



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 20 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

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, Gaele	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	IndLib	Ratnam, Samantha ⁵	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
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 ⁶	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² Lib until 27 March 2023

³ Appointed 14 November 2024

⁴ LDP until 26 July 2023

⁵ Resigned 8 November 2024

⁶ Appointed 7 February 2024

Party abbreviations

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

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

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

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

CONTENTS

PAPERS	
Ports Victoria	1111
Papers	1111
BUSINESS OF THE HOUSE	
Notices	1111
COMMITTEES	
Legal and Social Issues Committee	1111
Membership	1111
MEMBERS STATEMENTS	
Victorian Hound Hunters	1111
International Women's Day	1111
Country Fire Authority	1112
Illicit tobacco	1112
Holi Festival of Colours	1112
Victorian Fisheries Authority	1113
Woolworths	1113
Ambulance Victoria	1113
West Gate Tunnel	1114
Garfield North community centre	1114
Filipino community centre	1114
Holi Festival of Colours	1114
Ahmadiyya Muslim Association Victoria	1114
Syria	1115
Pahran Football Club	1115
Toorak Park	1115
Boroondara City Council	1115
BUSINESS OF THE HOUSE	
Notices of motion	1115
BILLS	
Bail Amendment (Tough Bail) Bill 2025	1115
Second reading	1115
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Taxation	1137
Quail hunting	1138
Ministers statements: youth justice system	1138
Health services	1139
Housing	1140
Ministers statements: early childhood education and care	1141
Land tax	1142
United States trade	1143
Ministers statements: housing	1144
Emergency Services and Volunteers Fund	1144
Emergency Services and Volunteers Fund	1145
Ministers statements: Vietnamese Museum Australia	1146
Written responses	1146
CONSTITUENCY QUESTIONS	
Eastern Victoria Region	1146
Western Victoria Region	1147
Western Victoria Region	1147
Northern Victoria Region	1147
North-Eastern Metropolitan Region	1147
Northern Metropolitan Region	1147
Northern Victoria Region	1148
South-Eastern Metropolitan Region	1148
Northern Victoria Region	1148
North-Eastern Metropolitan Region	1148
North-Eastern Metropolitan Region	1149
Southern Metropolitan Region	1149
Northern Victoria Region	1149
BILLS	
Bail Amendment (Tough Bail) Bill 2025	1150
Second reading	1150

CONTENTS

Committee.....	1174
Third reading.....	1229
BUSINESS OF THE HOUSE	
Adjournment	1229
BILLS	
Gambling Legislation Amendment (Pre-commitment and Carded Play) Bill 2024	1229
Introduction and first reading	1229
Statement of compatibility.....	1230
Second reading.....	1231
Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025	1233
Introduction and first reading	1233
Statement of compatibility.....	1234
Second reading.....	1236
ADJOURNMENT	
Early childhood education and care.....	1238
Northern Metropolitan Region roads.....	1239
Emergency Services and Volunteers Fund	1239
Royal Flying Doctor Service	1240
Crime	1240
Early childhood education and care.....	1241
Western Metropolitan Region crime	1242
Suburban Rail Loop	1242
Responses	1243

Thursday 20 March 2025

The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.

*Papers***Ports Victoria**

Sarah MANSFIELD (Western Victoria) (09:34): I move, by leave:

That Ports Victoria letters dated 10 January 2024 and 20 November 2024 in relation to the Viva Geelong gas import terminal be tabled.

Leave refused.

Papers**Tabled by Clerk:**

Emergency Services Superannuation Act 1986 – Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2024, under section 19 of the Act.

Members of Parliament (Standards) Act 1978 – Register of Interests – Returns submitted by Members of the Legislative Council – Ordinary Returns, 1 July 2024 to 31 January 2025 (*Ordered to be published*).

Statutory Rule under the Confiscation Act 1997 – No. 5.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 5.

*Business of the house***Notices**

Notices of motion given.

*Committees***Legal and Social Issues Committee***Membership*

David DAVIS (Southern Metropolitan) (09:39): I move, by leave:

That:

- (1) Trung Luu be discharged as a member of the Legal and Social Issues Standing Committee; and
- (2) Ann-Marie Hermans be a member of the Legal and Social Issues Standing Committee.

Motion agreed to.

*Members statements***Victorian Hound Hunters**

Jeff BOURMAN (Eastern Victoria) (09:39): On Saturday I went down to the Victorian Hound Hunters registration event at Tallarook, and I had pleasure of announcing, for the first time in 50 years, two new hound breeds that can be used in hound hunting. This was due to the hard work of the Hound Hunters committee, but particularly Irene, Laura and Shaun. With the help of the government, we got that through, so congratulations and thank you.

International Women's Day

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:40): I was pleased to attend the St Leonards Community Care Group's International Women's Day morning tea last week. Congratulations to the St Leonards Community Care Group for hosting a successful and positive event. It was also fantastic to see a huge number of International Women's

Day celebrations throughout western Victoria being shared on social media, a reminder of progress made and a call to action for the work still ahead towards achieving true gender equality. Victoria has a proud history in advancing women's rights, from securing voting rights in 1908 to leading reforms in workplace equality, family violence prevention and women's health. Yet challenges remain – women continue to experience gender-based violence, economic disparity and barriers to leadership and opportunity. International Women's Day shines a light on these issues and recognises the incredible contributions of women across all sectors: industry, business, services, education, the arts, sports, community, government and leadership. It also highlights the need for continued investment in policies and programs that empower women and girls, ensuring that they have the opportunities and protections they deserve. I commend the tireless efforts of women's advocacy groups, community organisations and all those working towards a fairer and more inclusive Victoria. It is a reminder that we must reaffirm our commitment to gender equality and work together to build a future where all women and girls can thrive.

Country Fire Authority

Moira DEEMING (Western Metropolitan) (09:41): Today I want to say thank you to the CFA. As we know, the Victorian CFA has had its budget slashed by millions in recent years. Their stations, their trucks and their equipment need urgent attention; much of it is no longer fit for purpose. CFA training is in utter disarray, with many courses still unavailable, and yet still these brave men and women answer the call to run towards danger when it comes. Sadly, 13 CFA brigades identified by the Fire District Review Panel as having a higher risk profile for fires and assessed for takeover by Fire Rescue Victoria have been put through the wringer over the past two years during a multimillion-dollar, four-year FRV fire district review. In addition to risking their lives with shonky equipment and sacrificing their health to fight toxic fires, these CFA brigades were required to complete submissions and provide evidence to justify their own existence to the state government as to why they should continue to provide this amazing service. The review is now done, but it has not been released. Yesterday the Minister for Emergency Services met with key stakeholders from the CFA just to tell them that there would be absolutely no changes whatsoever at all. It was totally insulting and demoralising, and, sadly, many CFA volunteers resigned. What an absolute waste. What a disgraceful way to treat our CFA.

Illicit tobacco

David LIMBRICK (South-Eastern Metropolitan) (09:43): I would like to thank everyone who participated in and came to the landmark tobacco wars community summit that was held at Parliament by my team last Sunday. In particular I would like to thank some of the participants: Dr James Martin from Deakin University, a criminologist who had some excellent views; Pippa Starr from ALIVE Advocacy Movement, who is promoting the voices of people who are trying to give up smoking; Rob Berry, who is a former vape store owner who had his business destroyed by government laws; Dr Alex Wodak, who is a doctor who specialises in addiction medicine; and also Professor Marewa Glover from New Zealand, who gave some perspectives from a country that has more sensible tobacco policies than Australia. Everyone who participated in this I think, and the people watching, would have come to the conclusion that there are many people that are concerned about the path that Victoria and Australia is heading down with our current tobacco policies. We need radical reform if we are going to get this market out of the hands of organised crime and back into a legal market. The path that the Victorian government is heading down in particular will not work through enforcement. We need to take a different path.

Holi Festival of Colours

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:44): Over the weekend I had the great pleasure of attending the Wyndham Holi and Sri Durga Temple Holi festivals alongside many of my colleagues in the western suburbs. Holi is a festival that holds great significance for our Hindu community. It is a time of joy,

unity and renewal. It is a moment to honour the triumph of good over evil and embrace new beginnings. The colours we throw and share during Holi symbolise the many facets of life, reminding us that diversity is something to celebrate, not just today but every day. In Victoria our diversity is one of our greatest strengths, and it is something that the Allan Labor government will always champion. Victoria's multiculturalism makes our state more vibrant, and festivals like Holi bring the community together. Thank you to the Wyndham Holi president Neha Kolape, Sri Durga Arts Cultural and Education Centre president Kulwant Joshi and vice-president Gary Verma for inviting me to your festivals on the weekend and to the marvellous Hindu community for so warmly and generously welcoming Victorians across the state who joined in the festivities. Let us embrace the opportunity for new beginnings. Happy Holi.

