to voluntary case management for countering violent extremism. This part of the bill I do not have a problem with. I actually think that deradicalisation of people who have been swept into violent extremism is a very important thing, and I think the improvements to this scheme are a good thing, and I support that part of the bill.

The bill also does another thing. It amends the Control of Weapons Act 1990 specifically around the idea of designated areas. I think it is important to understand what a designated area really is. Long ago under English law there used to be a problem with the Crown searching houses. At the time it was around people being searched because they had dissident literature in their house. In fact these searches were really an infringement of freedom of speech and freedom of association, because they would search these houses and find what they thought were seditious pamphlets et cetera. So the general principle was established that you should not be able to search a person's house without some sort of warrant, some sort of probable cause – some reason to think that this person had committed a crime.

This principle was very, very important after the American Revolution. There are lots of things I do not like about America, but one thing that I really do like about the United States is their bill of rights. They thought that this principle was so important in the United States that they included it as the fourth amendment in their bill of rights. In the United States you cannot search someone – either their house or their body – without either a warrant or probable cause, and probable cause means you have some actual reason to believe that they have committed a crime.

Indeed in Victoria in most cases we follow that principle, even though we do not have constitutional protections, which I would dearly love. We generally follow that principle. If you want to search someone's house, you need to get a warrant. If police want to search someone in the street, they need some good reason to do so. They need to suspect them of a crime or have some reason. They need to have witnessed some sort of conduct, this sort of thing.

What a designated area does is effectively allow the police to draw lines on a map and designate a particular time under which those rights disappear, and they can search anyone at random. Like all government ideas, the intent is good, but actually what happens is large numbers of people get searched without probable cause and their privacy gets invaded. Maybe they have some seditious pamphlets in their possession, I do not know, but they would also get found out about those seditious pamphlets. I first became concerned about these designated areas, actually, soon after I got elected, when they declared the 420 rally, a cannabis legalisation rally I attended, a designated place, and then later, during the pandemic, they were used extensively to search people. They would designate the entire CBD quite regularly as a designated area so that they could search anyone at random.

As was pointed out by Ms Copsey in her contribution, Liberty Victoria, through their rights advocacy project – I would say as a matter of disclosure I am a member of Liberty Victoria – did some great research on how effective this is. In fact in less than 1 per cent of cases they find prohibited weapons. I think Ms Copsey might have overlooked the fact that much of this data that was collected for the rights advocacy project was around people who were not trying to invade people's houses and were not trying to go and initiate a revolution or anything like this but were protesting against the government's pandemic restrictions. That is what a lot of these people were searched for. In fact many of them, when they were searched, might not have been wearing a mask, or maybe they were more than 5 kilometres from their home or not following many of these other restrictions. Many of the people who were stopped, although they were not carrying weapons, suffered consequences for protesting against the pandemic. I became very, very wary of these designated areas, to the point where my team regularly checks where they have been declared through the *Government Gazette* and this sort of thing. It is what it is. It is a mechanism for the police to bypass the longstanding principle of liberalism that you need probable cause or a warrant to search someone. It is bypassing that.

What this bill does is expand those limitations of rights. Despite the fact that these violent crimes that the government through their good intentions are trying to stop by trying to stop people carrying weapons to hurt other people, as always, for a very small number of people that are committing these crimes they are taking away the rights of everyone. We cannot keep doing this. I have seen this so many times in this Parliament, where we have this kneejerk response to things, then the government takes away people's rights yet again. My understanding is that we have an amendment to this bill from the government to expand the timeframe for this taking away of rights to up to six months. For six months you can just search anyone you please for whatever reason and check if they have got weapons. The objective is to check weapons, but they might find other things. Maybe they find seditious pamphlets, maybe they find people who have some drugs or maybe we have another pandemic and they are not wearing a mask or something like that – or maybe they are wearing a mask. I know the government wants to bring in laws to ban masks now, ironically, as was mentioned a while ago.

What we need to do is have a really hard conversation about what the root causes are of some of these crimes that are happening. I will start with one that I have spoken about many times in this place. I know the root cause of at least 130 of these home invasions that have happened in Victoria, and that is our tobacco regulation regime. Every time there is an arson attack on a tobacco shop, what they do in order to commit that crime is steal a car. You cannot hot-wire modern cars, so what they need to do is go inside the house to get the keys to the car. That requires a home invasion. In every single one of those attacks they use the stolen car so that they can just take the car, commit the arson attack, get away in the car – sometimes they might steal two cars, so that is why I say at least 130 cars, and it is probably many more – and then destroy the car. Because it has got evidence in it, they destroy the car. This is one thing that has incentivised this sort of crime. I do not necessarily blame the state government for this, but it has certainly been caused by the federal government. Organised crime has been finding young people who are not connected to their organised crime network necessarily – they pay them some money and they go and carry out these home invasions, they steal the car to commit the arson attack and then get rid of the car. That is one cause.

I hesitate to speak about another cause, because every time someone does they get into trouble. Back in 2021 there was an article by Dr Stephane Shepherd, and he did some analysis of crimes and how Sudanese-born youth were over-represented in criminal statistics. I have met Dr Shepherd. He was attacked by everyone at the time. They called him a racist and all sorts of horrible things. I have met him, and he came across as a very thoughtful man who was very engaged in the issue and very passionate about trying to prevent this type of crime and trying to stop these young people, many of whom come from traumatic backgrounds, and trying to prevent this happening in the first place. I think we do need to talk about this.

Another thing that is going to happen with this bill is it is going to be amended. There are a number of amendments, including my own, which I will get to in a minute. The government also wants to amend

the bill to declare machetes a prohibited weapon. I note Mr Mulholland earlier spoke about how crimes could have been prevented if only we had declared this earlier. I think he imagines that because Parliament says so all of the machetes are going to instantly disappear and the people that were going to use those machetes all of a sudden will not be able to substitute them with some other weapon like a kitchen knife or anything else and all of a sudden will turn into good people and will not commit crimes. I am sorry to inform both the government and the opposition that this is not how this will work at all.

It is quite easy to find within anyone's home something that can be used as a deadly weapon. I need to go no further than my own kitchen. I have got a very nice cooking knife, which now I think about 100,000 people have seen on social media. It is a very nice knife, but it can also be used as a deadly weapon. With any of these people that are committing these crimes, if people think that the idea of prohibiting a machete is going to stop people committing violent crimes, they need to think again. It simply does not work. You can easily substitute another weapon. I know the government has backflipped on this – I wish they did not backflip on it – but ultimately it is going to have no effect. This is purely symbolic. Invading someone's house is already a crime. Carrying a weapon on the street for the purposes of harming other people is already a crime. Stealing cars is already a crime. Committing harm to other people and murder are already crimes. The idea that making machetes a prohibited weapon is going to make weapons disappear and instantly go away is just fantasy. It is nothing more than symbolic legislation that will have no real-world effect.

What would have a real-world effect is if the law-abiding citizens of this state, the people who fear crime and who do not like criminals, had some legal option through which they could defend themselves. At the moment there is nothing at all that they can carry for the purposes of self-defence, that they can legally carry to defend themselves against violent criminals. That is exactly why I am proposing an amendment. I have spoken about this many times in this place, and I am proposing an amendment to not only remove capsicum spray from the list of prohibited weapons but to allow it to be carried as a form of self-defence. It is nonlethal. As I spoke about last time we had this debate, it is rarely used in offensive crimes because it is not scary. You cannot go near the person that you spray with it. It is not very good to use indoors for robberies. It is very useless for crimes. I know that some people would say, 'Well, why don't you go even further? Why don't you want to legalise firearms for concealed carry like in the United States?' Ms Ermacora was talking about the United States and how dangerous it is. I note New Hampshire has a much lower crime rate and murder rate than Victoria does, and their firearms laws are very liberal.

What I would say is this: even in places in the United States where concealed carry of firearms is legal, most people that want a tool for self-defence do not choose a firearm; they choose pepper spray. The reasons are abundantly clear: firearms are heavy, they are expensive, they require training, they are lethal, they require lots of maintenance and all sorts of other issues. They are big and bulky and hard to carry around. Pepper spray, on the other hand, is cheap and does not require significant training. You can carry it in your handbag or in your pocket. It is quite small. In many, many, many places in the world it is commonplace for people, especially people who are vulnerable like older people or women, to carry pepper spray, and it is quite an effective tool for stopping crime. That is abundantly obvious by the fact that police carry it. They use it for this purpose as well. When they want to stop a criminal without shooting them dead, they use pepper spray. They also use tasers and other tools, but they use that. I would like to distribute that amendment now, please.

Amendments circulated pursuant to standing orders.

David LIMBRICK: Although I do like some of the parts of this bill that talk about the deradicalisation of people who have been caught up in violent extremism, the Libertarian Party will not be supporting the expansion of designated areas powers. They are clearly a mechanism through which to remove the rights of Victorians. I will not be supporting an ineffective machete ban, because I just think it is not going to have any effect at all. But I do hope that members of this house – if they really do think that they are tough on crime, and I note that the government now is talking about being tough on crime – if they really want to be tough on crime, give Victorians the power to fight back.

The ACTING PRESIDENT (Jacinta Ermacora): Mr Batchelor, very enthusiastic.

Ryan BATCHELOR (Southern Metropolitan) (15:23): I am always an enthusiastic contributor, particularly on legislation such as this, which is going to make some significant and real improvements to the safety of our community with respect to the use of controlled and prohibited weapons and also more broadly to terrorism and the protection of our community from acts of terror, which is where I might start in dealing with the two elements of the bill.

Obviously we know that acts of terror in our community are designed to spark fear in the community to achieve political goals – that is what terrorism by its definition is. We know the trauma that that practice inflicts on members of the community who are the intended targets. Our community has felt it. Late last year in December we had an act of terror committed in Southern Metropolitan Region. The attack on the Adass Israel Synagogue in Ripponlea on 6 December was a very vivid expression of terror, and it was clearly an attempt to instil fear in parts of Melbourne’s Jewish community through the use of politically motivated violence. I will not forget what it was like walking through the scorched remains of that synagogue: the smell of the burning building, seeing the twisted metal and the holy books that had been burnt on the floor. Thankfully, we know that many of the sacred Torah scrolls and prayer shawls were able to be retrieved. Some of the scrolls had to be buried. The act of terror that we saw there was designed to divide our communities. It was designed to make part of our community feel unwelcome and unsafe, and I think this bill in its broad measure seeks and the specific amendments that are being made to the Terrorism (Community Protection) Act 2003 today seek to ensure that terrorism will not win, terrorism cannot win and the acts of violent extremism and the acts of violent extremists do not have a place here in Victoria.

We know that particular communities, including Melbourne’s Jewish community, are very resilient in the face of these acts. I do note and welcome the commitments that have been made today by the federal government with respect to the rebuilding of the Adass Israel Synagogue. A \$30 million commitment was announced by the federal member for Macnamara Josh Burns today. It will go towards making sure that that synagogue is rebuilt, and I welcome the announcement of that funding.

The way that we try and deal through legislation with people who may commit terrorism is in measures that are in the terrorism act, and in amending that terrorism act this bill deals with the pathways for Victorians who are at risk of being radicalised towards violent extremism. We know that in August 2024 ASIO raised the terrorism threat level from ‘possible’ to ‘probable’, and I have mentioned the attack that occurred in December. Violent extremism is an ongoing threat to the safety of the broader community here in Victoria. In addition to tough penalties and adequate police powers, the Allan Labor government recognises the need for therapeutic intervention for those people who may be vulnerable to violent extremism, and the amendments before the Council today will improve the operation of Victoria’s voluntary case management scheme to make sure it operates flexibly and responsively. The amendments will allow for a wider cohort of people to be eligible to access intervention, reducing their likelihood of posing a risk to the community.

The case management scheme has been operating in Victoria since 2022 as a voluntary program that provides tailored intervention and wraparound support for people at risk of radicalisation, which can include psychological counselling, career counselling, mentoring, tutoring, legal aid and access to community support groups. It provides support to those at risk of radicalisation and provides them with the services they need to reconnect them with the community, turning them away from radicalisation and away from violent extremism and putting them back on track. The amendments that this bill proposes will ensure that this scheme’s operation aligns more closely with best practice, providing holistic and bespoke intervention so we can continue to keep Victorians safe from the threat of terrorism and violent extremism.

This is part of the larger suite of measures that we will be taking. I mentioned in the last sitting week comments by the Director-General of Security Mike Burgess earlier this year about the way that violent extremism and political extremism are playing an increasingly dangerous role in the

community. It is something that our security intelligence agencies are closely monitoring. What the Victorian government is seeking to do through changing the terrorism laws is to make sure that there is this voluntary program that is designed to assist those who may be at risk of going down the pathway of extremism to pull things back and turn themselves around and to ensure that the support services that they may need are available. I commend those elements of this bill to the house.

The rest of the bill deals with the Control of Weapons Act 1990. Through some substantive proposals in the bill and also some amendments that the government has flagged we will be moving, we are seeking to address real concerns in our community about the prevalence of knife crime, and in particular the prevalence of machetes being used to intimidate and threaten people in their homes and in the broader community. Whether it is in the streets or in people's homes, we should be doing everything we can to protect Victorians against the threat of violent crime. We know that those crimes have lasting effects. I think for anyone who has been following the recent debate and listening to the words of recent victims of crime, they tell very powerful stories about the effects that this violent crime has on them and on their family. Anyone listening to those stories in particular can understand that we need to make sure that we do whatever we can to stop these crimes from taking place. We need to do whatever we can to make sure that our laws are working as best they can.

Obviously earlier today in the other place we introduced some tough new bail laws, and this chamber will have the opportunity to consider those in the near future. Today, now, this bill is dealing with amendments to make machetes a prohibited weapon. They are a weapon that has been used far too frequently in serious crime across our state and in parts of the communities that I represent in southern metropolitan Melbourne. It is clear from these recent criminal activities that machetes need to be banned, and there will be tough and serious consequences for those who carry them. Under the framework of the Control of Weapons Act, the substantive act, prohibited weapons are the most strictly regulated in Victoria. They are banned and there are penalties of two years imprisonment or a fine of over \$47,000 for being caught in possession of them.

In implementing this framework there will obviously be small-scale exemptions put in place. The framework for exemptions will be put in place for very tightly controlled circumstances, and the government will consult with industry on the exemptions framework. To get weapons off the streets safely, an amnesty is going to run from September to November so that people will be able to safely dispose of their machetes without committing a crime. Things like secure bins at safe locations will start to be rolled out from the beginning of September in an attempt to get the existing stock of machetes out of the hands of criminals and destroyed. There is no requirement for someone to have these weapons when roaming around our streets, instilling fear in others and using them to threaten others in their homes. Under the laws that we are passing, that will no longer be legal and there will be a mechanism in place to try and make sure that those weapons get out of the hands of those people and into a secure place where they can be dealt with.

The bill is going to amend the Control of Weapons Act in several ways. It will increase the period of time where a planned designation at an event can take place with respect to seizures of and searches for knives. Currently planned declarations can only take place while the event itself is happening, not while people are being bumped in and not while crowds are leaving. In practice, it means that police will be able to use their powers to search for a weapon that might be stashed while an event is being set up, if the Chief Commissioner of Police determines it is necessary. The amendments will reduce the time that Victoria Police need to wait before returning to an area to search for weapons. Currently under the act police are only allowed to return to a place to conduct a search operation once every 10 days, and that limitation is stopping Victoria Police from being able to target high-risk areas.

The changes that are being proposed mean that there will be more police searches in the streets of highest risk where they are needed most, and they will allow Victoria Police to declare an area based on intelligence. Right now the practices, the protocols and the requirements for the declaration of designated areas by the chief commissioner are too restrictive. The new changes will allow the chief

commissioner, if they have intelligence that a new event or an event in an area that has never seen an incident before might see weapons-related violence, to declare the area as a designated zone to search.

The length of time for a search operation will be increased, and extending that search window will allow Victoria Police to conduct their operations successfully. There will also be further amendments that will be proposed to extend these zones for a longer period to enable police to stop, search and seize weapons without warrants for a period of up to six months in a particular area. Under these reforms the chief commissioner will be able to declare known hotspots such as train stations or shopping centres for longer periods of time, so that the police have more tools available to them in these hotspots to make sure that they can apply the existing powers that exist for search and seizure. It will give police more tools in their toolkit and allow them to use their search powers when they determine them to be appropriate.

It is very clear that there is a legitimate concern across the community about the rise in aggravated burglaries, about the rise in car thefts and about the associated harmful behaviours that are going along with this – that is people breaking into homes with machetes demanding keys and other devices, causing fear amongst residents. The government is listening to the community, who are expressing these concerns. The legislation we are dealing with right now is one part of our comprehensive and significant plan to change laws to give police the power and resources that they need, but it will also ensure that through our broader criminal justice system, including the tough changes that we are making to bail laws, we are making sure that serious crimes are being taken seriously and that community safety is front and centre of everything that we do. As I say, this bill will have a significant effect. It will bring significant advantages in our determination to keep our community safe, our streets safe and our citizens safe, as will the other bills that we will consider during the course of this week. They have my wholehearted support.

Melina BATH (Eastern Victoria) (15:37): I am pleased to rise to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. We have heard today that this bill makes amendments to two major acts: the Terrorism (Community Protection) Act 2003 and the Control of Weapons Act 1990. The Liberals and Nationals certainly know the importance, the value, the need and the priority of keeping Victorians safe. We have had that focus in my time – in the last 10 years – but this government has not held those values and those needs. They hold the rhetoric, but not the action. Today we have seen the government being dragged kicking, screaming and biting to present to this house some amendments to a bill that was already through the lower house previously and sitting on our notice paper – to present a machete-ban backflip.

The government is proposing to reclassify machetes into the prohibited weapons list from September 2025, with an amnesty for a period of two months on the way. I want to just start off and make some comments in relation to exemptions. We are told that there will be exemptions for certain permitted purposes such as farmers in agriculture and also hunting. I listened to my colleague Mr Mulholland, who was relating information that in previous attempts, which I will go into shortly, in relation to farming, members of the government started to try and fling very minor arrows across the way, saying, ‘Oh, don’t the Nationals support farmers?’ Well, the Nationals have always supported farmers. We actually, once upon a time, emanated from the farming movement. We have of course diversified now to represent the whole of region, but we have never forgotten the importance of our agricultural industry nor, for that matter, hunting. With the use of these machetes for intended purposes, for legal practices in farming operations, we want to see what those exemptions look like. We have not yet seen them, but we have backed farmers all the way. We backed them in 2019 when there was a spate of on-farm terrorism, and that is what it was. Recalcitrant people thought they could go on farm and terrorise farmers, farm workers and animals and create biodiversity hazards as well. We backed them when we had the inquiry. The government again came kicking and screaming to this house to support in the end, without any choice, an inquiry, and we backed them when we developed laws from that inquiry to protect farmers from these extremist activists. Again the government took some year and a half to come to the party to produce some laws in relation to this. The thought that that does not exist and that

we do not back farmers is laughable and shows just how desperate those on the other side are to thwart what is now being presented today, which is a ban on machetes.

When we look at this we see some incredible backflips at four particular times. In 2023, twice in 2024 and now in 2025 we saw these backflips. We saw this government saying, ‘No, no, no.’ On each occasion Labor opposed in the Assembly our amendments to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. We proposed to reclassify machetes; Labor opposed that. In March 2024 we did it the Council; Labor opposed that. Again in March 2025 we moved amendments in this very place on machetes; Labor opposed. Lo and behold, they have done the stats, they have gone and looked and they have done some polling, and it is very unpalatable for the Premier to continue to defend an indefensible position. They have not really cared up until now about the victims of these crimes, the victims of these attacks, but the government is now looking at the polls and thinking it better finally do something about it and will beat its chest about how sincerely caring it is for Victorians. It is a charade, and we are calling it out.

We have heard other members talk about crime statistics. We heard Mr Batchelor speak about crimes in people’s homes. I want to drill down into a couple of those in my region. We are seeing a rise in knife attacks not only in metropolitan, suburban Melbourne but also in regional Victoria, and the stats do not lie. In Eastern Victoria we have seen crime surge. We have seen assaults up by 25 per cent in the last 10 years. We have residential aggravated burglaries up 210 per cent over the past 10 years in Eastern Victoria Region, motor thefts up 100 per cent and family violence and common assault – how tragic is this, with them already too high – are up 63 per cent. If I drill down a little bit more, Latrobe Valley crime offences are up almost 13 per cent; Bass Coast, almost 24 per cent; Baw Baw shire, almost 39 per cent; South Gippsland, over 100 per cent; Cardinia, 46 per cent; East Gippsland, almost 50 per cent – 49.37 per cent; and Wellington, 26.5 per cent. Victorians are feeling less safe under this government than they were a decade ago.

Sadly, let me point to some other more specific examples in my electorate to do with knife crime and the impact not only on the victim but on the community, with the feeling, that terrible feeling, that their own local town street is unsafe. No-one wants to go to that level. No-one wants to be there. I thank the police from the bottom of my heart. They are continually frustrated by a lack of resources and are quite often overworked and underpaid, as we have seen in their protracted negotiations. We saw on 28 February a 38-year-old man was – we say ‘allegedly’, but there was blood and there was a knife and there was someone taken off to hospital – stabbed out the front of a wonderful business, a beautiful business, that has been there for 20 years. It is called Viva shoes. It is a fantastic business. Fancy going to work in the most glorious business and having this attack right outside your business, and not only that but in Commercial Road.

I went for a walk with my good colleague Martin Cameron, the member for Morwell, the other day. We had a conversation with people from Vinnies, from Manny’s Market and from the Gippsland cardiology clinic. They are having to triage people who are coming in frightened to be on that street. What does that do for business? It puts people off, and people are staying away. We also see that in Traralgon a 70-year-old man was held at knifepoint, robbed and stabbed by a woman in an unprovoked attack. In October last year we saw a group of teens taken into custody after attacking a security guard at Traralgon Centre Plaza. They were wandering around with a hammer at that stage. And we saw that a most beloved man, a 90-year-old man living out his days, loved by his family, died – an alleged murder after an aggravated home invasion. We see these things time and time again, and this is just a travesty. I am sure many of my colleagues will have local content to discuss and terrible stories of victims in all this.

Ms Ermacora raised the issue of PSOs, protective services officers, indicating that when the bill eventually goes through the house it will be illegal and there will be increased penalties around obstructing PSOs conducting their duties. That is also a very sad indictment on this government. Both my colleague Mrs Broad and I have raised in the house this week and last week the issue around there being a deficiency, a lack, a dearth, of PSOs in regional Victoria – with PSOs assigned to four train

stations across the regions as opposed to over 200 stations that have PSOs in metropolitan Melbourne. It is an indictment that we need them, but we do need them.

Let us look at Labor's amendments to do with this machete ban. It says the amnesty will run from 21 September to 30 November. People will be able to dispose of their machete without committing a crime. We are told that there will be bins potentially in police stations and locations. These amendments will define what a machete is, there is a penalty of two years imprisonment or a \$47,000 fine, and the Victorian government also plans to write to the federal government about actions on machete imports and reducing those imports.

I had the pleasure of walking Kokoda with my colleague Tim Bull and others and students – they have been doing that for a number of years now – almost two years ago. In Papua New Guinea machetes are used as daily implements. It is not a wealthy country. It is a Third World country, a beautiful country with beautiful people. But machetes are used to chop vines and they are used to chop vegetables. They are used in a variety of modes. It is their whole kitchen equipment in many cases. But we are not that country, and Australians do have overall a good standard of living. Victorians, despite this government being in for 10 years, have adequate options in their kitchens to use, and these knives are not necessary. They are huge. I did see them in Kokoda. In Port Moresby there was a child who was just about as high as the machete carrying it along the road, I am sure to hack through the bush and do whatever they needed to do.

But getting back to the bill, we also know that this bill will look at declaring designated areas for search and expand the time from 12 hours to a period of up to six months. In some cases those areas could be train stations, and in my case they could potentially be areas, sadly, in the Latrobe Valley. We also see our amendments to bring forward the date from which machetes are banned by three months. We are also bringing forward the ban on the sale of machetes. These are sensible amendments. They are important. They provide for something that should have been done 18 months ago but the government has obfuscated on.

In discussion around other elements of the bill we always make mention of the importance of the move-on laws that Daniel Andrews removed in 2015. He thought that was a fabulous idea, and woe betide poor Victoria Police, who have been desperate for them ever since. Not only that, woe betide Victorians who have been caught up in needless violent protests that could well have been kept far safer with these laws in place. I again call on the government, which has rethought a ban on machetes, to rethink the repeal of the move-on laws introduced by the 2010–14 Liberal–National government.

Finally, just on the discussion around deradicalisation of extremists, we do not have a problem with the government wanting to expand the voluntary case management scheme, but by the same token, it is cutting the funding. It slashed the program funding by around \$1.2 million. And while it is important to try and reshape, reform and rehabilitate these extremists, at the moment, we were told in the briefing, there are only eight participants. Well, I am sure that there could be a roomful and the next room down the corridor.

I want to see this bill passed. I know there are amendments from a variety of others, including the Greens and Mr Limbrick so far. We await to see and discuss the bill in committee of the whole, but the Nationals certainly will not be opposing this bill. We wanted to see machetes brought in many years ago.

The ACTING PRESIDENT (Jeff Bourman): Just before we go to Mr Ettershank, I want to recognise a former member in the gallery, Heidi Victoria.

David ETTERS HANK (Western Metropolitan) (15:52): I rise to make a contribution to the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. The proposed changes to the Terrorism (Community Protection) Act 2003 enable the Countering Violent Extremism Multi-agency Panel to provide more holistic, therapeutic care to those vulnerable to radicalisation and

provide early intervention services. These are fairly uncontroversial, and we have no issue in supporting these changes.

The reforms to the Control of Weapons Act 1990, however, are unsupportable from the Legalise Cannabis Victoria (LCV) standpoint. These broad changes are, frankly, disastrous. They are dangerous, they are excessive and they are unnecessary. The existing designated search area powers are already significant. They allow police to stop and search any individual within a specific declared area without a warrant or any reasonable grounds for doing so. Human rights advocates and other stakeholders already have concerns about the way the existing powers are used to target certain communities. These changes in this bill will dramatically broaden those powers.

Firstly, the bill increases the time the Chief Commissioner of Police can declare a designated area – that is, an area where police can stop and search a person without a warrant and without any justification – from 12 hours at a time to a staggering six months. It lowers the threshold for declaring a planned designated area from one where multiple previous incidents of violence with the use of weapons have occurred to an area where there is no evidence of incidents of violence or disorder having previously occurred. Under clause 55 the chief commissioner need only be satisfied that there is a likelihood of violence or disorder involving weapons occurring in that designated area. It sort of sounds potentially reasonable, but what is this concept of ‘likelihood’ based on? Well, we will never know, because the commissioner does not have to make that information public, nor are there any proposed criteria to test the accuracy of that information. So there is no transparency, no obvious reason, no public vision of the problem – none; nada.

To add to our concerns, the minimum time that must elapse from the end of a declaration of a designated area to the beginning of another one in that same area has been reduced from 10 days to 12 hours. This means that certain areas could essentially be subject to continuous daytime or night-time monitoring for six months. The bill allows for a planned designation of an area to operate during any time before and after the event that the chief commissioner considers reasonable. There are no guidelines around what might be considered reasonable when applying this extension, and again, the chief commissioner is not required to disclose the information on which that decision was based. It is entirely subjective, it is entirely opaque and it is entirely at the discretion of the chief commissioner. These unnecessary and unjustified new powers stem from the same fear-driven reflex as the bail reforms the government is currently ramming through the Legislative Assembly. They are certainly not based on any evidence of improved community safety. They are based not on what is objectively reasonable but rather on what the chief commissioner believes to be reasonable. It is entirely up to the chief commissioner’s discretion. And do we really need to give police yet more discretionary powers? They are not exactly famous for wielding them with restraint.

Putting aside the fact that police already have sufficient powers to declare designated areas and to stop and search people, there is no evidence to show that these searches are effective in preventing crime or making the community any safer. There is no evidence whatsoever. In fact, it is to the contrary. Liberty Victoria’s rights advocacy project looked into searches conducted in designated areas between January 2021 and January 2023. Over that two-year period Victoria Police conducted nearly 24,000 warrantless searches of individuals in 61 designated areas. Of these 24,000 warrantless searches, only 250 led to objects or substances being found. That means around 1 per cent of those searches turned up anything, so they were hardly a raging success. We are not even sure that during those 250 searches any weapons were actually found. It is far more likely they turned up the odd bag of weed and a few pocketknives – maybe a slingshot if they were lucky. Anyway, in 99 per cent of those searches the person undergoing the search was being subjected, for no reason, to an invasive and humiliating public search when they were not guilty of any crime. What do these operations cost the taxpayer, all for a possible 1 per cent success rate?

There is the issue of these new powers being used on overpoliced communities, which we know happens already. Stakeholders we met with are very concerned that the new laws will lead to an uptick in racial profiling, and let us face it: those fears are held with very good reason. The Racial Profiling

Data Monitoring Project was established to monitor Victoria Police's so-called 'zero tolerance' policy on racial profiling. Despite these policies being in place, and being in place for around a decade, data obtained by the project showed that First Nations Victorians are still 11 times more likely to be searched by police than white Victorians – 11 times more. This fact was reinforced in the evidence given to the Yoorrook Justice Commission, which called on Victoria Police to address the systemic racism and the unequal use of discretionary powers in its ranks, specifically in relation to First Nations people. Smart Justice for Young People data also confirms that police searches disproportionately target over-represented groups of young people, including Aboriginal young people, young people from racial minorities and children in out-of-home care. But here is the kicker: despite police in Victoria disproportionately subjecting certain groups to searches based on their appearance, based on their age and based on their perceived racial background, the actual find rates for illegal weapons, drugs or other illicit items are actually lower with those groups than when they search those they perceive to be Caucasian. That is shameful. We know the harms associated with being repeatedly stopped in public and searched by police for no reason, not the least of which is having to deal with criminal charges.

Werribee train station in my electorate is often declared a designated area. Recently we heard from one of our community legal centre representatives about a young person picked up during a search for having a pocketknife in his bag – one of those Swiss Army knives – and that pocketknife was identified as a weapon. The community legal centre was able to get the charges dropped against this young person, who was in their final year of school, but that person had to cope with all the stress of dealing with the justice system when really they should not have been charged at all and should not have been searched. They should have just been doing their VCE. Surely a schoolkid with a pocketknife should not be the target of these searches. Really, is that what we have come to? Is that really the optimal utilisation of scarce police resources? It beggars belief. It is a ridiculous waste of police and a ridiculous waste of court and legal resources, and we are about to enable that to happen more often and with less due process. It is shameful.

Yes, these searches do have a disproportionate impact on people of colour, on young people, on vulnerable people and on people who are just in the wrong place at the wrong time, but make no mistake: this kind of overreach is an infringement on everyone's rights. We all suffer from the loss of these rights. Police already have sufficient powers and already have too little oversight. I ask: what is the point of these reforms other than to relieve police of doing a bit of paperwork? Let us be clear: police already have these powers. All these changes do is make it more convenient for police. It is to make it easier for them to exercise those powers, and that is wrong.

These reforms, plus the overly hasty tougher-on-bail laws, show a government floundering in thrall to the fearmongering of the right-wing media cabal and coming up with policy on the run to placate it. The reforms leave the community no safer, while marginalised, vulnerable people, young people and overpoliced multicultural communities continue to feel the brunt of these discriminatory practices – and for what? As I mentioned earlier, the success rate of stop-and-search powers used in designated areas is 1 per cent. There appears to be a creeping erosion of civil liberties right across this country. It is beyond depressing that we are joining this race to the bottom in terms of protecting our civil liberties. Is that 1 per cent success rate really worth the continual targeting of overpoliced communities, the profound breaches of human rights and the harms experienced by those targeted by these searches, not to mention the incredible cost of these operations and subsequent legal matters? We say: no, it is not worth that, and no is how we will be voting on this bill.

John BERGER (Southern Metropolitan) (16:04): I rise to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. This bill has been prepared in collaboration with my good friend the Minister for Police in the other place, Minister Carbinis, and the Attorney-General. It will improve the effectiveness and efficiency of the voluntary case management, VCM, scheme under the Terrorism (Community Protection) Act 2003, the TCPA, and it will also make amendments to the Control of Weapons Act 1990. This will give Victoria Police the

powers that they need. It means that Victoria Police can exercise unlawful weapons search powers in public places, in areas declared by the Chief Commissioner of Police to be designated areas. He can do this in a more flexible way and for longer and in expanded circumstances.

This bill is designed for two reasons. The first is to ensure that the VCM scheme aligns with best practice case management, and the second is to ensure that Victoria Police is responding effectively to the challenges presented by the unlawful possession, carriage and use of weapons in public. The Allan Labor government is committed to keeping our community safe – have no doubt about that – and we are adapting. We will do what is right. Last year in March in this place, in a second-reading debate, I talked about the problem of youth crime relating to the use of machetes and knives. At that time, I said that machetes are a weapon, and I talked about how we had seen over the previous year the use of knives and long-bladed knives like machetes as weapons. I said then and will say again today that the machete is not a tool, it is a weapon and a dangerous one at that. I firmly believe that there is no need for a young person to own, let alone carry, a machete. That is why I am happy to say that one of the key elements of this legislation is that it clarifies and enshrines into law the status of machetes.

At the time we clarified that machetes are knives, a controlled weapon, and I said at the time that purchasing a machete would require the seller to seek an ID when someone comes in to purchase a machete. I said at that time that our bill in early 2024 was designed to fight crime and keep our streets safe. I said at the time, and I want to reiterate this, that we wanted to take machetes out of the hands of criminals and young people. Just last month I spoke about the work our police officers do in the community of Prahran. I said proudly, just six weeks ago, that we are combatting the scourge of knife crime with discrete search powers.

I acknowledge that more needs to be done. Year in and year out, our government is working to get more done. In fact knife-related crime in 2024 reduced by 3.6 per cent compared to 2023 levels. This is due to the work that we have done, including the work that we did last year, but there is more to do, and I acknowledge our community's concerns. Just the other week I walked a few hundred metres from my office to a street where residents are concerned about crime. I listened to what they had to say. The good thing about our government is we want to respond to what the community wants. The Allan Labor government is listening to our community, and we are doing that by taking even more action today to keep knives off our streets to keep the community safe.

As part of listening to our community, we consulted. That means we listened to what the community and the key stakeholders needed, and we delivered. On this bill the key stakeholders were Victoria Police, the Department of Health, the Department of Families, Fairness and Housing, the Department of Education and youth justice. On consultation, many of the amendments to the act were proposed by Victoria Police in the first place. I am proud that we have listened and are delivering today. I would like to thank Victoria Police for all their constructive advice, which has helped guide our approach to these weapons.

In consultation with Victoria Police, since coming into government, we have invested a record \$4.5 billion into the police. We know that every day, in any weather, at any hour, our hardworking police officers are out there patrolling on the frontline, often putting themselves at risk to keep our communities safe. They are the ones who see what happens firsthand and are trained to deal with some of the most violent criminals in the state. That is why I am happy to help deliver these reforms as proposed by Victoria Police, helping keep our community safe.

I want to highlight some of the specifics of the bill. A 'terrorist act' is defined under section 4(1)(b) of the Terrorism (Community Protection) Act as an action that is done or a threat that is made with the intention of advancing a political, religious or ideological cause. This is among the most serious offences that can be levelled at any Victorian, and that is why we must take every precaution necessary to stop these events from happening.