Victorian Fisheries Authority

Renee HEATH (Eastern Victoria) (09:46): Many of my constituents are deeply concerned about the Labor government's plans to restructure and slash the Victorian Fisheries Authority. This will see a 50 per cent staff cut and the closure of vital fishery enforcement stations, all because Labor is broke and cannot manage money. Less officers will result in reduced inspections and enforcements and more maritime crime and environmental damage. A lack of enforcement will only be to the detriment of recreational anglers, who will see declining fish stocks and a worse-off environment. It is time that the government got its priorities right and listened to the law-abiding Victorians who just want to enjoy the natural environment. Fishery enforcements cannot afford to be weakened.

Woolworths

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:46): The price of Danish feta is wild. We all remember the baked feta pasta from lockdown days, yes? I mean, how could you miss it back then. The way Woolworths continues to price gouge us, we might have to leave that tasty treat as a memory. I do not want to start any sort of culture war here, but in my personal opinion Danish feta is the best feta. The only bad thing is that it is almost \$20 a kilo. I swear, before the 2020s, it used to be around 8 bucks. It went to \$12 a while back. They then bumped it up to \$16, with their regular specials bringing the price back down. But much to my shock and horror, when I went to purchase my trusty Danish cheese last weekend, it is now \$19.50 a kilo. After sitting at the inflated \$16.50 for a long time, it jumped almost 20 per cent just last week. I mean, what is next – \$25 a kilo? Do I have to say goodbye to my Greek salads? Is that what it has come to? Governments tell us repeatedly that inflation is easing off. Well, someone had better tell them to get a room with Woolworths, sit down and get their story straight, because they continue to jack up the prices and it sucks.

Ambulance Victoria

Tom McINTOSH (Eastern Victoria) (09:48): I had the privilege last week of officially opening two new Ambulance Victoria branches in Yarram and Paynesville with the incredible ambulance community officers, auxiliaries and paramedics who are so very well respected and do so much to keep our local community safe and well. These exciting new stations opened late last year. They are custom built with modern and safe features to support our paramedics and ensure the community has 24-hour access to support. Each of them includes a three-bay ambulance garage, two rest-and-recline areas, longer-term accommodation facilities, training facilities and a fully equipped kitchen. Very impressively, Yarram branch has supported its local community for over 100 years, helping its first patient in 1923. While being what you could call a more youthful branch, having only been formed in 2006, I want to acknowledge the Paynesville auxiliary group, who took the branch from an idea into a house and now to a fully-fledged station. A big congratulations to Ruth, Elizabeth, Alan, Frances, Judith, Linda, Michelle, Jamie, Kym, Jean, Alice, Lynette, Marilyn, Steph, Trixy and Uwe for their fundraising work, which has been instrumental in supporting the Paynesville branch over decades and is a true testament to staying the course. Yarram and Paynesville are just two of the nine branches that have been upgraded in Gippsland. We have also made upgrades at Morwell, Foster, Moe, Sale, Orbost,

Traralgon and Warragul. Just last month we passed legislation so we can deliver Australia's first-ever paramedic practitioners.

West Gate Tunnel

David DAVIS (Southern Metropolitan) (09:49): I think most in the community are now aware of the botched approach that the government has adopted to the West Gate Tunnel. It started as a \$500 million slip-road, then there was a market-led proposal from Transurban and special help from then Tim Pallas's office to help them shepherd that through – potentially corrupt input –

Members interjecting.

David DAVIS: He did. And then there was a proposal at around the \$5 billion to \$6 billion level, but now it has blown out well past \$10 billion, and climbing. Who would have thought, for example, that in the western suburbs there could be old industrial soil that might add to the costs? That for some reason was not considered by this government when it signed the arrangements with Transurban – the special arrangements with Transurban. Now we see that the costs are blowing out even further. Of course, Victorians are paying now for the West Gate Tunnel. They are already paying in their tolls, and their tolls go up every six months to pay more, specially to fund the West Gate Tunnel. So those who drive on the Bolte Bridge and through the tunnels are paying now, and they are paying through the nose, adding to the cost-of-living pressures on every Victorian.

Garfield North community centre

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (09:51): Last Friday it was an absolute delight to head to the Cannibal Creek Reserve to celebrate a really, really important milestone as the Garfield North community centre construction gets underway. This will deliver a facility for the community for a range of different purposes, including in management of disaster and emergency response and recovery, but also social opportunities for people to come together. This is a result of many years of discussion and advocacy, including with and for the community, that has culminated in \$1.3 million through the Growing Suburbs Fund and \$1 million from Cardinia Shire Council. Cardinia shire has received more than \$36 million under the Growing Suburbs Fund, and this is one of dozens of projects that will continue to improve the opportunities for communities in this beautiful part of the world to come together for all sorts of reasons and in all sorts of conditions.

Filipino community centre

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (09:52): It was so lovely to welcome the Filipino community centre staff, volunteers and participants from the community in Morwell last week for the celebration of the new cafe and outreach service. Congratulations to Roxanne and to all of the volunteers who provide such an important service for inclusion of members of our Filipino communities and also people from the broader community, to come together to talk about outreach, to provide cultural connection and opportunities to participate and to thrive across our communities. It is a beautiful space. Well done.

Holi Festival of Colours

Evan MULHOLLAND (Northern Metropolitan) (09:52): It was wonderful to attend Holi festival at Sri Durga Temple in the western suburbs with Liberal leader Brad Battin and local Western Victoria member Joe McCracken. Thank you to my friends Kulwant Joshi, Gurpreet Verma and Ketan Rajpal.

Ahmadiyya Muslim Association Victoria

Evan MULHOLLAND (Northern Metropolitan) (09:53): It was also really good to join the Ahmadiyya Muslim Association Victoria in Melton for a special iftar and discussion of fasting in my

religion with our fantastic Liberal candidate for Hawke Simmone Cottom and Cr Julie Shannon. It was a wonderful evening of unity and learning.

Syria

Evan MULHOLLAND (Northern Metropolitan) (09:53): Recently I met with members of the Syrian Christian community in Hume along with Mr Wafa Al Betros and Mr Barhoum Bannoud from the Australian Suqaylbiyan Association to discuss the ongoing crisis in Syria. What we are seeing in Syria is horrific. We are seeing the targeting of Alawite Christian, Kurdish and Druze populations through indiscriminate killing of persecuted minorities. I join with many in the community in calling on the federal government to consider a humanitarian intake of Syrian persecuted minorities, similar to what Australia did under the Abbott government, and call on the federal government to use diplomatic channels through international bodies to urgently stop the killing.

Prahran Football Club

John BERGER (Southern Metropolitan) (09:54): I have three matters to touch on briefly this morning. First, I had the pleasure of meeting with Tim Habel and the team from the Prahran Football Club. They are a great local club in a community that I know very well, and I look forward to supporting them.

Toorak Park

John BERGER (Southern Metropolitan) (09:54): I also had the great opportunity to represent the Minister for Community Sport in the other place, Minister Spence, at the official opening of the massive overhaul of the pavilion and oval at Toorak Park in Armadale. It is all thanks to \$3 million from the Allan Labor government's local sports grants initiative. The new facilities will provide local clubs like the Prahran Cricket Club, Old Xaverians Football Club and Prahran Football Club with a modern venue with larger ovals, new drainage and irrigation and energy-efficient LED lighting that meets professional standards. More baggy greens and grand final heroes will be from our community thanks to this investment. It is a game changer for more than 1400 members of these local clubs, and I am very proud we have supported it. Well done to all involved.

Boroondara City Council

John BERGER (Southern Metropolitan) (09:55): Finally, on my third matter, I met with the mayor of Boroondara Sophie Torney and hardworking local councillor Victor Franco, who I have come to know over the years, and we remain committed to working with them as we build more homes in our community.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (09:55): I move:

That the consideration of notices of motion, government business, 278 to 894, be postponed until later this day.