Clause 55, 'Planned designation of an area', substitutes a new section 10D(1) of the Control of Weapons Act and provides that:

- (1) The Chief Commissioner may declare an area to be a designated area if –
 - ...
 - (i) either –
 - (A) more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; or
 - (B) an event is to be held in that area and incidents of violence or disorder involving the use of weapons have occurred at previous occasions of that event (wherever occurring); and
 - (ii) there is a likelihood that the violence or disorder will recur; or
- (b) the Chief Commissioner is satisfied that –
 - (i) an event is to be held in that area; and
 - (ii) by information known to the Chief Commissioner, there is a likelihood that violence or disorder involving the use of weapons will occur in that area during the period of intended operation of the declaration.

What does that mean in practice? It means that the police will be given the flexibility to respond to emerging situations based on intelligence that there is a risk of violence at an event. In practice the amendments to the Control of Weapons Act will do five major things. They will increase the period of time when a planned designated area at an event can take place, further reduce the time that Victoria Police need to wait before returning to an area to search for weapons, enable Victoria Police to declare an area subject to this act based on intelligence, increase the length of time a search operation can take place from 12 to 24 hours and modernise the way that search operations are communicated to the public. The fact that these amendments were drawn from consultation with Victoria Police should demonstrate the seriousness and importance of this bill.

Over the past decade we have listened to and cooperated with Victoria Police to ensure that they can keep our community safe and have the resources they need to stamp out criminal behaviour. I mentioned earlier that we have funded, in addition, 3600 new police officers since coming into government, for example. Something less known perhaps is how we invested in new equipment for our police, including \$214 million to roll out tasers to all frontline police officers and PSOs. This is to help ensure that they have another nonlethal tool at their disposal to respond to potential violent offenders. They are an effective means of neutralising dangerous threats on the streets while ensuring everyone is safe. That is the crux of the Allan Labor government's approach to tackling crime. We have a commitment to tackling crime, keeping our community and our police safe from harm.

As I mentioned earlier, I was happy to see machetes rightly classified as knives and weapons under the previous amendments. Last year Victoria Police seized almost 15,000 knives out of offenders' hands. That is about 40 knives a day. When you see that nearly 70 per cent of knife crime victims are adults and that nearly 20 per cent of the offenders are young people and a further 11 per cent are youth gang members, it paints the reality quite well. Knife crime is down 3.6 per cent, but we have a serious problem when young people are acquiring machetes and terrorising older Australians.

We will always move to stamp out this antisocial and criminal behaviour from our streets, and it starts with empowering the police to thoroughly investigate and act as necessary. Both the Police Association Victoria and Victoria Police are in support of our efforts and these new reforms because they understand that at the end of the day the government, just like all our police officers, is driven to keep the community safe. Nobody wants knives on the streets; nobody wants offenders roaming around terrorising Victorians. The cooperation between Victoria Police and this government in steering these changes is constructive and productive and will no doubt pave the way for a stronger, more dynamic and effective policing strategy around knife crime.

There is sometimes pushback in this chamber against expanding the capabilities and powers of Victoria Police. It needs to be stressed that this bill relates to keeping more of our community safe. This is a bill that is designed to make sure, based on the intelligence gathered by and for our police force, that they can then act accordingly with the threat. This is also only done at the satisfaction of the chief commissioner. It has the necessary checks to ensure that police officers do not arbitrarily declare zones of interest as dangerous, but it also provides the police force with the expanding ability to dynamically approach situations of varying threat levels. It is safer for police officers and safer for residents. It goes hand in hand with over 948 crime prevention initiatives since forming government, raking in over \$100 million of investment from this Labor government.

A two-pronged strategy against crime and stamping out criminal behaviour requires dealing with offenders and stopping people from offending in the first place and falling into the system. The Allan Labor government is ensuring through these programs that more young people are set on a more stable path that does not lead to violent criminal conduct further down the track. Concurrently we are giving Victoria Police the ability to properly deal with the unlawful weapons used in these crimes by empowering them to conduct searches in designated areas.

Another key aspect of this bill deals with the pathways for Victorians who are at risk of radicalising towards violent extremism. I note that the terrorist threat level was raised from 'possible' to 'probable' by ASIO in August 2024, and we know that violent extremism is an ongoing threat to the safety of our community in Victoria. The attack against the Adass Israel Synagogue in my constituency of Southern Metro has proved that violent domestic extremism is on the rise and a number of young Victorians are being radicalised into terrorism or other forms of violent extremism, and the Allan Labor government is taking the necessary steps to stop this in its tracks.

We are taking steps to improve the operation of Victoria's voluntary case management scheme to make sure it operates flexibly and responsibly. This scheme is voluntary, complementing the work being done by Victoria Police with high-risk individuals, providing tailored intervention and support for people at risk of radicalisation. This includes psychological and career counselling, mentoring, tutoring, legal aid and other community support services. The bill also amends the language used to reduce the stigma associated with joining this voluntary program, making it a more appealing and socially viable option for those at risk of radicalisation. Furthermore, it makes amendments to the role of the Countering Violent Extremism Multi-agency Panel to clarify that their role is as an advisory body. It currently has some legislative functions, but for the most part the work is conducted by expert case managers who are best suited to deliver this work. As such, case management will now be left to the Secretary of the Department of Justice and Community Safety, with the CVEMAP providing advice. This signifies the dynamic approach the Allan Labor government is taking to keeping our streets safe. We are doing our part to fight extremism and the radicalisation of Victorians by helping provide alternative pathways, opportunities and counselling for those at risk.

Simultaneously we are acting to stamp out criminal behaviour on our streets. With the power to sensibly declare areas to be of higher potential risk, Victoria Police will be able to search individuals for unlawful weapons. This is for locations where the police have determined there will be a planned event, or where there was a past event, of high risk to the community and the general public. All the while, we are ensuring our police force is better protected with our \$4.5 billion investment since coming into office, with more nonlethal defensive equipment such as tasers and more officers on the ground. Together this forms a coherent and decisive strategy to keep Victoria's streets clean. It means more police protecting our community and a more empowered police force that can seize unlawful weapons such as knives by conducting searches in areas of risk. A prevention program which steers at-risk individuals away from violence, extremism and radicalisation will help drive down the number of Victorians turning towards violence and becoming repeat offenders while simultaneously ensuring that those who do commit those crimes are dealt with effectively and swiftly. It is all about being tough on crime and even tougher on the causes of crime.

The Allan Labor government has an indisputable record of protecting our communities with stronger law enforcement and strong prevention programs, and this bill continues to build on that record by providing reforms developed in conjunction with Victoria Police with the support of the police association, making it safer for police to engage on scenes and easier for them to stamp out violent criminals. Our work has ensured that there are more police on the streets protecting all of us and that they are better equipped with tools and powers to pull criminals off the streets. This is just another step towards ensuring that they can take even more knives and dangerous, unlawful weapons off criminals in critical areas of risk. For that, I commend the bill to the chamber.

Richard WELCH (North-Eastern Metropolitan) (16:19): I rise to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. I guess we are talking in three parts here: deradicalisation, designated search areas and prohibiting machetes. I am going to talk about the first two briefly before talking about machetes in particular. Deradicalisation is a very, very good idea, a good program. We have got lots of young people who are radicalised in our community. We have a social environment in which radicalisation is very, very common and easy to do, whether it is through social media, through selective consumption of materials or through bad actors who want to influence our children in bad ways. Deradicalisation is a very valuable thing, if you are willing to put some money behind it and actually make it work. If it is just a program in name and it is not funded in a commensurate way, what is the point? You might as well say, 'We're legislating to put in a moon base,' and then not have any money to go to the moon. It is good, but back it up with an actual program that matches it, because at the moment it does not match it.

On the deradicalisation aspect of the bill there is one thing that concerns me. It is very good in principle, but there is the risk that at some point in the future it would be applied selectively – that we would be selective about how we defined 'violent' and how we defined 'radicalisation' and that we would categorise some kinds of radicalisation as violent but some we would selectively ignore, because we do it already a lot. There is a lot of selective policing going on in our society these days around protests, where one group are allowed to protest and another group are not allowed to protest, where some people get diverted and other people do not get diverted. I am not saying those things are wrong per se, but when you look at a piece of law, like with any contract, you have got to look at, 'What is the worst-case scenario?' and 'What is the unintended consequence?' of what you might apply. And in here because so many terms remain undefined, we do make it possible for future powers – future governments and future police forces – to be selective because, as has been pointed out already in this chamber, there does not have to be justification, and the duration can be defined at will. So it is not the principle of deradicalisation at all; it is the selective use.

To put some context to that, look at some of the radicalisation we have got now. Would you consider that Extinction Rebellion are leaning towards violence? Certainly some of their acts appear that way to me, whether they are disrupting traffic or gluing themselves to things or damaging valuable private property or damaging artworks, assuming a sense of high moral ground for themselves that means any act is justified. What they did around the Land Forces event certainly leaned towards violence. Are they radicalised under this? Should they be deradicalised, children leaving their schools to go to Extinction Rebellion events in school hours? Are they amongst people who are radicalising them, because there are certainly people in those protest groups whose aim is to radicalise people, particularly vulnerable young people.

When we had the endless pro-Palestinian protests here, there were many young people brought to those. We had the issues of people waving terrorist flags et cetera and promoting points of view that were radicalising. Nothing in this bill here gives us any way to measure the distinction between when you are going to say it is radical and it is leaning towards violence, and when you are not. That is the danger of it. That is the concern I have about it, not the principle. We must deradicalise kids, because they are so vulnerable to it, and early intervention is always the key. But the law here as prescribed is loose, and I think it opens the door to unintended consequences down the track. Hope is not a plan.

We hope that a future government does not misuse this law, but we are leaving the door open for them to misuse this law.

The same can somewhat be said for the designated search areas. Again, in principle I agree with this. I feel slightly torn about this, because I think both the Libertarians and the Legalise Cannabis Party make sound points about the fact that this is yet another degradation of civil liberties. For all the good intents of it we must not – we cannot – simply skip over the fact that we are further expanding police rights to do things without warrant, without probable cause. That is not a good thing. That is not a good thing in a democracy. It is not a good thing where we have equality before the law. We should not be flippant about the fact that we are doing it. We should understand the significance of what we are doing. By doing it we are debasing civil liberties. We are doing it on the justification that we are going to keep people safe, and that justification is that we are debasing civil liberties because the behaviour of people has become more and more debased. The way people protested a generation ago is very different to the way people protest now. There is far more violence involved. There is far more terrible behaviour involved. The behaviour of our society is debased, and we are saying as part of the remedy, ‘Let’s also debase our civil liberties, because that seems to be the only way we can contain, corral or manage it.’ I feel torn about that, I really do, but we have to deal with the reality before us. The reality before us is that we have people with slingshots throwing ball bearings at horses and putting them under their feet. We have people throwing urine on people. We have people carrying knives and machetes with impunity. Dealing with the reality we have got before us, this seems to be the way, but it should be done with a heavy heart, and it cannot continue to be the endless solution, because we will just end up in a police state for the sake of keeping us all safe. We should be looking at other ways to prevent it, and I will talk a little bit about that later on.

The third part is the machete prohibition. We last voted on this in about March last year. It was one of the very first bills I ever participated in, and it was one of those little rude awakenings. You think Parliament can be unreasonable, but surely people would see logic about something. We debated and we put up an amendment to prohibit machetes then. I was incredulous and felt very affected by the fact that that amendment was shot down, because it just seemed so illogical when you had the opportunity to prohibit something that only on a matter of semantics was not a weapon. Butterfly knives are prohibited and batons are prohibited but a machete is not, in this day and age. I said at the time, and I will say it again now, you had the opportunity to do it right and you did not do it right. I said then and I will say it now: for every family that has had a machete held to their throats or to the throats of their children, you are accountable for that.

John Berger interjected.

Richard WELCH: Tell those families to calm down?

The ACTING PRESIDENT (Jeff Bourman): Order! Mr Welch, through the Chair, please.

Richard WELCH: It is all very well for someone to say, ‘Calm down.’ There was an opportunity to prohibit it. More crimes happened at the end of a machete. We had another opportunity to prohibit them. More crimes happened at the end of a machete. There are lives that have been destroyed and traumatised, children who cannot sleep in their own beds. The party over there are accountable for that, and I want to make sure everybody in Victoria knows that they are accountable for this. To come back through this chamber now as if you are doing something magnanimous, to call it a reform, is insulting at the least to every one of those victims. I am speaking on behalf of every one of those victims and everybody in the halo of those victims who needs to be addressed. It is unacceptable.

We do so in a situation where even now under this law we are not doing it immediately. We are postponing it – we are pushing it out until September. At the Whittlesea Monday Market, machetes are laid out on a table for sale. What is the point if we are not doing it immediately? Because there are some small logistical issues to address? Because somebody has a supply, a stock, of machetes in their back room? Who in the last two years is buying and importing machetes, and who are they selling to?

What is their marketplace? If any of those vendors and businesspeople are doing that, surely they know what these weapons would be used for. I have no sympathy for any business that has capital tied up in machetes – none – because they should not have them. They should not be selling them, and if they had any moral fibre, they would not be doing it anyway. Delaying banning machetes because of that is puerile, stupid and unacceptable. We should be doing it now.

This is in a context where the government itself has created the perfect storm, because obviously when banning machetes, as has been pointed out time and time again, the machete is not committing the crime. It is the person whose hand it is in who is committing the crime and maybe if it is not a machete, it will be some other instrument, so why carry on about machetes? Well, machetes happen to be, right here and now, the weapon of choice of these criminals, so let us address the weapon of choice, and if it evolves into a new weapon of choice, then let us address that weapon too when it comes up.

We are living in a society where the government has police shortages: it has less patrols, it has insufficient PSOs and it has closed police stations or shortened their hours. It has cut funding for mental health; it has cut funding for early intervention. It has given ideological direction to judges to put people back out on bail even when they have committed violent crime. We have bail laws like that. We have closed down Children's Courts. In that context, when the Attorney-General and when the Minister for Police and when the Premier get up and say, 'Look, we're listening; we're doing it,' frankly, it is nauseating. It is nauseating to the majority of Victorians who know it is only happening now because they are under pressure, not because they have actually seen a problem they want to solve. The problem they are solving is their polls, and everybody in Victoria knows it. You are fooling no-one, and until you address all these other things, then from your perspective this is a quick solution to your immediate problem, but it is not the solution to crime in Victoria or to the families whose lives you have destroyed.

We will support this bill. There are flaws; there are holes. It is still better than it was, but it is not the whole solution. I look forward in due course to also talking about the bail laws.

Anasina GRAY-BARBERIO (Northern Metropolitan) (16:33): I am pleased to rise today to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024 and join the cause of my colleague Ms Copsey. This is a bill that has two distinct elements: one to mitigate radicalisation in our communities and another to expand police powers. But what we cannot support, and what must be removed entirely from this bill, is the expansion of police powers in ways that undermine civil liberties, disproportionately impacting First Nations and multicultural communities and reducing transparency and accountability. Policing, and expanding police powers, does not exist in a vacuum. It is a core function of governing, and our responsibility as members of Parliament is to ensure that governing does not unfairly target economically and socially disadvantaged populations.

We know which communities will be bearing the brunt of overpolicing. These communities know very well the experience of pervasive structural racism and discriminatory practices. These are our Indigenous communities and our multicultural communities, particularly African and Pacific Islander communities, and that last one – Pacific Islander – is my community. I have seen firsthand that when you see a group of black and brown kids walking along minding their own business, they are automatically labelled gangs, but when you see a group of what is perceived to be white kids, they are called a group. The rhetoric that this exacerbates serves the narrative of 'those to be protected' and 'those that are seen as a threat'.

The government claims this bill is about giving police more flexibility. But let us be clear: flexibility is power. The bill increases the duration of designated areas from 12 hours to six months. It allows back-to-back declarations, meaning an area could be under continuous police enforcement. Not only is this incredibly dangerous, but it ignores fairness and equity and it breaches the Charter of Human Rights and Responsibilities Act 2006. How can this government sleep at night knowing that they are introducing a bill which actively opposes the human rights of Victorians?

The bill allows the threshold for police to declare an area a planned event designation, making it even easier for stop-and-search powers to be used without reasonable suspicion. Since 2009, Victoria Police have been given extraordinary powers to conduct no-reason searches. Through these designated search area powers, any area can be designated to allow officers to search anyone in it for a certain period of time without having to prove reasonable grounds or obtain a warrant.

Let us talk about where these powers are used. We know very well that the so-called designated areas are not going to be in places like Toorak or Brighton. They are going to be declared in areas where migrant, refugee and First Nations communities work, raise their families and gather. They are going to be declared in the area where I grew up, Broadmeadows, and areas like Sunshine, Dandenong, Frankston and Melton.

The nature of policing remains focused on petty crime and maintaining order, while white-collar crime is handled by separate units. The daily pressures of policing can cause anxiety, leading officers to rely on quick judgments, often reinforcing racial profiling and bias. Imagine how different Victoria would be if white-collar crime was instead the priority, where police were stationed in your children's schools, in your workplaces, in your local train stations or even in this chamber. I have seen the impacts of overpolicing in my own community. Pacific Islanders make up less than 1 per cent of the Australian population. Unfortunately, they make up 14 per cent of the population in juvenile detention. The evidence is clear: expanded police powers lead to racial profiling, which often involves abusive behaviour, a phenomenon that was outlawed in 2015. This bill will put entire communities under permanent suspicion, intimidation and alienation simply because of where they are or what event they are attending. By targeting racialised populations at higher rates, police directly influence the colour of the criminal justice system.

Most concerning in this bill is the lack of safeguards to prevent Victoria Police racial profiling. This bill will not require police to collect data on race or ethnicity. How can the police be actively working against racial profiling if they are not even monitoring the size of the issue? The Greens have spoken many times in this place against laws that grant police disproportionate powers over racialised communities. When stop-and-search powers were first introduced, we highlighted the risk of systemic discrimination, and we were right, because data showed that these laws were not applied equally. A 2010 survey commissioned by the Flemington Kensington Community Legal Centre found that young men of African descent were 10 per cent more likely to be stopped by police, in contrast to young men of Australian descent. Respondents of African descent reported a more negative experience when stopped and expressed greater levels of worry about being stopped than Caucasian Australians. A consequence of overpolicing is being stopped without an explanation. This is something I saw a lot in my own community when growing up. The research found police were consistently less likely to find something when they searched a person believed to be African, Middle Eastern or Mediterranean, Indian and Asian compared to someone perceived to be white – so more likely to be searched but less likely to have something found. Wand searches and pat-downs have negative ripple effects on those randomly searched, humiliating people who have done nothing wrong and discouraging them from trusting the system or engaging in communities.

The Centre Against Racial Profiling used freedom of information to examine all Victoria Police search powers where the data is recorded. It found Aboriginal people were 11 times more likely to be searched than white people in 2023. People perceived to be African were six times more likely to be searched. It is likely that the over-representation will be just as bad or even worse for designated search areas and consent searches, where we do not have access to the data. The overpolicing of First Nations and other communities of colour in Victoria through excessive searches is a direct contributor to their over-representation in the criminal legal system and a continuation of the intergenerational harm of colonisation. And here we are again with another bill, more unchecked police powers, more risk of racial profiling.

What do you think happens when a group of young people who are not committing a crime are unfairly stopped and searched? What type of message does it send to these young people? Most importantly,

what behavioural and psychological effects do you think this has on those targeted for the colour of their skin? When we racially profile communities, we are feeding into the social divisions. Victoria Police data obtained by researchers and provided to the *Age* in recent days revealed officers conducted 23,718 searches at 61 designated areas over a two-year period between January 2021 and January 2023. Of those searches, only 252 resulted in objects or substances being found. But what about the harm caused to the remaining 23,466 people? How do they treat the trauma they have experienced from being racially profiled?

You can have all the designated areas you want, but public safety is more likely to come from redressing poor education and unequal job opportunities. If this government is serious about preventing crime, it needs to stop with the law and order theatre and start investing in community-based solutions that actually work. The government should instead be investing in our young people – in schools in the north like Coburg High School, Glenroy College, John Fawkner College and Hume Central Secondary College, to name a few. The government should focus on addressing the problems at their roots, not at the branches where they are snapping and vulnerable.

Overpolicing isolates communities and erodes trust between police and the people they are supposed to protect. It creates a two-tiered society where some people can go about their daily lives without fear of being stopped while others are constantly monitored, questioned and searched. This is not just unfair; it is a direct breach of Victoria's commitment to multiculturalism, social cohesion and equal rights. We should be bridging the gap in the us-versus-them mentality. We need to be centring community leaders from Indigenous communities and migrant communities and working with them as partners.

We call on the government to delete the expansion of police powers from this bill entirely. If you are serious about tackling extremism, then do that properly without creating a new set of problems for the communities that already experience the brunt of police overreach. To my colleagues across the chamber, if you believe in fairness, if you believe in equality, if you believe in justice, if you believe in upholding human rights, then vote to strip these dangerous provisions from this bill. Safety is not just about preventing crime; it is also about making sure that everyone, every single person in Victoria, despite their race or ethnicity, feels safe in their own community.

Gaelle BROAD (Northern Victoria) (16:44): I would say it feels a bit like groundhog day, but this is certainly not a comedy, to be speaking today on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. It brings back memories of speaking in this house exactly one year ago this week on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. At the time we said very clearly that the bill did not go far enough, and I will quote from my contribution:

At a time when we are seeing violent use of machetes in home invasions and other serious assaults, we need to move to clarify confusion around a machete's status, because this bill does nothing to solve the actual problem. It is just more spin from the government, who have refused to acknowledge the real problem. Machetes really should be classified as a prohibited weapon.

That was 21 March 2024, a year ago this week. Just a month prior to my speaking on that bill there was a teenager involved in a home invasion in Bendigo with a machete, and we called it out then – the need to reform – but here we are, 12 months later. The Liberals and the Nationals have made numerous attempts to impose stricter regulations on the sale and possession of machetes as prohibited weapons, which Labor and the Greens opposed. In the last 12 months there have been 265 aggravated burglaries in the state that involved machetes. Machetes have been used in street fights, assaults, carjackings, aggravated burglaries and home invasions. Some of us are fortunate enough that for us it is just something that we have seen or read about in the news, but for many families this has been a personal experience. They know too well the difference it has made. In 2024 in Victoria nearly 15,000 knives, swords, daggers and machetes were seized – 40 weapons a day. When this bill was introduced at the end of last year, at that time it did not restrict machetes. That ban was introduced this year.

When it comes to crime, this is a go-slow government. They have been slow with this ban on machetes. They have been slow with tobacco licensing. When I spoke on that bill last year, at the time there had been 40 incidents of tobacco stores being firebombed; now there have been well over 100. This government has been slow on bail reform. We were very clear: we warned the government back in 2023 about the need for bail reform and the weakening of the bail laws that came into effect in March last year, and yet here we are again, 12 months later. The Premier recently told ABC Central Victoria that the government was wrong to relax the bail laws. The Premier said:

I have acknowledged that we got it wrong ...

Then we see the 'tough on bail' bill introduced today, with a bill briefing just this morning because yesterday's briefing had to be cancelled because we had not actually received the bill; there was nothing that we could ask questions on. But as Michael O'Brien said very clearly, this bill is weaker than last year, and it is now being introduced in two parts. It is important for people to be aware of that – the government has attempted to get a media headline, but there are further changes to be made in part two, which is not going to be till the middle of the year.

I know the community is so frustrated. To hear the government today say that they are being tough on crime, many would consider that an absolute joke. They have been very soft on crime, and we have had young people get off on bail 55 times in the local area. There have been protests in front of the Premier's office. Crime has been skyrocketing in Bendigo. We have seen stealing at retail stores double. Aggravated robberies are up 69 per cent, residential aggravated burglaries have risen by 89 per cent and motor vehicle thefts are up 50 per cent. We know that with machetes we have had incidents in Bendigo. We have seen recent reports of people being killed in Melbourne by machetes, and I have heard other members of Parliament talk about their local McDonald's and staff having experienced 12 incidents involving machetes and the impact that this has on the young staff. People are living in fear, and they have had enough. We need to make our streets safer, we need to make our homes safer and we need to make our community safer.

Trauma is felt for a very long time. I know – I was speaking with a family who had experienced a home invasion, and I have mentioned it before in this chamber. The lady's home was invaded, and a couple of days later she opened her windows to see intruders trying to come in again to her home. That was traumatising for her, and for six months she needed to have a family member – her father or her husband – home to go through the whole house to check that there was no-one there before she came into the home. That is the trauma that people live with. These are not just statistics – the people that experience these things do find it very hard to recover. I was speaking with another local constituent who has been a victim of crime. They had a horrific incident that involved a stabbing, and I have spoken before about that. The frustration they had trying to get assistance from the victims of crime tribunal – it took 12 months. They did not even have enough money to undertake the counselling, because they could not wait for the reimbursement; they just did not have the funds. It is incredibly frustrating. But we have put forward a number of amendments to bring forward the start date of the machete ban by three months, to bring forward the ban on sale of machetes immediately. We are aware, as Ms Bath my colleague has spoken to, of some exemptions that will be permitted for valid purposes, but we are yet to see the detail.

I know the community does want action. They want machetes to be a prohibited weapon. They want to see bail reform. They are aware that we have a thousand vacancies in our police force, and this needs to be addressed. Local residents have also raised concerns about the drug issues that plague our community. Bendigo has been called the 'meth capital of Victoria', so there are significant issues there that do need to be addressed. We also need to look at rehabilitation, job training and placement programs to help break the cycle of crime, and we need to address issues in our residential care system. It was very disturbing when I spoke with a lady just on the weekend who lived herself in a residential care environment. Of the 30 people that she knows in residential care, 20 have died, either from drugs or self-harm. It is atrocious that we are seeing that in our state. We have foster carers leaving the system; we have the lowest foster care allowance in Australia. These things need to be addressed.

School attendance is an issue. There are young people dropping out and a significant increase in absence from school. Local residents want to see change and they want to feel safe again. This bill has aspects of reform, but further reforms are needed to help reduce crime in our area.

Twelve months ago I referred to a person that I was speaking to who said that they felt as though the government had lost control of this state when it came to crime in their local area and across Victoria. The government likes to say that they are listening. I would say they have had earmuffs on, because they have not been listening to our community at all. The Premier and Labor have been too slow to introduce changes to keep our community safe. We do not oppose this bill, but we do ask the chamber to accept our amendments and introduce the changes sooner.

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:53): I also rise today to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. As has been said by many of the victims, this is too little too late. This could have been avoided. There are people who are not alive today or whose bodies have been mutilated or whose lives have been traumatised because this government has failed to act. To simply come up with, 'We're bringing in some tough bail laws now. We're bringing in some tough laws on the machetes now' – you have had plenty of time to do that. There are people alive today without family members because it is taking too long for this Premier and the Allan Labor government to act.

I want to speak because so many things have taken place in my area, and I commend so many of my colleagues today for addressing so many of the issues. But the south-east is something we cannot avoid talking about, because so many attacks have taken place in the south-east. They are not limited to the south-east, but there have certainly been a lot of machete attacks out there. I note that I have raised in this place before concerns that have come to me from young people working at McDonald's – issues of safety and issues of machete attacks. Since June last year between 12 and 15 attacks have been recorded in a number of McDonald's restaurants. That is a tremendous concern, because as a mother I would like to think that my children, and I am sure that the people in the community and the public would like to think that their children, are going to be safe when they take on a job at somewhere like McDonald's. The last thing that would be on a parent's mind is that there could be a terrible attack, and that it could be an attack from knife-wielding people. The fact that we can have people owning machetes and going out in our community to make it unsafe is just appalling. This government should have acted sooner so we would not be in the situation that so many families find themselves in today.

Let me start by mentioning the situation that took place in Marriott Waters, where we now have a family without their son Timothy. He would have been alive today if the laws were different. This young man was attacked and was the victim of a knife crime when a group of 10 men armed with edged weapons surrounded him while he was sitting in his car. Marriott Waters shopping centre is in the south-east; I know it well. I have shopped there. I have been to the Coles. I do not know why the member for Cranbourne's office is there, because it is not actually in her electorate, it is on the other side of her electorate, but her office is there. Marriott Waters shopping centre is a nice family area. To think that a young man, alone in his car, had to flee his car at 8:30 at night and be chased down the shopping centre's loading dock area and eventually be found to have been stabbed to death in a frenzied machete attack is just heartbreaking. Now this family mourn the passing of their beloved Timothy, who they remember as an extraordinary individual with an infectious sense of humour.

As a mother I just cannot imagine what it would be like to lose your child in such an outrageous way. But it is not limited there when we look at the south-east. Eight months ago Noble Park husband and wife shopkeepers bravely fought back against a gang of machete-wielding teens in a terrifying hold-up in Melbourne's south-east. It is not limited to just the south-east, though; it is in the southern region and areas around. For instance, in Black Rock a Melbourne family, in disbelief, had a brazen home invasion by three men who were armed with machetes. Their comments were:

'It's just frightening. It's frightening that they're so brazen ...

The list goes on and on and on. If we go back to April 2024, a victim of youth crime pled with the Victorian government to tighten bail laws following a string of violent offences across the south-east, and what did this government do? Not much.

You do not have to go very far in the south-east to hear stories of crime. I have mentioned some of them in this chamber before – for instance, of a mother in an area of Berwick. I know the road, but I am not going to say it. Her family slept with baseball bats for a couple of weeks after a home invasion, because they found that the home invaders had taken their car keys and when they called the police the police said, ‘They will be back for the cars.’ For two weeks this family were terrified, with no idea when these people were going to come back – and they did come back. Fortunately for them the husband’s protective instincts were so strong and he was so angry that these invaders would come back that he was in a rage when they came back – by then they had put in all sorts of security things, such as lights and cameras – and he went roaring after them. They had a dog as well, and the offenders took off.

It is just outrageous. You can go anywhere – I mean, I got that story from a gym. People are talking about crime in this state everywhere you go. Only recently at an iftar dinner a policewoman shared with me information about criminals – young people – who were out on bail nearly 60 times. They were there again, and the young man had the audacity to say to the policewoman, ‘They don’t do anything to us. I can do anything, and I’m gonna get out on bail.’ It has taken a long time for this government to decide that it needs to do something, and for some of these families in Victoria it is too little too late. As one person said, they come here to be safe – they migrate to our nation to be safe. They come to Melbourne thinking that this is a safe country, and it has not been safe for many, many people. It does not matter what nationality you are. There is no list of nationalities that are going to be attacked. The reality is everybody is in danger of being a victim.

I appreciate what members of the crossbench have been saying, and I understand these issues, with a social work background and an interest in social sciences; I have had that since I was a young adult. I understand that there are issues about different groups appearing in prison more than others. At the end of the day that is a concern, but the reality is that if you are doing the crime and there are no consequences for actions – as I have said before in this chamber, consequences for actions is a basic principle of social work, a basic principle of youth work. I know not everybody agrees with that, but the reality is that if we have zero boundaries and zero sense of teaching someone that there is a consequence, it is not just that a person loses their equipment or their car or that they are terrorised, there have to be consequences for people who are prepared to do this and to realise that it is not okay. It is just not okay. Where do we get that moral compass from if there are not any consequences for actions? Yes, education is incredibly important. Yes, it needs to be available for reform. But the reality is that if we do not set boundaries and do not impose boundaries to some degree – you have to do it. I have been a schoolteacher. Why do you think the teachers are leaving in droves? One of the reasons is that there is no way for them to have those boundaries, because there is that much mental health and there are that many issues out there in the community now. It is too hard, and there are no repercussions in a lot of cases, because they have all been removed. I totally respect the need for reform in individuals’ lives, but you cannot do it without consequences for actions. There have to be some boundaries, there have to be some rules, and there has to be a limit so that people understand when they have crossed that boundary.

The coalition – the Liberals and the Nationals – have been banging on about this for a very, very long time. Our leader is a former cop – that is no secret. And it is really important to us because we know. In my area the police station in Narre Warren is meant to be under renovation. Through my office we have managed to get on to police there, but the reality is that we have police stations that have been closed and police stations that are not operating 24 hours. This does not make the community safe when we have people out there with machetes. I understand they have been a controlled weapon. I understand they should be able to be used for farming, but when you can access them as easily as a

bunch of journalists could in the south-east, where they could go and pick up machetes so easily – and suddenly we are going to bring in some tough bail laws.

We are concerned because we do not even have time to look at the bill. Fancy calling a bill briefing and not even letting us see the bill? What kind of bill briefing is that? How is that a bill briefing, if we cannot see the bill? To give us the bill with just moments to spare before we have to get up and speak on it – this is a government that is in chaos. It is out of control. It does not know what it is doing. It has lost the plot, and it is letting Victorians down. Complete chaos. ‘Oh, we’ve stuffed up’ or ‘They’ve found something out that we didn’t want them to find out.’ And my question is, as it is for all of my colleagues: if this is so tough and so necessary, then how come there is a delay in wanting to implement the provisions? Why are we going to wait so long? What is there to hide? Who are we protecting? Are we going to protect some over others? No. If it is going to be illegal, then it is going to be illegal, and therefore there are boundaries. We do not have special favourites: ‘We’re going to let these guys know and quickly get rid of their machetes.’ No, go get them. Bring in the laws now. People are dying. It is simply not fair to Victorian families and Victorian civilians, who just want to be able to go out shopping or have their businesses and their shops open to the public, or who just want to go to bed at night and have a good night’s sleep in their own home.

The dangers that Victorians are facing are real, and we are not convinced this bill is going to do enough. We see issues with it, and we have amendments. You know what, if you had given us more time, we might have been able to have a better look at it, but you did not. I understand, and we all understand, the importance and necessity of doing something and doing it urgently, but rushing something through shows everyone in Victoria that this Premier has lost the plot. She is out of control. The government is out of control. They do not know what they are doing, and they are rushing stuff through in some sort of hotchpotch effort to try to patch something up so they can shut the journalists down and stop them from saying, ‘Look at this issue.’ This issue is not going to go away with this bill. It is not going to be effective enough, and everyone is going to see it, because the reality is that in my area in the south-east people are terrified. They all have their stories, and if it is not them, they know someone who has one. It is simply not good enough. And if you cannot address it, then what is the point? It needs to be addressed effectively. It needs to be a bill that is well thought out. You just simply cannot have young people laughing at the law and saying, ‘They can’t touch us. They don’t want to do anything to us.’ Parents are begging you, ‘Help me help my child by giving it some boundaries.’

This government is out of control. This bill is just – I do not know, a taster? But if it is not even going to come into effect until the end of the year, to me that is hopeless. It is not good enough. It is not. There are people who are going to die in the meantime, and the blood will be on this government’s hands. The blood will be on your hands for not doing the right thing by the Victorian people. It is not okay. When is enough enough? What has to happen before things are properly fixed? That is all I have to say. We will be supporting the bill.

Trung LUU (Western Metropolitan) (17:08): I rise today to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. I rise to contribute to this bill, which is designed to define the functions of the Secretary of the Department of Justice and Community Safety for the Countering Violent Extremism Multi-agency Panel and better align the operations of voluntary case management with best practice case management.

This bill also expands the eligibility criteria for referral to the voluntary case management scheme, allowing for the scheme to provide programs and services to family members and close contacts of participants, enhancing the chances of success of early intervention.

The other key component of this bill which I will talk about is the amendment of the Control of Weapons Act 1990 in relation to planned and unplanned designations of areas to search for weapons and make various improvements to the operation of the scheme. A component of this bill will broaden the power of the Chief Commissioner of Police to declare a designated area for up to six months and removes the requirement for notice of the designated area to be published in a newspaper. Provision

will remain for notice to be published on the Victoria Police website. This provision will provide greater flexibility for the police force to carry out operational matters to combat weapons offending where and when there is a heightened risk to community safety.

Another component of this is in relation to the banning of machetes. Before I go into that, I just want to briefly speak about designated areas, which have been highlighted in some other members' speeches, for unplanned and planned operations. To speak about a designated area, you need to know when and why police actually require utilising this power. It is only as a result of a high number of critical incidents or activities that cause harm to the safety of the community and that affect a large area. This is a last resort. They do not just out of the blue, on a certain day, pick an area as a designated area. It is as a result of a high volume of activities that this is happening, if things are out of control. It does not relate to other elements where they can use other police activities to resolve incidents. It is as a last resort that they actually consider using the unplanned or planned designated areas.

It is a scheme suitable for crime or incidents which happen in an area which is quite large, so please understand when and why it is in an area. It just so happens that in this area when you are being searched and are being asked to speak it might inconvenience you as you are travelling through, but God forbid you are inconvenienced for one instance of maybe 5, 10 or 15 minutes when police ask to speak to you and ask you why you are there and look through your personal property, like your bag. It might inconvenience you, but on the other hand, how many people might be affected in relation to weapons being seized, and how many lives might it save because of your inconvenience? Have a sense of proportion in relation to your inconvenience and people's rights and what it is that the police are trying to do.

But in relation to this bill, one area I really want to speak to is the revision of machetes and their ban under the Control of Weapons Act. While I acknowledge the government is bringing this bill before the Parliament, it is difficult not to be a little bit cynical about the timing of the bill, given the Allan government has pushed back against this legislation on multiple occasions. This would have helped alleviate some of the violence we have seen break out in the Victorian community. It has happened again and again. We have seen it on TV not just last week and not just last month; it has been going on for years.

I will take you back to a couple of items I have raised. I have raised this in the last 12 months and prior to that, because incidents have happened in my electorate that have caused death to my constituents. I will just bring you back to the most recent one in Wyndham Vale, where a couple of youths chased a gentleman down the street to steal his key to his car. What were used were machetes, as a weapon. That just highlights how frequently these weapons have been used. Over and over again you see on TV and on the news – through security cameras, through personal cameras and through videos – intruders break into a home and sneak around, and what do they have on their person? Their weapon of choice, their machete. It is something that has gotten out of control in relation to the weapons being used by all types of offenders of all ages. The Victorian community expects action. The government needs to start taking crime and safety seriously. As a police officer for several decades I understand the fear when people start asking what is going on with these weapons being used over and over again. We understand how they feel, and this is a story you hear over and over again. It is heartbreaking when you hear people are concerned about their safety in their own homes.

For example, in my electorate, just down in Werribee, a young tradie was violently stabbed in a random attack when getting off a train. This was in the middle of the day, at 3 pm. That should not happen in any community at any time. This was in broad daylight, 3 pm, stepping off a train in Werribee and he was stabbed with a machete. This is something that is happening on a regular basis, so I rise to speak in this place about youth violence and the use of machetes and knives with fatal consequences. Regretfully, many of those in my constituency have paid the ultimate price due to the lack of government response.

This bill promotes efforts to detect and deter weapons related to violence and disorder in areas of high risk and to reduce the time that people can carry weapons in an area. The bill will also reduce the time from a minimum of 10 days to just 12 hours to conduct planned operations, which gives the police the flexibility to coordinate their operations in areas when they see fit. Of course it has been notified and people know it is going on, but it heightens the security of people who are living in the area. It also gives police the opportunity to detect and deter offenders.

People carrying weapons and attacking families must stop. For a start, the immediate effect of banning weapons that can cause fatal injuries is to remove them from easy access, especially for minors. Then we can look at tackling the intermediate and long-term strategies and policies such as bail reform and crime prevention programs for changing social behaviours and the mindset of the youth cohort and young offenders and their associates. There is never an excuse to wander around the streets of Melbourne with a machete tucked away in your jacket or down your pants. There is no excuse for concealing a machete in the early hours of the morning, getting out of a stolen car to terrorise families in their homes.

The machete has become a weapon of choice for these violent thugs to commit aggravated burglaries, carjackings, assault – whatever they see fit. Why is it a weapon of choice? It is because of easy access. Due to the size and the design, the implement can cause real damage. I have explained and spoken about the damage a machete can cause to a person in this chamber before. Just imagine a tennis racket swinging at you at full pace. It does not matter what age the person is. A tennis racket hits you in the face – imagine that as a sharp weapon, a sharp blade, straight through your face. If you put your hand up, it would cut through your fingers. It would cut through your forearm. That is the kind of damage a machete can cause with just a normal swing like a tennis racket.

For far too long, for 10 years in office, the Labor government have sat on their hands with no significant interest in the safety of the community. I was pleasantly surprised to see the Premier finally admit last week that Labor has got it wrong on this issue. Premier Allan has been forced to apologise for her government's mishandling of these issues while at the same time asking the community to trust that it has the answer to fix this mess. Yes, banning machetes is a step in the right direction, but we must get them off the streets right now. For the sale of the weapons, we need to do it now. If you are going to do it, do it properly. Do not do it half hearted. It is not hard to get this fixed and stop the sales, and slowly the weapons will get handed in over the months to come, but for the sale of the weapons, you must act now. Those who are selling those weapons know where they are going. Only last week I received correspondence from a constituent with a picture taken at a flea market of a bunch of machetes laid out along a car for sale. This was a flea market; anyone could come up and buy them. This was a pensioner, and I wrote down what she said to me:

My husband and I are pensioners, and my husband is legally blind, we are extremely scared to venture out into the community with the thought of being attacked by anyone that may have a huge machete as this.

These are serious weapons on sale, easily purchased from a local flea market. It is not acceptable in our community. This is not the first time I have raised this, the sale of machetes, as I have mentioned. We need the government to act right now to ban the sale of machetes.

On a good note, this bill before us does have some good elements which I think are positives for the Victorian community – namely, the timely review of eligibility criteria for the voluntary case management scheme, which currently exclude some individuals who may benefit from treatments and intervention in the countering violent extremism program. This initiative will help target individuals who are at the early stage of their own path towards violent extremism or may have previously engaged in the countering violent extremism program. We are very positive about this initiative and expanding the eligibility criteria to include a wider cohort. We also support any measure expanding the voluntary case management plan to help vulnerable people reduce their interaction with violent extremists, but we urge the government to revisit the bill in relation to banning the sale of machetes and move the ban earlier. It has been designated for November, I believe. Move it forward, and get them off the street,

because our community are in fear at the moment in regard to this type of weapon being readily accessed by all types of offenders and all types of criminals of all ages. I leave my contribution on this note.

Jeff BOURMAN (Eastern Victoria) (17:23): I rise today to speak on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. I approach this with some mixed feelings. Part of it, the terrorism part, I have no great drama with. I was reading it earlier and I am not sure how changing the wording of some of it is going to work, but I am willing to take that at face value. Also woven into the whole thing is warrantless searches. I think there is a government amendment to expand those up to six months. As an ex-copper, I tend to be more on the side of law and order and things like that, but I actually think six months is unreasonable for this. Expand it to a day or two days – you would possibly get away with a week – but with six months all you would have to do is declare it once every six months and you would have a permanent warrantless search area. If there is a reason to have these powers, absolutely. If the police can prove it, then happy days. But just to have a six-month declaration does not sit well with me.

I will not call it unhinged, but Mr Ettershank was saying some kind of strange stuff about how these powers were going to be used by police. My understanding of it was that I think he expects that the police are going to cruise around for minority groups and just search them because they can. He said only 1 per cent of the searches turn up anything. Well, let us talk about insurance – or security guards are a better thing. Let us say we have a security guard out the front of a place and it does not get robbed; therefore if it is not getting robbed, we get rid of them. These searches are doing their job where they are needed – not for six months.

Enver Erdogan: Deterrence.

Jeff BOURMAN: Yes, because 1 per cent of those people are not getting the message, 99 per cent of those people either are getting the message or are not the problem, so there is a reason for this. But the whole crux was that the police wake up in the morning, do a stretch and go, 'I'm going to go out and abuse my power today,' and I can tell you from experience that is not what happens. They deal with what they have to deal with, and they have to go from there. It does not matter who it is, they will deal with it.

Moving on to the machete part, funnily enough, I do not believe at the bottom of my heart that this banning of machetes is actually going to do what they want. I believe what we will be dealing with probably later today or on Thursday, the bail, will do more for us, because we have got these repeat offenders running around with machetes, and if they are not running around, they are not running around with anything. We have had machetes in society – I do not know how long; I have never bothered to find out how long it has been since we have had machetes – I would say since the 1700s or 1800s. Up until recently it has not been a problem, or at least not a problem of a magnitude that requires us to be in here dealing with it.

On 8 March, when I did write to the ministers, I wrote that we needed a carve-out because there are some legitimate users. There has definitely been talk of a carve-out. Basically, I will be supporting this part of it on the understanding that it is going to go ahead in a reasonable fashion. Let us have a look at it. These are the people, amongst others, that have a legitimate use for a machete: hunters, people that do living history, collectors and farmers. For some people they have sentimental value. I know that a lot of people keep these sorts of things because their grandad or dad or whoever had them during wartime. I know until I broke it, my dad had one from the time he was in the air force, and I think I just admitted to him I broke it. Bushwalkers have them. Also there are orchidists. I believe they can use other stuff, but the stem of an orchid can be pretty tough, and a machete is handy – probably handier than an axe, but you could do it. In my opinion, the carve-outs have to be reasonable so that anyone with a reasonable reason to have one can have one. It is up to the government to work out how they want to make it happen, but they at least have said the right words to date.

As usual, I am not a fan of a short amnesty; have an amnesty but just have it forever. It is like an amnesty on illegal firearms. Up until recently they would have them for a few months here and there. If you want to get illegal weapons off the street, make it easy, so someone can go in and get rid of them. It does not matter where – no questions asked. I think there were suggestions of putting a bin in a police station. I am going to give anyone that is considering walking into a police station with a machete a hint: do not, because if you walk in there with a machete, someone is likely to pull a gun on you. I would find a better way of doing it than that. The last thing any police officer wants to see is someone walking in with a dirty great knife. In the 1980s when I had to hand in a firearm, I went into the police station, I told them what I was going to do, I got someone to come with me and we went and got it. I was not walking into a police station with a weapon.

Mr Limbrick has proposed an amendment for OC spray – oleoresin capsicum spray, mace or whatever you want to call it. I had a go at this back in 2019, so this is not new to me. I will be supporting it. It is something I believe that could be licensed. It is the great equaliser you can have without having to worry about size and space and it being a lethal weapon. You can fight your way through it. For those that reckon it gets used on you and you go down, you can still keep on going. But what it does is it slows you down. Also, if you got a hulking great guy who is 6 foot 6 and he has got a faceful of that stuff, you can run away. I do not expect it will pass, but again it needs to be raised that there are less lethal methods that can be available to people. It has been available in Western Australia for God knows how long. We have not seen a problem come from there yet, full stop. Again I think it gets down to personal responsibility on how you deal with these things, but I will leave it at that. There is a mix and match of what I will and will not be supporting, but I broadly support the bill.

David DAVIS (Southern Metropolitan) (17:30): I am pleased to rise and make a contribution to the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. I feel like we have been here before. I feel that it is one of those *deja vu* moments. It is sort of sliding doors, but it is the same sliding door yet again, and in this case the government is using this terrorism bill to insert aspects about machetes. Let us be clear, there have been I think three occasions at least where the opposition has sought to move –

Bev McArthur interjected.

David DAVIS: Four – I am corrected. There have been four occasions where the opposition has sought to proceed with various mechanisms to ban machetes, and we were bagged up and bagged down, slapped up and slapped down because we sought to ban machetes, and we could see with a crime wave sweeping over the community the misuse of these dangerous, fearsome weapons by some sections of the community, some groups of criminals and those offenders who had, often, been let out on bail by this government that has opened the floodgates to so many attacks, so many home invasions, so many carjackings. And parallel with that we saw the rise in the use of these machetes.

It was very clear to us that there needed to be a proper way to control these, that we needed to move to ban machetes to stop people. There are obviously legitimate uses for these. There are obviously legitimate uses, but obviously also a person lurking in a shopping centre or a person lurking outside someone's house with the intent to home invade are not appropriate times for people to be carrying a machete. To the extent that the government has finally listened, it has been dragged to this. Let us understand what has happened here. It is a government that has been in denial. It has had its head, like an ostrich, deep, deep underground, not wanting to see what was happening in the community, not wanting to understand the fear and the concern that is in the community and not understanding. You know, we heard from government that 'No, no, no, no. There's no crime problem, none of this. No, that's all fine. You're making it up.'

I am here to tell you today it was not made up. It was real, and now the Premier has had a road-to-Damascus conversion in the last few days, and we also see the Premier has realised that she has got to deal with this serious machete issue.

Members interjecting.

David DAVIS: I think Ms Terpstra told us, ‘Don’t listen to the Murdoch media.’ I think that is what she said, Acting President Berger. I think you might have even been in the chamber when she warned us about the Murdoch media. What I would say is this was not the Murdoch media. It was not something made up. This was a serious and damaging, frightening crime wave that the government has now recognised. It has now realised it has got this serious crime wave, and it has actually got the very serious issue of the misuse of machetes, the threatening and violent misuse of machetes. And the government has said, ‘Oh, oh, oh, we were wrong.’ But it took time after time after time, and I pay tribute to those in the opposition who have pushed this, the now Leader of the Opposition Brad Battin, Michael O’Brien and David Southwick, who pushed and pushed and pushed until finally one of the most resistant and rigid people in the Parliament, the current Premier, had to bend and change her mind, and has dragged a number of the other Labor MPs with her.

I hear that there is still a very restive group on the back bench that are –

Members interjecting.

David DAVIS: Well, they tell me. They ring me up and they tell me. That is how I know. It is as simple as that. They ring you and they tell you that they are very, very unhappy with the machete ban. They are very unhappy with the decision to change the bail laws. But now what we know is that the government has made a terrible, terrible mistake. Over a number of years, as the crime wave surged up, as people’s homes were invaded, as people were hurt –

Sonja Terpstra interjected.

David DAVIS: Ms Terpstra may not think it is serious that people’s homes are invaded and she may not think it is serious that people are attacked or threatened with machetes, but I do believe it is very serious. Unlike Ms Terpstra, I believe it is quite a serious matter. We are actually finally making a change – a change that ought to have happened a long time ago. Mr Mulholland has some amendments which will bring this forward. The government is dragging its feet as always, like a chain behind it, always going slow, always unable to respond to what the community wants, always unconcerned about the threats and the damage that are occurring in the community. This is one of the things I think about this Andrews and now Allan Labor government – they could not care a hoot about what is happening in the community. Their arrogance is unbelievable; they believe they are superior to the rest of the community. They believe they are on a far higher plane than the average punter, the average person in the street, the average person who goes to work every day and the average person who is a victim of a home invasion. They think they are far superior, and that is why they have not acted, because they are so arrogant, so nasty and so determined to –

Evan Mulholland: Daniel Andrews dismissed Bec Judd.

David DAVIS: Well, look at Bec Judd. That is a perfect example of the dismissive attitude of this government – in its earlier iteration, it must be said – the dismissal of somebody who had a very real set of points to make, and a very, very real set of issues to bring to the fore. And yet they were dismissed. They were not just dismissed; they were rejected arrogantly, and that is what we see with this government. To the extent that there is finally some recognition that there is a crime wave in the community, finally some recognition –

Sonja Terpstra interjected.

David DAVIS: The violence is shocking.

Sonja Terpstra: Why don’t you talk about family violence?

David DAVIS: We have dealt with the bill today on that, about the government’s –

Sonja Terpstra: Talk about family violence as a driver.

David DAVIS: We dealt with a serious bill on that today, expeditiously. The opposition helped in every way that it could with that bill. But the bill reflected the fact that the government had made mistakes in funding and supporting court services.

Ann-Marie Hermans: On a point of order, Acting President, I find it very difficult to hear Mr Davis – and I am just behind him – when Ms Terpstra is yelling out constantly about stuff that has nothing to do with this bill. I ask that you keep some order in the chamber, please.

The ACTING PRESIDENT (John Berger): Mr Davis has got 7 minutes left. He can have his final contribution in silence.

David DAVIS: I only really wanted to make a few brief comments on this bill, but I felt the need to respond to some of the interjections. I make the point very clearly that the government has been slow to this. The government has finally, after four times, as Mr Mulholland pointed out, rejecting the opposition's calls – I will read them out for the record here. On 28 November 2023 we introduced a private members bill to amend the Control of Weapons Act 1990 to reclassify machetes as prohibited weapons. This proposal sought to ban the possession of machetes without lawful excuse. Labor opposed this bill. On 22 February 2024 we moved an amendment to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024 in the Assembly to reclassify machetes from controlled to prohibited weapons. This change would have imposed stricter regulations on their sale and possession. Labor opposed our amendments. On 21 March 2024 we moved an amendment to the Firearms and Control of Weapons (Machetes) Amendment Bill in the Council to reclassify machetes from controlled to prohibited weapons. This change would have imposed stricter regulations on their sale and possession. Labor opposed our amendments. And on 6 March 2035 we moved amendments to the government's legislation Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024, David Southwick's amendments, aimed to classify machetes as prohibited weapons, effectively banning them. Labor again opposed our amendments. It is worth having on record Labor's behaviour – their intransigent and rigid approach to blocking sensible amendments. In any event, they have now changed their mind, and they have now decided that they will take action with machetes, but it is only half baked. It does not go far enough. It is not quick enough, and the opposition will attempt to bring the time forward through its amendments.

I say the community is entitled to be angry with Labor, they are entitled to be angry with Jacinta Allan and they are entitled to hold them to account for their failure to keep the community safe. After all, the first and primary job of any government is to keep the community safe, and this government does not treat that with enough seriousness.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:41): Thanks for the opportunity to sum up debate on the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024. I take this opportunity to thank Victoria Police, the Police Association Victoria and the Department of Justice and Community Safety for all their hard work and insight in the preparation of this legislation, clearly legislation that is so important that we have continued to make improvements throughout this period since it was first introduced.

This bill has two discrete aims. The first is to improve the operation of Victoria's countering violent extremism framework, dealing with the pathways for Victorians who are at risk of radicalising towards violent extremism. The bill improves the operation of Victoria's voluntary case management scheme to make sure it operates flexibly and responsibly. It will also allow for a wider cohort of people to be eligible to access intervention, reducing the likelihood of them posing a risk to the community. Secondly, the bill amends the Control of Weapons Act 1990 to do five major things: increase the period of time when a planned designation at an event can take place; reduce the time Victoria Police need to wait before returning to an area to search for weapons; allow Victoria Police to declare an area based on intelligence; increase the length of time a search operation can take place from 12 to 24 hours; and modernise the way search operations are communicated to the public.

We have listened to Victoria Police since the initial bill was introduced, and that is why this bill will amend the Control of Weapons Act to ensure that police can use their existing powers to search for weapons more easily, more often and for longer periods of time. We are getting knives out of the hands of criminals and off the streets, because there is no excuse for anyone to carry a knife around in everyday life. We know that getting knives out of the community is important, and we will do it in a safe and secure way. As we announced, we are going to ban machetes, with an amnesty commencing on 1 September 2025. We have consulted with Victoria Police, who have told us that this process needs to be handled safely. Importantly, we are also listening to the retail sector, who need time to prepare for the change in legislation and the strict regulations that come with selling prohibited weapons. In the meantime we are calling on the retail sector to stop ordering stock of new machetes. The Minister for Police is also writing to state and federal counterparts to encourage them to consider a ban on machetes.

To that end, I have two amendments to be circulated for consideration when the bill is considered in committee of the whole, one creating a longer term scheme for the acting Chief Commissioner of Victoria Police to designate for up to six months within the scope of the bill. The other amends the bill to make machetes a prohibited weapon. That amendment currently is out of the scope of the bill and will be subject to my instruction motion. I now ask that the amendments be circulated.

Amendments circulated pursuant to standing orders.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (John Berger) (17:45): I have considered the amendments on sheet EE04C circulated by Mr Erdogan, and in my view amendments 1, 2, 3 and 10 are not within the scope of the bill. Further, the amendments on sheet EM28C circulated by Mr Mulholland are similarly not within scope. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to the committee is a procedural motion.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:45): I move:

That it be an instruction to the committee that they have power to consider amendments to the Control of Weapons Act 1990 in relation to machetes.

Motion agreed to.

The ACTING PRESIDENT (John Berger) (17:46): I have considered the amendments on sheet DL71C circulated by Mr Limbrick, and in my view they are not within the scope of this bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to the committee is a procedural motion.

David LIMBRICK (South-Eastern Metropolitan) (17:46): I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Control of Weapons Act 1990 in relation to articles designed or adapted to discharge oleoresin capsicum spray.

Motion agreed to.

Committed.

*Committee***Clause 1 (17:48)**

Jeff BOURMAN: I will go through a few things here. First of all, I am going to mainly attend to the machete part of this and seek the minister's help. Minister, to get to the crux of it, on the carve-outs, the legitimate uses for a machete, is the government able to list what it has got in mind, or has it done anything yet? What I have not seen is a list, exhaustive or not, of what they have been considering. I have made some representations. I would just like to see where we are at.

Enver ERDOGAN: That is a very good question. There will be exemptions, and the government will consult the industry in working out a framework for these exemptions with the reclassification of machetes. I guess exemptions for these kinds of situations are generally issued for purposes including occupational use, pursuit of lawful employment, duty activity and some recreational use if there is a legitimate use – I think of sports such as archery, for example, and there might be an exemption.

Members interjecting.

Enver ERDOGAN: Not for machetes. I am giving an example from another field. But obviously historical and educational use is another good example, including legitimate collection, display or exhibition and cultural or religious use. But exemptions will all be published as part of the implementation and change management process. In terms of a broad framework, those are some examples of purposes that would be included, but that will be teased out with the industry consultation.

Jeff BOURMAN: Minister, one of the problems I foresee is with the definition of 'machete' being, as I understand it, 20 centimetres or longer. I have got a carving knife at home that is longer than 20 centimetres. Can the government put on the record what it is going to do or how it is going to approach the possibly unintended consequences in terms of bread knives and carving knives, all being for legitimate use?

Enver ERDOGAN: Another very good question – you have done your homework. Machetes can be broadly described as a cutting-edge knife with a blade of more than 20 centimetres. But we do understand there are many kitchen knives, and they are not intended to be covered by this legislation. That is why we are going to consult further before the ban starts.

Jeff BOURMAN: It was raised by Michael Donovan of the SDA – I saw this on the news the other night – that all bladed weapons should be locked up in a retail setting. What is the government's position on this, and will you be doing it?

Enver ERDOGAN: I think that is a proposal that definitely warrants serious consideration. I did see the news, and I want to thank Michael Donovan, a long-time and strong advocate for retail workers in our state and across our country. I think that is something that is an important matter for the government to consider. I know that it is one that the Minister for Police will take very seriously, and when we engage in terms of the consultation with the retail sector on the implementation of this, I think that is a discussion that could be had through that period. But I think it is a very good proposal by Mr Michael Donovan.

David LIMBRICK: I would just like to clarify something that Mr Bourman asked about the definition of a machete. Maybe I will go more basic. What is a machete?

Enver ERDOGAN: A machete more broadly can be described as a cutting-edge knife with a blade of more than 20 centimetres. But it is not intended to be kitchen knives.

David LIMBRICK: So is a bayonet a machete, because that is another type of knife with a blade longer than 20 centimetres, in most cases?

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

The answer is no.

David LIMBRICK: Another type of knife, a kukri, is sort of similar to a machete, but it is bendy, whereas a machete is not so bendy. Is a kukri going to be prohibited under these laws?

Enver ERDOGAN: It is a bit of a challenge to define that weapon because it is the first time I have heard of it, to be frank. But what I will say is that I think right now machetes are a controlled weapon, and broadly speaking, through common sense, you would expect people to understand what a machete is and what it looks like. In terms of other equipment, there will be some tools that may be hybrids or look similar to a machete, but I think there is an element of discretion there, and some consideration will be had through the engagement with Victoria Police on what they view as a machete.

David LIMBRICK: I thank the minister for his answer, but with all due respect to the minister, we are classifying something as prohibited with very, very serious penalties, and it seems that the definition for this is so broad as to capture an entire class of tools. The government are proposing banning something here that they cannot even define.

Enver ERDOGAN: Mr Limbrick, I do understand your concern, but I think most people would understand what a machete is if they saw one, and I think we need to trust that Victoria Police in their application will consider that. A machete is already a controlled weapon, and people should not be carrying them.

Evan MULHOLLAND: Labor's press release states that a machete has 'a blade of more than 20 centimetres'. Some kitchen knives are close to or exceed this mark. As Mr Limbrick was saying, the definition of a machete is vague. Would a standard 22- to 25-centimetre bread knife – with 22 to 25 centimetres of blade – be considered a machete?

Enver ERDOGAN: Wiser ministers than me would have said 'asked and answered' to that question, but what I will say is I think it is clear that kitchen knives are not intended to be included. That is why we need to work with Victoria Police and industry on what can be broadly understood as being a machete.

Evan MULHOLLAND: I love my bread and often will use a serrated knife, and a serrated cake and bread knife is often about 35 centimetres. Would this be included in the machete ban?

Enver ERDOGAN: No, Mr Mulholland. I think it is pretty well understood what a bread knife looks like, because I use one also.

Nick McGOWAN: Minister, I am going to tackle this from the other perspective then, because both my colleagues seem to be getting very little distance here. How many machetes, to use your definition – that is, a blade of 20 centimetres – has the government confiscated thus far?

Enver ERDOGAN: I might seek some guidance from the box.

Mr McGowan, the best data that I can retrieve on this notice is that 15,000 edged weapons were seized in the last year, but I do not have a greater breakdown of what type of edged weapon they were.

Nick McGOWAN: Let me ask a simpler question then perhaps, if they have not characterised those knives. Who came up with, and how did they come up with, the 20-centimetre rule?

Enver ERDOGAN: In terms of the answers I have provided, Mr McGowan, I would not say 20 centimetres is a hard and fast rule; it is a broad guidance, because machetes are larger objects used for cutting. But what I will say is that is what we are going to work on through this bill, and the police and industry are going to have discussions about what is viewed as a machete.

Evan MULHOLLAND: A meat cleaver has quite a long and substantial blade which is quite similar to a machete. Would this be differentiated under the regulations?

Enver ERDOGAN: Mr Mulholland, as I said at the outset, I think a bit of common sense will be applied, especially by law enforcement. A meat cleaver would be a good example. I am sure police

will understand what a meat cleaver is – it is quite a common tool that people can see and can purchase in most kitchen stores – so I would apply a bit of common sense to the application of these laws.

Evan MULHOLLAND: I just looked up the formal definition of ‘machete’, for your information:

A machete ... is a broad blade used either as an agricultural implement similar to an axe, or in combat like a long-bladed knife. The blade is typically 30 to 66 centimetres ... long and usually under 3 millimetres ... thick.

How did the government come up with 20 centimetres when the standard definition is 30 centimetres?

Enver ERDOGAN: I think it is important to understand that we are saying ‘more than 20 centimetres’ at this stage, but what we will do is work on that definition – and I thank Mr Mulholland for sharing that – with industry and with law enforcement and work on what is more clearly defined and more clearly understood to be a machete.

Evan MULHOLLAND: How many machetes does the government expect to be handed in based on the experience of the UK amnesty? And can the government share any modelling it may have done?

Enver ERDOGAN: Good question. I might just ask the box.

Mr Mulholland, in the UK 39,000 zombie knives were handed in, so not necessarily machetes – they are a bit different; they are like a decorative knife. But in terms of us, we are hoping to get as many handed in as possible. It is always difficult with a new scheme to model expectations. But I think we are planning to have a scheme which is accessible, and people should do the right thing and hand in these machetes or face the consequences.

David LIMBRICK: I would just like to clarify exactly what we are doing here. As far as I can tell, Parliament is classifying something as a prohibited weapon which has not yet been defined by the government and is going to be defined later. Is that correct?

Enver ERDOGAN: I think as it stands machetes are defined as controlled weapons, but for a broader description of what a machete is, there will be further consultation with industry on that.

David LIMBRICK: I will take that as, ‘No, we haven’t defined it.’ The minister brought up zombie knives in the UK. There is no outbreak of zombie knives here. Isn’t it the case that the government is just using the terminology that has been reported in the media of machetes and decided that they are going to classify this as a prohibited weapon, whilst leaving open an entire class of edged weapons that it can be easily replaced with, such as kukris, such as kitchen knives, such as meat cleavers and such as the knife that the guy down at my local kebab shop uses – it is a great big long thing and it is really sharp. There is an entire class of weapons here, but the government has chosen to outlaw the one that is being reported in the media, and it also happens to not have a clear definition of what that is exactly.

It is not clear to me what Parliament is actually prohibiting here, and I do not think it is clear to people at home. The minister said before, ‘It’s obvious to anyone what a machete is.’ Well, I do not think that is true at all. In fact it could be a whole range of things. The minister said a second ago that he did not know what a kukri was. I mean if you were not familiar with edged weapons or edged tools, you might easily mistake a kukri for a machete, but to anyone that knows about it, they are quite different tools. A kukri is bendy, and it is used for quite different things. Is it the case that we are banning something when we do not even know what it is? We cannot even agree what it is. Mr Mulholland disagreed with the government’s definition, and yet the opposition seem to still be supporting this, even though they do not agree with the government on the definition.

Enver ERDOGAN: In terms of Mr Limbrick’s commentary, I think there is an issue with machete-related crime. I think we are seeing it playing out in the community, and it is not just media reporting; it is real. All of us have seen the footage. These days people do have cameras in their homes and they have cameras in shopping centres, so there is footage of what these machetes look like, and the kind of harm they are causing is very serious, as has been discussed in the debate. I think it is important that

we do take action. No-one should need these machetes. Unless you have a genuine exemption, there is no need to have them.

Nick McGOWAN: I am going to have another go at this. How did the government determine that 20 centimetres would be the definition? On what basis?

Enver ERDOGAN: I think I answered this question. We are broadly saying more than 20 centimetres, but in the end, for clarity's sake, we are going to have consultation with stakeholders. It is obviously intended that kitchen knives are not covered, and those were some of the examples that Mr Mulholland pointed to. I think there will be broader work to be done before the implementation of this legislation.

Nick McGOWAN: Minister, perhaps you are not understanding me and perhaps it is the way I am asking it, but I have had the pleasure of working in government – less than I would like to have had; I am more over this side, sadly – and you would have received advice as a government suggesting how this legislation should look, and someone somewhere suggested 20 centimetres. I am trying to understand, as I am sure the Victorian people are trying to understand, how on earth this government came up with 20 centimetres, as Mr Mulholland said, not 30 centimetres or 25 centimetres or 50 centimetres. How did the government arrive at 20 centimetres? Is this an international standard? What was the basis for that decision?

Enver ERDOGAN: I think that, as I stated previously, 20 centimetres or above 20 centimetres was just an indicative size that was provided to the public. In terms of describing these weapons, I think Victoria Police will work with industry on that definition. But also kitchen knives are not intended to be included, so it is not definitive per se; it is just indicative at this stage, but they are going to have a closer look at what types of machetes we are seeing in this offending. Victoria Police will do that work and give greater guidance before implementation.

Evan MULHOLLAND: I am asking this on behalf of a lot of my constituents. Currently the kirpan, which is a sword worn in the Sikh religion, is exempt under the Control of Weapons Act 1990. Does that still remain the case under the government's changes?

Enver ERDOGAN: I thank Mr Mulholland for what is a really important question. Many in this chamber have raised similar concerns, and I can see my colleague Mr Batchelor behind me as well, someone that places really big importance on cultural and religious use and observance. I think these kinds of exemptions are important. There is work that the Chief Commissioner of Police will need to do in working out what will qualify for exemption, but it is of course envisaged that a cultural tool such as that or a religious tool or something that is part of religious observance will be exempt.

Evan MULHOLLAND: What guarantees are there that the prohibition will come into play on 30 September?

Enver ERDOGAN: I think the government has committed to 1 September, and that is a commitment that we will keep. From 1 September there will be a general amnesty for people that have machetes to hand them in until 30 November, but from that point on there will be severe penalties in place.

David LIMBRICK: On the topic of amnesty, why is there a short period? Why isn't there an ongoing amnesty, as Mr Bourman pointed out earlier? There does not seem to be any sort of benefit to the amnesty ending if the objective is to get these weapons off the street.

Enver ERDOGAN: It is my understanding that there will be a general amnesty in that period of 1 September to 30 November where there will be places where people can deposit them – something outside some police stations in a secure location. But after that, I think similar to guns, there will be an opportunity for people to make appointments with Victoria Police on a case-by-case basis and hand in those machetes, but there will not be the general kind of deposit box, so to speak, that will exist from 1 September.

David LIMBRICK: As has been pointed out, there are many legitimate uses for machetes in agriculture, hunting, camping and these sorts of activities. My understanding also is that many of these machetes are quite expensive, especially high-quality ones. Effectively this is a confiscation for people who are currently using them legitimately. What sort of compensation from the state will there be for people who are forced to hand in their machetes that they have been using for legitimate purposes?

Enver ERDOGAN: That is what the exemptions are intended to cover. Where there is a legitimate use, such as employment, that will be part of the exemptions framework and be covered by the exemptions framework where there is a legitimate use. But where they are not covered by one of the exemptions that will be agreed to by the commissioner, they will need to return them. We are not talking about necessarily where it is not a legitimate use. These are not expensive weapons, normally, that are thousands of dollars. Usually they are much cheaper than that, and you are seeing them being sold, as some members in this place have contributed during the second-reading debate. For most people they are not an expensive tool, but if they are a legitimate use, then they should, hopefully, broadly be covered by the exemptions.

David LIMBRICK: There would be cases where someone owns one of these tools. They do not use it for illegitimate purposes, but they have got it sitting in their cupboard now because they used to use it. They have got something that is valuable, and they do not want to keep it because it is a prohibited weapon now. Surely they are entitled to just compensation by the state for confiscation of their property.

Enver ERDOGAN: I think we are being clear that we have no intention of providing compensation in relation to the return of these weapons.

Nick McGOWAN: Just on that point: part of what was integral to the Howard buyback of weapons and part of what was integral to the UK's buyback of zombie knives was they all had buyback – they had money that was exchanged for the weapons.

Jeff Bourman interjected.

Nick McGOWAN: That is perhaps debatable. Nonetheless, did the government consider a buyback scheme as part of this legislation?

Enver ERDOGAN: No, I think there was always an intention to differentiate this from guns. Guns are obviously a lot more expensive. We have guns that people own. I know people that are recreational hunters and they have spent tens of thousands of dollars on their guns, and these machetes are for the most part relatively cheap. That is why they are so dangerous. They are cheap and nasty tools, or weapons to be precise, and therefore we never considered a buyback scheme.

Katherine COPSEY: I want to ask some questions around the powers that are granted to police in relation to designated areas. In relation to disorder, to trigger the ability to declare a designated area, what constitutes an incident of disorder?

Enver ERDOGAN: It is violence or disorder involving a weapon. That is the broad definition.