Motion agreed to.

Bills

Bail Amendment (Tough Bail) Bill 2025

Second reading

Debate resumed on motion of Enver Erdogan:

That the bill be now read a second time.

Tom McINTOSH (Eastern Victoria) (09:56): I stand to speak in support of this legislation. This first package of reforms will deliver on our commitment to act with urgency to ensure that our system

responds to the risks posed by repeat offending and reflects the expectation of Victorians that community safety is the government's top priority. The first package of reforms includes putting community safety as the paramount consideration in bail decisions and removing the principle of remand as a last resort, ensuring respect for the rules with new bail offences and elevating the worst of crimes to tougher bail tests to make it harder for alleged offenders to get bail.

The new bail laws will make two changes to bail decision-making principles to reduce the risk of reoffending and ensure the system meets community expectations. Community safety comes first on all bail decisions. Under the law community safety will become the overarching principle for bail decision-making for offenders of all ages. It will be a clear and unambiguous signal: community safety comes first in all considerations. Remand is no longer a last resort. Right now under section 3B of the Bail Act 1977 an accused youth offender is remanded and detained in custody only as a last resort. The tough bail laws will remove the principle of remand as a last resort.

The bail laws will uplift many offences so that tougher bail tests will apply and bail is less likely. We will amend schedule 2 of the Bail Act so that people charged with the following high-risk offences will have a presumption against bail on their first offence unless they can show compelling reasons to justify bail: serious firearms offences; serious arson; committing an offence involving a controlled weapon, including machete violence, a prohibited weapon or an offensive weapon, including use of everyday implements fashioned into or used as weapons, such as baseball bats, kitchen knives and shivs; and vehicle theft when co-charged with conduct endangering life, conduct endangering persons, failure to stop or possession of a prohibited or controlled weapon. We will also elevate the following offences from schedule 2 to schedule 1 of the Bail Act, meaning that for those charged with these offences there will be a presumption against bail, even on their first offence, unless they can show the very tough exceptional circumstances to justify bail: armed robbery, aggravated burglary, home invasion and carjacking.

Bail rules should not be broken. These bail laws will restore respect for bail and its conditions at all levels of offending, with consequences for breaking the rules. We will introduce the offences of committing an indictable offence while on bail and breaching a bail condition without reasonable excuse. This is about preventing reoffending and keeping Victorians safe. The number of youth offenders on remand has increased following changes in 2024 for serious repeat offending, but more changes are needed. The government will make sweeping changes, not to punish people who have not yet had their day in court but to reduce the risk of someone on bail reoffending in the community.

Reoffending is a serious problem for males in their mid to late teens. Males, both adults and youths, make up the most alleged aggravated burglary offenders by far. These bail laws will deal with the risks with these younger serious offenders. We will create new offences and change what decision-makers consider to create the toughest bail test ever for the worst offences.

I was hoping I was going to speak last night, but I did not get the opportunity as we finished where we were. It was quite interesting listening to the only – sorry, there are now two – Liberal MP in the chamber. I listened to Mr Mulholland's contribution. He did not spend much time talking about the content of the bill and seemed to spend a lot of time, I do not know – I know in opposition you get afforded a little bit more time as a luxury, Mr Mulholland. But to have spent your time – hopefully your nights; hopefully not your days, when you should probably be out formulating policy, as you are an aspiring alternative government in this state – googling *Hansard* for backbench members' comments from two years ago, I am sure that is very helpful to the state of Victoria. However, you failed to mention, in your googling and your talk of leadership, your own leader's absence in the past week. You were pulling out lots of news articles, and we did not pull you up for having props. We let you go on that, but you failed to mention your own leader. I did write down a couple of comments – I did it last night when I was meant to be speaking – that some of your colleagues made about the deceptive and selective, at best, mode of your leader, your new leader, your fifth or sixth leader that you have had since –

Evan Mulholland: On a point of order, President, I am really struggling to see the relevance to the bill of where Mr McIntosh is going.

The PRESIDENT: I will call Mr McIntosh back to the bill.

Tom McINTOSH: I have a distinct memory of Mr Mulholland talking about our leader during his contribution, so I just wanted to reflect on his leader and his absence and his colleagues', as I said, deceptive or selective at best commentary on his leader's absence. I do not begrudge his leader taking leave. I want to make that very clear. Everyone is welcome to go on leave, but obviously it was not made clear to his party colleagues. In your contribution, Mr Mulholland, you strayed a lot, so I think I have a little bit of liberty to observe –

Evan Mulholland: I didn't stray.

Tom McINTOSH: No, I think I have that liberty. Given that you talked about leadership and given the number of leaders that you have had on your side, I think it is worth us noting that. It was just interesting that, as I said, you spent so much time going through backbenchers' comments, as recorded in *Hansard*. You obviously have high aspirations. When Dr Bach left, you quickly came to the front bench. I think you were sitting here, but it jogged my memory that you were sitting back there at the time. Once Dr Bach left, you made your way through, and I admire your aspirations for leadership. You were making a number of comments from back there, as recorded in in *Hansard*. I have not had a look, but I do recall your comments in your first speech talking about your dedication to yimbyism and housing. Since you were reflecting on so many comments from those on this side, I thought it would be worth raising your vacation of space in regard to your ambition for leadership around housing. You are being straitjacketed and abandoning those in your generation.

Anyway, that being what it is, this legislation is incredibly important for Victoria. It is incredibly important that Victorians feel safe in their own homes. I would like to hope that everyone in this chamber can agree to that. It is clear that too many people have not been feeling safe in their own homes, and this legislation is an important action to take to ensure that that is not the case. We want people, particularly families and young people, to feel safe in their homes and to be able to move around Victoria in a safe manner. I think the flow-on effects of that not being the case are just simply too big and too costly. We know the trauma that is associated with people being on the receiving end of crime, whether it is car theft or someone breaking into their home. Even petty thefts have massive implications and trauma implications, let alone far more serious events which can remain with people for a long time. Again, what I say is that I think this legislation is so important. I will leave my comments there.

Gaelle BROAD (Northern Victoria) (10:05): I am pleased to be able to speak about this Bail Amendment (Tough Bail) Bill 2025, but I will say that it is tough on bail in title only. We have been calling for reforms to bail since 2023. We warned the government that the weakening of the laws come March 2024 would have a serious impact, and that is exactly what we have been seeing. Over the last 12 months we have seen a huge spike in the number of repeat offences. We had a young man from central Victoria on bail for the 55th time. It is extraordinary that we have got this happening. We know that the proposal being put forward now, whilst it is being rushed through, is going to be done in two parts. We are not going to see changes for many months to come, and we are very conscious of the crime that has been happening in the last 12 months.

I have been speaking to people in the Premier's electorate of Bendigo East, where my office is located, and the fear that people live with every day is very real. I spoke with a newsagent who talked about young thugs coming into his retail store and him being threatened. He has experienced shoplifting. He had a lady that he asked to leave, and she then went and damaged cars in Bath Lane. His wife experienced an attack in the main street of Bendigo, and we know that there was an attack at the marketplace as well. That was absolutely appalling. This is a place where kids hang out, where my

kids have hung out, and so many people go after school. But it is in broad daylight that these events are happening.

We have also had incidents happen in the middle of the night, intense bashings. We have had incidents where people are popping onto public transport right in the centre of Bendigo and their lives are being threatened. This has got to stop. We have had cars being stolen. I have lost count of the number of people that have told me about their cars being stolen. Quite often these are repeat offenders. These are people that have had incidents time and time again, yet they have been shown no consequence, because that is the restriction that the law places. Police are doing their work. They are getting people off the streets, but then they are going to court and very quickly are getting put back on the streets, and that is very concerning.

We have seen the crime statistics continue to rise. They are spiking again. We have had the latest statistics come out today. But these laws that have been put forward are weaker than the laws were before they changed them 12 months ago. This is extraordinary. We have put forward a number of amendments, including changing the name of the bill, because it is certainly not tough. That is what we want the chamber to consider today. It is just worth noting that this is extremely important legislation. This will have long-term consequences, and we pointed that out back in 2023. But the government have done nothing in that time, so this is an issue of their own making.