Katherine COPSEY: I am still not clear on what the 'disorder' part is. What in plain English would constitute disorder, or is there a legislative definition of it?

Enver ERDOGAN: Disorder is not defined in the act, as you would be aware, but more broadly it is about creating fear. It may not necessarily be the act of causing violence but it is causing there to be fear, so you might brandish a weapon but may not necessarily cause violence with it.

Katherine COPSEY: In the same vein, for those purposes, what constitutes an incident of violence?

Enver ERDOGAN: I am just going to take a literal meaning of that. I guess that would be where there is an actual incident where harm is caused, where there is the common view that there has been

violence or where there is an action and not just a threat – that there actually has been action in terms of a motive and where violence has caused harm to people.

Katherine COPSEY: Would then an incident of family violence in an area, for example, enable an entire suburb to become a designated area?

Enver ERDOGAN: I think the intention of these laws is their application in a public space, so if there are violent incidents in a public space, my view is that anything would potentially be covered if there is violence in a public space.

Katherine COPSEY: Does an incident of violence or disorder need to have resulted in a charge or a conviction before it enables the declaration of a designated area?

Enver ERDOGAN: The answer is the chief commissioner needs to be satisfied of that. So there does not need to be a charge per se, but there are safeguards in that the commissioner must have a reasonable belief about the threat or the danger before making these orders. Also, they can only apply where they view it as reasonably necessary, so all our legislation says ‘after six months’. You might not need the whole six months; for example, at a shopping centre it may be only for the two weeks of the school holidays – I am just giving you an example of what would be reasonable in the circumstances for a location.

Katherine COPSEY: I just have a couple more on this topic. You have referred there to the chief commissioner’s subjective assessment of the incident and the threat and the harm proposed. What level of intelligence would satisfy the chief commissioner that violence could occur? For example, could an anonymous tip-off satisfy that?

Enver ERDOGAN: I think that is an operational decision by the commissioner. In terms of intelligence and the value of intelligence the commissioner might receive, I guess the weight that they would place on it would be at their discretion, using their expertise. Our commissioners are experienced police with years of fighting crime, so it would be at their discretion.

Katherine COPSEY: I have just one more on this topic. We have talked about some guardrails that supposedly guide these decisions, but they could be entirely subjective. I just also wanted to understand what constitutes an event. The designated areas can be prepared in advance of an event. Is it an event in the plain and ordinary meaning of the word or would it have to be a registered event – for example, something that had a permit?

Enver ERDOGAN: It is a plain and ordinary meaning of ‘event’. It does not necessarily have to be a ticketed event, just the plain and ordinary meaning of an event.

Jeff BOURMAN: There was one I came up with whilst I was thinking. Minister, the opposition have an amendment to bring the date forward for the bill. What would be the likely outcome for the current lawful owners and possibly the future lawful owners, if we were to make this effective tomorrow, we pass it tomorrow, we get the decree tomorrow and blah, blah, blah? All those people that do have a legitimate reason for having a machete, what is going to be the outcome for them? Obviously there needs to be time – as you said – to consult with industry and this and that.

Enver ERDOGAN: A very good question again, Mr Bourman. You are impressing me today. What I will say is I think there is definitely potential for unintended consequences. I think what we know is, without the exemptions system properly set up, then you could have some people falling foul of the law unintentionally. So that is why we need to take the time to get this right. It is very important. It is the first prohibition on machetes in the country, and obviously our police minister intends to advocate to colleagues, both federal and state, to ensure that they have something similar in place, because what I think works well with these kinds of laws is when you have a uniform approach.

Jeff BOURMAN: Minister, the government must have something in mind about how it is going to create an exemption scheme and so on. What is it planning to do? Is it going to use the licensing and regulation division (LRD) within the police? How is it proposing, at a high level, to do this?

Enver ERDOGAN: Very good operational question. I might just go to the box.

Mr Bourman, I understand the Governor in Council will have the broad exemptions, but there will be individual cases where LRD will be involved on a case-by-case basis.

Nick McGOWAN: Minister, are you banning the sale of machetes?

Enver ERDOGAN: Yes.

Anasina GRAY-BARBERIO: Minister, how has the government considered the impact of the lower threshold for declaring a designated area on rights to equality and non-discrimination before the law in the Victorian Charter of Human Rights, particularly considering analysis of Victoria Police data released under FOI shows disproportionate targeting of First Nations and racialised communities in the current implementation of search powers in Victoria?

Enver ERDOGAN: It is an important issue, and it is always one that is vexed because obviously we are always balancing interests when we are dealing with the criminal justice system. We have heard from stakeholders and partners, I might say, in criminal justice that tell us of racial bias in the application of laws, but rest assured that Victoria Police do run briefings for officers before every knife search operation to run through protocols and principles of random selection to ensure the selection is not based on race, religious belief, physical features or age. A search under these laws is designed to be as quick as possible to limit interaction with police. The police would say in terms of their policing, that they do not partake in any racial profiling. That is what Victoria Police would say, but I think there is a balancing more broadly of search powers and human rights in this matter, and it is something we have considered. But in relation to the level of harm being caused, obviously we have landed in a position which furthers the broader community safety aspects, and that is why we have landed with the bill where it is at.

Evan MULHOLLAND: Do Victoria Police have enough resources to facilitate additional search powers for up to six months?

Enver ERDOGAN: Since getting into government over 10 years ago we have provided an additional \$4.5 billion in investment in Victoria Police, and they will be supported and be adequately resourced to conduct their work as required. Also again I will make the point that it is up to six months, but it is expected that in most instances it will be only for what is reasonably required. That could be, you know, 24 hours; it could be less, it could be more, but it is only what is reasonably required. I do not envisage that it will be six months at a time at any given location. Obviously that is an operational question for the commissioner, but if they require more resources to be adequately resourced, we will support them.

Sitting suspended 6:29 pm until 7:32 pm.

Jeff BOURMAN: I am going to be very quick. Minister, just before we broke, there was a question asked about whether the sale of machetes would be banned, and you said yes. Where are all the people that are going to have a legitimate reason for a machete supposed to get a machete?

Enver ERDOGAN: That is a very good question. I might just clarify that there is a broad ban on sales, but I guess sellers and buyers will still be able to apply for an exemption to sell this item, and they can only sell it to people that have an exemption as well. So there is a broad ban, but there are exemptions to the ban, and buyers and sellers will have to apply.

Richard WELCH: Minister, for those who have been buying and selling machetes, commercial people, what will happen to their stock of machetes?

Enver ERDOGAN: That is a very good question, Mr Welch. Obviously we will be instructing them not to buy any more stock in the meantime, but I guess some of the stock they will be keeping, as they will not be able to sell it lawfully unless they apply for an exemption.

Richard WELCH: For those who cannot sell it, if it is a commercial quantity, will they get any compensation?

Enver ERDOGAN: No.

Anasina GRAY-BARBERIO: Minister, given the unequal power dynamics between a police officer and a member of the public they are searching, how will members of the public understand that they do not have to consent to a no-reason search in a designated area if a police officer does not have an electronic wand?

Enver ERDOGAN: Ms Gray-Barberio, just to clarify, they only run the knife operations when there is a wand, so without a wand they should not be conducting these types of searches. But I think as part of this bill there is also important work to be done in terms of a public education campaign, mostly for retailers but also for the broader public. We are updating the publicity around when these searches will be or where is a designated place to do these searches on the Victoria Police website as well, and obviously also in the *Government Gazette*.

Anasina GRAY-BARBERIO: How will the legality parameters of no-reason searches be communicated by police to community members who face barriers to understanding English as a second language?

Enver ERDOGAN: I want to just clarify one thing: neither the government nor Victoria Police accept the characterisation of 'no reason'. There are obviously broad powers to be able to do these searches. But I think definitely a public education campaign is needed, and awareness of people from culturally and linguistically diverse backgrounds is an important part of that education to be provided to the public. But when the Operation Omni operations take place I think they are going to be done in a way that police are prepared to work with people. They already do work with people from all different cultural backgrounds and different levels of English, so I think they will take the same sensitive approach.

Evan MULHOLLAND: Has the government met with retailers to talk about what safety requirements and checks will need to be in place as part of selling machetes?

Enver ERDOGAN: I understand that those requirements are already in the regulations. They sit beside the legislation, so they are already in place. It will be consistent with that current approach.

Evan MULHOLLAND: You said it sits in the regulations, but my question was about whether the government had met with retailers to discuss what safety checks will be required as part of selling machetes.

Enver ERDOGAN: I understand that discussions have started with retailers, but there is obviously more work to be done. I think there have been a number of questions around the engagement with retailers and how this will be implemented, because I know a lot of retailers have expressed an interest in implementing these changes. I think many in the sector believe it is needed. Some of the preliminary discussion has started, but clearly deeper discussions will be had between now and the implementation.

Evan MULHOLLAND: There is obviously a lot of community concern, and I am very, very pleased the government has had a change of heart on the prohibition of machetes, especially since the previous four times we have attempted to move this through the Parliament. One of the main concerns I think is around the sale. Is there any reason why machetes cannot be taken off the shelf for sale immediately?

Enver ERDOGAN: As machetes are controlled weapons there are already some restrictions in the regulations on how they can be managed or handled by retailers. It is more about giving them time to

adjust to their settings. Many of the retailers are quite large operations, and in the way they manage their stores there would need to be an adjustment period for the way they handle these goods.

Evan MULHOLLAND: Given it is the government's intention to ban the sale of machetes and the government wants to make machetes prohibited weapons, does the government encourage retailers to take them off the shelves as soon as possible, even prior to when the government plans to?

Enver ERDOGAN: In short, yes. I think we would encourage them to implement it as soon as they possibly could, but of course understanding that some of them, I can foresee – especially camping stores et cetera – may apply for exemptions and still stock them. But they will need to stock them in a different way.

Anasina GRAY-BARBERIO: You have already mentioned that the government will be considering public education to accompany the passage of this bill, but how will community members understand that they do not have to consent to no-reason or broader powers searches outside of a designated area?

Enver ERDOGAN: I think there is a great onus on police in this case that they should not be doing those types of searches, in particular searches in relation to these powers, without wands. They should not be doing this in the first place. It is the expectation that Victoria Police will follow the protocols and only conduct their searches with a wand, as is the situation currently.

Anasina GRAY-BARBERIO: We have heard from community lawyers who have seen particular areas and groups targeted through Victoria Police declarations of designated areas, such as outside a medically safe injecting room, where weapons searches can lead to minor drug possession and use charges by police as they are stopped and searched on their way into or out of a medically safe injecting room. What mechanisms will the government put in place to ensure that Victoria Police use these broadened search powers in designated areas for their intended purpose and not for purposes which are contrary to public health policy and harm reduction?

Enver ERDOGAN: In relation to your question, Ms Gray-Barberio, I guess the onus is on the chief commissioner, based on the intelligence that they have, to make an assessment wherever there is a risk of people carrying weapons in that precinct or that area, or that designated space, to be more specific. It is up to the chief commissioner's assessment.

Anasina GRAY-BARBERIO: Just to follow up on that, Minister. Speaking about intelligence, can an anonymous tip be enough for the chief commissioner to exercise his power?

Enver ERDOGAN: These are operational decisions that police make every day about what weight they give to information they receive and how they manage situations, so I am not going to rule anything in or out in terms of what the police commissioner would broadly consider or what value they would place on intelligence. I guess the commissioners are all very experienced police and will be able to make decisions on what they feel is needed in the circumstances, within the act. In terms of the value they place on different intelligence, I think that will be a decision for the chief commissioner.

Richard WELCH: I apologise, Minister, for seesawing between that and that. You indicated that there will be no compensation for commercial owners and commercial quantities, but the ban on sale does not come into effect immediately. Are you concerned that you are creating the perfect environment for the people who have that stock to now dump that into the marketplace in order to recuperate something?

Enver ERDOGAN: I think there is always a concern about people dumping products that they do not believe there will be a viable market for going forward. I think we see that as economic students in other areas and the way market economics could work. But in this space, I think what we do see a lot, especially with the main retail chains, is that they are quite responsible actors, and it is our expectation that they would not do that, understanding the safety concerns that come along with this legislation. There have been examples, and I did listen to your contribution, Mr Welch, about our local

markets and what is happening on more local ground. I think it is important for police to kind of manage that, because right now they are controlled weapons. They should not be just dumped in a fire sale, so to speak, as we speak. But I think that is a consideration going forward in the way this implementation takes place.

Richard WELCH: You say that you will write to the federal government about action on machete imports at the border. What is the plan that will be implemented to make sure prohibited weapons do not enter our state and get into the hands of criminals?

Enver ERDOGAN: In terms of these goods entering the country, obviously we have got the Australian Border Force and customs. In between jurisdictions, Minister Carbinis is a member of the Police Ministers Council across the nation, so he does plan to write to them and speak to them about them setting up a similar scheme. But I guess it is similar to, we would say, what currently happens with guns – people do sometimes drive across borders with guns, in terms of those that have lawful guns for, say, hunting et cetera. That is an issue that needs to be monitored, but I think a national approach would be the best deterrent or the most effective.

Richard WELCH: So those, again, who have a quantity of machetes that they want to sell, will they be entitled to sell them in New South Wales or other states apart from Victoria?

Enver ERDOGAN: If they are a business based in Victoria, they would not be allowed to sell to someone interstate. Unless they had an exemption, Victorian law would apply.

Evan MULHOLLAND: Minister, your colleague Mr Galea has said that a machete ban would effectively criminalise a raft of people currently using machetes for legitimate purposes. He has described them as onerous restrictions and said they would inadvertently put people on the wrong side of the law for merely continuing a practice they have been legitimately doing for a long time. Do you agree with him?

Enver ERDOGAN: I think that is why as a government we are being careful in terms of crafting the exemptions. We are going to do that work because of exactly those circumstances that Mr Galea referred to; we do not want that situation to occur. It sounds like he was warning us of the unintended consequences of rushing this. That is why we have got to get the exemptions correct. I think that it is very important that people that have a genuine occupational use, recreational use, historical use or use for educational purposes will have exemptions in place. That is the goal that the Governor in Council will be able to set up.

David LIMBRICK: I have a couple more questions about machetes, and then I would like to go back to talking about designated places. With regard to machetes, I was going through a few retailers of tools earlier like Bunnings and Total Tools and these sorts. They sell lots of things that look a bit like a machete. I imagine that there are some retailers that may be concerned about breaking the law, and they will want clarification on this. How can a retailer of tools be certain that what they are selling will not be classified as a machete by the government?

Enver ERDOGAN: I think, Mr Limbrick, that is a really good question. Through the consultation process there will obviously be an opportunity to talk through it. I think a lot of retailers know the stock they sell, so if it is a machete, they would usually list it as a machete. But I do get your point that there are many tools that are very similar – that might not be a machete but a similar tool – and I think there will be some image-based guidance as well at the end of this process. But most retailers know what stock they are selling, so they will know if they are selling a machete or not.

David LIMBRICK: Let us hope that these shops can get definitive answers. I will go back to the designated places. When they have these designated places and conduct searches, are detection dogs ever used at those searches?

Enver ERDOGAN: I might just seek guidance. My understanding is no, but I will seek guidance. My understanding is that the search as part of the designated places should be wand, pat-down and

then strip search. I have heard of instances where there are dogs there as well, but they should not necessarily be part of the designated place. They might have dogs there as well, but that is not what is in the legislation. The legislation is about the wand, pat and strip search. That is the escalation.

David LIMBRICK: So just to clarify – I am not an expert on this – can the dogs smell machetes?

Enver ERDOGAN: That is not the intention. Under the act the search should be done by the wand. That is clear, but again, being a member of the public also, I have heard of dogs being present. But that is not the goal of this legislation. The goal is wand, pat, strip search.

David LIMBRICK: Can I suppose then that the dogs are there to detect drugs and not weapons?

Enver ERDOGAN: I guess we are getting into really operational detail. Police do this role, and the dogs have a variety of roles. But I suspect the dogs are quite helpful in detecting drugs.

David LIMBRICK: I do not want to verbal the minister, but if I recall correctly – and please correct me if I am wrong – the minister said something earlier about when conducting these operations they are meant to be just for detecting weapons. However, it would appear that if we are talking about events – and by events I think that would include music festivals and things like that; in fact it was referred to in debate – I do not hear of a lot of knife crime at music festivals, but I do hear a lot about sniffer dogs. Is it possible that a designated place could be used to search people and then, coincidentally, those people could also be searched for drugs? If they were looking for a knife at a music festival and then they found something that looked like it was not a knife but a little something else and they hand them over to other police there with sniffer dogs and that sort of thing – could it be used in that way?

Enver ERDOGAN: My understanding is that that is a bit of a hypothetical there, but I might seek guidance, because I think it is an important question.

Mr Limbrick, I am advised that the designation would be focused on the finding of the weapon, so to speak – searching for weapons. But obviously police are operationally allowed to do other work that they require, so if they have sniffer dogs as per their normal operations, nothing would prohibit them from doing that work.

David LIMBRICK: Doesn't this sort of go to the point of having these designated areas at the bump-in and bump-out of events? What is the purpose of specifying that we can have a designated area at a bump-in of an event? Is it actually likely that someone would smuggle in a weapon before the police could get there to use later at a music festival in the bush? I have not heard of this thing happening. I would be interested if there were examples of this happening.

Enver ERDOGAN: There are different examples of events, but being Minister for Corrections, I come across quite violent incidents. I have heard of incidents at, say, martial arts events or boxing events where there has been a violent incident subsequently, where people are carrying weapons – not just knives but also guns and other weapons. I can see that at events there could be a need to do these kinds of wand searches and pat-downs. But every festival and every event is an individual event and quite unique, so I guess that is an assessment for the commissioner to make – if it is appropriate to use these designated powers in that way.

David LIMBRICK: One of the concerns that has been raised in my office is around the sustainability of some of these music festivals and these sorts of things. They have got lots of costs that are increasing. If a festival is designated a designated area and therefore increased police presence is there, will there be any user-pays component for the festival organisers for this type of operation?

Enver ERDOGAN: The short answer, Mr Limbrick, is no. It is just general police work.

David LIMBRICK: The minister mentioned earlier that strip searches are a possibility under these amendments. I do not think you need a strip search to find a machete. They are pretty big. In what sorts of scenarios would a strip search be required for finding weapons? Is this something that would

happen routinely, do you imagine? Under what scenarios would strip searches actually be required to find weapons? My understanding is most weapons can be easily identified or discovered using a pat down search.

Enver ERDOGAN: Mr Limbrick, that is my expectation, that you would not need a strip search in most of these incidents, and with a wand or a pat down you can usually resolve or find the weapon in need. But this is just an additional tool, another layer, if there is something more hidden. But I might provide some examples where we have some.

It is a very good question, Mr Limbrick. You are going into detail. I will inform you that of the 15,000 searches last year, there were five instances where a strip search was needed. And when we talk about a strip search, it needs to be as minimally invasive as possible. In the one example that was provided to me, there was a situation where someone was not being cooperative, so they had to take off their pants and they had a large machete taped to their leg. That is one example where those powers have been needed. But there were only five out of 15,000.

David LIMBRICK: That seems like a very extreme way of hiding a machete. One other thing that the amendment that the government is proposing does is it extends these designated area timelines out to potentially up to six months. I could sort of understand if you have got 24 or 48 hours or something like this – an event takes that long. I think most people could understand the intent there. What sorts of scenarios are envisaged where a six-month designated area declaration would be actually required or used? Because it seems a bit odd to me, and I cannot think of a scenario.

Enver ERDOGAN: I might give a couple of examples at the lower end. I always think of shopping centres, and we know that the risk would increase, say, during a school holiday, so you might need to allow 12 hours over time or you might designate that shopping centre for the two-week period, for example. Or you might have a world-class event – I am now hypothesising, because obviously these are operational questions for police. You might have a major sports tournament that goes for four weeks, and then you may have four weeks. But I think six months is quite a large period and the bill does require only what is reasonably required. I will see if there is an example that police command has provided to the minister's office, but these are just examples that come to mind, such as the shopping centre one during the two-week school holiday period. I will see if there is an example that comes to mind.

The purpose of providing the six months is to give police command that flexibility. For example, they might have intelligence of an incident between two different groups. They might not know the exact date on which that altercation will occur, and that is why they might mount it for a longer period. But again, it is not envisaged that six months will be required in most instances. I think a better use would be, like I said, where you target specific risks – say, a shopping centre during school holidays. But it is more to provide police command with that flexibility if needed.

David LIMBRICK: Personally, as a parent I find it a bit alarming that a shopping centre will be declared and my children will be searched when they go and buy a packet of chips or something. But nevertheless, that does not give me much comfort as a parent. I do not really want my children being randomly searched by police, and I do not think many parents do.

With regard to these powers, in terms of defining, is there any limit to the geographical size of the designated area? I noticed during the pandemic when we were watching this. In fact I have got a member of my staff who enthusiastically watches the *Victoria Government Gazette*. We were watching this very closely during the pandemic, and we noted that the size of these areas increased dramatically during the pandemic. At one stage the entire CBD was a designated area. What are the limits?

Enver ERDOGAN: Mr Limbrick, it is 'as reasonably necessary'. A designated place can be as reasonably necessary.

David LIMBRICK: So if the police deemed it reasonably necessary, theoretically the entire state could be the designated area. Is that correct?

Enver ERDOGAN: It is an extremely low probability, but I think your example of the CBD is one that is probably closer to what could possibly happen if there was an incident.

Katherine COPSEY: Minister, we have been talking about the breadth of the area that can be subject to designated areas, and you have confirmed that the definition of ‘event’ is very broad. What is the government’s intention around the types of events that will be declared as subject to designated areas by police for members of the public to be searched without a warrant or reasonable suspicion of any wrongdoing? Is a protest an event?

Enver ERDOGAN: I do not envisage that a protest per se would be an event, but yes, it could be a designated area as long as it fits the criteria. That is what we saw during Land Forces – it was a designated area because of the risk and the assessment by police, and as such those searches took place.

Katherine COPSEY: The new threshold in the bill allows a designated area to be declared without any previous confirmed incidents of violence. What safeguards will the government put in place to ensure this expansion of police search powers in designated areas is not used to silence public protests?

Enver ERDOGAN: It is my understanding that it is envisaged to apply to new event designations.

Katherine COPSEY: New event designations – I am not sure I understand. Sorry, Minister. Can you elaborate?

Enver ERDOGAN: It is my understanding that the clause you are asking about is designed to target new events where there is not a history, so there is no history to the point of violence. But if it is a new event and the police have a suspicion that it might be something where there is a risk, then they could designate it.

Katherine COPSEY: That seems very broad. You can take that as a comment. Minister, many protests take place outside the State Library or on the steps of Parliament here. If the chief commissioner declared the Melbourne Central train station or Parliament station and surrounding streets a designated area, has the government considered that this could be, in effect, used as a tool to prevent and stifle protests?

Enver ERDOGAN: I can say that that is definitely not the intention, but obviously if the groups behind these protests and the police have intelligence of potential violence or behaviour of that nature, I could see police designating that space.

Katherine COPSEY: I think you are confirming there – if you can just reiterate or correct me – that even if police made a designation at a public transport station that was completely unrelated to any planned protest activity, then the search powers you are granting to those police could impact protesters who had absolutely nothing to do with that reason for the declaration of the area.

Enver ERDOGAN: I think that is a very good question, and I think you are right: if they designate an area which covers, say, a transport hub such as a train station, it would cover not just the people going to the protest but everyone, so people going to the football or any other activities during that period. If the designated area covers a hub, then everyone could get searched or wanded in relation to these powers.

Katherine COPSEY: The statement of compatibility considered that the limitations on protest in the original bill around designated areas were reasonable and justified before the amendments that you have circulated in the house, which seek to significantly extend the time period for designated areas to six months, were tabled. A report by Melbourne Activist Legal Support has shown that legal observers saw many searches conducted on people exercising their democratic rights to freedom of political expression within designated areas during the Land Forces protest, as you have noticed, and at Free Palestine protests in the Melbourne CBD through the last year. Is the government aware of how many

of the police searches conducted under the Control of Weapons Act at the Disrupt Land Forces protest found prohibited weapons?

Enver ERDOGAN: The chief commissioner is required to report back an aggregate figure for the year but not after each designation. I think that was the question you were really looking for. After each designation they are not required to report how many searches and how many weapons were found.

Katherine COPSEY: No, that is all right. If you do not have the figures, we will make of that what we will. I might have an amendment that would assist on that ground as well that we will come to later. Minister, has the government collected data on how many designated areas were declared by Victoria Police over the past five years to cover areas where protests were planned?

Enver ERDOGAN: I think it is quite clear that the goal of this designation is not to target protests or democratic activity of that nature. I think the police provide an aggregate figure of how many searches they have conducted and what they have found every year but not on a case-by-case basis.

David LIMBRICK: I take issue with what the minister just said. I cannot remember the date exactly off the top of my head, but I do recall that in the middle of lockdowns during the pandemic there was a protest planned and in response to that police declared a designated area. I cannot think of how that would be for anything else except to suppress people's democratic right to protest. But nevertheless, the point was brought up before about the size of the area being reasonably necessary. We have established now that theoretically that could encompass the whole state; however, the minister said that is unlikely. As we have seen during the exercise of powers during the pandemic, the only limitation on that was around proportionality. Is the chief commissioner required to judge proportionality of the limitation of rights? Because it is clearly a limitation of rights as per the Victorian Charter of Human Rights and Responsibilities.

Enver ERDOGAN: In exercising what is reasonable and necessary, the police, in terms of the operational aspect, are required to act consistent with the human rights charter.

David LIMBRICK: Are the police required to document their charter assessments?

Enver ERDOGAN: I am advised that before every Omni operation a charter briefing is provided to officers.

David LIMBRICK: Are these charter assessments ever available for scrutiny externally by anyone? Can a member of the public see a charter assessment and independently draw an opinion on whether the limitation on rights is proportionate as per the charter?

Enver ERDOGAN: Police do have an obligation to act within the charter, but in relation to individual assessments of events I suspect that they would be exempt from some of the FOI because they would contain intelligence and potential privacy of operations.

David LIMBRICK: Who could ever determine whether these responses were proportionate limitations of the rights of Victorians?

Enver ERDOGAN: I would say that is a fundamental consideration for the chief commissioner to make in determining whether to designate an area.

David LIMBRICK: But is there anyone outside of police that could actually make this determination? I would prefer members of the public to be able to determine whether the limitations were proportionate and reasonable. As we saw during the pandemic, none of those charter assessments were ever released for the public health orders, and then even after the pandemic bill went through we saw some of the summary charter assessments – we never saw the detailed assessments – and the summary assessments were effectively along the lines of 'We think everyone's going to die, so we can do whatever we want.' How can anyone ever have any comfort that the police are acting with respect of human rights as per the charter? It would need independent assessment, surely.

Enver ERDOGAN: Mr Limbrick, these are assessments for the commissioner to make. My understanding of the purpose of these designations is for community safety, so I guess the commissioner would need to balance that with the proportionality. That is the way that they would apply.

Anasina GRAY-BARBERIO: Minister, given that police can search people in designated areas without a warrant or a reasonable suspicion that a person is carrying a weapon, has the government considered how expanding police search powers in designated areas may increase rates of racial profiling?

Enver ERDOGAN: Victoria Police has zero tolerance for racial profiling, reflected in dedicated human rights training for all members to ensure that they comply with the charter. So Victoria Police are very firm in stating that they do not racially profile people in relation to policing.

Anasina GRAY-BARBERIO: Minister, data shows that African Australians are six times more likely to be searched by Victoria Police, but it is less likely for Victoria Police to find an unlawful object than in searches conducted on Caucasian Victorians. What measures are your government putting in place to ensure these powers are not disproportionately used against African Australian people and communities?

Enver ERDOGAN: Ms Gray-Barberio, as I stated in answer to the previous question, Victoria Police has zero tolerance towards racial profiling and complies with the charter. But I think it is important that we do provide this training program on these topics of discrimination, addressing bias, stereotyping and improving accountability around how decisions are made. I think by their very nature designated-area searches are themselves random, in that people within the designated area are chosen at random, and I think that is important to state.

Anasina GRAY-BARBERIO: These powers have been proven to be ineffective, with only 1 per cent of searches finding any banned substances or items in designated areas, compared to a 17.4 per cent hit rate in 2023 when searches were conducted with reasonable grounds for suspicion. Why has the reasonable suspicion requirement been removed despite only 1 per cent of searches finding something, leaving the other 99 per cent of people subjected to potentially harmful contact with police?

Enver ERDOGAN: I did hear that statistic from a number of contributors to the second-reading debate, and what I will say is that that statistic fails to acknowledge the seriousness of an offence level with these kinds of weapons. Each weapon seized, we would say, represents the prevention of a weapons-related potential fatality, to be frank, because they are quite serious, and we are seeing the use of these tools in quite high level offending. We saw one such incident last weekend. Victoria Police also believes that these powers are crucial as a deterrent to prevent further offending. Although people may not be caught with these weapons, they are effective in deterring people from carrying those types of weapons in these designated areas.

Anasina GRAY-BARBERIO: Minister, 75 per cent of searches by the anti-gang taskforce conducted by Victoria Police were conducted on people who were perceived to be Middle Eastern or Mediterranean, yet the find rate for these searches was zero per cent. That is an outrageous number of zero with the requirement of reasonable suspicion for a police search. What kinds of figures should we expect now that this requirement has been removed?

Enver ERDOGAN: I think that is a very hypothetical question if you are asking me to speculate on future data. What I will say is that I think these laws and these designated-space powers for police are an important tool and an important deterrent for the public in terms of carrying these weapons. My hope is that we do see less of these weapons being caught because people will be deterred by the potentially strong penalties that apply.

Evan MULHOLLAND: Just back to the consultation, you said earlier that some retail groups have begun consultation. Can you outline which retail groups you have consulted?

Enver ERDOGAN: Mr Mulholland, I do not have an exhaustive list, but I understand Bunnings and Mitre 10, for example, were consulted and advised of the potential changes.

Evan MULHOLLAND: When will the further consultation begin? Bunnings and Mitre 10 are quite big, established businesses, but there would be a lot of other businesses – I have got a Thrifty-Link up the road from my place – and many small operators that would want to be consulted on the changes and do not have access to the very large legal departments that a Mitre 10 or a Bunnings would have to be able to navigate complex laws. So will the government be providing extra support for those independent retailers to help them navigate the laws?

Enver ERDOGAN: Mr Mulholland, it is my understanding that as soon as the legislation is passed, the goal is to consult with the peak bodies and – in particular regarding your good question about smaller businesses – to have a big retail awareness campaign and education for large and small retailers.

Evan MULHOLLAND: Just on your remark about the retail awareness campaign, further consultation and working with those smaller retailers, what additional resources will be required for this, and do you have a budget allocation for that?

Enver ERDOGAN: Mr Mulholland, we are committed to delivering this safely and to adequately resourcing that education campaign.

Evan MULHOLLAND: I understand that, Minister, but you did not quite answer my question about how it will be resourced and if there is a budget allocation for that. Will we have to wait for the May budget for an additional allocation for that awareness campaign? If so and if there is to be a great public awareness campaign, will they actually be informed and consulted and be the beneficiaries of that prior to the May budget?

Enver ERDOGAN: I think this is a commitment by the government to adequately resource that. Obviously there are budget processes across portfolios in which funding is sought, in particular for programs, but I think in relation to this the government has been very clear that we will adequately fund it to make sure we get that education out there for large and small retailers.

Evan MULHOLLAND: Will it be the job of Victoria Police to enforce the ban with the retailers?

Enver ERDOGAN: Mr Mulholland, the short answer is yes, as to sell without an exemption would be a criminal offence.

Evan MULHOLLAND: Just back on the funding, will there be a funded public campaign to promote the ban and also the amnesty?

Enver ERDOGAN: Yes, I think we are committed to making sure we implement this in a safe way, and I think people would need information about where they can safely return these goods. That would be all part of that package.

Evan MULHOLLAND: How much has been allocated to that?

Enver ERDOGAN: Mr Mulholland, I think we have given a commitment to adequately fund it. This initiative is an important initiative, and we want to do it in a safe way. Obviously some of the work in terms of the costs of making sure there is safe disposal and some of the costs of the awareness campaign will be prioritised, because this is a really important initiative to be supported by our government.

Evan MULHOLLAND: I agree, and it is good to have a public awareness campaign for a reform such as this. Isn't it the case, then, that the public awareness campaign will not begin until after the May budget?

Enver ERDOGAN: I think in terms of the public awareness campaign around the implementation, it is safe to say that it will start before 1 September. In terms of the exact timeline for that campaign, I

do not have that at hand, but like I said, by 1 September it needs to get going, so therefore the campaign needs to happen a lot before that, yes.

Evan MULHOLLAND: Will police need additional resources to enforce the ban?

Enver ERDOGAN: I think it is important to understand that police do have significant resources, and we have made record funding over the last 10 years of government – an additional \$4.5 billion into Victoria Police. I think these are all very good questions about resourcing for police to undertake this activity. They already do quite a bit of work with designated zones, but obviously with these new powers and new tools and the type of offending, we might need to look at where resources are allocated, but these are important discussions that the police minister and commissioner have regularly.

David LIMBRICK: I spoke to the minister earlier about how at tool stores there are many similar tools to machetes or maybe not even similar but equally dangerous, like hatchets and all sorts of knives. Sharpened screwdrivers could be your thing. Does the minister accept that there are a vast array of readily available tools that could be repurposed as weapons to replace machetes?

Enver ERDOGAN: I think, Mr Limbrick, you are asking a very commonsense question. I think there is always a risk of substitution. At the moment we are seeing high-level offending with machetes, so it is important to get them off the streets, but if we do see a trend that they are being substituted with something similar, I think we would do what good governments do. We will look at what is happening and we will respond, and we will respond accordingly to keep the community safe. But at the moment machetes are what we are seeing, and that is what we will respond to. There is always a risk – I have seen it in my other portfolios – where there will be a product substitution.

David LIMBRICK: I assume that the government – I hope that the government and the opposition, for that matter – are pushing for this machete ban and hoping for it to have some sort of positive effect, and I hope you are right, but considering the ease of substitution, how is the government going to determine the success of this policy? What is your KPI to determine whether this turns out to be a good policy or not?

Enver ERDOGAN: I think, Mr Limbrick, the goal of this legislation is to see a safer community. Ultimately that is the overarching obligation and goal of this legislation, greater community safety, but what we have seen of late is quite disturbing. There have been six fatalities linked to machete violence in the last six months, and we would like to see that decrease.

Katherine COPSEY: What evidence is the government using to justify the extension of designated areas from 12 hours to six months, Minister?

Enver ERDOGAN: I think Victoria Police were very clear in terms of providing greater tools or flexibility in their operations. This was a request by Victoria Police, and I think that was the basis on which we have come to this conclusion that it is needed – also the increase in carrying and offences involving weapons as well. We have seen a trend with not only machetes but also other objects in which there is an increase in crime of this nature, and this is an important tool to provide to police.

Katherine COPSEY: So you just did what the police said. You did not apply any rigour or scrutiny on whether that was a reasonable amount yourself; you are just doing what the police asked.

Enver ERDOGAN: Ms Copsey, we back our police. They have 15 years of experience working with and using these powers – or similar powers – and they tell us that providing greater operational flexibility will assist them in resolving and preventing further this type of offending.

Katherine COPSEY: What evidence does the government have that the current process for declaring a designated area is too time consuming or too complex for police to initiate when required?

Enver ERDOGAN: Ms Copsey, we are relying on the police's operational experience. Really when I say operational experience and flexibility, the point I was making earlier is the fact that this

would give them the power to go back to the same location. Currently there is that restriction on how often they can go back to the same location, but there are clearly some hotspots that police tell us they know of through their experience – through these 15 years. So we are relying on the feedback from Victoria Police.

Katherine COPSEY: Minister, you have spoken a bit about the funding that is going to be allocated and taken seriously to implement this, including the public education campaigns and presumably resourcing in order to justify this massive expansion of powers. What evidence do you have, or I might phrase this as: have you made any consideration of what could be achieved with that kind of investment instead? Rather than resourcing expansion of police powers, have you considered whether there might be a more beneficial net impact on community safety if you were to direct that investment instead to early intervention, diversion, support services or indeed to other important social supports such as housing, health or education particularly for young people?

Enver ERDOGAN: I think that is a really good question from Ms Copsey, because as Minister for Youth Justice I know the great work that is done out in the community. I think the goal of this legislation is to complement those community safety investments our government makes. We do make significant investments and have great partnerships across youth justice, my space, and crime prevention. Groups are doing amazing work deterring young people or getting people to address their offending behaviour and get to the underlying reasons for that offending behaviour. They work with them and provide that wraparound support to address the issues that people are facing and the way that comes out in the community, but this is not and/or. I see this as complementary. This gives greater tools for law enforcement to ensure that we stop and prevent people offending, but obviously there is that work that also needs to be done before the young person even gets to that situation.

Katherine COPSEY: Minister, what justification does the government have for increasing the operation of designated areas from 12 hours to six months when current Victoria Police data on find rates from designated area searches has proven such a low hit rate, with less than 1 per cent of searches from 2021 to 2023 finding an object or substance.

Enver ERDOGAN: I think the point that police would make is that these operations have likely deterred people from carrying weapons in those areas in the first place – that the designation itself is a deterrent – but also, it is about the seriousness. Even if it is a small number as a percentage, the level of harm – I have talked about six fatalities in six months – is quite high. I guess that is the balancing act in applying these powers for designated places, and it is something the commissioner will need to consider, but I think we are talking about high harm that is potentially being prevented.

Katherine COPSEY: Particularly in relation to the expansion to six months, which has just come to us post the bill reaching Parliament and post the statement of compatibility, how is this expansion of police search powers proportionate to the interference with people's normal freedom to move around, to not be subjected to an intrusive search when they are just going about their daily business, particularly in relation to that six-month expansion? I heard you say before that police asked for it and you granted it. Minister, what consideration have you given to proportionality of this interference and, particularly, compatibility with the charter?

Enver ERDOGAN: I think the question you are really asking is about these powers being implemented in the first place. There has always been an argument about some of the search powers, about the incompatibility with human rights, and there is a part of that in this legislation, to be frank, but I think it is a balancing act to make the community safer. Although it is up to six months, I do not envisage there will be many uses of the six-month provision, because most times when they will need it it will be for a much shorter time. But I think it is that balancing act with community safety and doing what is needed to protect the Victorian public.

Katherine COPSEY: I was quite specific in that question around this house amendment and the extension to six months. Could you just please reiterate how the charter compatibility has been considered in relation to that particular amendment?

Enver ERDOGAN: Ms Copsey, a supplementary statement of compatibility has been prepared and will be tabled if the amendments pass.

Katherine COPSEY: So that is following passage of the amendments whilst we are still in debate on the bill?

Enver ERDOGAN: Yes. It has not been tabled as yet.

Katherine COPSEY: Minister, police officers already have powers to search a person in a public place without a warrant if they reasonably suspect a person has a weapon; this includes knives. How is removing these protections for people to go about their business if they are not reasonably under suspicion for up to half a year at a time justified and proportionate to the loss of privacy and liberty that every Victorian and every person visiting Victoria will experience in a busy public area as a result of these changes?

Enver ERDOGAN: I think it is important to understand that approvals for a declaration of a designated area and the searches conducted thereunder must meet the legislated threshold criteria, which requires evidence of past as well as likelihood of future violence or disorder involving the use of weapons in that location – so understand that there is a threshold. Again, it is up to six months. I do not envisage that that would be the operational norm, but it is an important tool to provide police to keep the community safe.

Katherine COPSEY: Minister, the original justification for creating designated areas was to address an urgent threat of danger. Are we to assume under this Labor government that we exist in such a state of emergency and permanent threat in Victoria, or is the government just using the designated areas to weaken by stealth people's protection to move about free from interference and harassment by police?

Enver ERDOGAN: Ms Copsey, I think it is fair to say that they are responsive to the heightened knife crime we are seeing, and these laws are brought to this chamber in light of what is occurring in the community.

Katherine COPSEY: Minister, we had a discussion before about the breadth of an area that could be declared a designated area, and I think we have talked about how theoretically it could be the entire state. Why has the government given Victoria Police this unlimited power in terms of the geographic reach of these designated areas powers? Why didn't you impose at the very least some kind of kilometre-based rating?

Enver ERDOGAN: Ms Copsey, respectfully, I disagree with that characterisation. I think they need to be applied in an area where operationally the commissioner believes it is reasonably necessary. We do not believe an arbitrary limit to that is needed, to be frank, because ultimately there is the threshold that needs to be met and it is a decision for the commissioner about what is reasonably necessary in the circumstances. Every circumstance is difficult to assess, but the police are the professionals that operationally make these decisions day to day. I think the commissioner, in their wisdom, will be well placed to make these decisions.

Katherine COPSEY: Minister, we have talked a lot about the area and the nature of the designated areas that they can apply to. The Control of Weapons Act does not appear to have a limit on the number of designated areas that could operate at any one time. Why is there no limitation on the number of designated areas that can be declared at any one time? Have you considered the potential impact of multiple ongoing designated areas for up to six months at a time and the impact on local communities who are repeatedly searched by police for no reason?

Enver ERDOGAN: Again, Ms Copsey, I think we are really getting into the operations of how police make these assessments, but it will be up to police to make an assessment of what is reasonable and necessary in the circumstances. If there are multiple incidents, we would not want to put a cap on how police could respond in relation to those. Again, it is up to police to decide and assess in accordance with the legislation what is reasonable and necessary.

Katherine COPSEY: Minister, the hit rate or find rate for designated area searches has remained pretty stable – pretty low, as we have discussed – over the last four years. If we are in this situation where these powers are so needed and necessary, I would have expected that we would have seen at least some escalation in the find rate over this time. Minister, do you genuinely believe more power needs to be given, or are you responding to fearmongering in the media with this change?

Enver ERDOGAN: I would say we are responding to genuine community concern and the type of offending we are seeing. I gave an example of the six fatalities in six months that we have seen in Victoria, so I think it is important that the government responds to community safety concerns and provides police with the tools they need to address it. I think the hit rate is one statistic, but again, the point I will make, and I have said it before, is that they are an effective deterrent also. When someone is designated and people know there are searches, clearly it is both affecting people's behaviour and stopping people from carrying weapons, police would say. But also even a small number of these types of weapons could have quite a drastic effect and could be quite serious even if there was one such fatality that could have been prevented as a result of these searches.

Katherine COPSEY: I think we can all agree that we need to have an effective and evidence-based response to these incidents. My question was more about why you think that this power is the right tool, given we have had such low find rates and no increase over the period of time. If it was so effective, as you have described, why hasn't it made a dent so far, and why is pursuing more of this same failed tactic going to make the community any safer?

Enver ERDOGAN: Ms Copsey, we would say there is a dual intention. Obviously detection is one of them, but also deterrence. I think that is what we are seeing. I think having these additional powers will mean a greater deterrence to those who would consider carrying these weapons.

Anasina GRAY-BARBERIO: Minister, will Victoria Police be required to publicly report each financial year on the number of declared designated areas, including their location and duration?

Enver ERDOGAN: I think one of the benefits of this legislation is that we will provide the time and duration. They will be gazetted for each designation.

Anasina GRAY-BARBERIO: Will Victoria Police be required to publicly report each financial year on the number of designated-area searches, find rates and the perceived ethnicity of members of the public who are searched?

Enver ERDOGAN: The ethnicity one is a question I get a lot in my portfolios. But I guess in terms of Victoria Police, they have raised concerns about raising demographic data of this nature as there are significant liability issues as people providing false information thereby skews the data. Police do not collect data in relation to ethnicity. That would not be possible. The other two angles, would you like to repeat those, Ms Gray-Barberio?

Anasina GRAY-BARBERIO: I will repeat the question. Will Victoria Police be required to publicly report each financial year on the number of designated-area searches, find rates and perceived ethnicity?

Enver ERDOGAN: I can confirm that, in relation to your question about ethnicity, the answer was no. But on the other two, they already report those.

Anasina GRAY-BARBERIO: If you do not collect ethnicity, how do you determine the size or the issue of racial profiling?

Enver ERDOGAN: I think Victoria Police would say that they have a zero-tolerance approach to racial profiling, that staff are trained in relation to these issues and that training is provided in partnership with the Victorian Equal Opportunity and Human Rights Commission about topics such as discrimination, addressing bias, stereotyping and improving accountability, so Victoria Police will strongly argue against the suggestion of racial profiling in undertaking this work.

Anasina GRAY-BARBERIO: Will the government and Victoria Police commit to collecting and publishing this data to ensure Parliament can understand how these significantly expanded police powers are used and whether they are effective or not?

Enver ERDOGAN: Ms Gray-Barberio, it is not the intention of these searches to collect data around ethnicity, and in many instances names are also not collected. The goal is to be as quick and efficient as possible.

Anasina GRAY-BARBERIO: Between 31 December 2021 and 13 November 2022 there were seven designated search areas in Dandenong, four in the Melbourne CBD and Narre Warren and three in Cranbourne and Pakenham. Is the government concerned the designated areas appear to be declared by Victoria Police in multicultural areas and areas with high numbers of public protests?

Enver ERDOGAN: It is the government's expectation that police act in accordance with the statutory criteria, and that is not based on any discrimination. The designated areas are accordingly strictly within the criteria that is in the legislation.

Anasina GRAY-BARBERIO: Minister, Victoria Police are already required to complete a field contact sheet in their general duties. This form requires the officer to make their own assessment of someone's racial appearance. The Greens' amendment requires that police complete the same form in designated areas, as they do in all other field contacts. Why does your government believe that a lower standard of reporting is acceptable in a situation where the police have significantly more powers?

Enver ERDOGAN: I think it is the goal for the wanding of people for weapons to be as quick and efficient as possible. Obviously collection of that data would take more resources and more time for police. It is a bit of an efficiency for police in terms of the quicker responses.

Katherine COPSEY: Minister, as we have discussed, the amendments you have tabled today materially change this bill's assessment under the Victorian charter of human rights. I am pleased to hear we will be receiving an updated statement of compatibility. Could the bill be referred to the Scrutiny of Acts and Regulations Committee, or can you tell me how SARC is to do its assessment for consideration of charter compatibility of the amendments you have tabled today?

Enver ERDOGAN: SARC has already reviewed the bill, so it might be a question for SARC. But SARC has already found that the bill is partially incompatible with the charter, and in terms of the supplementary statement, that would be consistent with that finding.

Katherine COPSEY: If the government is unwilling to refer the amendments tabled today to SARC, would the government consider referring the bill for independent human rights advice on compatibility or incompatibility with the Victorian charter of human rights?

Enver ERDOGAN: No.

Katherine COPSEY: How has the government considered potential infringements on rights to freedom of expression, peaceful assembly and freedom of association under our charter of rights and the likely impacts of police searches within designated areas during protests?

Enver ERDOGAN: These are important community safety considerations and laws for police. The goal is not to target protests. Police have identified the risk in line with the legislation for them to conduct these searches. The goal of this legislation is not to target protests, it is to target the risk of people carrying weapons.

Katherine COPSEY: I appreciate the clarity of that around the government's intent in legislating these changes – that it is not intended to be used in order to target protests – and I hope that the police will refer to this committee debate when they are exercising these new powers so that they understand the government's intent in granting them these powers. Even though you say it is not the intent, we have seen a demonstrated impact in the past, and you have spoken about it in committee questions. So, despite it not being the intent, the impact is there. How have you assessed how you are going to minimise the impact on people's freedom of expression, freedom of assembly and rights to peaceful protest under the Victorian charter of human rights?

Enver ERDOGAN: I think they are all very important considerations for the commissioner to make, because they need to assess this in line with the charter rights of the public as well. I think it is a really tough one. When I see questions such as this, not just in this area, about the balance between community safety objectives and the risk to public safety – the Land Forces protests were a good example where clearly the side of community safety was more vital, and these powers were needed in that instance. I think that is a question that the commissioner will have to ask themselves when they apply these designated areas.

David LIMBRICK: This bill makes it clear that the designated area declarations are not legislative instruments and therefore my understanding is they are not disallowable by Parliament. Can I just confirm that that is actually the case?

Enver ERDOGAN: You are right, Mr Limbrick. They are not legislative instruments, and this legislation makes that clear.

David LIMBRICK: I thank the minister for confirming that. If Parliament cannot disallow them, what other avenues for review could there be? For example, could VCAT do it, or would it be left to the courts to do something like that judicial review?

Enver ERDOGAN: That would be an administrative review and subject to the Supreme Court.

Katherine COPSEY: Minister, how will the government and Victoria Police demonstrate that these powers will not be disproportionately used against First Nations people and racial minorities, who are overpoliced and over-represented in Victoria's criminal legal system, particularly as Victoria Police is not currently required under law to collect or report on data from designated area searches?

Enver ERDOGAN: I think it is our expectation – and not just our government's expectation, it is Victoria Police's expectation – that there is a zero-tolerance approach to racial profiling as reflected in human rights training to members to ensure the ongoing reinforcement of obligations under the Charter of Human Rights and Responsibilities. It is clear that in doing this work police should only be applying the laws and the legislation and acting reasonably according to those laws. We do know with legislation that there can be disproportionate effects on certain groups in the community, but I think the police are clear that they have zero tolerance for racial profiling.

Katherine COPSEY: That is all very well, and I am pleased to hear that, but when we see that the data that is available to us on how these powers are currently being used is demonstrating that there is a disproportionate impact of these searches on members of these communities, how are you satisfying yourself that that pattern is not going to be repeated with these extended powers and no further protections for those communities?

Enver ERDOGAN: I think we would say that the data you are pointing to is more anecdotal, because Victoria Police do not capture data based on race or ethnicity, and their searches are purely random.

Katherine COPSEY: I have to respond to that. It is not anecdotal. This is data that was FOI-ed and obtained from Victoria Police. It had to be drawn out from them under FOI by a very committed stakeholder in order to demonstrate this issue. It is staggering to me that the government is not more curious about solving this problem. I will leave my comment there.

What safeguards will the government put in place to ensure that expanded stop and search powers do not result in increased racial profiling and visa-related consequences for people on temporary visas in our community, particularly those who are on bridging visas or other precarious visa arrangements? Will the government commit to ensuring that police stops under these new designated area powers do not lead to referrals to immigration authorities or jeopardise people's visa status?

Enver ERDOGAN: The purpose of this is to detect dangerous weapons in the community and take them out. I think we are kind of overlapping state and federal responsibilities. Immigration is clearly a federal responsibility. In Victoria the police are focused on keeping the community safe here.

Katherine COPSEY: Given we had the admission earlier that there are occasions when police happen to be out using these powers and then sniffer dogs just happen to be there alongside – you were talking about these powers being used in reasonable circumstances and all of the guardrails around them – that is a pretty neat coincidence from police in an operational sense. I would like more of an assurance, if you are able, that there will not be any kind of coordination planned or any referrals relating to people's visa status.

Enver ERDOGAN: Ms Copsey, similar to my response to the previous one, I think there is an overlapping. One is a federal responsibility about people's compliance with their visa; the other is the role of these searchers, which is supposed to have minimum contact, and that is why the wand. In most instances they will not even have the person's name let alone a visa status, but the goal is to prevent dangerous weapons being carried.

Katherine COPSEY: When police powers in designated areas were initially introduced in 2009 – a search without requiring a warrant or a reasonable suspicion of criminal activity – it was the first piece of legislation that former Premier John Brumby had to acknowledge was partially incompatible with the charter of human rights. How can the government justify extending these powers further in breach of human rights, particularly when Victoria Police's own data show that only 1 per cent of designated area searches yield any finds?

Enver ERDOGAN: As I answered earlier, this is an important operational tool for Victoria Police that is needed to respond to ongoing community concern over the type of offending that is taking place in the community. I gave an example of the six fatalities in the last six months which involved a machete. I think this is important in light of the circumstances at the moment.

Katherine COPSEY: Has the government considered the potential impact of being searched in public by police for victim-survivors of sexual assault, for whom being searched could be triggering or make them feel less safe in public and community spaces? And how will police avoid having that impact on people when they have got such broad powers to stop anyone in these designated areas?

Enver ERDOGAN: I can understand the concerns of those affected, but the nature of these searches is random, so everyone in the designated space or area would be subject to the same search.

Katherine COPSEY: Minister, has the government considered how these changes could have potential adverse mental health impacts on people who have trauma associated with police contact, such as experience of police abuse or force or a mistreatment, particularly for First Nations people and people from overpoliced communities, who are also more likely to experience intergenerational trauma?

Enver ERDOGAN: Ms Copsey, similar to my previous response, the goal of these searches is to improve community safety and make sure these dangerous weapons are off the streets and people are not carrying them. I think they are random by their very nature, so everyone in the designated area would be subject to these searches, but I can understand that some communities have historical and intergenerational issues with police in terms of the trust levels. I think that as a broader justice system we always have more work to do in raising the level of people's confidence and trust in law

enforcement and across the justice system, whether it be the courts or whether that be my very own corrections system.

Katherine COPSEY: Minister, will the government commit to an external review of these laws and their implementation by Victoria Police by the equal opportunity and human rights commissioner or independent human rights experts to assess the impact on people's human rights?

Enver ERDOGAN: No.

Anasina GRAY-BARBERIO: Minister, in New South Wales a legal challenge was launched against controversial new laws which were similarly rushed through the New South Wales Parliament. Is your government prepared for a similar backlash given the level of opposition from legal experts to these amendments?

Enver ERDOGAN: I think whenever we have laws that affect the criminal justice system, we will find that there will be advocates on all sides of the argument that will push their point on these issues. To a certain degree it is expected that there will be people that will try to test the limits of the legislation, but I think as a government we are committed to putting community safety first.

Anasina GRAY-BARBERIO: Minister, were any multicultural advisory groups consulted before determining designated search areas, and if so, which ones and what was their advice? If not, why not?

Enver ERDOGAN: In short, Ms Gray-Barberio, the answer is no. The scheme has been in place since 2009.

Anasina GRAY-BARBERIO: Given the over-representation of people from multicultural communities, was it not pertinent that they be given a voice for consultation on designated areas?

Enver ERDOGAN: As it is a scheme that has been operational for 15 years, we think that the implementation of this scheme is already in place. This is not something new. As such, I think it is appropriate that we implement it in the most efficient and quickest time possible.

Anasina GRAY-BARBERIO: Given Victoria Police's data shows trends of racial profiling and how search powers are used in the community, what accountability mechanisms will the government put in place if and when police use the powers inappropriately and disproportionately against particular groups?

Enver ERDOGAN: Victoria Police does not capture that data in terms of race or ethnicity. But I guess if people are not happy with the way the designated places are being applied, they would have the avenues of complaint that already exist – that is, you could complain to police, but you could also complain to IBAC.

Anasina GRAY-BARBERIO: Currently Victoria Police decisions to declare designated areas are not published and cannot be internally or externally reviewed. What processes will there be to review the Chief Commissioner of Police's decisions?

Enver ERDOGAN: The decision to proceed with a designated area is the decision of the commissioner. Those decisions are published – the reasons are not, but obviously the reasons are subject to intelligence and other potentially private information that is not disclosed. But in terms of the designations, they are going to be publicly available.

Anasina GRAY-BARBERIO: Minister, currently designated area notices are almost impossible to find and URLs are always changing. How will the Victorian government promote transparency and accessibility of this information?

Enver ERDOGAN: I believe the public gazettal, but also I think a location on the Victoria Police website would be of great assistance and will be provided.

Anasina GRAY-BARBERIO: Minister, I would like to clarify your answers about racial data. You have said a number of times that racial data is not collected, but that is not true, as for field contact reports Victoria Police already collects data on perceived ethnicity, not self-identified race – in other words, what the police officer thinks, not what the community member declares if asked – for other types of searches; for example, the reasonable suspicion searches. Just to clarify, Victoria Police does collect racial data regularly, and is it just refusing to do so in designated areas for the sake of expediency and efficiency?

Enver ERDOGAN: I should clarify. When I say police do not collect this data, just in case I have misspoken, it is in relation to these designated areas. They do not collect their data in relation to these designated areas, but of course throughout the criminal justice system at different points of time the government does collect data about race. I know in corrections we do that. It is self-identification when people enter the system. But in relation to designated areas, that data is not collected because it is meant to be minimal contact required to search for these weapons.

Katherine COPSEY: Minister, can you clarify something for me about some of the exemptions that have been discussed as part of public debate. My understanding is that in a press release the Premier said that there will be exemptions to allow a machete for the purpose of hunting. This is not contained in the bill. When will these exemptions be imposed, and can you give us an update on the government's thinking in relation to machete exemptions for hunting?

Enver ERDOGAN: That is very specific, and I think I gave an example today about potential for recreational uses, including participation in any lawful sport, hunting, recreation or entertainment. Ms Copey, just to clarify, you wanted a bit of a timeframe or which way we are headed in terms of which sport?

Katherine COPSEY: Yes. When will exemptions be determined?

Enver ERDOGAN: The intention of government is to have all the exemptions in place before 1 September. There is no hard and fast rule about which date which decision will be made. I can also clarify – I gave hunting or lawful sport as an example, but there has been no decision about whether there will be an exemption for those purposes. I think that is all under consideration. It is a decision of Governor in Council, what is covered, so I would say from this point on if the legislation passes that is when you could give your feedback about what you believe is an appropriate exemption or not.

Katherine COPSEY: Thank you for that clarity around the timeframe. I guess I am keen also to understand the kind of circumstances that will need to be demonstrated in order to gain access to a category of exemption. Is there going to be some level of necessity given the government's fervent desire to eliminate machetes? And with that example, in what circumstance would a hunter need a machete to hunt instead of using the wide array of weapons already available to them, such as guns and bows and arrows?

Enver ERDOGAN: I think on the question about what tools a hunter would need, I am probably not the right person to ask in relation to that, but I will seek some clarification about the point you raised. Let me just go to the box quickly.

I am advised that the type of consultation envisaged is that a class of people would write to the Department of Justice and Community Safety stating why they need it. Hunters, I know, are interested in this issue – why a hunter, as an example, needs it. I guess a class of people could write to the department of justice saying why they need an exemption and explain why it is necessary. You are right that the goal is to minimise these in the community, so there would need to be good reasons for it. After those bodies or classes of people advocate for a change, I guess the police, the minister and the department would need to make a policy assessment of whether it is reasonable to set down the policy for the exemption. It really needs to all be worked through between now and September.

Katherine COPSEY: I think this is my last question. Ms Gray-Barberio may have a couple more. Minister, if someone is coming to buy a machete in circumstances where they believe they have an exemption, how is a distributor to know whether someone intends to buy a machete for a lawful purpose that fits an exemption and not some other purpose? How are sellers going to determine this in practice?

Enver ERDOGAN: A very good question. It sounds like there will be a process for the seller to verify from the buyer that the buyer has an exemption. I am imagining – I hope I am not wrong – something similar to what we had during COVID when people had a certificate or some sort of formal documentation to prove that there were lawful grounds for an exemption. But obviously there is an onus on the seller to make sure that they verify that that person fits within that category.

Katherine COPSEY: I guess I am wondering, in order for that kind of – I will not say permit – documentation system to be effective, will it be ID linked? Will that documentation be issued to an individual?

Enver ERDOGAN: There will be a requirement on the seller to document the ID of the buyer.

Anasina GRAY-BARBERIO: Minister, we asked the minister's office about exemptions for cultural and ceremonial purposes. The response was that exemptions will be determined through a consultation process over the next few months. Can you confirm that? Which communities will you consult with, and how will you determine that process?

Enver ERDOGAN: I think it is definitely envisaged to provide exemptions for cultural and religious users. Off the top of my head I can think of the Sikh community being an example, but I am sure there are many other communities that these provisions may apply to, but I will seek some guidance.

I think, similar to other classes of people, groups will be able to make representations to the Department of Justice and Community Safety on why it is culturally significant for them to have that machete or similar tool.

Anasina GRAY-BARBERIO: My final question is: in the last five years the government has increased the scope of police powers on at least 95 occasions. During that time there has been a royal commission into police informants, a parliamentary inquiry into the justice system and Yoorrook Justice Commission findings and recommendations that have called for the need for independent monitoring and oversight of police powers. Minister, when is your government going to act on the recommendations of the Yoorrook and royal commissions, and will the government delay the introduction of these laws until there is sufficient independent oversight of Victoria Police in the form of a police ombudsman?

Enver ERDOGAN: The government has no plans to implement an independent ombudsman at this stage. I do hear you in terms of providing police with greater tools in relation to community safety, and we will continue to do that work.

Anasina GRAY-BARBERIO: Just a follow-up on that, Minister. When is the government going to act on the recommendations of Yoorrook and the royal commission?

Enver ERDOGAN: The government has responded to the Yoorrook Justice Commission, and especially with First Nations, Victoria Police is already undertaking a lot of that work in terms of making improvements to cultural competencies. In terms of a further update in relation to a police perspective, I do not have any today.

Evan MULHOLLAND: Minister, I just wanted to pick you up on your discussion around paperwork. I do not recall it ever being part of the plan. Does this mean that farmers would require paperwork to get an exemption?

Enver ERDOGAN: I think it is envisaged for this process that when people have exemptions, they will need to prove that they fit into the class of people to be able to have these machetes.

Evan MULHOLLAND: We do not recall that ever being mentioned in any of the briefings, but we find out new information every day it seems regarding the government's bill. Just to clarify, then, every farmer, everyone exempted from this legislation will now require papers?

Enver ERDOGAN: Mr Mulholland, it is my understanding that every individual that wants an exemption will need to prove that they fit within a class that is exempt.

Evan MULHOLLAND: So in order to do that, every single farmer, everyone who has an exemption for all the categories we have discussed will need some sort of paperwork. Can you confirm that, and have discussions taken place about whether that might be a digital permit, something on the Service Victoria app, or will it be a paper permit?

Enver ERDOGAN: I can confirm individuals would need to apply, and it already exists for other prohibited weapons. Currently it is in paper form. I think I can foresee a future where it will be in a digital form as well, but currently it is in paper form.

Evan MULHOLLAND: Do you have any modelling or numbers or research as to how many people may be exempt?

Enver ERDOGAN: In short, we do not want to speculate. We do not have the numbers of how many people, and it is difficult to predict how many people would apply for an exemption.

Evan MULHOLLAND: I think the number would be quite large. Do you have any idea how much it will cost to have a paper permit system for everyone who is exempt?

Enver ERDOGAN: We are leading the way in the nation with the first ever prohibition on machetes, so I think it is important to understand that in terms of the scope of who may apply, I do not want to speculate. It might be a large or it might be a small number of people. We see that there are many substitutes – more electronic, easier to use products out there now that do the same role, if not better, than what a machete would do. I am someone that is an avid gardener, and I do not have a machete. I use more electronic tools, some of them even battery powered. I do not want to speculate on how many people. I am not necessarily convinced that it will be large – and how would you define large – but I think there would be quite a significant group that would fit into the broad exemptions that we are talking about, into these categories. But I do not want to speculate as to how large that would be.

Evan MULHOLLAND: I am also an avid gardener. Minister, I am sure we could continue that pleasant discussion while checking out each others' tomatoes, but that is not what I asked. Surely there is a cost to implement such a program. Given that it already exists, how much will that expansion of the program cost in terms of applying broad individual permits to each person who is exempt? Also, will there be broad permits? Say we are speaking to Bunnings, we are speaking to Mitre 10, we are speaking to others, we are consulting with groups – do you envisage, or does the government have plans for, a broad exemption, or will each individual require that permit exemption?

Enver ERDOGAN: I am advised that now that these machetes are prohibited it will be a relatively higher threshold to get these weapons for use. Although there might be broad rules around a class, people will still need to prove that they are necessary. That is some of the policy work that still needs to be done in terms of defining where the threshold is to be able to apply for an exemption. Obviously the broader goal is to limit the use of these in the broader community.

Evan MULHOLLAND: Will the onus be on the retailer or the individual to apply for the exemption? How will that be policed?

Enver ERDOGAN: Of course there will be an onus on both parties, but in particular the retailer or seller will need to get identification of who they have sold the product to – keep records.

Evan MULHOLLAND: What about a broccoli farmer? What is the threshold for them?

Enver ERDOGAN: I think there will be a class for that kind of farming cohort, but where the threshold is, I think that is still going to be worked through with the department and by consulting with industry groups. I am sure they will make representations on what they believe is necessary.

Bev McARTHUR: Minister, have you consulted with the Victorian Farmers Federation (VFF)?

Enver ERDOGAN: Not yet, Mrs McArthur.

Bev McARTHUR: Why not, Minister?

Enver ERDOGAN: We were hoping to pass the legislation first, and then it would give us that time between now and the implementation on 1 September.

Bev McARTHUR: What about the National Farmers' Federation (NFF)? Have you consulted with them? Do you know who they are?

Enver ERDOGAN: The answer is no.

Bev McARTHUR: Why wouldn't you consult with the major stakeholders who might need exemptions before you go down this path?

Enver ERDOGAN: I think the purpose of the consultation is to work out where the exemption will be and where the bar will be in relation to those exemptions. But again, I will go back to the starting, higher, overarching goal. Our goal is to limit the use – because they are prohibited weapons now – of these tools, but in terms of the threshold, there will be industry consultations. Industry will give feedback to the department of justice, to police and to the minister's office. Then there will be a policy formulation of where the threshold is for this exemption, but that work will be done.

Bev McARTHUR: So do we take you on trust here that you are going to do this consultation? There is a horticultural group within the VFF – you would have thought that was the first stop to go to. Have you gone to the horticultural group, who need machetes to cut their cauliflower and broccoli? How have you gone with them?

Enver ERDOGAN: I guess I can give a commitment on behalf of the government that we will engage the VFF and the farming and horticulture sector in relation to these reforms and especially the class of exemption. That is a commitment I can make, and I know the police minister would be keen to undertake that work. Thank you, Mrs McArthur, for your advocacy for farmers in this state. I know you are a Liberal, not a National, but I think it is important that farmers have strong advocates in this place. I understand their unique challenges, but I know the government and Minister Carbin are keen for that consultation to start taking place if we pass the legislation today. I hope, Mrs McArthur, you and your colleagues do support our amendments to pass and bring this into place.

Evan MULHOLLAND: Minister, the briefing on the bill with the minister and the department suggested there would be a blanket exemption for categories like farmers, but from the conversation that we have been having recently, it seems like that has now changed. Who is correct?

Enver ERDOGAN: I think the broad goal is to limit the amount of people that have access to these machetes, except for what is necessary within the class. So yes, on the class definition and where the threshold is within each class, I think that is still to be worked on. But I guess I am coming from a framework of 'these are prohibited items, so we do not want everyone having them.' There will be broad classes, such as the example Mrs McArthur referred to – you know, cauliflower farmers. But whether that is necessary or needed, all these tests will be worked through between the department of justice, Victoria Police and the minister's office.

Bev McARTHUR: I know you have sacked some Parks Victoria workers, but we actually need them out there with the machetes getting rid of the noxious weeds and blackberries and bracken and what have you in parks. What is going to be the threshold for the Parks Victoria workers that are left, who need to maintain the forests and get rid of the noxious weeds that are permeating our state forests?

Enver ERDOGAN: Mrs McArthur, I think in my answer to your previous question I answered this. There will be engagement with the sectors, including the horticulture sector. I am sure people from the landscaping sector will all give their feedback on what is necessary. I think this work is very important, but where the threshold is set will be worked through in due course. And you asked the question – I said yes, you should trust government to do the right thing and undertake this consultation.

Bev McARTHUR: Minister, that could be a bridge too far, and I am not going to commit our side to ensuring that we are going to trust the government in this. But the Parks Victoria workers are not gardeners. They do not go out there with whipper snippers. I know you mentioned you like your battery-operated tool, but that is just not possible out in a forest. They need these sorts of weapons, shall we say, to deal with the absolute overgrowth that is occurring in all these forests. So I do not think you need to consult with the gardening sector to sort out what Parks Victoria are going to be allowed to use out in our forests, where we need them to actually have a crack at beating this undergrowth.

Is the other department the Department of Energy, Environment and Climate Action (DEECA)? I get muddled up with all the reincarnations and which department is which – the department for burnt trees is really what they are. How have you gone discussing with them what they are going to need to use?

Enver ERDOGAN: This legislation is a justice bill, and obviously the Department of Justice and Community Safety is the lead department with this work, but it is my expectation that that department – my department, as one of the justice ministers – undertakes that work in consultation with appropriate bodies, one of them being DEECA, and other parts of government that will be affected, no doubt. Across government there will be more than just one department that will be affected by these laws, and I look forward to them doing that work in a timely fashion so we can have this up and running by 1 September.

Bev McARTHUR: You mentioned a timely fashion. What do you see as a timely fashion for the other departments you will be dealing with to sort this out regarding their use of these machines? How will that be? What is a timely fashion in your notion?

Enver ERDOGAN: It is not my intention to provide micromanagement of their plans for consultation, but I have said by 1 September this needs to be ready to go. The Premier has been very clear in her expectations. All that work needs to be done well before 1 September.

Bev McARTHUR: 1 September.

Enver ERDOGAN: By 1 September we are going to be ready to go.

Bev McARTHUR: What happens if you cannot reach a fair agreement with the horticultural group of the VFF, maybe the broader group of the NFF, even your friends in DEECA or whatever? Is this all going to be delayed? If they do not agree to your protocol of having a permit, what is going to happen then?

Enver ERDOGAN: Mrs McArthur, we are elected to govern, and as a government we will obviously consult, but ultimately decisions will be between the police, the department and the minister. We will set the policy boundaries, together with the Governor in Council, so it will be to a certain extent a decision of government where these policy parameters are. So all advocates, if they are watching or you are in contact with them, please, I would encourage them to engage with the department as soon as this legislation is, hopefully, passed.

Evan MULHOLLAND: Minister, just to be clear, at the bill briefing we heard about blanket exemptions for people like farmers. Just to get a definitive statement on the record: every farmer will need an individual permit and paperwork – every farmer in Victoria?

Enver ERDOGAN: Mr Mulholland, I am just clarifying the kind of thinking behind this from the department, but what they are saying is that for people that are Governor in Council, where there is a

class – let us say, for example, they say everyone that is a member of the VFF qualifies. In that situation not every member of the VFF would have to apply, but if they were going to purchase, the seller would need to verify that that person fit within that class.

Evan MULHOLLAND: And then they would receive the permit?

Enver ERDOGAN: No, then they would be eligible to purchase the prohibited machete.

Bev McARTHUR: Minister, you have said every member of the VFF –

Enver ERDOGAN: I am giving an example.

Bev McARTHUR: But how many farmers do you think are members of the VFF?