The Premier has said publicly that she acknowledges that they got it wrong, yet what we are seeing is this legislation being rammed through, coming very quickly into the Parliament. A bill briefing was held. Usually with a bill brief you get the bill first and then you can ask questions about that bill, but we turned up to the bill briefing and there was no bill. That is the issue here. Where is the detail? The detail has been kept away from the opposition, yet that is what we are here debating today. I am also on the Scrutiny of Acts and Regulations Committee, and usually that committee assesses all legislation that comes through the Parliament to consider the impact on the rights and freedoms of individuals, yet this legislation could not be considered by SARC because it is being rammed through so quickly. An urgency motion was shifted on Tuesday, and yet the government adjourned it off for debate later this week. So it may be a long night. As Mr Mulholland said, we all have our pyjamas because we know that this is important legislation, and we have been calling for it for such a long time.

There was an incident that really showed the fear that people are living with. I spoke with a lady who had intruders break into her home, and in the process a neighbour was stabbed. This person went before the courts and was let off and has been doing repeat offences. This is the challenge: community safety has not been prioritised, and it needs to be prioritised. But as I mentioned, this bill now being in two parts, we are not going to see the elements of it that need to be implemented for some time – we have been told the middle of the year. Again, it will be many months before we see any change actually on the ground, and change on the ground is what people want to see, particularly in the Premier's electorate. There have been protests outside the Premier's own office because of the number of people that are so frustrated at this spike in crime. And it does not just impact Bendigo; this has impacted residents in other towns, like Goornong.

I spoke of an incident where a lady had her home invaded, and she needed to have her husband or her father there for the next six months to check that no-one else was in the house before she went in. That is the kind of long-term impact and the fear that people have because they have experienced this directly themselves. It is not just statistics; these are real-life experiences. Gwen, who spoke at the rally, talked about the fear she has and the impact on her and of not wanting to go out at night in Bendigo. She experienced an intruder coming into her home and also a horrible situation at the local train station, where she heard someone abusing the staff there. I, with the Nationals, have called for an increase in protective services officers located in regional areas. We know there are 212 stations that are manned in Melbourne but only four across the whole of regional Victoria – and there are over 1000 vacancies in our police force.

These elements need to be addressed, but they are not all of the solution, as was pointed out by Cailah, one of the people that spoke at the protests in Bendigo. She really highlighted a lot of the community sentiment, and bail reform is part of that. The other reforms that we have helped pass this week with the machetes being banned with some limited exemptions can be enforced, but there are other elements that are contributing to the rising crime in our region that also need to be addressed. We have seen news reports this week of 80,000 young people missing from our school system – attendance is very low. We know drugs are a huge issue in Bendigo; it is known as the meth capital of Victoria. So these are some of the challenges that also need to be addressed. There is also the need for rehabilitation services, which we have called for in our region, because right now there is not a lot of support in regional areas and we know the system is overwhelmed. We do want to see these reforms come through, but strengthened. I know Michael O'Brien has called for many of those changes, and we have been consistently calling for these changes, as I said, since 2023. A lot more needs to be done to address rising crime, not just in regional Victoria but in all of Victoria. But it is clear at this point that Labor has lost control of what is happening, and this is a very knee-jerk response to something we have been calling for for a very long time.

Community safety is so important. We know the cost of living is causing a lot of stress amongst families, but if you do not feel safe in your own home, if you cannot drive a car to get to your job because it has been stolen – the impact of crime on our community is huge. That is why in Bendigo there was recently a survey done by the local paper. They were talking about the federal election and the issues that are important. Crime topped that list in our region, along with the cost of living. We need to see change, because the most important priority of this state government should be keeping people safe. But time and time again they have let this community down with the number of repeat offenders that have been out there, as I said, getting out on bail, not once, not twice but tens of times. This is just incredible. We have got to see it stop, because our priority needs to be to keep the community safe.

Katherine COPSEY (Southern Metropolitan) (10:15): I rise to speak on the Bail Amendment (Tough Bail) Bill 2025, this shameful bill which the Greens will not be supporting. It is a week of shame for Labor, and it is absolutely a week of deep shame for the Premier, a panicking Premier who is more interested in the optics and playing politics with laws that risk First Nations deaths in custody than in implementing evidence-based policies that are proven to improve community safety.

On Tuesday I was honoured to join and speak to the large community protest on the steps of this Parliament, protesting about these regressive amendments to bail that this place looks likely to pass today, changes that will once again fill our prisons in Victoria with unsentenced people on remand and risk more deaths in custody. That case for reform was and remains overwhelming in terms of research and on-the-ground evidence in terms of what we know does work to reduce crime, to reduce recidivism and to keep our community – all the members of our community – safe.

The case for bail reform was sharpened and illuminated by the tragic death of Veronica Nelson in 2020. Veronica was a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, and she died in Victorian custody in 2020. She died in a cold prison cell after her calls for medical help went unanswered. Sitting on a train on the way to visit her mum, she was arrested and denied bail for alleged shoplifting of minor items. When Coroner McGregor released his findings into Veronica's death in custody in January 2023, he called that previous bail system in Victoria 'a complete and unmitigated disaster'. He said that it led to 'grossly disproportionate' rates of remand for First Nations women.

Veronica's family, the community and legal experts called for the implementation of bail reform, which they christened Poccum's law, named after Aunty Donna Nelson's nickname for her beloved daughter. Poccum's law called for urgent changes, and still does, and for fairer bail laws. In 2023 this place, so recently, changed the law in response to those calls. Although Poccum's law was not adopted in full, it has already saved lives. The recent national Closing the Gap results, published only a fortnight ago, show that Victoria had proudly reduced the incarceration rate for First Nations people. That is in part because we improved bail laws with those 2023 laws. Now we have this kneejerk, desperate

reaction undoing all of that. It is necessary to remind the house, sadly, that recommendation 92 of the Royal Commission into Aboriginal Deaths in Custody called upon governments to legislate that imprisonment should only be used as a last resort. Why is the government going back on this recommendation?

There is no doubt that everyone deserves to feel safe in their communities and their homes, and recent incidents are incredibly distressing. No-one should endure that. What the government is doing today is not going to make communities safer. It will have the opposite effect. As we saw over the last decade, when a similar regressive bail system was in place, the vast majority of people are not and will not be a risk to community safety. There are current levers and powers to revoke bail that are not being adequately used by Victoria Police, and I will speak more to that later.

On Tuesday, at the protest on Parliament steps, the pain was even sharper as the crowd learned, via a speaker who conveyed a message from Veronica's mother, Auntie Donna Nelson, that Tuesday, the day the Premier introduced these rushed and panicked laws into Parliament, would have been Veronica's 43rd birthday. The bill passed the Assembly as the crowd was gathered on Parliament's steps, and the shock, the sadness, the anger and sheer disbelief that rippled through that crowd were palpable. It is beyond shocking that the Premier made a decision to introduce the bail bill on what would have been Veronica's birthday. I assume it was not calculated, but this could not have been more cruel. As First Nations and other stakeholders have told us, there has been little to no consultation on this bill, so in the absence of sitting with First Nations organisations and Veronica's family of course the Premier would set herself up to make this appalling blunder.

I would now like to introduce my reasoned amendment and ask that it be circulated. I move:

That all the words after 'That' be omitted and replaced with 'this house refuses to read this bill a second time until the government engages in meaningful and comprehensive consultations to address the concerns of expert human rights, legal and First Nations stakeholders.'

The Greens also have two substantive amendments to the bill, and I will speak in detail about both of those. I ask that the Greens' amendments to the bill, in my name, now be circulated.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: I have spoken about the content of the reasoned amendment, and it is self-explanatory. The first set of textual amendments retains remand as a last resort for children, and the second set of amendments would stop the two bail offences that are being reinstated in this bill, those being committing an indictable offence while on bail and breaching bail conditions.

In relation to the first amendment, we need to retain remand as a last resort for children. Making it easier to put children in prison does not improve community safety. It significantly increases the chance of a young person reoffending, which in turn makes the community less safe in the short, the medium and the long term. A system with a revolving door of incarceration is literally a system designed to decrease community safety, and it is beyond evidence and beyond belief that members in this place will vote for that today.