Enver ERDOGAN: I was just giving an example of a class. It might not be. It might be a whole group of cauliflower farmers, but they will need to prove that they are part of that class when they are going to buy, because the obligation will be on the seller to collect their information. But there will be case-by-case applications as well that will be made by the commissioner in terms of a determination if someone is exempt.

Bev McARTHUR: Minister, this is really fascinating, because are you saying to me that the salesman in Bunnings is going to have to be assured that the person purchasing this item is a member of a class or that they are a cauliflower farmer, or, heaven forbid, that they have to be a member of the VFF, because barely any farmers are members of the VFF, just for your information, these days.

Enver ERDOGAN: Well, yes. I think there will be that onus on the seller to verify members of a class, but I did also say that the seller would need to have some record keeping so that they have identified who they have sold to. It is a prohibited item, a weapon. I think it is quite fair that the seller does keep a record of who they have sold this product to.

Bev McARTHUR: Minister, it seems incredibly onerous that you are expecting a salesman in Bunnings or wherever – down at the local stock and station shop – to demand some sort of verification that this person is a cauliflower farmer or whatever. That is what you are saying: that that salesman in that premises is going to have to do your job, be the policeman of your policy, to ensure that that person is legitimate. That is who you are putting the onus on, that retail salesman.

Enver ERDOGAN: They are a prohibited item, and if you plan on selling these items, there will be a responsibility with that role.

Business interrupted pursuant to standing orders.

Enver ERDOGAN: Pursuant to standing order 4.08(1)(b), I declare that the sitting be extended by up to 1 hour.

Bev McARTHUR: I just want you to explain it to me: I am going into Bunnings, and I am suggesting to you, salesman Enver on the other side of the desk, that I am a cauliflower farmer. How are you going to prove that I am not?

Enver ERDOGAN: I think through the consultation process the level of identification requirements will be worked on, but I think it is a fair request and responsibility of someone selling these prohibited items to collect data that is verifiable. Also, the person purchasing them would be committing a very serious offence if they were to purchase an item under a false declaration and then carry one of these weapons if they did not fit into the class of people, understanding that if people do the wrong thing, there will be much stronger consequences now with this legislation.

Bev McARTHUR: Minister, what happens when salesman Enver thinks that purchaser Beverley is not actually a real cauliflower farmer? What do they do? What is the process? Do they call the police? What authority pops in to help them out?

Enver ERDOGAN: I think a fair expectation is they would refuse to sell. What happens now is if someone goes to buy liquor and the person at the liquor store does not believe someone is 18, they will ask for ID. If someone cannot verify their ID, they will not sell them liquor, so it is very similar. This is, if you like, the higher threshold. It is a prohibited item.

Bev McARTHUR: It is a bit like the sale of cigarettes, Minister, at the moment. Minister, we have a situation with guns where we have to have them properly stored, and they can be randomly checked. Are you suggesting that these prohibited items that get sold for specific purposes or used for cultural purposes have to be stored in a certain way?

Enver ERDOGAN: Mrs McArthur, we are getting into the hypothetical realm, but it is a good question. I think how these items will be stored going forward, once they are prohibited, will be something that will be worked on through the consultation. We will look to industry feedback as to what is possible and what is the safest option. We will get feedback from the retailers that do this job, who actually are stocking these items, on what they think and what is most appropriate in the circumstances.

Evan MULHOLLAND: Just following on from the discussion I was having earlier regarding individual permits, say a farmer has an existing machete: will they need an individual permit to keep that machete?

Enver ERDOGAN: It depends on where the exemptions land with each class of people, but if that farmer fits within a class – when we are saying ‘farmer’ it is probably too broad; I am guessing there would be potential classes within that grouping depending on what type of farming they were doing. If they fit within the criteria in terms of that class of people, then I would envisage that they would have a legitimate purpose for having an exemption, being a member of that class. If they did not fit within a specific larger class, then they would need to apply for an individual exemption.

Evan MULHOLLAND: Would the permit and papers be per machete or per farm?

Enver ERDOGAN: I believe it is envisaged that the exemption would apply to the person, but I guess if you worked on a farm where that tool was needed, you would probably fit into the class of people that would also be exempt. We are dealing in the hypothetical, and that is why we have said we need the time to do that consultation to get the settings right. I know there will be a lot of stakeholders with different views on where the threshold should be, and this will have quite a dramatic impact, but I think the community safety needs at this time are paramount, and that is why I urge everyone, including the opposition, to get behind my amendment and support the bill.

Evan MULHOLLAND: As my colleagues in Northern Victoria, Western Victoria and even Eastern Victoria would know, there are many cross-border farms, and so I want to ask you what the process is for cross-border farms. There are some farms where only a small part is in Victoria, but they still will see the need to use machetes. Will those cross-border farms need to hold a permit in Victoria? What if the storage of the machetes is not in Victoria, but their use is?

Enver ERDOGAN: Thank you, Mr Mulholland, for raising some of those broader cross-border issues that may arise. I think to read the law of land in Victoria, if you have one of these machetes or prohibited items, you would need to be lawful within the laws of the state. Laws can change between different states – when you are driving, road rules change – so if you have a machete in Victoria you will need to make sure that you are part of the exempt group of people or apply for an individual exemption if not. I do not want to get into the hypotheticals of other possibilities. I am sure the consultation process will tease these issues out and we will have a practical outcome that works for everyone, as we do for a lot of these cross-border issues.

Evan MULHOLLAND: Just confirming you do not yet have a solution for the cross-border issues.

Enver ERDOGAN: If you are in Victoria, the Victorian laws will apply to you.

Bev McARTHUR: Minister, what happens when your old machete conks out and you have to get a new machete? Do you have to hand back your old machete? Is it somehow registered, or do you put it in the shed and hope nobody goes near it? How do you deal with replacing your worn-out machete?

Enver ERDOGAN: That is a tricky question, but there is actually a pretty straightforward answer. The exemption applies to the person, so it is foreseeable that one person could have more than one machete. If you wanted to return your machete, you would be able to make an appointment with police and return it, similar to the way that guns can be returned.

Bev McARTHUR: So, Minister, you can have multiple machetes – as many as you like. Is that how it works?

Enver ERDOGAN: If you have an exemption and they are needed, then of course.

Bev McARTHUR: Minister, the buyback scheme or the handback scheme –

Enver ERDOGAN: Handback scheme.

Bev McARTHUR: Handback scheme – you are not buying them back.

Enver ERDOGAN: We are not buying them back.

Bev McARTHUR: Right. Okay. What are you doing with them? How are you disposing of these weapons of mass destruction?

Enver ERDOGAN: I think we will be working with Victoria Police to first have a safe spot to deposit these, and then we will work through the other processes through this system. I will see if I am able to provide more guidance.

I can confirm we are going to destroy them safely.

Evan MULHOLLAND: I had planned on that being my last question, but just to follow up from Mrs McArthur: will the bins at police stations exist beyond the amnesty period?

Enver ERDOGAN: No.

Bev McARTHUR: Minister, what happens if you want to hand back your machete post the amnesty period? What do you do? You cannot walk into the police station with your machete and there is nowhere for it to go. What is that situation?

Enver ERDOGAN: The protocol with police will be you can still return them – that will still apply with those protections – but you would need to call the police station and make an appointment to return them. Obviously we are expecting to collect the bulk during the broader amnesty period from 1 September to 30 November, and then there will probably be some people who are for some reason or another not eligible for an exemption that will hold onto them, and they might have a change of heart or mind and realise that the penalties are not worth it. They might call their police station, do the right thing, make an appointment and hand them over.

Evan MULHOLLAND: Apologies again. I just want to clarify some points about the police and whether permits are crosschecked against Victoria Police records. I am just envisaging a situation where maybe a farmer or someone connected to a household where a permit exists has, in the time since getting the permit, following that, obtained a criminal record, whether it be an intervention order or whether it be a criminal incident that leads to police having suspicion of bad behaviour. Will there be recourse for a process where permits can be revoked for the use of machetes in those situations?

Enver ERDOGAN: I envisage there will be consultation on currently prohibited items if there is a perceived risk or threat or there will be processes in place to withdraw someone's right to have the said weapon. I envisage there will be something similarly in place where there will be consequences.

Gaelle BROAD: Minister, I am just keen to know: what does success look like for this program? How many machetes do you expect to be returned during the amnesty period?

Enver ERDOGAN: It is always a challenge to scope the size, because obviously there has been no tracking of machetes until this stage in time. This will be the first of its kind in the nation, so I do not want to put a quantum on how many machetes will be returned. But I think there are clearly community safety concerns, and I gave an example earlier today about six fatalities in six months – that is six too many. We obviously want to see none or as few as possible, and we would like to see that go down. I think the type of offending we are seeing with these weapons is very dangerous and the fatalities are too high.

Gaelle BROAD: I guess if you do not put a figure on it, it is hard to know if the program is successful or not. But if you do not have machetes returned voluntarily, is the government considering a buyback program or something similar?

Enver ERDOGAN: We have no plans for a buyback. I would say, broadly speaking, many of these tools are not necessarily expensive tools like, say, guns, which can be tens of thousands of dollars. Most of these items are relatively cheap items, and people just should do the right thing and return them.

Bev McARTHUR: Minister, how many of these weapons have you recouped from the criminals that have been using them of late? Have you got a figure on that?

Enver ERDOGAN: Last year we confiscated 15,000 weapons, but we do not necessarily have a breakdown of type of weapon. We do not have that data.

Bev McARTHUR: So, Minister, you have recouped 15,000 weapons. They could be guns or knives or anything, but you do not know how many machetes you have actually recouped off the criminals that have been attacking people?

Enver ERDOGAN: We do not have in our possession that data, no.

Evan MULHOLLAND: I have already asked my last question; this is more of a comment. I am pleased with the government's about-face on this issue. I know in the minister's electorate, which is my electorate as well, there has been a significant uptick in the use of machetes, as there has been across the whole state. I have certainly heard that. I had last year the former Shadow Minister for Police, now our leader, Brad Battin, at a forum in Mickleham where many people raised machete crime. Just a few weeks ago I had the Shadow Minister for Police and Corrections David Southwick at a Greenvale and Craigieburn community crime forum where more people raised the use of machetes and seeing kids with machetes at places like Anzac Park in Craigieburn.

Enver ERDOGAN: I will be there next Sunday.

Evan MULHOLLAND: Well, I will see you there. I think it is pretty confronting for a lot of people in our community. After attempting to move this change four times in the Parliament, it is good to see that the government has finally acted to get to where we are now. We have found out some new things in committee; this is what the committee process is for. I apologise if we have kept the chamber here a little longer than we would like, but committees are an important democratic process, particularly in quizzing legislation. It is often referred to in particular in court challenges and things like that. We know the committee is looked at to interpret pieces of legislation, which is why this process is important.

The DEPUTY PRESIDENT: I advise the committee that several members have proposed amendments to the same part of the bill, including new clauses that may result in a double up of numbering. In the event amendments are made that result in a double up of numbering in the bill, the Clerk will be empowered to consequentially renumber as required under standing order 14.33.

The first member I will call is Ms Copsey, to move her amendments 1 and 2 on her sheet KC37C, which is a test for all remaining amendments on that particular sheet.

Katherine COPSEY: I move:

1. Clause 1, page 2, line 10, omit “Commonwealth; and” and insert “Commonwealth.”.
2. Clause 1, page 2, lines 11 to 15, omit all words on expressions on these lines.

This amendment, on KC37C in my name, has the effect of removing part 3 of this bill. As I stated in my second-reading contribution, part 3 relates to the designated areas, which is the principal area of disagreement that the Greens have with this bill. We would otherwise be quite supportive of the terrorism elements and the voluntary case management scheme. It is simple in its effect. This amendment deletes clauses 55, 56 and 57 and other relevant clauses that relate to designated areas.

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

Evan MULHOLLAND: The Liberals and Nationals will not be supporting these amendments.

Council divided on amendments:

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

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendments negatived.

Enver ERDOGAN: I move:

1. Clause 1, page 2, after line 14 insert –
“(ia) amend certain definitions; and”.

The government has two house amendments today. One is an amendment, which will be circulated, to create longer term designated areas under the Control of Weapons Act, and one is an amendment to reclassify machetes as prohibited weapons under the act. These amendments were made after close consultation with Victoria Police. In 2024 alone police seized a record 14,797 knives, swords, daggers and machetes, the most at any time over the past decade. Victoria Police are seizing 40 blades every single day. We know that further strengthening the Control of Weapons Act with these amendments will help our officers to detect weapons and deter people from using them in the first place.

David LIMBRICK: I think I have outlined the Libertarian Party’s position quite clearly on this. The Libertarian Party will not be supporting this amendment.

Evan MULHOLLAND: The Liberals and Nationals will be supporting this amendment.

Katherine COPSEY: The Greens will be supporting this amendment based on the principle that we would like to see a greater reduction in availability of weapons in the community. Notwithstanding some of the challenges for implementation that have been discussed during the committee stage, we appreciate the comments by the minister and him also clarifying that there will be categories of exemption, particularly for religious, cultural and ceremonial purposes.

Council divided on amendment:

Ayes (36): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (1): David Limbrick

Amendment agreed to.

The DEPUTY PRESIDENT: I invite Mr Mulholland to move amendment 1 on EM28C, which is a test for the remaining amendments on that sheet.

Evan MULHOLLAND: I move:

1. Clause 1, page 2, after line 14 insert –
“(ia) further provide for prohibited weapons; and”.

The proposed amendments include bringing forward the start date of the machete ban by three months and bringing forward the banning of the sale of machetes immediately. The purpose of these amendments is to enhance community safety by introducing immediate restrictions on the sale of machetes and bringing forward the introductory date for the prohibited weapon classification by three months.

Jeff BOURMAN: I will not be supporting this. Whilst in principle I agree with it, should this get up, it will create criminals out of a lot of the legitimate users, and a lot of them are in my community. The Shooters, Fishers and Farmers, sadly, in this case will not be supporting it.

David LIMBRICK: For reasons that have been discussed at length during the committee stage, the Libertarian Party will also not be supporting this amendment.

Katherine COPSEY: The Greens will not be supporting this amendment, chiefly because we anticipate that there are going to be things that need to be worked out prior to implementation by the government.

David ETTERSHANK: After Mrs McArthur’s excoriating questioning of the minister with regard to the purchasing of a machete for the purposes of harvesting broccoli and cauliflower, we are persuaded that the government needs all the time it can get.

Enver ERDOGAN: I will keep it short because I have already talked about it in committee. The government will be opposing this amendment.

Council divided on amendment:

Ayes (14): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendment negatived.

The DEPUTY PRESIDENT: Mr Limbrick, I invite you to move your amendment 1 on your sheet DL71C, which tests the remaining amendments on that sheet as well.

David LIMBRICK: I move:

1. Clause 1, page 2, after line 14 insert –
“(ia) to provide for the possession, carriage and use of articles designed or adapted to discharge oleoresin capsicum spray; and”.

As has been outlined before, this amendment removes pepper spray from being a prohibited weapon and adds in a lawful excuse of self-defence for possession. The belief of the Libertarian Party is that it is wrong for Victorians to have no actual means of self-defence whatsoever against violent crime. We

think that this is a sensible change that will give some level of comfort to people who want to protect themselves against violent criminals.

Enver ERDOGAN: The government will be opposing this amendment. I think Mr Limbrick has talked about this issue in the past. I think allowing Victorians to carry weapons, including capsicum spray, would increase the number of weapons being carried, especially by private citizens that are not trained in the use of these. Only state and Commonwealth law enforcement officers are legally allowed to use OC spray, and some members in our corrections system, but without proper understanding of the aftercare required there are risks in the deployment of spray, especially in confined spaces.

Evan MULHOLLAND: The Liberals and Nationals will be opposing this amendment, for similar reasons to what the government has outlined. It is not to say that we are entirely convinced. I note that Mr Limbrick has previously sought a referral for an inquiry to the Legal and Social Issues Committee, which we were happy to support. It was unfortunately unsuccessful. We do think it is something that needs further review before committing to put it into law.

Jeff BOURMAN: I will be supporting this. I had a first go at this in 2019; here we are again. I have been trained in this. It is not that hard. I believe people should be able to support themselves with less than lethal means, and the fact that we are talking about machetes at the same time is actually a pretty good reason why.

Katherine COPSEY: The Greens will not be supporting this amendment. The proliferation of weapons in our community does not make us safer.

Council divided on amendment:

Ayes (3): Jeff Bourman, David Limbrick, Rikkie-Lee Tyrrell

Noes (34): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 1 on sheet KC38C, which is a test for the remaining amendment on that sheet.

Katherine COPSEY: I move:

1. Clause 1, page 2, after line 14 insert –
“(ia) require a review of the operation of provisions relating to the declaration of designated areas following their amendment by this Act; and”.

The purpose of this – quite simply – is to institute a review of the operation of the amendments made that relate to part 3 of this bill. This review would operate to test the implementation of the designated areas portions of this bill. The review would commence no later than two years after the commencement of part 3 of this bill, be completed within three months and be tabled before Parliament.

Enver ERDOGAN: The government will be opposing this amendment.

Evan MULHOLLAND: The Liberals and Nationals will be opposing this.

David LIMBRICK: The Libertarian Party will actually be supporting this. I think that it is appropriate that we review this in at least two years time.

Council divided on amendment:

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

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I now invite you to move your amendment 1 on your sheet KC42C, which tests the remaining amendment on that sheet as well.

Katherine COPSEY: I move:

1. Clause 1, page 2, after line 14 insert –
“(ia) further provide for reporting requirements; and”.

This set of amendments is the final set of amendments that the Greens have for this bill. We have spoken at length during the debate and the committee stage around the paucity of reporting that flows from police use of designated area search powers. This amendment is about better reporting on the searches that are conducted in designated areas. Given the evidence that all members of Parliament have had put before them by stakeholders around the disproportionate impact that these search areas are having on communities of colour and individuals of colour, it is beyond belief to me that we are requiring less reporting in designated areas, where police can exercise these significant powers, than the reporting that is currently required in the general field contacts form that police complete when they have interactions with members of the public. This amendment asks that the reporting on designated areas be lifted up to that standard. I think it is even more important given the late amendments that the government has brought, which further radically expand the search powers that are available to police under designated area powers.

Briefly, the Greens have modelled this on the kind of information that police, we understand, are required to collect in relation to other operational matters. We have attempted to base this on a formula that operational police will be familiar with and able to apply. In brief, we are seeking that police report on the number of searches carried out in designated areas in the financial year; provide, for each search that is carried out in a designated area, a description of any item that is detected and seized and whether the person on whom the search was carried out was arrested in connection with the detection and seizure of any item; and report on demographic data recorded in field reports completed in respect of searches carried out in designated areas during the financial year, including data relating to the ethnic appearance of persons on whom searches were carried out and specific data relating to persons of Middle Eastern ethnic appearance and persons of Mediterranean ethnic appearance – the explanation for that is that those two categories, I understand, are currently conflated on the police contact field report form, so that is why we are seeking that those be split out; and provide an explanation for any demographic data that, contrary to a requirement under Victorian law, was not recorded in a field report completed in respect of a search carried out in a designated area.

That final point is important, because we understand, and the minister has spoken about the fact, that police are actively trying to seek to avoid racial profiling and that there is a requirement under police operations to record some of this data in relation to specific interactions that police have with the public. One of the problems that we have had in assessing the efficacy of designated area searches and also the impact – the evidence that we have been able to obtain has been through stakeholders’ diligent efforts to understand the impact – that designated areas are having on communities of colour,

overpoliced communities and First Nations people is that police are not collecting this data currently. This seems like a really easy thing to correct.

I would urge the government to support the amendment, because all that this is going to do is give more confidence in and credence to the arguments that they have been making that there is not a problem here, that there is no issue and that police are perfectly under control in terms of exercising their powers. This will give you the proof to dispel what we are currently seeing from a racial profiling project, which has discovered that data is showing in fact that there is a disproportionate impact from these powers on already overpoliced communities. I urge the chamber to support it.

Enver ERDOGAN: The government will be opposing these changes. I think the purpose of these searches is to be quick and efficient, and in many instances people's names will not even need to be recorded, so on that basis we will be opposing this amendment.

David LIMBRICK: I also share many of Ms Copsey's concerns about data collection and reporting on this; however, the Libertarian Party will not be supporting this amendment. I have concerns about – and I do not know the answer to this – whether this is operationally or technically feasible to implement, and therefore I do not feel like I am in a position to support it. But I do share the concern that there should be better reporting on this data on what is happening in these designated areas. I do share Ms Copsey's concern about designated areas and how they are used and disproportionate impacts on certain groups of people. I think that this is a very fair concern. I am just not convinced that this is operationally feasible.

Evan MULHOLLAND: I have got quite a few questions on this amendment. I am just joking. The Liberals and Nationals will be opposing this amendment.

Council divided on amendment:

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

Noes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Amended clause agreed to.

Business interrupted pursuant to standing orders.

Enver ERDOGAN: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 further hour.

Clause 2 (23:02)

Enver ERDOGAN: I move:

2. Clause 2, lines 17 and 18, omit all words and expressions on these lines and insert –
 - “(1) This Act (other than section 54A) comes into operation on the day after the day on which it receives the Royal Assent.
 - (2) Subject to subsection (3), section 54A comes into operation on a day or days to be proclaimed.
 - (3) If section 54A does not come into operation before 31 December 2025, it comes into operation on that day.”

Jeff BOURMAN: If I read the sheet correctly, this is the one for extending the period that the areas can be designated to six months. I am just making sure. If this is still about machetes, then I have nothing to add.

David LIMBRICK: I will be opposing this, but I have already made my point, so I will not be calling a division on this.

Amendment agreed to; amended clause agreed to; clauses 3 to 54 agreed to.

New clause (11:04)

Enver ERDOGAN: I move:

3. Insert the following New Clause before clause 55 –

‘54A Definitions

- (1) In section 3(1) of the **Control of Weapons Act 1990**, in the definition of *controlled weapon*, the example at the foot of paragraph (a) is **repealed**.
- (2) In section 3(1) of the **Control of Weapons Act 1990**, in the definition of *prohibited weapon*, after “imitation firearm” insert “, a machete”.

New clause agreed to.

Clause 55 (23:04)

Enver ERDOGAN: I move:

4. Clause 55, lines 10 to 33, omit all words and expressions on these lines and insert –
 - “(i) more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; and
 - (ii) there is a likelihood that the violence or disorder will recur; or
- (b) the Chief Commissioner is satisfied that –
 - (i) more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; and
 - (ii) it is necessary to designate the area for the purpose of enabling police officers or protective services officers to exercise search powers to prevent or deter the occurrence of any violence or disorder that the Chief Commissioner is satisfied is likely to occur; or
- (c) the Chief Commissioner is satisfied that –
 - (i) an event is to be held in that area and incidents of violence or disorder involving the use of weapons have occurred at previous occasions of that event (wherever occurring); and
 - (ii) there is a likelihood that the violence or disorder will recur; or
- (d) the Chief Commissioner is satisfied that –
 - (i) an event is to be held in that area; and
 - (ii) by information known to the Chief Commissioner, there is a likelihood that violence or disorder involving the use of weapons will occur in that area during the period of intended operation of the declaration.”.
5. Clause 55, page 33, lines 1 to 3, omit all words and expressions on these lines.
6. Clause 55, page 33, lines 6 and 7, omit all words and expressions on these lines and insert –
 - ‘(3) For section 10D(3)(b) of the **Control of Weapons Act 1990** substitute –
 - “(b) in the case of a declaration –
 - (i) under subsection (1)(a), must not exceed 24 hours; or
 - (ii) under subsection (1)(b), must not exceed 6 months.”.

Jeff BOURMAN: I think I will get it right this time. I find it very strange that the government wants a six-month ability to have the designated areas. A week, you could possibly get away with – even two weeks with me – but I think six months is just a bit too much, so I will not be supporting it.

David LIMBRICK: I agree with Mr Bourman here. I think that two weeks is too long, but six months is indeed too long, and I was not convinced at all in committee stage that there was any real justification for this, other than we were talking about children on holidays, this sort of thing. So the Libertarian Party will be opposing this.

Katherine COPSEY: The Greens will be opposing this. We are concerned about the expansion of police powers generally, in relation to the designated areas. But we are very disappointed to have seen the government introduce this very late house amendment expanding these powers, incredibly, to cover periods up to six months. We do not think that it is justified, and we are concerned about the implications of this amendment.

Council divided on amendments:

Ayes (28): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (9): Jeff Bourman, Katherine Copesey, David Ettershank, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Amendments agreed to.

The DEPUTY PRESIDENT: Minister Erdogan, I invite you to move your amendment 7 on your sheet EE04C, which is a test for your amendments 8 and 9 on the same sheet.

Enver ERDOGAN: I move:

7. Clause 55, page 34, lines 4 and 5, omit all words and expressions on these lines and insert –
- ‘(10) For section 10D(10) of the **Control of Weapons Act 1990** substitute –
- “(10) A declaration under this section is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.”’.

David LIMBRICK: Could I just ask one clarifying question of the minister, please? Can I confirm that this amendment makes it impossible for Parliament to disallow designated area declarations? Is that the effect of this amendment?

Enver ERDOGAN: Mr Limbrick, just confirming that as it is not a legislative instrument, it cannot be disallowed by the Parliament, as per my answer during the committee stage.

David LIMBRICK: The Libertarian Party will be opposing this amendment.

Amendment agreed to.

Council divided on amended clause:

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Amended clause agreed to.

Clause 56 (23:15)

The DEPUTY PRESIDENT: I invite the minister to move his amendments 8 and 9 on his sheet EE04C, which have already been tested.

Enver ERDOGAN: I move:

8. Clause 56, line 7, before “In” insert “(1)”.
9. Clause 56, after line 8 insert –
 - (2) After section 10E(7) of the **Control of Weapons Act 1990** insert –
 - (8) A declaration under this section is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.”.

Amendments agreed to.**Council divided on amended clause:**

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Amended clause agreed to.**Council divided on clause 57:**

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Clause agreed to.**Clause 58 (23:22)**

Enver ERDOGAN: I move:

10. Clause 58, lines 3 and 4, omit “the first anniversary of its commencement” and insert “31 December 2026”.

David LIMBRICK: The Libertarian Party will also be opposing this, but again I will not force a division; I have already made my point.

Amendment agreed to; amended clause agreed to.**Reported to house with amendments.**

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:23): I move:

That the report be now adopted.

Motion agreed to.**Report adopted.**

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:24): I move, by leave:

That a supplementary statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006 be tabled.

Motion agreed to.

Enver ERDOGAN: I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) requires members of parliament who propose to introduce a bill to table a statement of compatibility stating how the bill is compatible with human rights, or if the bill is incompatible, the nature and extent of any incompatibility.

A Statement of Compatibility was tabled in relation to Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024 (the Bill) on 27 November 2024.

As the house amendments that have now been passed did not form part of the Bill when it was originally introduced to Parliament, I propose to table the below statement demonstrating how the house amendments are partly compatible with human rights.

I welcome any questions from the Scrutiny of Acts and Regulations Committee and will provide any further information to the Committee as is required.

I base my opinion on the reasons outlined in this statement.

Overview of the house amendments

The Bill amends both Terrorism (Community Protection) Act 2003 and the Control of Weapons Act 1990 (the COWA). The house amendments relate only to the COWA.

The first house amendment relates to the designated area search scheme under the COWA, which empowers police officers and protective services officers to stop and search persons and vehicles in public places that fall within areas that have been temporarily designated on the basis of a likelihood of weapons-related violence or disorder occurring in the designated area. The designated area search powers do not require police to have first formed a reasonable suspicion that the person to be searched is carrying a weapon, nor do police require a warrant to search a person for a weapon in a designated area. Police are also permitted to direct a person to leave a designated area for public safety reasons, where police reasonably believe a person is wearing a face covering to conceal their identity or to protect themselves from the effects of crowd controlling substances, or intends to engage in violent conduct.

The amendments to the COWA included in the original Bill will make a number of discrete amendments to the existing designated area scheme:

- replacing newspaper publications of planned declarations with a requirement to publish declarations on the Victoria Police website
- extending the maximum operation of planned and unplanned designations from 12 to 24 hours
- reducing the period of time, from 10 days to 12 hours, between which subsequent planned designations can take effect in a given area
- allowing planned event declarations to operate for additional time before and after the event that the Chief Commissioner considers reasonable
- allowing declarations to be made for new and emerging events where, by information known to the Chief Commissioner, there is a likelihood that weapons-related violence or disorder may occur
- including a penalty for the offence of obstructing or hindering a protective services officer.

The first house amendment will enable Chief Commissioner of Police (the Chief Commissioner), if certain grounds are satisfied, to declare planned designated areas for longer periods of time – for up to 6 months – in addition to retaining the existing planned designated area provisions (that, leaving aside for events, can operate for up to 24 hours in accordance with the amendments in the original Bill) and the existing unplanned designated area provisions (which will also operate for up to 24 hours in accordance with this Bill).

The second house amendment relates to the classification of prohibited weapons under the COWA, with machetes reclassified from a controlled weapon to prohibited weapon.

Purpose of the house amendmentsPlanned Declarations of Designated Areas for up to 6 Months

The Chief Commissioner will be empowered to declare an area to be a planned designated area under section 10D of the COWA for no longer than 6 months if the Chief Commissioner is satisfied that:

- more than one incident of violence or disorder has occurred in the area in the previous 12 months that involved the use of weapons; and
- it is necessary to designate the area for the purpose of enabling police officers or protective services officers to exercise search powers to prevent or deter the occurrence of any violence or disorder that the Chief Commissioner is satisfied is likely to recur.

This new type of planned designation will be subject to the same requirements as the existing scheme for a planned designation of an area, including that: the area designated must not be larger than is reasonably necessary to effectively respond to the threat of violence or disorder; the duration of the declaration must be no longer than reasonably necessary to effectively respond to the threat of violence or disorder; and the declaration must be appropriately publicised (including by gazettal).

The availability of a planned designation for up to 6 months will enable the Chief Commissioner to determine the duration that is most likely to be effective in addressing weapons related violence and disorder in a particular area, taking into account internal intelligence information, offending statistics and trends analysis. This will provide a more effective means of deterring and detecting the unlawful carriage and use of weapons in our community.

Reclassifying a Machete as a Prohibited Weapon

The COWA and *Control of Weapons Regulations 2021* differentiate between dangerous articles, controlled weapons and prohibited weapons to apply graduated levels of restrictions and offences and penalties based on the level of risk and level of legitimate community use associated with each article.

Machetes have long been understood to be a type of knife and have been legally classified as controlled weapons. However, there is little practical difference between machetes and prohibited weapons such as swords, when considered in the context of the serious edged-weapon offending that is occurring in our community. Given the prevalence of machetes in edged-weapon offending, particularly amongst youth offenders where there is a high victim-offender overlap, it is appropriate to re-classify machetes as prohibited weapons to ensure that the highest level of restrictions apply in view of the associated risks.

Human rights engaged by the house amendmentsPlanned Declarations of Designated Areas for up to 6 Months

The Statement of Compatibility tabled on 27 November 2024 addressed the human rights engaged by the Bill in detail and, as closely related issues arise in relation to this amendment, I have not sought to repeat that analysis in full.

In summary, the existing designated area scheme in the COWA engages and in many respects, limits a number of rights under the Charter. This principally includes:

- the right to privacy (s 13): through the powers to search persons and vehicles in designated areas for weapons without warrant or requirement to show cause, which can extend to including strip searches under certain conditions;
- the right to liberty (s 21): through the power to detain a person for as long as reasonably necessary to conduct the search; and
- right to freedom of movement (s 12): through powers to direct a person to leave a designated area, and more broadly, to the extent that the provided powers may impair a person's willingness or freedom to move through a designated area.

The powers are also relevant to the following rights in certain circumstances:

- right of children to protection (section 17(2)): in that the powers apply fully to children with little modification (although some additional rules apply governing searches of children requiring the presence of a parent or guardian or an independent third person in certain circumstances);
- freedom of expression and right to peaceful assembly (sections 15 and 16): to the extent to which the powers (such as the power to direct a person to leave) could be exercised against persons engaged in a peaceful assembly within a designated area, or may otherwise impair a person's willingness or freedom to assemble in a designated area; and
- the right to freedom of religion, cultural rights and protection against discrimination (sections 14, 19 and 8(3)): to the extent that powers to search a person or vehicle for weapons may be particularly

intrusive or disadvantageous to persons holding religious or cultural beliefs that require the carrying of a weapon (and are doing so subject to an exemption under the COWA).

As I noted in my Statement accompanying the Bill, this search power scheme, when it was introduced in 2009, was considered to constitute an arbitrary interference with the right to privacy (and was thus incompatible with this right) by providing for a police power to randomly search persons and vehicles in public places within designated areas, without requiring a reasonable suspicion of possession of a weapon. It was also, by extension, considered to be incompatible with the right to protection of children (s 17(2)) as it permitted such arbitrary searches to also be conducted on children without specifying a minimum age.

As I also discussed in my earlier Statement, comparative jurisprudence has since accepted that warrantless random search powers can be compatible with human rights in certain circumstances, including where the grounds for making an authorisation are tightly framed and serves a purpose of great public importance and the powers are accompanied by sufficient legal restraints to ensure they are exercised in a lawful manner, including the requirement to act compatibly with the Charter.

These house amendments do not alter the form of the existing search stop, search or move on powers in the COWA, or the accompanying procedures regulating their use. Rather, they provide for new grounds upon which a designated area may be declared and a new maximum duration for such a designation. I accept that the new maximum duration is significantly longer than what was previously provided for under the COWA. In doing so, this has the potential to subject a greater cohort of persons to being stopped, searched or moved on under the COWA, as well as increasing the potential frequency with which such powers are used, thus exacerbating the existing interference with rights outlined above. The increase to the maximum duration could also impair a person's willingness and freedom to move through or assemble in a designated area for the duration of the designation, which could now be for a significant period and in respect of areas currently accessed by the public in high numbers (such as central business districts, shopping centres and train stations). The increased level of interference that will be authorised by these house amendments will also apply to children, without modification.

I consider the grounds for making, and determining the scope of, this new designation are tightly framed. The size and duration of a declared designated area under these amendments must be reasonably necessary to enable police officers or protective services officers to effectively respond to the threat of violence or disorder. I emphasise that the powers to be exercised under this declaration remain subject to the same robust safeguards in the COWA as outlined in my Statement accompanying the Bill. Like the Bill, the house amendment serves a significant public purpose which is to reduce the risk of serious violence to the public from weapons (including gang related violence), and particularly, to children. The purpose is a pressing and substantial social concern. The randomness and unpredictability of these powers is part of their design and effectiveness, in that it is intended to have a deterrent effect as well as increase the chance that weapons will be detected.

While I note that most questions of compatibility will ultimately depend upon the specific circumstances under which these powers are exercised and the evidence regarding the reasonableness and necessity of a particular declaration (including the size and duration of a designated area declaration), I accept that the provision of these expanded grounds and extended duration raise questions as to whether such an expansion of the scheme is demonstrably justified pursuant to s 7(2) of the Charter.

In this regard, I acknowledge the amendments may be considered incompatible with the Charter, and specifically the right to privacy under sections 13(a), and by extension, the protection of children (s 17(2)), on the basis that it may not be possible to demonstrably establish that the powers are carefully designed to achieve the legitimate community safety purpose or constitute the least restrictive means reasonably available.

Nevertheless, I consider the house amendment is necessary and pressing in light of the significant public safety objectives it seeks to address. The last 8 months have seen disturbing weapons incidents of significant community concern and Victoria Police's statistics are extremely worrying. A record number of knives were seized from Victorian streets in 2024, with almost 40 blades found and destroyed each day. Police seized a record 14,797 knives, swords, daggers, and machetes in 2024 – the most at any time over the past decade. The total number of edged weapon seizures jumped from 13,063 in 2023 and 11,331 a decade earlier, in 2015. Designated area searches are an effective means of both detecting weapons and deterring their illegal possession. In the past four financial years, police have detected and seized almost 450 weapons during these search operations. Police advise that they know young people in gangs are those most likely to be carrying and using knives in public. In this context, the government has decided that further legislative changes need to be progressed without delay to give police broader powers to address persistent and pervasive weapons carriage and use. These house amendments will grant the Chief Commissioner the flexibility to determine a duration for an area that is most likely to be effective in addressing weapons related violence and disorder in that area. The Chief Commissioner is best placed to consider all of the information known to them, including internal intelligence information, offending statistics, trends analysis and so on.

To the extent the house amendment affects the other rights I described above (such as liberty, freedom of movement, religious and cultural rights, equality and assembly and equality), I consider it does so to a lesser or incidental extent and that any limitations or intrusions on those rights to be reasonable and justified (and therefore compatible) on the grounds of public safety. This is consistent with my view of the amendments included in the original Bill.

Reclassifying a Machete as a Prohibited Weapon

Right to property (s 20)

The effect of the reclassification will be to enliven various offences in relation to prohibited weapons for machetes. This will also mean that possession, carry or use of a machete will no longer attract the defence of 'lawful excuse' that applies to controlled weapons, and which includes use or possession in the pursuit of any lawful employment, duty or activity, participation in lawful sport, recreation or entertainment, and legitimate collection, display or exhibition.

Accordingly, the amendments will have the practical effect of depriving owners of machetes of various property rights, including rights to enjoyment, possession, control and disposition of machetes.

However, this will not limit the right as any such deprivation will occur in accordance with law. The amendments serve important public safety benefits noting that there is an increased prevalence of machete use in edged-weapon offending, particularly amongst youth offenders, and there is little practical difference between machetes and other prohibited serious edged-weapons such as swords.

The reclassification will still be subject to the existing approvals and exemption mechanisms in the COWA that allow prohibited weapons to be used by persons, organisations and businesses for legitimate purposes. The amendments will have a delayed commencement to allow affected persons to regulate their own conduct, including applying for approvals to continue using the weapon for legitimate purposes or dispose of the weapon. The Charter will continue to apply to the discretions of the Minister and Chief Commissioner of Police in determining approvals or exemptions regarding machete use and possession.

Accordingly, I am satisfied this amendment is compatible with the right to property.

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

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:24): I move:

That the bill be now read a third time and do pass.

Council divided on motion:

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Motion agreed to.

Read third time.

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

Family Violence Protection Amendment Bill 2025*Royal assent*

The PRESIDENT (23:27): I have a message from the Governor, dated 18 March:

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

7/2025 Family Violence Protection Amendment Act 2025

Bail Amendment (Tough Bail) Bill 2025*Introduction and first reading*

The PRESIDENT (23:28): I have a message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Bail Act 1977** and the **Summary Offences Act 1966** and to make consequential amendments to other Acts and for other purposes.’

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:28): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move:

That the bill be treated as an urgent bill.

David DAVIS (Southern Metropolitan) (23:29): I will be very brief. The fact is the government’s legislative agenda is in chaos. We will support an urgency motion because we want to see this bill go forward, because it does climb down from where Jacinta Allan and the Labor Party have been. At least we see some useful changes on bail. But it is clear that the government’s legislative agenda is in absolute and utter chaos. Why could the government not have dealt with this last week and brought material to all parties so that people could see this in a timely way? Why could the government not have acted much sooner? We have seen multiple occasions when the opposition has brought forward bills and amendments to try and toughen the bail laws. But the truth is the community is in a terrible position. There is violence because the government has got these soft bail laws, and this does need to be fixed. We will support the urgency motion, reluctantly, but it is clear that the government has a chaotic legislative agenda. We will also seek, perhaps with agreement from the government, to ask the Scrutiny of Acts and Regulations Committee to do some work tomorrow so that the bill can be debated with SARC material to the fore in people’s minds, in front of the chamber – perhaps inadequate material, perhaps less than fulsome material, but SARC could at least look at the bill. But this is again a marker of the fact that the government’s legislative agenda is in utter and total chaos.

Sonja TERPSTRA (North-Eastern Metropolitan) (23:31): I rise briefly to make a contribution to this debate as well. The Premier could not have been clearer in recent weeks about the urgency that is required and the seriousness with which –

Members interjecting.

Sonja TERPSTRA: President, can I be heard in silence, please? I did not interrupt Mr Davis when he was speaking, so I would appreciate being heard in silence. I have been on my feet for, like, 10 seconds.

The PRESIDENT: Yes, you can.

Sonja TERPSTRA: The Premier could not have been clearer in recent weeks, and the government is indeed taking this matter very, very seriously. That is why we want to begin making the changes by bringing the bill to the Parliament this week. Procedurally we need to declare it an urgent bill so members of this chamber can start making their contributions. I understand Mr Davis has said that they will be supporting this motion, but what we have seen tonight is filibustering and delay caused by those opposite and the crossbenchers, and the Greens in particular. So if Mr Davis wants to come in here and say that he is supporting this motion, you have only got to look at the way that those opposite have conducted themselves in the chamber tonight to see they have wasted precious time filibustering on another bill to prevent this government from getting on with the business of making sure that we put community safety front and centre, at the forefront, of our legislative reforms.

Mr Davis could not be more wrong in regard to this matter. He could not be more wrong when he says that there is chaos at the heart of this government, because our government has listened very carefully to what people have had to say in regard to this matter. We have brought the bill to the Parliament, and we are seeking to make this an urgent bill tonight. Regardless of what Mr Davis might say, all we know from those opposite is that they say no to everything this government wants to do. They get in the way, just like the Greens do – and we have seen it here again this evening. What we have seen from the Greens is more stunt making and more getting in the way. What we are doing tonight is trying to bring this on as an urgent bill so that we can get on with making sure that we provide the community safety that people want.

It is all very well for Mr Davis to criticise the government – but in the meantime your leader was away on a cruise, enjoying margaritas, when what was really needed was for community safety to be at the forefront.

David Davis: President, on a point of order, this is a procedural debate. It is about the government's decision to move an urgency motion, something the opposition is supporting, but it has nothing to do with some of the comments that Ms Terpstra has just now made.

Sonja TERPSTRA: On the point of order, President, I was responding merely to the interjections that were made by Mr Davis and many of those opposite while I was speaking. What needed to be noted was that the government MPs on these benches were silent while Mr Davis was making his contribution, yet I was not allowed to be heard in silence. I should have been allowed to be heard in silence, without the interjections. I was merely responding to what Mr Davis had to say.

The PRESIDENT: I have to rule on the point of order. Procedural debate should be tight around the procedure in question. I will ask any members that are making contributions to stick to those parameters.

Wendy Lovell: On a point of order, President, I am a bit concerned about the previous member's contribution and her trivialising of the important processes of this chamber and the important role that the committee stage plays in understanding and interpreting legislation.

The PRESIDENT: I think we are all getting to an 11:30 pm point of debate. I call Ms Terpstra back to her contribution.

Sonja TERPSTRA: I just want to state for the record that I reject Ms Lovell's characterisation of my contribution and her running down my clock rather than allowing me to speak uninterrupted. Again I will make the point – you can catcall and you can say all the things that you like, but it does not change the fact that what has happened in this chamber tonight is utter filibustering. So again I will call on everyone in this chamber to back in this motion so that the government can get on with making sure that we put community safety at the forefront of our legislative agenda. I call on the Greens and crossbenchers who are also sitting in this chamber to back in these changes and to make this bill an urgent bill so we can get on and make sure we debate things and make sure that we can provide the community safety that Victorians are calling for.

David LIMBRICK (South-Eastern Metropolitan) (23:36): I was not going to respond to the government, and I cannot speak for others, but the suggestion that I was filibustering on the earlier bill is deeply offensive.

Members interjecting.

David LIMBRICK: Well, the member said ‘the crossbench’. I am part of the crossbench. The idea that I was filibustering – I believe that we were going through a very important process of detailing a bill. Regardless of that, I am not stating a position on this bill one way or the other; however, I will be opposing this urgency motion. I think that it is an important subject – a very, very important subject. I agree with the government and the opposition on that. In fact, I think it is so important that I should have more time than receiving it last night, as I did, to be able to consult with stakeholders as I would normally do with bills of such importance as this. Therefore I think that it is totally reasonable for this Parliament to reject the urgency motion and put it through in the next sitting week so that we have time to consult with people and make sure that we are not stuffing up bail laws once again.

Katherine COPSEY (Southern Metropolitan) (23:37): The Greens will not be supporting this urgency motion, and we really are concerned by the attempt to manufacture this sense of crisis that the Premier has conjured herself over the last couple of weeks. It is deeply disturbing to see the Premier trying to rush this legislation through Parliament. There are few bills that have more consequence than our justice bills for the citizens of this state, and it is deeply, deeply concerning to see that the Premier wants to act tough – so tough that she said it 32 times in her press release and put it in the name of the bill. It speaks to an insecurity and a panic that is surrounding the Premier and surrounding these laws.

This Parliament should not be bullied into rushing through really important legislation. We saw the last time that this government had a kneejerk response to bail laws and enacted laws that were wideranging, far sweeping and had an incredibly disproportionate impact on First Nations people in this country. We saw that those rushed bail laws were later labelled a complete, unmitigated disaster in the coronial inquest into the death of Veronica Nelson, a proud Indigenous woman who died in a Victorian jail because of the mess that Labor made of its bail reforms. Those are the consequences we are talking about here, so when you talk about urgency, there is a need for this Parliament to properly scrutinise the proposal that this government is putting before us, especially given its track record.

We will not be supporting this urgency motion. I agree wholeheartedly with what Mr Limbrick has said. We were briefed at 6 pm last night. We were given the information, but I think that we were briefed at 6 pm last night so that the government could say that it had fulfilled the procedural requirement, and we received a copy of this comprehensive bill during the briefing via email. Now, we appreciate the government’s belated attempts to circulate this bill and start the conversation about it, but really, is this how you approach legislation? Is this how you approach this issue, which you claim to care so much about – with a rushed, haphazard bill that is coming through this place? You are careening off the tracks. Do not take a whole bunch of vulnerable Victorians with you.

As to Ms Terpstra’s comments around the committee stage, members were in this place for the last couple of hours working really hard to scrutinise yet another bill that the government has brought through with more late changes that were circulated as house amendments. We deserve the right and the Victorian people deserve the right to scrutinise the legislation that you bring before this Parliament. That is our job in this place. The fact that you consider it an inconvenience really speaks volumes about this government.

Sonja Terpstra interjected.

Katherine COPSEY: No, you called it filibustering. Ms Terpstra is interjecting again. She called it filibustering. We were taking up questions that have been raised by expert stakeholders who are concerned about the impact of your bill – a bill that had a belated supplementary statement of human rights compatibility circulated as we were about to vote on the third reading. The stakeholders that have been communicating with us were appreciative of the depth of discussion that the opposition and

the crossbench brought to that bill. It is important because the committee stage, as we all know, will be looked at when courts are looking to interpret that legislation. Given that we have great concern that the designated area powers were already being misapplied by Victoria Police and resulting in discriminatory outcomes, it was entirely justified for us to spend that time scrutinising that bill. This Parliament will take as much time as it desires in scrutinising the legislation that you are trying to ram through now. This is about more than optics. This is about more than your Premier getting out of the latest political scrape she has found herself in. This is a bill that has really far-reaching consequences for First Nations communities. It has really far-reaching consequences for already overpoliced communities. We will not apologise for scrutinising it and we will not have you ram it through.

Evan MULHOLLAND (Northern Metropolitan) (23:42): I just want to speak very briefly on this motion. I was not going to, but I feel compelled to. In similar fashion to my colleagues, I spent a number of hours in committee before. I would not call it filibustering; in fact we found out new information that was not available to us in the bill briefing, and that is what a committee stage is for. Committee stages, as I mentioned at the end of my contribution, are used in court decisions and are used to interpret legislation by legal experts, so it is not only important but incumbent upon this Parliament to make sure we scrutinise legislation in the forums that this Parliament gives us.

We know the real reason why the government is moving an urgency motion behind this, and that is to urgently fix the Premier's political image. But we know their real views because the government endorsed comments, particularly by the Leader of the Government in this place, that the stronger bail laws that existed pre March 2023 were an unmitigated disaster. This is a political fix; it is not happening because the Premier believes in it. We know what they actually believe, and we know in the several times I have brought changes to bail laws to this place to reintroduce the offence of committing an indictable offence whilst on bail they have mocked us, they have jeered at us, they have said they know best and they have said that we are not listening to the community. Even though we have continuously raised concerns in this place about community safety, they have jeered. The former Premier mocked people like Bec Judd – brushed them off and said, 'No, don't worry about them. They're just carrying on to the media.' Now we have the current Premier trying to reach out through Eddie McGuire to Bec Judd because she is after a political fix.

The urgency for this government is not about protecting Victorians, it is about protecting the Premier's job. That is what the urgency is about, and they all know it. I get told by Mr Galea that we are just after a *Herald Sun* headline and a 3AW interview. Well, what has the Premier been up to in the last few weeks? She is after exactly that – just after a headline and just after an interview to fix her political image urgently, because otherwise Mr Carroll is coming. That is the urgency behind this motion, but can I speak to –

The PRESIDENT: Mr Mulholland, stick to the procedural motion.

Evan MULHOLLAND: Absolutely. It is disappointing that the opposition, as echoed by my colleagues, were only given this bill very late in the piece and that the part-time Attorney-General decided it was appropriate to do a bill briefing on a bill without actually giving us the bill. I mean, how offensive. The opposition, as do crossbench colleagues, need the opportunity to scrutinise a bill, look at it, consult with stakeholders and consult with colleagues before we are meant to decide on it. To comments said by those opposite, sometimes I wish it was Jacinta Allan on holiday. Then she might not be aiding and abetting criminal enterprises on worksites, aiding and abetting criminals on our streets through weaker laws that she passed in this place.

The PRESIDENT: Mr Mulholland, if you are going to make accusations about a sitting member, you have to do it by a substantive motion. I will just put that on notice. Does anyone else want to contribute to this? I apologise to the house. I let that turn into something that a procedural motion should not be. It should not be a big conversation about the last bill. It should be about this particular bill. The whole chamber, I am saying – I am not saying it was any particular people or any particular

side of the chamber. It should be about this particular bill being treated as an urgent bill. I apologise that I let it become what it was, and the next time I will do a lot better.

Council divided on motion:

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:53): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In my opinion, the Bail Amendment (Tough Bail) 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 purpose of the Bail Amendment (Tough Bail) Bill 2025 (the Bill) is to improve community safety and strengthen consequences for alleged offenders and repeat alleged offenders accused of serious and high-harm offending, as well as certain types of alleged repeat criminal conduct driving community concern.

The Bill will amend the *Bail Act 1977* (the Bail Act) and the *Summary Offences Act* (Summary Offences Act) to –

- Introduce two bail offences – ‘commit an indictable offence while on bail’ for inclusion in the Bail Act and ‘contravene conduct condition of bail’ for inclusion in the Summary Offences Act;
- Incorporate offences into Schedule 1 that were previously in Schedule 2, to ensure people charged with the following offences must satisfy a bail decision maker that ‘exceptional circumstances’ exist to justify the grant of bail:
 - Armed robbery;
 - Aggravated burglary;
 - Home invasion;
 - Carjacking;
- Incorporate additional offences into Schedule 2, to ensure people charged with the following offences must satisfy a bail decision maker that a ‘compelling reason’ exists to justify the grant of bail
 - Serious firearms offences;
 - Serious arson;
 - Committing an offence involving controlled weapons (including machete violence), prohibited weapons and offensive weapons;
 - Motor vehicle theft, where charged in combination with:
 - Reckless conduct endangering life or persons;
 - Failure to comply with a direction to stop; or
 - Possession of a prohibited or controlled weapon in the course of the theft of the motor vehicle;
- Amend the Guiding Principles of the Bail Act to recognise the overarching importance of maximising the safety of the community and persons affected by crime to the greatest extent possible;
- Amend the child-specific bail considerations in section 3B to omit reference to remand of children being a last resort;

- Streamline bail processes to enable police officers to bring a person on bail directly to court during ordinary sitting hours, rather than through a bail justice in all cases, where the person has been arrested for breach or likely breach of bail; and
- Delay the commencement of the statutory review of the Bail Act from 2026 to 2027 and expand the scope of the review to include the reforms in this Bill.

Human Rights Issues

As discussed in this statement, the operation of the Bail Act does limit Charter rights, and will continue to do so after these reforms, but in my opinion, these are reasonable limitations that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom taking into account relevant factors as outlined in section 7(2) of the Charter.

The human rights protected by the Charter that are relevant to the Bill and the operation of the Bail Act are:

- Right to recognition and equality before the law (section 8);
- Protection of families and children (section 17);
- Right to liberty and security of person (section 21);
- Children in the criminal process (sections 23 and 25(3)); and
- Right to be presumed innocent until proved guilty according to law (section 25(1)).

While matters relating to remand principally engage the right to liberty, the very nature of being remanded in custody necessarily involves the limitation of other rights, including freedom of movement (section 12), freedom of expression (section 15) and the right to peaceful assembly and freedom of association (section 16). This is the result of the deprivation of liberty and the powers held by police officers and officers in charge of custodial facilities that are necessary to maintain good order and security of the facilities and the welfare of detained persons. The family unit will also be affected when a child, parent or guardian is remanded, as this interferes with the privacy and protection of family and consequently engages both section 13 and section 17(1). Therefore, the discussion of the impact on the right to liberty and security of the person in this statement also encompasses the rights that are necessarily affected by deprivation of liberty.

Recognition and equality before the law

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. The purpose of the right to equality is to ensure that all laws and policies are applied equally, without a discriminatory effect.

Section 3(1) of the Charter adopts the definition of 'discrimination' in the *Equal Opportunity Act 2010*, which includes both direct and indirect discrimination on the basis of a protected attribute, including race, sex, disability and age. Under section 9 of that Act, indirect discrimination occurs where a person imposes a requirement, condition or practice that is unreasonable and has, or is likely to have, the effect of disadvantaging persons with a protected attribute.

Protection of families and children

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and the State. This right is related to section 13(a) of the Charter, which relevantly provides that every person has the right not to be subject to unlawful or arbitrary interferences with their family.

Right to liberty and security of the person

Section 21(1) of the Charter protects the right of every person to liberty and security. Section 21(3) provides that a person must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law. Section 21(2) provides that a person must not be subject to arbitrary detention. Together, the effect of sub-sections 21(2) and (3) is that the right to liberty may legitimately be constrained only in circumstances where the deprivation of liberty by detention is both lawful, in that it is specifically authorised by law, and not arbitrary. In order for an interference not to be arbitrary, it must be predictable, just, and reasonable in the sense of being proportionate to a legitimate aim.

Rights of children in the criminal process

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This recognises the particular vulnerability of children due to their age and confers additional rights on them. Section 23 of the Charter builds on the rights of the child protected by section 17(2) by specifying additional protections that are necessary for the humane treatment of a child who is detained or involved in a criminal process. Finally, section 25(3) provides that a child charged with a criminal offence has the right to a procedure that takes

account of that child's age and the desirability of promoting the child's rehabilitation. This recognises the need for special procedures for children charged with criminal offences.

Right to be presumed innocent until proved guilty according to law

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

Amending schedules 1 and 2 of the Bail Act

A person charged with an offence listed in Schedule 1 or Schedule 2 of the Bail Act faces a reverse-onus bail test – meaning they must establish either 'exceptional circumstances' (Schedule 1) or a 'compelling reason' (Schedule 2) to justify the granting of bail.

The Bill will move certain serious offences currently in Schedule 2 to Schedule 1, namely: armed robbery; aggravated burglary; home invasion; and carjacking. This will mean that those charged with these offences are always subject to the 'exceptional circumstances' bail test.

The Bill also expands the list of offences set out in Schedule 2 of the Bail Act to include serious firearms offences, serious arson involving endangerment of life, and committing an indictable offence involving a controlled or prohibited weapon (in addition to the existing item regarding indictable offending involving firearms, offensive weapons or explosives). This will mean that those charged with these offences are always subject to the 'compelling reasons' bail test.

In addition, the Bill also expands Schedule 2 to include circumstances where theft of motor vehicle is charged alongside specified offences that endanger public safety (reckless conduct endangering life or persons, failure to stop when directed, or possession of a prohibited or controlled weapon).

Right to liberty and security of a person

Expanding the application of reverse onus bail tests engages the right to liberty and security, because a reverse onus bail test increases the likelihood that the accused will be remanded in custody. However, I consider the amendments are justified as they give effect to a clear purpose of the Bail Act – namely, striking a balance between the importance of maximising the safety of the community and victims of crime, with the right to liberty for persons accused of a crime.

The right to individual liberty for persons alleged to have committed serious offences who have not yet had their allegations determined by a court needs to be balanced with the community's right to safety and security, which includes protection from being subject to criminal offending. A balance must be struck between these competing priorities each time a bail decision is made.

It is my opinion that any limitation on the accused's right to liberty remains sufficiently targeted and justified based on the specified offending. Reverse-onus tests will remain applicable only to those who are charged with serious offences which by their very nature pose significant risk and concern to the public.

This is particularly applicable to the offences being moved from Schedule 2 to Schedule 1. The evidence demonstrates that these offences are allegedly committed while on bail at a higher rate than the average for other Schedule 2 offences, consistent with broader trends towards repeat offending by a defined group.

The offences added to Schedule 2 also pose elevated risk to the community and have been identified by Victoria Police as posing an inherent threat of injury or other safety risks. Firearms offences and offences involving weapons carry an inherent community safety risk, as does criminal damage by way of arson with intent to endanger life.

Similarly, the co-occurring offences included in Schedule 2 have been specifically identified because of the significant community safety risks involved when these dangerous behaviours are combined. Individuals in a stolen motor vehicle are often detected because of their erratic driving behaviour. Where police attempt to intervene or are seen by the occupant, there will typically be a failure to stop and an increase in dangerous driving behaviour. It may not be operationally safe for police to engage in pursuit of such vehicles, which means that the existing offences in Schedule 2 may not apply (such as the offence of dangerous or negligent driving while pursued by police), meaning tougher bail tests are not currently applied.

Right to be presumed innocent

Bail is an ancillary criminal process and therefore is not directly relevant to a determination of guilt. However, the presumption of bail in the Bail Act reflects section 25(1) of the Charter by supporting an accused person to remain in the community pending the determination of charges. Therefore, the presumption of innocence may be described as the starting point for bail applications.

The inclusion of additional offences in Schedules 1 and 2 of the Bail Act will expose people accused of these offences to either a new or more stringent reverse-onus test, therefore displacing the presumption in favour of bail by reversing the onus-of-proof from the prosecution to the accused. However, it is my opinion that any consequent limitation on the presumption of innocence is justified given the inherent seriousness of the offences for inclusion in Schedules 1 and 2, and the significant risk that these offences pose to community safety as set out above. Furthermore, the Bill does not change the existing guiding principle in section 1B of the Bail Act which recognises the importance of the presumption of innocence (together with the right to liberty). Bail decision makers will continue to have regard to the significance of the presumption of innocence when determining bail applications.

Rights of children in the criminal process

The expansion of items in both Schedule 1 and 2 of the Act is equally applicable to adult and child accused, but there may be an indirect interaction between these reforms and the rights of children in the criminal process in practice. The evidence suggests that recent increases in some of the affected offences have been disproportionately driven by an escalation in the rate of offending amongst older children, despite the number of individual alleged child offenders remaining relatively stable.

This cohort of child accused is therefore likely to be particularly (though not uniquely) impacted by the addition of Schedule 1 and 2 offences. For example, when applying for bail a child will now be required to show 'exceptional circumstances' if charged with aggravated burglary, or to show 'compelling reasons' if found driving a stolen vehicle and engaging in reckless conduct (driving) that endangers persons. The impacts of these reverse-onus tests on accused children are mitigated by section 3B of the Act, which includes mandatory considerations relevant to the unique vulnerabilities of children. This means that while strict bail tests will be imposed on children, they remain more likely than adults to satisfy those tests.

Introduction of bail offences

The Bail Act currently provides that it is an offence to fail to answer bail, and to commit an offence set out in Schedules 1 or 2 to the Bail Act while on bail. The Bill inserts two additional offences: committing an indictable offence whilst on bail; and contravention of certain conduct conditions of bail undertakings. The existing offence of committing a Schedule 1 or 2 offence while on bail (which commenced in December 2024) will be repealed, as the reintroduction of the offence to commit an indictable offence while on bail captures a broader range of conduct and now makes this offence superfluous.

The offence of 'commit an indictable offence while on bail' will apply to both adults and children and will capture indictable offending on bail. This offence will typically be charged alongside the substantive offence which the person is accused of, therefore imposing an additional consequence for those who reoffend on bail.

The offence of 'contravening certain conduct conditions of bail' will apply to adults only and will capture breaches of bail conditions that are committed without reasonable excuse. This offence will not apply to a condition that requires the accused to attend and participate in bail support services. This offence will impose an additional consequence for those who do not comply with their bail conditions and will also be punishable via infringement notice. A conviction in relation to this offence will also provide a record of bail non-compliance that is easily accessible for future bail decisions in relation to that person.

Right to liberty and security of a person

Although the introduction of these offences does not expand the scope of revocation nor oblige bail decision makers to consider factors that they are not already considering, the existence of an alleged bail offence may strengthen the prosecution's argument for remand or encourage more revocation applications to be made. This will potentially result in more people being remanded in custody, engaging the right to liberty.

This limitation on the right to liberty is justified in the case of an accused who offends while on bail (and, in the case of an adult accused, breaches a condition of bail). These offences recognise that a person whose liberty is subject to bail conditions who is charged with further offending presents a higher level of risk to the community, which may then be relevant to the court's consideration of an application for bail or the revocation of bail. This is a reasonable and proportionate response to the risk of harm posed by a person who engages in further offending on bail.

Right to recognition and equality before the law

The introduction of these offences may engage with the right to equality before the law due to the potential for elevated rates of offending on bail and breaches of bail conditions by those experiencing disadvantage, vulnerability or who are otherwise over-represented in the criminal justice system. Historically, bail offences have had a disproportionate impact on Aboriginal people, women, children and people experiencing disadvantage due to the correlation between socio-economic drivers and repeat offending on bail or bail breaches.

To the extent that the right to equality before the law is limited by the potential operation of the amendments, the limitation is justified under section 7(2) of the Charter, as it is proportionate having regard to the importance of deterring those on bail from offending or breaching their bail conditions. The amendments provide clear incentive to comply with bail conditions by imposing consequences for breaching bail, without applying reverse onus bail tests to these bail offences, which has previously been a key factor in elevated remand rates for minor repeat offending. The offences will also be summary offences with relatively low maximum penalties.

Sections 3A and 3B of the Bail Act set out additional factors which the bail decision maker must consider when the applicant for bail is an Aboriginal person or a child respectively. These mandatory considerations are expected to further mitigate against the risk of the new offences resulting in disproportionate remand rates for these cohorts.

The Bill broadens the scope of the review required under section 32C of the Bail Act to include a review of the proposed amendments in the Bill. This will provide an opportunity to assess the impact of these offences and identify any disproportionate impacts on specific cohorts.

Rights of children in the criminal process

Only the offence of ‘commit indictable offence while on bail’ will apply to children.

Evidence suggests that applying a bail offence to children in addition to charges for the offending conduct is less likely to deter offending than in the case of adults. Further, it is possible that bail offences may contribute to drawing children further into the justice system, which itself can have a criminogenic effect.

To the extent that the rights of children in the criminal process are limited by the potential operation of the amendments, the limitation is justified under section 7(2) of the Charter, as it is proportionate having regard to the risk that an accused child poses to the safety and security of the community, and the importance of responding to a child who offends on bail or breaches their bail conditions. The additional factors required to be considered by a bail decision maker under section 3B provide for bail determinations to take account of the special needs of children charged with criminal offences.

Amending the Guiding Principles of the Bail Act

This Bill amends the Guiding Principles of the Bail Act by substituting the guiding principle in subsection 1B(1)(a) of the Bail Act. The amended guiding principle recognises the overarching importance of maximising the safety of the community and persons affected by crime to the greatest extent possible.

Protection of families and children

The amendment promotes the recognition and protection of families, by sending a clear message to the public that government is committed to protecting community safety and persons affected by crime. This is a clear and unambiguous signal that community safety is an overarching principle for bail decision-making for offenders of all ages. Families and children are included in the community and are also persons affected by crime and these provisions will operate to promote this right.

Removal of phrase specifying that remand is a last resort for an accused child

Section 3B of the Bail Act outlines specific considerations that bail decision makers must consider when determining bail for a child. The Bill amends the minimum intervention consideration by removing the requirement that remand of a child is a last resort.

This amendment is intended to remove barriers to the use of remand where custody is the minimum intervention required in the circumstances, and remove the risk that bail decision makers may interpret the ‘last resort’ consideration as requiring that all other options – such as continuous grants of bail with increasingly strict bail conditions - are exhausted before remand can be considered, even when the alleged re-offending is particularly dangerous to the community.

The Bill maintains the remaining child-specific considerations in section 3B of the Bail Act that account for the special needs and vulnerability of children and the detrimental impacts of remand for children. The need to impose on a child the ‘minimum intervention required in the circumstances’ will also remain. These remaining considerations, which are all mandatory considerations to take account of a child’s individual circumstances, ameliorate the likely impact of this reform on the exercise by bail decision-makers of their discretion to consider alternatives to detention.

Rights of children in the criminal process

The rights of children in the criminal process must be balanced with the community’s right to safety and security, including protection for criminal offending. While the removal of the ‘last resort’ phrasing in section 3B of the Bail Act may limit an accused child’s rights in the criminal process, I consider the amendment is justified as it gives effect to the Bail Act’s purpose of balancing the rights of children with the

objective of maximising the safety of the community and victims of crime. The limitation on the rights of children in the criminal process is appropriately targeted, as it removes a consideration from the bail decision process that may result in continued grants of bail even where the alleged re-offending is particularly dangerous to the community, while retaining the requirement that the response to a child's alleged offending is the minimum intervention required.

Right to liberty and security of a person

Removal of the 'last resort' element also engages the right to liberty and security, because it increases the likelihood an accused child will be remanded in custody. However, I consider the amendment is justified as it gives effect to a clear purpose of the Bail Act, ensuring that the importance of maximising the safety of the community and victims of crime is balanced with the right to liberty for children accused of a crime.

Allowing police officers to bring a person arrested without warrant directly to court

The Bail Act allows police to arrest a person on bail without a warrant if they reasonably believe the person has breached a bail condition. Currently, police must take the person to a bail justice as soon as possible, even during court sitting hours, unless a limited exception applies. The Bill will ensure people arrested without a warrant for breaching bail will be brought before a court where available, while maintaining the role of Bail Justices when arrests are made outside court hours.

Right to liberty and security of a person

The Bill promotes the right to liberty of alleged offenders by streamlining processes to prevent people spending unnecessary time in custody. The current requirement to take a person before a bail justice even where a court is available can result in people spending unnecessary time in custody if a bail justice (who ordinarily work outside of court hours) is not available during the day, as police cannot take them directly to court. In this way, this reform will reduce instances of accused persons being subject to arbitrary detention while awaiting a Bail Justice, as the Bill will enable these persons to be presented directly to a court.

Conclusion

In my opinion the Bill does not unreasonably limit any Charter rights. The amendments to the Bail Act achieve a proportionate balance between the rights protected under the Charter and the protection of the community.

I consider the Bill to be compatible with the Charter.

Hon Enver Erdogan MP
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) (23:53): I move:

That the bill be now read a second time.

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

The Bill will amend the *Bail Act 1977* (Bail Act) to better protect the community from repeat and serious offending by introducing the toughest bail laws in the country.

This government has heard concerns from the community that the current system, particularly in relation to high harm, repeat and serious offending, is not tough enough and does not adequately protect the safety of victims, families and the community nor reflect the expectations of victims or the public.

Though the number of youth offenders on remand has increased following changes in 2024 to target serious, repeat reoffending, we have formed the view that more changes are needed.

The changes in this Bill are targeted squarely at the risks of people committing serious crimes while out on bail. These new laws ensure that community safety will be a key priority in all bail decisions – for offenders of all ages.

The Bill will make maximising community safety of overarching importance in all bail decisions, reintroduce bail offences and toughen the bail tests for the worst of crimes. These changes will jolt the system and send an unambiguous message: bail must be respected.

I will now explain the key features of the reforms.

Ensuring that community safety is a Guiding Principle of the Bail Act

The Bill will introduce a suite of changes to make sure that community safety is at the heart of all bail decision making, starting with the Guiding Principles of the Bail Act. The Bill makes changes to the Guiding Principles to highlight the overarching importance of maximising the safety of the community and victims of crime, to the greatest extent possible, to make clear that community safety is a priority in all bail decisions.

Removing the principle of remand as a 'last resort' to prioritise community safety

Additional changes to the way bail decisions are made will go further to elevate community safety and put it front and centre in bail decision making. Currently, bail decision makers deciding whether to grant bail to a child must consider the need to impose the minimum intervention necessary, with remand as a last resort. This government is listening to concerns that this may be misinterpreted by bail decision makers as an additional restriction, suggesting that all other options – such as stricter bail conditions – must be exhausted before remanding a child, even when remand is already the minimum intervention required. The phrase ‘with the remand of the child being a last resort’ will be removed to clarify that remand may be the minimum intervention required in circumstances where there is an unacceptable community safety risk.

Consequences for breach of bail through the reintroduction of bail offences

Bail rules should not be broken. The Bill will introduce two offences: ‘commit indictable offence whilst on bail’ and ‘contravene conduct condition of bail’. The new offences will be applied to repeat offenders and alleged offenders who do not comply with their bail conditions without a reasonable excuse.

These offences were repealed from the Bail Act as part of the 2023 bail reforms, but we have heard community concerns about repeat offending on bail, particularly regarding offending that is not captured in the current offence of committing a Schedule 1 or 2 offence while on bail. The reinstatement of these offences will help make it clear that there are consequences for breaking the rules.

The offence of contravene conduct condition of bail without a reasonable excuse will also be introduced to ensure bail conditions are respected. This will also help police to make strong applications for bail to be revoked or refused by ensuring that a person’s record of bail non-compliance is clearly recorded and easily provided.

The new summary offence of contravening certain conduct conditions of bail will be added to Schedule 3. Currently, an accused person cannot be remanded solely in relation to offences in the Summary Offences Act. The exception is where the offence is listed in Schedule 3 of the Bail Act (broadly, the more serious, sexual or violent Summary Offences Act offences), or where the accused goes on to breach their bail for that summary offence.

Adding this offence to Schedule 3 will ensure that someone who has breached their bail conditions can be remanded where it is appropriate, sending a clear message that noncompliance with bail rules is not acceptable.