We know where the results of this will hit hardest, with First Nations children being disproportionately incarcerated. Early interactions with the criminal justice system have been proven to significantly increase the likelihood of a young person reoffending, whereas programs that support children, such as diversion and early intervention as well as preventative services, significantly decrease the likelihood of reoffending, and when bail is granted, that is one of the best opportunities for intervention. Shamefully, it has been revealed today that the Allan Labor government has cut funding to effective and established youth crime prevention programs by 46 per cent. Our amendment seeks to delete clause 5 of the bill, which removes the principle that imprisonment is a last resort for children. The government's bill would omit the words 'with the remand of the child being a last resort' from a bail decision maker's consideration of bail for children.

If our amendment is not successful, and I fear it will not be, what will be the effect of clause 5 of this bill in practice? In Queensland the Aboriginal and Torres Strait Islander Legal Service has identified a similar legislative change as a driver of bail refusal and that that has led to a huge increase in the number of Aboriginal and Torres Strait Islander young people on remand. Over a four-year period from 2019 to 2023, the rate of young people aged 10 to 17 in unsentenced detention increased in Queensland; it almost doubled. On an average night in Queensland in 2024 there were 317 children and young people in detention, of which 87 per cent were unsentenced and 71 per cent were Aboriginal or Torres Strait Islander. The Victorian Aboriginal Legal Service has provided similar expert advice to MPs that there is a strong likelihood that this legislative change that the Labor government is bringing in will have a similar effect in the Victorian context. VALS are deeply concerned that this will trap children in care in prison, especially those in residential and out-of-home care, with less accountability for the state to provide these children with support and care in the community. This is contrary to commitments under Closing the Gap and the Aboriginal justice agreement. A clear risk is that this will prevent children and young people from accessing therapeutic and rehabilitative supports, because they will be remanded in detention with limited access to services and supports.

The Youth Justice Act 2024 that we passed in this place passed after five long years of consultation with Aboriginal community controlled organisations and the legal sector. Other than a panicked, kneejerk reaction, why on earth are you changing the bail laws now, including for children and young people, before the new youth justice framework has even really had a chance to begin operating and positively affecting the trajectory of children involved in Victoria's youth justice system? What the government is seeking to do with this bill is contrary to international human rights law and Victoria's Charter of Human Rights and Responsibilities Act 2006. Article 37 of the United Nations Convention on the Rights of the Child requires that detention only be used as a last resort. Australia ratified that 3½ decades ago in December 1990. This means that governments in Australia have a duty to ensure that all children in Australia enjoy the rights set out in the treaty. From today, signing that convention in 1990 seems like a different time and place when governments, Labor governments, understood their obligations to uphold and enact human rights. That is not what is happening in this place today. It is shameful, Labor, shameful.

Our second set of amendments is to delete the two bail offences that are being reinstated by this bill, those being committing an indictable offence while on bail and breaching bail conditions. Simply speaking, bail offences are harmful and they serve no purpose other than to further criminalise people who are already criminalised. One of the regressive changes in this bill, one of the many regressive changes, is reintroducing the offence of committing an indictable offence on bail in place of the current offence of committing a schedule 1 or schedule 2 offence while on bail with the same penalty to the Bail Act 1977, which is in clause 8.

Our amendments also seek to delete clause 13, which adds the offence of contravening certain conduct conditions of bail undertakings without reasonable excuse to the Summary Offences Act 1966. It is a small measure of comfort from this bill that the offence of contravening conduct conditions will not apply to children. Clause 13 also introduces a provision allowing a bail decision maker to refuse bail for breach of bail conditions offences. The reinstatement of these bail offences once again puts women and children in the firing line – mistakes that we corrected only a couple of years ago. When these bail offences were first added in 2013 in Victoria, it became quickly clear that they were affecting women and children the most. Half the women who entered prison on remand in 2018 were charged with one of the two new bail offences introduced in 2013 and were interacting with double uplift provisions to be needlessly driven into prison. Legal experts are concerned that that is what is intended here again, that the reintroduction of these two bail offences will trigger the two-strikes, or uplift, provisions in tranche two of the bail reforms that the Attorney-General has provided a short briefing to us on. I also note that removing bail offences was a specific recommendation from the coronial inquest into the death of Veronica Nelson. By reintroducing these offences, the government will funnel women and children in circumstances of disadvantage to high bail tests. Notably, the offence of breaching bail is

criminalising conduct that is not itself criminal in nature. The previous Attorney-General Jaclyn Symes herself stated in her second-reading speech for the 2023 bail reforms:

I want to make it clear that these are standalone offences on top of the offences that a person would already face for committing the breaches themselves. These offences do not make our community any safer. We know that they do not act to deter people from reoffending. But what they are doing is most often they are uplifting a person's bail test to make it more likely for them to be remanded because of the quantity or the cumulative effect of their offending rather than for the risk of the offending itself.

There are a range of other problems with this bill from which there are intended and unintended impacts and consequences. I will take some time to talk about clause 4 of the bill, which adds as a guiding principle to the Bail Act 1977:

... the overarching importance of maximising, to the greatest extent possible, the safety of the community and persons affected by crime ...

At the moment, the safety of community and persons affected by crime is already one of the four guiding principles of the Bail Act, alongside:

- (b) taking account of the presumption of innocence and the right to liberty; and
- (c) promoting fairness, transparency and consistency in bail decision making; and
- (d) promoting public understanding of bail practices and procedures.

By making community safety the overarching principle of the Bail Act 1977, this bill will downgrade the consideration of these three other guiding principles. This is contrary to international human rights law and to Victoria's charter, which provides that individuals are innocent until proven guilty, that pre-trial bail should be the presumptive norm and that any restrictions on the right of liberty must be for a legitimate purpose, proportionate and necessary in all the circumstances.

The bill's statement of compatibility does not address how the prioritisation of public safety over the presumption of innocence and right to liberty will impact human rights. This is a glaring omission in the statement of compatibility. There is a significant risk that the prioritisation of public safety in the guiding principles could result in an entirely new approach by bail decision makers to all bail decisions. So this bill is not targeted, as the Premier keeps trying to make out. It is sloppy work. It will erode the presumption of innocence, the right to liberty, the right to equality, the right to not be arbitrarily detained and the rights of children in the criminal process.

The government has – I will be frank – shown zero interest in moving to a more progressive pathway on this bill or in exploring possible amendments with the Greens, so we will be exploring a number of the many other problems and issues with this bill in the committee stage. For example, similar bail reforms in Queensland and New South Wales have led to significant increases in the numbers of adults and children remanded in cells before they have been found guilty of a crime. In Queensland we are seeing children held in adult watch houses. What is the government's plan for ensuring that the children's prison system is able to cope with the influx of children that are going to be warehoused in Victoria's jails, without putting young people's rights and safety at risk? The report on government services found that it costs over \$1 million annually to lock up a child. Wouldn't the Victorian government be better placed spending this money on addressing the factors that drive youth justice involvement, including the cost-of-living crisis, the housing crisis and poverty?

Last year children in youth detention were subjected to ongoing lockdowns due to staffing issues. These young people were disconnected from schooling and family visits due to these lockdowns. Labor, how will you ensure that these reforms do not result in lockdowns that equate to isolation and confinement for children on remand before they have been found guilty by a court? Last year the government deferred raising the age to 14 years old because it wanted to first scope the design and implementation of the alternative service model. Remember the alternative service model? Can you advise on the progress of this panel's work and when we can expect to see that final report? These are just a few of the things that we will be asking the committee on this bill.

As the justification for breaking Labor's own bail reforms again, the Premier has claimed that these bail laws are a necessary circuit breaker regarding young people. But we know that existing circuit breakers already exist, and they are not being used. For example, when police have evidence that a young offender has breached bail conditions, they are already equipped to take an application to return to court and apply to have bail revoked for that individual. It has been reported that senior police have privately admitted to journalists that not enough officers are willing to do the paperwork required. As well, for children involved in serious crime, the police already have powers to go to the Children's Court and make an application for uplift so the matter can be heard in the County Court. Instead of turning around to police and telling them to use their already extensive powers, or engaging in discussions around what further support they need, the Premier has chosen the easy route of optics.

Why on earth are we here debating changes to bail laws that will dump a whole lot of people, including vulnerable women and children, unnecessarily in prison on remand? We know that we are warehousing children, young people and adults in prison because we are not investing in crime prevention programs that we know to be effective, and reporting this morning tells us that they are being further defunded at a rate that defies understanding. When you warehouse people in prison the longer term result is simply more reoffending, so the bill is going to do the opposite of what the Premier is claiming in her media releases. The fact that the Premier has cut and gutted multiple key crime prevention programs that we know are proven to prevent young people from reoffending just truly crystallises that this week it is all about optics. If the Premier cared about improving community safety, she would back in the evidence-based solutions that we know are proven to work and that stakeholders and those who run these programs have been crying out to have funded.