Each offence will carry a penalty of up to 30 penalty units or 3 months imprisonment. These offences will exist in addition to the current bail offence of failure to appear. The existing offence of committing a Schedule 1 or 2 offence while on bail (which commenced in December 2024) will be repealed, as the reintroduction of the offence to commit an indictable offence while on bail captures a broader range of conduct and now makes this offence superfluous. Together, these laws will signal to offenders and to bail decision makers that compliance with bail conditions is not optional, and that alleged offending while on bail is a serious matter.

Ensuring those accused of armed robbery, aggravated burglary, home invasion and carjackings are subject to the toughest bail test on a first offence

The Bill will also expand the Schedules of the Bail Act to elevate certain categories of serious offending to tougher bail tests. Many crimes that most Victorians would consider serious and high-risk do not face tougher bail tests, so bail is more likely. The evidence also demonstrates that these offences, including armed robbery, aggravated burglary, home invasion, and carjacking, are particularly prone to repeat offending. These offences will be added to Schedule 1 of the Bail Act, meaning that in all cases a person charged with one of the offences must satisfy a bail decision maker that ‘exceptional circumstances’ exist to justify the granting of bail.

Further reforms will add offences to Schedule 2. People charged with offences in this category must satisfy a bail decision maker that a ‘compelling reason’ exists to justify the granting of bail. It is unacceptable that there are offenders, out on bail, stealing cars and using them to endanger the public. Additions to Schedule 2 will ensure that people who are charged with theft of motor vehicle and using that vehicle in a way that endangers public safety – including by failing to stop when directed by police, through reckless conduct endangering

persons or life, or while carrying certain weapons – will need to show a compelling reason justifying their release on bail.

Where an accused person has allegedly committed a Schedule 2 offence repeatedly, they will be elevated into the ‘exceptional circumstances’ category. The offences to be added to Schedule 2 include serious firearms offences, serious arson and committing an offence involving a controlled or prohibited weapon – including a machete.

Streamlining bail processes to enable police officers to bring a person on bail directly to court when the person has been arrested for breach or likely breach of bail

The Bill will also allow police to bring a person on bail directly to court during ordinary sitting hours when that person has been arrested for breach of bail. Currently, police must take the person to a Bail Justice even when the court is sitting and available to hear the matter, unless a limited exception applies. This reform will protect community safety by ensuring bail breaches are dealt with swiftly and decisively by experienced judicial officers wherever possible. Bail Justices will still be used for such matters outside court hours.

The scheduled review of the Bail Act will be delayed until 2027 to ensure the impacts of the Bill are captured

Finally, we recognise that bail reforms need to be carefully evaluated to ensure that they are achieving the intended outcome. For this reason, the planned statutory review of the Bail Act, currently scheduled for 2026, will be delayed to commence in 2027 and expanded to include the reforms in this Bill. This reflects the need for a steady state of bail provisions over several years to ensure the review is meaningful and properly informed.

Conclusion

The Bill represents a significant step in our commitment to placing community safety at the centre of our justice system. We have listened to the community’s concerns about high-harm, serious and repeat offending and the impact this is having on community safety, especially for families, and we have acted.

The intent of the Bill is not to punish people who have not yet had their day in court. It’s about stopping reoffending before it happens and protecting community safety.

I commend the bill to the House.

Lee TARLAMIS (South-Eastern Metropolitan) (23:53): I move:

That debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (23:53): I move:

That the house do now adjourn.

Groves Reserve, Aspendale

Ann-Marie HERMANS (South-Eastern Metropolitan) (23:54): (1504) My adjournment matter tonight is for the Minister for Transport Infrastructure. The action I seek is for the minister to meet with me, together with local residents, to hear their concerns regarding the Level Crossing Removal Authority’s removal of trees and other vegetation at Groves Reserve in Aspendale and to see the mess that this government has made of the once beautiful community gift of the tree-lined Groves Reserve. Groves Reserve was a gift to the community by a former councillor and was set aside for community use. It is a remnant area of banksia woodland, or it was, and it is situated between the Nepean Highway and the railway line in the suburb of Aspendale. It offered walking and cycling trails that connected the Aspendale foreshore with the Mordialloc Creek Reserve. The Level Crossing Removal Project (LXRP) had planned to remove – and now, I discovered after visiting last week, has removed – a vast number of significant trees and other vegetation as part of its nearby level crossing removal program. That is in spite of the fact that one of the Indigenous elders pleaded with the government because some of these trees were 180 years old and of great significance to the community. I will say that in the local area the whole reserve was of great significance to the community and was thoroughly enjoyed, even though it has a train line going through it now.

Like in most of these cases where the LXRPA is walking all over the local residents and not listening to their concerns, the local Labor Party MP is failing to stand up for or listen to his constituents. It is disappointing that the member for Mordialloc is not advocating and has not advocated for his constituents but rather has allowed the LXRPA to ignore local residents and destroy this significant area of local greenery. The Kingston Residents Association are calling for:

... a stay of ... demolition of this environmentally significant woodland until further investigation and proper consultation with those of us who think it would be possible to proceed with the LXRPA works without destroying the reserve.

Unfortunately, it is now too late for that to take place, and some of the few trees, or parts of trees, that they have left behind are not trees of significance – they are not that old. In fact they have made such a mess of this reserve that was gifted to the public. It is really embarrassing to look through the wires of this fence and to see how this government has treated the vegetation. It has no understanding of how to look after its own reserves, and really the area is an absolute mess. It is abysmal.

Urgent care clinics

Sonja TERPSTRA (North-Eastern Metropolitan) (23:57): (1505) My adjournment matter this evening is for the Minister for Health. Can the Minister for Health provide an update on the progress of the partnership between the Victorian and Commonwealth governments in expanding the urgent care clinics network and how these clinics will continue to benefit Victorian families, particularly in the North-Eastern Metropolitan Region? I acknowledge the critical work being undertaken by the Victorian government, in collaboration with the Commonwealth government, to improve access to health care for Victorians through the establishment and funding of urgent care clinics. Victorian families are benefiting from a comprehensive and accessible healthcare model. Hundreds of thousands of patients have been diverted from our emergency departments to these free urgent care clinics, providing a vital alternative for urgent but non-emergency care.

The Victorian government, under the leadership of the Andrews and Allan Labor government, stepped in to establish 29 urgent care clinics across Victoria when the former federal coalition government's neglect of the primary care system left many Victorians unable to secure an appointment or afford to see a GP. Since their inception in 2022, these urgent care clinics have consistently handled around 7000 patient visits per week, with patient survey data showing that around 50 per cent of these patients would have sought emergency department care had the urgent care clinics not been available.

The Commonwealth government's recent funding commitment is a significant step forward. The Albanese Labor government has taken over funding for 15 of Victoria's existing urgent care clinics, increasing the total to 18. Importantly, the Albanese government has committed to funding seven new Medicare urgent care clinics in Victoria, located in Bendigo, Dandenong, Epping, Glen Waverley, Maribyrnong, Maroondah and Melton. These clinics will be open seven days a week with extended hours and no appointments necessary, offering fully bulk-billed services. The expansion not only reduces pressure on local hospitals like Bendigo Hospital and Dandenong and Monash medical centres but ensures that patients can access high-quality health care outside standard business hours. Over 40 per cent of presentations to Victorian Medicare urgent care clinics have occurred outside business hours, with a quarter of visits treating young people under 15.

This collaboration between the Victorian and Commonwealth governments represents a forward-thinking approach to health care, ensuring that more Victorians have access to the urgent care they need without overwhelming our emergency departments. I commend both governments for their continued commitment to improving healthcare access for all Victorians, and I look forward to the minister's response.

Liquor regulation

Sarah MANSFIELD (Western Victoria) (23:59): (1506) My adjournment is for the Minister for Casino, Gaming and Liquor Regulation, and the action I seek is for the minister to review online

marketing, purchasing and delivery controls within the Liquor Control Reform Act 1998. The way alcohol is marketed and sold is outpacing our liquor act and regulatory controls. Alcohol companies are engaging in predatory marketing practices that are greatly exacerbating already unacceptably high alcohol-related harms in our communities. Increasingly, marketing online, on social media platforms and elsewhere, is taking advantage of people's data to target ads to those who are already vulnerable to drinking harms, like the direct targeting of people who have already ordered a significant amount of alcohol online and are therefore more likely to be at risk of problematic use, or even more sinisterly, those who use search engines to find information about alcohol detox support. Their ads ramp up over certain times of year: summer, sporting events and other holidays. They use push notifications and so-called special offers to prompt people to buy more. They include direct-to-buy links, usually through delivery services which can deliver alcohol to a person's home in under 15 minutes.

In 2023, Kathleen Arnold was tragically found dead in her Heidelberg home as a result of alcohol poisoning. She was just 30 years old. The coroner's investigation into her death found that she had bought 319 alcohol-based products via delivery services in the six months before her death. The coroner recommended a curfew on alcohol deliveries and a 2-hour delay between orders. These recommendations mirror similar findings handed down by the rapid review of prevention approaches to end gender-based violence set up in response to the alarming number of domestic homicides last year. As part of the review, recommendations were made for state governments to strengthen alcohol laws by limiting alcohol sales, delivery timeframes and advertising. While each state and territory is to review their liquor laws in line with the review's recommendations, only South Australia has commenced this process so far, with draft legislation released earlier this year. Stakeholders have heard nothing from the Victorian government. Alcohol is a critical driver of domestic violence and yet despite lots of words from this Labor government indicating they want to stop family violence, we have essentially seen no acknowledgement of the role that alcohol plays or any appetite to do anything about it. Online alcohol advertising, purchasing and delivery is posing serious health and safety risks for the community. There have now been two significant calls for the liquor regulations to be overhauled. When will the Victorian government take action?

Energy policy

David DAVIS (Southern Metropolitan) (00:02): (1507) My matter is for the Minister for Energy and Resources in the other place, and it concerns the extraordinary announcements that we have just seen come through in the *Australian* now. This is about the extension of the Yallourn power station, and the action I seek here is for the government to belatedly release the documents ordered by this chamber, which are the agreements and arrangements struck between the government and Yallourn some time ago.

There was a documents motion passed in this chamber which the government has flouted. It has filibustered and blocked the release of those documents. But now the government has struck a four-year deal with the operators, and what we are seeing with Lily D'Ambrosio is the biggest climbdown we have seen in decades. There was the anti-coal 'I am the great caped crusader against coal.' But actually the truth is she has completely and utterly botched energy policy in this state. By not managing energy policy properly she is actually now going to have to step back from her long opposition to coal. She has done this agreement – a secret agreement, unlike New South Wales. The New South Wales extension on coal was done openly, and the numbers and the details of the deal were released publicly. But in Victoria, with the secret government that we have, the government that is determined to block the release of open information, now Lily D'Ambrosio has had to do the biggest climbdown in decades and sign a deal with the big bad brown coal station, as she would see it. She thinks that this coal is terrible. She has bagged it up hill and down dale for years, and now the Allan Labor government, through Lily D'Ambrosio, has done a deal with Yallourn. They are going to keep it going for four years.

Many would say it is a terrible deal, but the deal has been forced on the government because of their own incompetence. They are well into their 11th year in power, and they have had all the time in the world to plan and all the time in the world to get this right. This is a marker of the incompetence of

this minister and the incompetence of this government. They have not been able to achieve their own stated policies and in fact now what they have done is go back on those policies. I think the community is entitled to see how much taxpayers money is being spent and precisely the nature of the deal. The government ought to, tomorrow, release those documents for the Victorian community.

Early childhood education and care

Jacinta ERMACORA (Western Victoria) (00:05): (1508) My question is for the Minister for Children Lizzie Blandthorn. It is about preschoolers and the kinder kits. Preschoolers learn best through play, and the kits include items such as playdough, crayons, blocks and seeds. They also include timber story rollers, colouring books, educational games and felt stickers. Every item in the kits has been carefully chosen following advice from education experts. All the products are high quality and designed to be engaging as well as educational. The kits are made for Victorian children by Victorians. More than 50 Victorian businesses have been involved in creating these kits, and my request is for the minister to provide details of how many free kinder kits have been provided to the families of Western Victoria Region.

Bail laws

Katherine COPSEY (Southern Metropolitan) (00:06): (1509) My adjournment this evening is to the Attorney-General, and the action I seek is that you withdraw the current broken bail bill and instead bring before the house a set of evidence-based reforms outlined in Poccum's law. This afternoon I had the honour to speak at a community rally on the steps of Parliament. We had called on the Premier to front up to this gathering on the steps, but she did not turn up. You have to presume she does not have the courage to face the communities who will be most impacted by these rushed kneejerk changes to Victoria's bail laws, which risk warehousing more people to languish in Victoria's prisons and more deaths in custody. Let the Premier explain why the last time Labor rushed bail reform in 2018 we saw a doubling of the number of First Nations women in Victoria's prisons. Let the Premier explain why she is more focused on optics than on implementing policies that are proven to improve community safety like early intervention programs – programs that provide wraparound services to young people such as Balit Ngulu that the Victorian Aboriginal Legal Service runs and has spent years asking for more funding to expand. I was honoured to stand alongside community members, Aboriginal community controlled organisations, community services and family violence and legal sector organisations. There are 92 separate organisations that have joined together to call on the Premier to withdraw the current bill and instead put forward a range of sensible measures. It is set out in their joint public letter released yesterday – 'Bail saves lives: Poccum's law is the way forward'. To do this would honour Veronica Nelson, who died in custody locked up in Victoria's prison system. It would prevent more deaths in custody, rather than the Premier's panicked course of action, where she is just set to repeat the mistakes of the past.

The Greens support the implementation of Poccum's law. We want to see bail reforms that take their lead from the expertise and experience that First Nations people and organisations have put before this Premier time and time again only to have that effort, that intellectual and emotional work, utterly betrayed. The Greens will keep fighting for bail laws that actually make us safer; that do not disproportionately impact already overpoliced communities; that do not warehouse people, particularly strong Aboriginal women, in Victoria's prisons; and that do not lead to deaths in custody. We will keep fighting for Poccum's law.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (00:09): (1510) My adjournment matter is for the Minister for the Suburban Rail Loop. The Allan government must immediately provide fair compensation to hardworking Melburnians whose businesses have been crushed by the SRL road shutdowns. It must also introduce better planning to minimise business disruptions. The closure of Railway Parade North in Glen Waverley has isolated an entire block of restaurants, hairdressers and grocery stores from customers, commuters and delivery drivers. Similarly in Clayton, road closures

have turned off the tap for hundreds of businesses, forcing some to shut down entirely. Michael Qi's restaurant was thriving until the road closed in August, slashing his revenue by 15 to 20 per cent each month. He has now drained \$100,000 of his personal savings to stay afloat. Yoon's Kitchen owner Anna Bae has had to lay off half her staff, as losses exceeded \$15,000 a month. Meanwhile, hairdresser Chris Ong has lost more than \$40,000 over six months. Mila Metlenko invested \$500,000 of her life savings to build her Malaysian restaurant, only to see revenue plummet by up to \$4000 weekly. She has not been able to pay herself for months, and the stress has caused serious health issues. With her business now unsellable, she faces walking away with nothing.

Business owners were initially told closures would last for three months, only to have them extended by another seven, with further delays likely. Yet despite these devastating losses the SRL has reportedly offered a mere \$15,000 for seven months of road closures, an insulting figure that does nothing to keep businesses alive. The government claims the SRL will create an activity centre for traders in a decade, but if these businesses do not receive meaningful support there will be nothing left to revitalise. The financial toll has been described as worse than the COVID lockdowns, and yet the Allan government has abandoned these businesses, many owned by immigrants who have sacrificed everything, by failing to provide adequate support.

The action I seek from the minister is fair compensation that reflects the real losses suffered by these businesses and a commitment to proper planning that minimises commercial disruption. Will the government finally listen to these honest, hardworking small business owners, or will it continue to ignore their suffering while they are forced to close their doors?

Veterinary care

Georgie PURCELL (Northern Victoria) (00:12): (1511) My adjournment matter this evening is for the Minister for Health, and the action I seek is for the minister to advise me on what action she is taking to enable access to e-prescribing for veterinarians. Thanks to the Victorian pet census report, we now know there are 4.3 million pets in Victoria that all need vet care at some stage of their lives, and some regularly. A visit to the vet, much like dealing with a doctor, is a process that can be a stressful, expensive and time-consuming endeavour. During the COVID pandemic Australia broadly adopted the use of many technology innovations and digital approaches to reduce face-to-face contact. We have kept many of these innovations around, including e-prescriptions, because they are convenient, are easier to use and get medicines to patients faster.

However, largely due to a technicality, e-prescriptions for vet practitioners are not currently allowed. The Secretary of the Department of Health under the Drugs, Poisons and Controlled Substances Act 1981 has powers to approve new prescription methods. There are thousands of vets across Victoria that would prefer to use e-prescriptions if they had the opportunity to do so, and Dr Julia Malcolm is just one of those vets. She runs a mobile vet clinic in regional Victoria. Dr Malcolm helps hundreds of Victorians deal with the complexities of rural pet ownership, things that people in my electorate know all too well, including limited mobility, geographic isolation, physical barriers and time constraints, by providing stress-free vet care right at home. Whilst Dr Malcolm provides comprehensive care to hundreds of pets, she is still required to have printed prescriptions mailed to pharmacies so that they can dispense life-saving medication for pets.

There is a technology platform that already exists that could solve this problem and greatly improve the ease of access to medications for our pets. They simply need the government to authorise the use of e-prescriptions by vets under existing legislation. The regulation-making powers in the Drugs, Poisons and Controlled Substances Act already exist to authorise the making of regulations to allow vets to issue electronic prescriptions. We are calling on the secretary to approve alternative means of writing prescriptions for vets, like those for doctors, and to publish the approval in the *Government Gazette* for it to come into force. I hope the minister can action my ask to fix this oversight, enable e-prescribing for veterinarians here in Victoria and improve access to vet care across the state.

Mount Macedon tearooms

Wendy LOVELL (Northern Victoria) (00:15): (1512) My adjournment matter is for the Minister for Environment, and the action that I seek is for the minister to explain the nine-month delay in the tender process for leasing the Mount Macedon tearooms, which will see the venue remain closed during Mount Macedon's busiest tourist period. Mount Macedon sits within the Macedon Regional Park, which is administered by Parks Victoria, and the mountain peak offers glorious views of the surrounding countryside. At the top of the mountain visitors can access the war memorial cross as well as the Harbison picnic ground, which are popular tourist attractions, and the site receives around 300,000 visitors throughout the year. For the last 14 years visitors to the summit could also find refreshments at the Top of the Range Tea Rooms, which provided a range of teas, other drinks and delicious food, but the beloved tearooms are now closed because Parks Victoria did not renew the tenant's lease. The tenancy was put out to a competitive tender, and expressions of interest closed on 20 June last year. Nine months later the longstanding lessee has been forced to close up shop. A new lessee is yet to be announced, and Parks Victoria has indicated that the rooms will remain closed for many more months for the new lessee to renovate the building. This has left tourism operators shocked and confused.

The Macedon Ranges is heading into one of its busiest tourist periods of the year. The Macedon Ranges Autumn Festival runs for the whole month of April, and tens of thousands of people will flock to the area. Many of those visitors will make a trip to the top of Mount Macedon because the summit is the best place to capture the stunning views of the autumn leaves turning glorious shades of orange. But visitors at the peak will not have anywhere to sit down and enjoy a meal or relax with a cup of tea, because the tearooms will be closed until the end of the year. 25 April is of course Anzac Day, and hundreds will turn up to honour our fallen heroes at the war memorial cross, but they will not be able to wrap their hands around a cup of warm tea afterwards, because the tearooms will be closed.

I have spoken with the former venue operator, and I understand that Parks Victoria was not willing to extend their lease so that they could continue operating during the busy autumn tourist period. Tens of thousands of visitors who arrive at the peak will now be disappointed to find out that they have been left high and dry, hungry and thirsty.

Once again the Allan Labor government has failed because of a lack of consultation and foresight. They have forced the closure of a large and popular hospitality venue right before the busiest period of the year, when the Macedon Ranges holds its Autumn Festival. The Victorian government could have avoided this situation by extending the lease of the existing tenant until the autumn tourist season had completed.

Western Metropolitan Region bus services

David ETTERSANK (Western Metropolitan) (00:18): (1513) My adjournment is directed to the Minister for Public and Active Transport in the other place. With the federal election fast approaching, politicians have realised that the outer west of Melbourne is one of the country's fastest growing regions and that its residents are not happy and are eligible to vote. I read recently with great excitement of the \$1.1 billion funding announcement to finish an upgrade to the Western Highway between Melton and Caroline Springs, apparently now a key priority for Labor. The federal minister for infrastructure advises that the number of vehicles on that highway will grow to nearly double – that is, 200,000 vehicles per day, hence the upgrade. Huzza, huzza! This is great news – great to see the outer west getting some much-needed attention and great to see that investment in our roads. We need more road infrastructure. Western suburbs residents own on average just under two cars per household because so many live in one of the all-too-prevalent public transport deserts you will find across the region.

The problem is that roads do tend to beget more traffic. Building more roads is guaranteed not to reduce the amount of traffic on our roads. Without sounding ungrateful, I cannot think of a single motorist in the west who is excited by the prospect of 100,000 more motorists being added to the roads

they use within five years. On top of that, roads take a long time to build, so any relief is years away. People of the west need transport relief now, not in a decade's time. So, what about buses? We already have the buses; they are just not being used effectively, with long wait times, unreliable services and tortuous routes that can take hours to get you anywhere. However, we know that a reconfigured bus network would provide public transport to thousands more residents and reduce those wait times to around 10 minutes. Not only would it provide a means to get to work, to school, to shops and to medical appointments, it would also provide tangible cost-of-living relief for households forced to rely on public transport and take some 40,000 cars off the road every day.

CDC manage most of the bus routes in the west. When we raised the possibility of CDC reconfiguring its routes, we were told by the previous public transport minister that it was not possible to even consider upgrading the bus network until CDC contracts had been finalised. Think about that for a moment. Now that those contracts have been bedded down, I ask the minister to provide an update on what is being done to improve bus services and when we will see a comprehensive west and north-west bus reform package.

Beveridge traffic management

Evan MULHOLLAND (Northern Metropolitan) (00:21): (1514) My adjournment is to the Minister for Roads and Road Safety, and the action I seek is for the minister to urgently fix the traffic chaos in Beveridge in my electorate. Areas like Kalkallo, Donnybrook and Mount Atkinson are famous for a severe lack of planning – botched planning – and a severe lack of public transport, amenity and character and creating car-dependent deserts in which it is residents and Victorians that suffer because they do not have access to the services and amenity that the rest of Melbourne does. Beveridge is about to be as famous as those suburbs – as Kalkallo, as Donnybrook, as Mount Atkinson. It is an island of housing estates, and the only retail outlet there is a golf course. It has got no shops. Using Lithgow Street, which is the one road onto the Hume, it takes 45 minutes to get to the Hume Highway at peak hour. School buses, which are the only form of buses that go through Beveridge, get delayed and then get cancelled, so students end up standing up on a bus going 110 kilometres an hour on the Hume. That is not acceptable, but it has got no public transport. There was meant to be a train station at Beveridge. For those public transport nerds like me who have looked through old Public Transport Victoria development plans, there is actually meant to be a Somerton link line that connects the Upfield line, duplicates it and connects it to Roxburgh Park, and then you can electrify the track from Craigieburn to Wallan and put new stations at Kalkallo and Beveridge and then continue up to Wallan. That has not happened.

I am desperately seeking an interim solution from the minister, and the reason I seek the action of the Minister for Roads and Road Safety is that it is not a transport infrastructure issue. Camerons Lane will not be delivered until the 2030s. Even though the government has about \$900 million to spend on it, it will not be delivered until the 2030s. My residents cannot wait that long. The people of Beveridge cannot wait that long for a fix. We need a fix. We need the state government to step up, because people are suffering. I spoke to Hollie Prosser, a 14-year resident who expressed great frustrations about the traffic issues at the moment. I spoke to many families whose kids are consistently late to school. There are pedestrian safety issues and social and mental health issues from being stuck in this estate, so I seek the action of the minister to do something about Beveridge.

Medical research

Georgie CROZIER (Southern Metropolitan) (00:24): (1515) My adjournment matter this evening is for the minister responsible for medical research. There is an enormous concern amongst the medical research sector about a lack of funding.

David Davis interjected.

Georgie CROZIER: Mr Davis interrupts and says, ‘Sure is.’ They are very concerned, Mr Davis, about what it will mean to their ongoing ability to deliver great research and life-saving trials and outcomes for many, many Victorians as well as many Australians and those in the international sphere.

Victoria has a very proud record of medical research, and there are thousands of people that work in this sector. It is a very important sector, not only from the medical research component but also from an economic perspective. We have got world leaders in this space, whether it is the Walter and Eliza Hall institute, Burnet, the Murdoch research institute, Florey, Olivia Newton-John or St Vincent’s Institute. There are just multiple research institutes, and they are being put under enormous pressure by the lack of security from the government in funding that they require to continue with this work. The action I am seeking is that the government provide that funding before the budget, because there needs to be some certainty now. The budget is some weeks away. Last year the budget was cut in this area. The Victorian Comprehensive Cancer Centre’s Professor Grant McArthur spoke of the concerns that he had – 75 per cent cuts to that research institution. Professor Ricky Johnstone has also stated just what is at risk in relation to the government’s lack of funding.

We understand – all Victorians understand – that the economic situation, the budgetary position that the Allan Labor government has put Victoria in, is very dire. We are paying \$18 million a day in interest alone. The money that is needed by these very able, very committed and very worthy research institutes is less than a week’s worth of interest that this government is paying. It is an absurd situation where we have got this fantastic industry at risk because of the incompetence of the Labor government in managing Victoria’s finances. I say again: that money must be secured, it must be guaranteed, and these research institutes need to have the assurance from government that the money will be provided.

Country Fire Authority Hazelwood North brigade

Melina BATH (Eastern Victoria) (00:27): (1516) My adjournment this evening is for the Minister for Emergency Services in the other place, and the action I seek is for the minister to work with the CFA and to fund a new fire station for the Hazelwood North brigade. The Hazelwood North brigade is 96 years old. It has been serving the community – it has been putting out grassfires, house fires and car fires. There is a school at Hazelwood North, and the brigade is in very close proximity to the mine and has been involved in supporting services when there have been incidents at the mine. It transferred some years ago from region 10, in a rural brigade setting, to region 27 in recognition of its workload, its call-outs and its proximity and activity in relation to the coalmines in the Latrobe Valley. For many years the Hazelwood North brigade has been promised a new fire station, but they have been waiting for so long that the land allocated to it may well have to be reallocated if it is not used. It was allocated by the Latrobe City Council, but soon it is to be no longer.

It is not fit for purpose, their current position and their current shed. And it is a shed – it is a single-door roller shed. They tacked the meeting room onto the side of the single-door shed with their own money and their own fundraising. There is no room for volunteers, let alone women to have a spare space and a private space. There is no room for volunteers to park without obstructing access for the fire tanker and the ultralight firefighting appliances. There is no room for proper communications and there is no room for training. They have great numbers, they have a great culture and they would love to have juniors. Wouldn’t we all love to have juniors coming into the fire brigade? But they cannot have open days or training and they cannot have a junior brigade because they have an antiquated fire shed.

In 2028 they will celebrate 100 years of protecting the community, 100 years of serving the community. But unfortunately, this shed looks like it is 100 years old, and indeed it is close to it. When there has been discussion around access – again, safety for those firefighters – it is not safe to alight into their shed. Minister, the action I seek is for you to work with the CFA, allocate some funding and get this lovely brigade a new fire station.

VicRoads Ringwood

Nick McGOWAN (North-Eastern Metropolitan) (00:30): (1517) I can be accused of many things, and trash talk perhaps is one of them. Yet again tonight the action that I seek from the Minister for Roads and Road Safety relates to trash talk, I suppose, in one way or another. You see, in my constituency of Ringwood I have many, many constituents who complain quite frequently, and yet again I have had one come to my office just in the past few days. Minister, yes, that is right: trash talk. I am coming to the point. I will come to it. It relates to VicRoads.

Many people like to visit the VicRoads at Ringwood. It is a marvellous building. It is a bit like the Taj Mahal. It is quite large and exorbitant, and there are way too many layers of parking for my liking, but nonetheless, it is a beautiful looking building. There is, however, one problem, and this is where the trash talk comes into it, Minister, so brace yourself. The problem is of course that there is not a toilet. I know, Minister; it is way too much for this time of the morning. It is half past 12 and the last thing we need to talk about is the toilet. It is true too that I can be accused of asking too much. First, I wanted a toilet at Ringwood East train station, and now I want a toilet very close to Ringwood train station at VicRoads. But I jest because, believe it or not, this is an issue that constantly is raised.

Yet again I had a constituent in a nearby electorate, and a member in the other chamber has referred it to me, and I bring it here into this chamber tonight in a sincere and desperate hope for those poor individuals – as they are crossing their legs, their toes, their fingers and all the other parts of their bodies that they can cross to hold themselves – that at some point VicRoads will see fit to install a toilet. As we all know, there is nothing quite like being caught in a queue when you need to go. Well, it is a bit of a distance to run over to Eastland. We love our friends at Eastland, but it is at least a good 100-metre dash, and no-one is prepared to do that. If you are holding a little hand, it makes it even harder. It is just not going to happen. It is going to end in disaster, let us face it. Likewise, if you have got to dash to the train station – and thank God the Ringwood train station does have a toilet – you have got to go up one set of escalators, across the promenade and down the other stairs. By the time you got there, again, chaos would ensue, and it would be very unsightly.

It is for the sake of all of my constituents, the elderly, the young, the young at heart and the ones with youngsters with them. It is a very young theme tonight because it is very early in the morning, but nonetheless you get my gist. My gist of course is that if the minister can see it within herself to plead with the people at VicRoads – and I shall join her in that plea – for a toilet at the VicRoads office at Ringwood train station, then I would be eternally grateful. More importantly, the cleaners probably no doubt right across the district of Ringwood would be eternally grateful, because once and for all we could provide some relief to all of my constituents.

Western Metropolitan Region transport infrastructure

Trung LUU (Western Metropolitan) (00:32): (1518) My adjournment matter is for the Minister for Transport Infrastructure and is regarding the recent Infrastructure Victoria report released in relation to the lack of connectivity in the west of Melbourne, especially in my electorate, the Western Metropolitan region. The action I seek is for the minister to implement the finding of the recent Infrastructure Victoria report and deliver the rapid transit bus service for my constituents in the western suburbs. The Infrastructure Victoria report highlights a growing concern about public transport services across Melbourne's fringe. Areas such as Wyndham City Council and Melton City Council in my electorate are expected to grow by 65 and 163 per cent respectively. With this growth, even with the new and wider roads, motorists could face a 46 per cent increase in road congestion between 2026 and 2036. An easy solution would be to provide rapid transit bus services to these growth corridors – buses that run every 5 minutes during peak and every 10 minutes during off-peak. Additionally, providing a dedicated bus lane along this route will reduce congestion and ensure buses arrive at their stops frequently and efficiently. Three of the proposed rapid bus routes in Melbourne's west are Melton to Broadmeadows, Point Cook to Watergardens station and Tarneit to Highpoint shopping centre.

Melbourne's population boom in the outer suburbs needs adequate transportation options. Rapid transit buses provide these solutions. People in Melbourne's west should not be forced to spend extra time stuck in traffic. They deserve to have the same high standard of transportation that the state can provide, so I urge minister to consider the findings of the report and deliver rapid transit bus services for my constituents in Point Cook, Tarneit, Maribyrnong and Taylors Lakes. It is time to deliver the public transport service Victorians, especially in the western suburbs, need and deserve.

TrialHub

Gaelle BROAD (Northern Victoria) (00:35): (1519) My adjournment matter is for the Minister for Health regarding proposed funding cuts to the TrialHub program, with funds for the existing program due to finish in June this year. The action that I seek is for the state government to guarantee that funding for this program will continue. For regional Victoria, TrialHub represents an opportunity to bridge the gap between urban and rural patients. TrialHub has developed an important clinical trial system in regional and rural areas that has been life changing for patients. The program provides access to life-saving clinical trials that were previously only available in Melbourne. It gives patients an opportunity to access new treatments, medicines, interventions and medical devices. This is especially important for rural and regional patients, giving them the chance to receive exceptional care without the added burden of travel and the emotional toll of managing serious illness far from home. TrialHub has supported Bendigo Health as one of the six Victorian hospitals included in the program, providing almost \$1.5 million of funding so that the hospital has dedicated clinical trial staff as well as providing a range of supports such as workforce upskilling programs, mentoring, operational strategies and communications. These trial options have already shown impressive results. One local resident, John, was given six months to live three years ago after a dire cancer diagnosis. A clinical trial was his only hope of survival. Fortunately, he was able to access a trial through Bendigo Health and is now in remission. He said:

Had my only option been to go to Melbourne for a clinical trial, I would have rather died here in the country.

TrialHub also worked with Mildura Base Public Hospital in my electorate. It provides options for treatment to patients that otherwise would not be available. If these resources are lost it will be very hard to get them back. TrialHub has an impressive track record, including helping more than 1000 Victorians access a local clinical trial, creating a rare cancer alliance to tackle the limited access to regional and treatment options and an upskilling program which has led to the creation of new jobs in clinical trials and research outside of Melbourne. There is no doubt that TrialHub is life changing for patients and transformative for regional and rural health care, but it is at risk without continued funding. To sustain this vital service requires a commitment to funding to ensure that regional and rural Australians have access to the latest advancements in medical care. I look forward to the minister's response ahead of the upcoming state budget.

Dingo breeding

Bev McARTHUR (Western Victoria) (00:38): (1520) My adjournment matter is for the Minister for Environment and concerns the recent revelation of a previously secret dingo-breeding site in the Little Desert National Park. I have frequently raised here the frustration and anger Victorian farmers feel when Department of Energy, Environment and Climate Action (DEECA) bureaucrats bend to activist groups and demonise farmers and their efforts to control wild dogs and dingoes, but this recent news is not just about dingoes, it is about trust, transparency and the livelihoods this government is putting at risk. Before the bushfire tore through the park, Wimmera farmers like John Bennett had no idea what was going on on their doorstep. As he said:

Had the bushfire not gone through that part of the park, a lot of locals are questioning whether we would have learnt of this arrangement at all ...

DEECA said nothing, AgVic said nothing, Parks Victoria said nothing – not a word until flames forced the truth out. You can understand their concern. Some farmers reported sightings in the national park, which had been largely dingo free for many decades. However secure a breeding centre is supposed

to be, accidents will happen. Livestock losses are not abstract; they are dollars and sleepless nights. This is not just poor communication; it is a failure of duty. Why were farmers not consulted? Where is the risk assessment they deserve? They are demanding a public meeting and rightly so. It is bad enough that the dingo unprotection order was dropped on them with no notice and no consultation. Now they find out that dingo breeding is occurring on their fence lines. The ABC report notes that the breeding site was run by the Australian Dingo Foundation on land leased by the Barengi Gadjin Land Council and operated under a DEECA permit. Given this, Minister, in the interests of trust and transparency I ask for your department to disclose the existence of and locations of any other authorised dingo-breeding operations. There can be no reasonable explanation for total secrecy here. On what ground can that be justified? I ask that your report includes as much information as possible as to who is authorised and who gave authorisation and when for all dingo keeping and breeding permits issued across Victoria.

Responses

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (00:40): There were 17 adjournment matters raised this morning, and they will be referred to the relevant ministers.

The PRESIDENT: The house stands adjourned. We will see each other later today.

House adjourned 12:41 am (Wednesday)