These changes to the Bail Act are a complete betrayal of First Nations people and Veronica Nelson's family, and they are completely at odds with the evidence. The Premier has chosen to use the lives of children, vulnerable people and First Nations people for her own political gain, so she will be the one that needs to explain why these laws result in more deaths in custody. The Greens will not be supporting this bill.

Michael GALEA (South-Eastern Metropolitan) (10:37): I also rise to speak on the Bail Amendment (Tough Bail) Bill 2025. This is an important bill that we have before us today. It is important when we are assessing and reviewing the nature and the conditions of our bail settings in Victoria that we are responding to community concerns – and genuine community concerns. It is important that the people of this state can have faith in our justice system, and that includes our bail system. The government has listened, and we are acting. I would like to acknowledge that it is not always an easy decision for those in power to say a few words, 'We got it wrong,' and that is what the government has said.

I personally spoke on previous bail bills that passed through this place, and I probably do not need to recite any of that because I understand that Mr Mulholland has already extensively gone through some previous contributions made in this place. But one thing I did note in a previous speech two years ago was the importance of community support and community safety under any bail laws. I have seen, as many members in this place have, some horrific examples of crimes, or alleged crimes, committed by people who have been out on bail.

We know that for a great many, indeed the majority of people who are out on bail, they are not out committing crimes day after day. We have many successful diversionary programs. But it is important, for those programs to be successful, that they are used. It is disappointing that there are, in relative terms, a very small number of offenders, but a significant number nonetheless, of people who have been granted bail and have repeatedly, time after time, refused those support options out there and have offended again. The community should not tolerate that – the community does not tolerate that – and this government will not be tolerating that. I have seen countless examples in my region, as have others in other regions, and I have spoken with constituents of mine who have been affected first or second-hand by some of these crimes – families who were going about their business, driving down

the street or who were at home where they deserve to feel safe. There is no good answer that I can give them as to why their liberties, their freedoms and their right to feel safe should be compromised.

Bail is an important part of our justice system. I reiterate: it is not the majority of people we are talking about here; it is a relatively small number, but a significant number. That is why I am proud to be part of a government that is taking action, that is prepared to say, 'We got it wrong,' with a Premier who is prepared to make a tough decision, and also to be part of a Labor team who is prepared to discuss this, to review this and to take a new approach – my caucus colleagues, including my friend the member for Bayswater, who I know has been very active in this space, the new member for Werribee and many others. It is a tough thing to get bail right. You do not want to deprive someone of liberty, when they are of course presumed innocent until proven guilty, unless it is imperative. In some cases it has been imperative, but bail has been applied when in many cases it should not have been. This is a bill that addresses that, and I commend the bill to the house.

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:42): I too rise to speak, with mixed feelings, on the Bail Amendment (Tough Bail) Bill 2025. Let us take the title. This is a slogan that simply should not exist. This is not a tough bail bill. I can say that this government have no idea what a tough bail bill looks like, so they put it in the title to try to convince the public and everybody else that they are doing something when they are not doing enough at all. You only have to talk to the average Victorian out on the streets to know that this not a tough bail state, because we have repeat offenders consistently going out, time and time again, breaking into homes, breaking into cars and causing all sorts of havoc so that people in Victoria do not feel safe. They are losing things in their homes, in particular their cars, but we also have tradies constantly losing tools. Offenders are now able to break into cars without having to break windows, which is what they were doing in the past.

We have a problem in this state. You only have to talk to the average Victorian to hear they either have had something happen to them or know somebody who has. People are now constantly having to check everything that they do. Many families are getting dogs to make sure that they feel safer. Why? Because we have a state that is in chaos and a government that is consistently in chaos. They just fluff something together at the last minute when they suddenly get caught out on camera with some of the news reports. They think, 'Oh, quick. We'd better look like we're doing something, so let's call it the Bail Amendment (Tough Bail) Bill.' What a ridiculous thing to do. People are getting sick of the gimmicks of this government.

We want tough bail laws because we know that so many of the offences taking place are being committed by young offenders who are consistently getting out on bail. They are going out and repeating similar offences on other people or at different homes or places. We have not had a chance to get the full statistics yet – the crimes statistics were released today – but we know that home invasions in Victoria are at a record high. They are at a record high in this state, so clearly this government has not been tough on crime, and it has certainly not been tough on bail.

Our concerns with this particular bill are, number one, it was rushed when it was put together. We were waiting to do a bill briefing and there was nobody there to show us what we are doing. We had someone talking but there was nothing for us to actually look at until the last minute. We all find it incredibly concerning that here we are having to rush through this particular bill without having the opportunity to really sit down and scrutinise it effectively. And yet we have put together amendments because we know that this government takes such a soft approach that people now are less and less safe in their homes and on the street. I have consistently reminded the house of the number of home invasions and car thefts that have taken place in the south-east, in my area. I have told you stories – true stories – of actual people in my region sleeping with baseball bats because they are afraid of the next time the home invaders will come for their cars. They are afraid of what impact that might have on them or their family members who might get injured in the process, not just what else will be taken. What a fearful way to live. Who would have thought that in Victoria we would be living like this.

I was listening to Mr Galea, and repeatedly he said on behalf of the government, 'We got it wrong.' Yes, the government got it wrong and it still has it wrong. This is not a tough bail bill, and what is more it is not even going to come into existence until later on because they have not actually figured out how they are going to implement it effectively. One of the biggest problems that we have is that the Labor government under the current Premier has refused to reverse its cuts to Court Services Victoria. We have had a \$19.1 million cut this year alone and a \$58 million cut in 2027–28. This cut in funding to court services contributes to trial delays, which sees more alleged offenders offered bail, and that has been the problem. What are you going to do, I have to ask the government, if you are going to continue to clog up the court system? We are going to have to patch up the court system. Is that going to be another amendment? I am not really sure how this is going to work.

We do have genuine concerns, because we know that Victorians deserve to feel safe. Once upon a time they did, but we have seen that clearly eroded time and time again, day after day, because this government has failed the Victorian people. I do not see how we can have a title of Bail Amendment (Tough Bail) Bill. To me it is nothing more than more hot air and more of a gimmick than actually providing Victorians with the safety that they require. It is not going to work, can I say, because you cannot just change a title and put some amendments in and think that Victorians are going to buy it. They have been buying the hot air for such a long time that they just do not listen anymore. It does not work anymore. They have become numb to the hot air that this government gives them. They have become numb to all the slogans that it throws out there because the reality is they do not feel safe. They do not feel safe in their homes and they do not feel safe on the streets, because there are consistently situations where offenders are repeating the same offences over and over again.

Like I said, it would not pass the pub test, because if you go out anywhere, certainly in my community, you will hear the stories. Everybody knows someone. One lady in Carrum went to visit her friend. She took her baby inside the house and then came back out to get more belongings – nappy bag and whatever else – and her car, from the driveway of her friend's house, in that short moment, had been stolen. There are so many stories, and honestly I cannot retain them all. I remember that one because of the thought of how frightening it must be to take your baby out of the car, go into your friend's house, put the baby down and then go back out to get the things and find that the car has been stolen. I just cannot imagine what that would feel like. These are Victorians who are doing it tough under this government.

The cost-of-living crisis is meaning that people are going without medication. They are choosing not to get their medication, because they cannot afford to. I think something like 8 per cent of Australians are in that situation now. Right here in Victoria we have massive problems with the cost of living, and you need to be completely out of touch to be saying people are doing well and everything is going great, because there are so many people in my region in the south-east who are not going great. Life is difficult for them. There are more bills. Even those who were once comfortable have enormous tensions in their lives trying to come up with massive land taxes that this government is hitting them with. It is an extraordinary jump in what the government is asking in taxes, because tax, tax, tax means people have less to live on, and that is also putting pressure on families.

Now we are seeing an increase in crime. When we have weak bail laws, where people are constantly reoffending, that is what we see. As I mentioned, and I had hoped that would have been sufficient, I have heard stories in my region in the last couple of weeks directly from those who have to enforce things of young people who are offending up to 60 times coming out on bail like a revolving door. Yes, there are going to be some changes in this bill. But if you are not going to fund your court system effectively, then you are going to have people jammed in there for long periods of time without the opportunity to have their trials and we really will not be helping anybody.

I have heard the Greens talk about education, and they gave a lot of examples that were concerning. But the data is all to do with other states, and I think that we need to remember that we are looking at what is going on here in Victoria. I am all for education. Everybody knows my background. It is no secret that I have come from an educational background and from a family where my mother, my

grandfather and a whole lot of my grandfather's sisters were all school principals. I have been a teacher, and maybe if I had not gone down this pathway I would have been a school principal too. But I really believe in education. I love education, I enjoy seeing young people learn and I want to see as many of them as possible have that opportunity. But that does not mean that I also do not hold to the principle that if you are responsible for crime, then there have to be consequences, and I have said that before. It is a basic rule in social work, particularly youth work, that there are consequences for actions. You cannot have people going out and committing crimes and just give them a slap on the wrist.

I hear the Greens saying, 'We're concerned that we're not having reform, that we're not giving them opportunities, that people are going to be in there for doing minor crimes.' Yes, that is part of our nation's history, and I do not like it probably any more than anybody else, but the reality is that we do have to get people off the streets that are repeat offenders and we do need to allow people to feel safe. What is happening now is not working. It distresses me that the government has had so much time, and we have attempted as an opposition to put forward options for this government to have tougher bail laws. We want to see the system work and we want to see people in Victoria feel safe, but we just feel that this government constantly puts this mishmash of stuff together with dates down in the future. I do not know how you can call it 'tough' if you are going to bring out sometime in the future, months down the road, these laws and you have not even cleaned up the court service system; you have actually defunded it. I do not know how this is going to work. Alleged offenders will receive a presumption of bail, and they will have the weakest test to receive it under this bill. While this bill does reinstate the offence of breaching bail conditions, it is being reinstated in its weakest form.

We have repeatedly tried to provide the government with options. Let me just quote some of the members in this chamber from the Labor government. Minister Shing said:

There should be consequences for breaching bail –

but then went on to say –

... but it is clear that the current consequences are too harsh and too broadly applied.

So now they are admitting that this is not a tough bail bill.

Let us have a look at what Mr Berger said:

Victorians need a legal system that is tough on crime. We should all feel safe living in a state with a zero-tolerance policy for reoffending.

Yes, we should all feel safe. The problem is that we do not. We do not under a Labor government. Under this Allan Labor government Victorians do not feel safer. There is not zero tolerance for crime, as Mr Berger said. He said we should be a state that has zero tolerance for crime. Mr Berger, I say to you, have you read these amendments? Because that is not what this government is proposing to do. You are going to need, once again, our support for amendments in order for things to happen. We know that this is not going to do enough.

But we are prepared, as Mr Mulholland has said. The opposition has brought its pyjamas. We are all prepared for a long night or a long day or however long it takes, because Victorians deserve to feel safe. At the end of the day we do not have the numbers to perhaps go through bringing in the things that we want to see, and it is going to possibly take two years to have a change of government to allow this state to really change and for Victorians to feel safe.

Anasina GRAY-BARBERIO (Northern Metropolitan) (10:57): I rise today to make a contribution on the Bail Amendment (Tough Bail) Bill 2025. I join the cause of my colleague Ms Copey in expressing my concerns about this government's impulsive so-called tough bail laws. Make no mistake: this bill has not only been ill conceived in its passage but is absolutely racially motivated. We know exactly which individuals, young people and communities will be on the front lines of criminalisation and over-representation with these draconian and regressive reforms. In case it is not obvious, it is our First Nations communities and multicultural communities. It is communities

that are struggling with structural poverty, violence and abuse – communities that intimately understand how the political is connected to the personal.

This government's impatience to restore respectful bail and its conditions starkly goes against the evidence and advice of legal experts, human rights organisations and international human rights standards, as well as family violence and First Nations community controlled organisations. It also continues to disregard the expertise and advocacy of Aboriginal and Torres Strait Islander communities. This government claim these measures will improve community safety, but what they do not tell you is which community they will be keeping safe and which community will be targeted and punished by these inhumane laws. The reality is that they will disproportionately harm some of the most vulnerable members of our society: children, First Nations people and multicultural communities.

This week not only marks the rushed introduction of the government's harmful tough bail laws but also a tragic anniversary, as already alluded to by my colleague Ms Copsey and reported by the *National Indigenous Times*. This past Tuesday would have been the 43rd birthday of Veronica Nelson, who died in custody at the failed hands of this bail system – an Indigenous woman whose death was a direct result of these broken laws. Even the former police commissioner Shane Patton acknowledged that Veronica's death was a direct result of poor bail laws. Coroner Simon McGregor described her passing as an unmitigated disaster that discriminated against Aboriginal people and was incompatible with the Victorian human rights charter.

This bill completely disregards the recommendation that came out of the inquiry into Veronica Nelson's tragic death. Her family and the community have been unwavering in their calls for real change, and the Greens will continue to stand by them. It is impossible to ignore the connections between the previous discriminatory bail laws and her death, and it is unconscionable that this government would push forward reforms that will only exacerbate these injustices.

How many more people must die for the government to do the right thing? We cannot afford knee-jerk reforms that will cost more lives. We should instead be asking ourselves: what does justice look like for all people, particularly First Nations people and culturally and linguistically diverse people, who are already over-represented in the system? It certainly does not look like this bill, which continues to erode the gains that could be made in the fight for a fairer, more humane system of justice.

Let me remind the house that the Yoorrook Justice Commission, an important step in acknowledging and addressing the wrongs done to First Nations peoples, has provided clear guidance on what must be done to protect our most vulnerable community members. Yet despite these recommendations, we are now considering a bill that directly contradicts the calls for reforms that are rooted in justice, equity and safety. The *Yoorrook for Justice* report highlights how changes to bail laws in 2013 and 2018 led to a rise in the number of First Peoples locked up in remand while awaiting trial or sentencing. Aboriginal women were particularly impacted and frequently denied bail and imprisoned for minor or nonviolent offences. The government is repeating past mistakes by ignoring its commitments to self-determination and reducing over-imprisonment, and further undermining the trust established through justice-related forums intended to engage with and consult Aboriginal communities.

This bill will disproportionately harm Aboriginal youth, perpetuating the cycle of overincarceration, a longstanding issue within the justice system. Indigenous young people are often caught in a system that fails to recognise the broader social, economic and cultural factors that contribute to their contact with the law. Instead of addressing these root causes, such as inadequate access to education, mental health support and culturally appropriate services, this bill will only increase the likelihood of Aboriginal youth being locked up without consideration of their unique circumstances. This highlights the urgent need for culturally informed alternatives that have been shown to support young people in their communities, such as diversion programs and restorative justice models. Instead of empowering Aboriginal communities to lead the change, this bill continues to impose harmful measures that alienate and further marginalise these young people, further entrenching distrust in the justice system.

Youthlaw reported a significant drop in youth crime in the past 10 years. However, when crime rates do spike, they are often linked to the same factors that have been present for decades. These factors include economic hardship; lack of services and support for young people and their families; issues like family violence, childhood abuse, mental health and disability needs; and the over-representation of certain youth groups. These groups include Indigenous youth, disadvantaged multicultural youth, those with a history of childhood trauma or involvement in the child protection system, and young women with complex needs. But this bill does not seek to address any of these underlying issues.

This is not justice. This is punishment for the sake of punishment, and it will not make our community safer. It does not improve social outcomes and it will cost taxpayers more in the long term. Let us be clear: the removal of the principle of remand as a last resort will mean more young people in custody before they have even had their day in court. We are talking about 13- and 14-year-olds, children who are too young to drink, drive, vote or even work, yet are considered to somehow have the maturity and responsibility of an adult when they come before the court.

The United Nations Convention on the Rights of the Child, to which Australia is a signatory, defines a child as 'every human being below the age of 18 years'. Australia signed this convention in 1990, meaning this country has a legal duty to make sure that all children in Australia enjoy the rights set out in the treaty. These rights include protection, education and the opportunity to grow up in a supportive environment free from unnecessary harm. When we consider policies like locking up children as young as 13, we need to ask: how does this align with Australia's commitment to upholding children's rights as defined by international law? Putting young people in prison increases the likelihood that these young people will be trapped in the justice system for life. It isolates them from supports that would help them thrive in the community and instead strengthens their ties to criminal activity. The incarceration of children and young people increases reoffending rates and the chances of intergenerational incarceration. Evidence shows that youth sentenced at a younger age are more likely to reoffend within six years than those sentenced later in life. Even after considering other factors, each additional year of age at the time of their first court sentence reduced the chances of them reoffending by 18 per cent.

If this bill was truly about reducing crime and improving safety, we would not be considering putting children under 18 in prison, because the evidence is clear: it simply does not work. I am exhausted by the whiplash from rhetoric coming from the government. Just months ago the Minister for Police and then Minister for Crime Prevention, Minister Carabine, said the minimum age of criminal responsibility is too low, pointing out that:

... 10- and 11-year-olds belong in school, not in prison.

He was calling for the law to change. Yet now the same government is pushing a bill to lock up 13- and 14-year-olds who have not even been convicted of anything. How can the government possibly justify a drastic shift in policy, and how does a matter of just a few months between the ages of 12 and 13 determine whether a child belongs in school or behind bars?

This bill is not just a question of youth justice, it is a question of child protection. Many caught in the legal system come from backgrounds of trauma, abuse and neglect. The government instead should be focusing their efforts on early intervention programs and investing in agencies and courts responsible for child protection. With this bill, we risk taking more parents from their children. By locking mothers away from their children instead of providing them with support, rehabilitation and pathways away from crime, this government is choosing to cause further harm. The inquiry into children affected by parental incarceration found that Aboriginal children are losing their parents to incarceration at a greater rate than they were last century, when we were removing them from their families. This discriminatory bill will only further exacerbate this disturbing statistic, and the government is not only complicit but responsible for the political decision to continue to inflict more harm.

We are also alarmed by the introduction of a summary offence for breaching bail conditions, such as failing to attend bail support services. This completely ignores the multidimensional factors that lead

an individual to be involved with the law. Many people on bail are dealing with housing instability, mental health issues or disabilities. Criminalising them for missing an appointment or breaking curfew does nothing to address the root causes of offending. Instead it forces them further into the criminal justice system, cutting off their chances of rehabilitation. It is disappointing to see this tough-on-crime rhetoric from the government that fails to look at evidence, to consider lived experiences, to hear our communities and to truly stop crime. Instead all we will see with this bill is more people in our prisons who will come out and commit more crimes after being traumatised and removed from all of their community supports. The Greens are horrified that the Premier is willing to play politics with the lives of our First Nations and vulnerable communities, and for that I condemn the Premier and this bill.

Melina BATH (Eastern Victoria) (11:09): I rise to make my contribution on the so-called ‘tough bail’ bill of 2025. My very esteemed former leader and mentor, and someone I have always looked up to, Peter Walsh, has always said, ‘If you are explaining something and you have to explain it in the title, you’re failing. You’re losing if you have to explain it overly.’ Well, the government is trying to explain this bill by saying, ‘It is really, really tough.’ When I think about this, it is like – taking another path at the moment – the thing they called the ‘fast train’. They called it the ‘fast train’, and then it got to be the ‘slightly faster train’. I feel like this is one of those examples where the government are trying to convince the community that they are doing the work. This government, in November, will have been in for 10 years, with Daniel Andrews and now Premier Jacinta Allan having had 10 years to get it right. We have heard my colleague Mr Mulholland and others talking about those on the other side, the government members, talking about getting it right and how they do not want to just introduce something that is undercooked. Well, this is undercooked. This bill is rushed. This bill is the result of pressure from polls. It is not considered. The Victorian population have been under significant pressure, with significant concern about significant safety issues and their own wellbeing, over the past 10 years. This is a rushed and flawed bill. Now, the Liberals and the Nationals will not be opposing this flawed bill, because in its flawed state it is still better than what we have today. But we will be moving amendments in the committee of the whole to improve this flawed bill.

I want to just talk a little bit about the bill. We got the bill – when was it? It was Monday night at about 6 o’clock, I think, that our shadow minister Michael O’Brien got hold of it. On Tuesday at about 10:30, again early, we saw a bill briefing. That is no way to run a government. That is no way to respect the Liberals and Nationals – the opposition – or the crossbenchers. The proposition that you can dump something and then just convince us – that attitude is unwelcome, it is unparliamentary and it is undemocratic. I just want to talk a little bit about the bill that we saw back then, all of two days ago.

The bill will amend the Bail Act 1977 and the Summary Offences Act 1966. It will introduce two bail offences: committing an indictable offence whilst on bail, for inclusion in the Bail Act; and contravening conduct conditions of bail in the Summary Offences Act. It incorporates offences into schedule 1 that were previously in schedule 2, and I just want to put these on record: armed robbery and aggravated burglary. My goodness, aggravated burglary across the state in the last 10 years has been growing to absolutely frightening proportions. I will read some stats in from my own Eastern Victoria electorate, which I hold no joy in sharing with this house. Home invasions again increased over time. Carjacking – we have heard some terrible stats on that. The crime stats are actually out today. I have not had time to go through them, but that is right; they are rising, rising and rising in all the wrong directions for the safety of our humans in this state.

It is also going to incorporate additional offences into schedule 2, and these will be to satisfy the bail decision maker that a compelling reason exists to justify the granting of bail in serious firearms offences; serious arson offences; offences involving a controlled weapon, which now includes machetes because the government again has seen fit under pressure, overwhelmingly from the community and overwhelmingly from the Liberals and Nationals, to finally put machetes in as prohibited weapons; and also motor vehicle theft.

It does not do a number of things. It does not include serious offences such as arson. They will not face a tougher bail test. It does not include serious offences such as burglary – and aren’t we seeing

that more and more on the rise? When my colleague Martin Cameron and I went for a walk, as we do from time to time, around the streets of Morwell the other day – beautiful Morwell, where I have shopped, visited and known friends for so many years – at the St Vinnies, which is open, useful, supporting the community and putting funds back into the community, the manager Deon spoke to us about how again and again people are walking in, acting with impunity, creating a huge disturbance, being antisocial and then just filling their bags or whatever and walking out, and people fear for their own safety. This is not an anomaly; this is happening time and time again. Burglary and robbery are in that same boat. They are not listed in the schedule 1 or 2 offences, meaning alleged offenders receive a presumption of bail and the weakest test to receive it.

This so-called ‘tough bail test’ for repeat offenders is not in the bill. The offence of committing an indictable offence whilst on bail is being reinstated, but it will have no impact on raising the test for bail. Surely if you have committed an indictable offence, surely if you are a repeat offender, surely if you are known and you are rotating through the system, surely that should be a trigger for a tougher test for bail. But no, not in this bill. The offence of breaching bail conditions is being reinstated but in a weakened form, as contravention will not result in the offender facing a stronger bail test. People under the age of 18 face no criminal sanction for breaching bail conditions, undermining the reason why bail conditions are imposed in the first place.

I want to talk more about youth offenders and something that has been happening in this state for such a long time. Sadly, in our patch – I see Mr Bourman is in the house for Eastern Victoria Region – again indicative across the state, we are seeing the ravages of rising crime, and this is backflip has certainly come too late. Let us look at some of the stats, because it is not just a centralised Melbourne impact; it is happening in country Victoria. In Eastern Victoria in the past 10 years assault is up 23.4 per cent. Aggravated burglary, as we have talked about, in my region is up 200 per cent. This shows the desperation of those committing those burglaries, but it also shows that there must be, there have to be, repeat offenders who are acting in the system, getting bail, going through, feeling as though they are invincible and working on that theft and burglary. Motor vehicle thefts are up 100 per cent in my region. Family violence – again this is a terrible statistic – is up 63 per cent. There are victims at the end of every one of these statistics. I could go through: Latrobe, in terms of crime, is up almost 13 per cent; Bass Coast, up almost 24 per cent; Baw Baw, up 38 per cent, a growing and beautiful area; South Gippsland, up 100 per cent; Cardinia, 46 per cent; East Gippsland is up almost 50 per cent, as is Wellington shire.

We have seen examples time and time again. I relayed many of them in the machetes terrorism bill, so I will not repeat them other than to say that, unfortunately, beautiful Traralgon – again a place that I know and love very well – is making the charts for all the wrong reasons. Over the weekend it was reported what locals in Traralgon already know – they know this; they know it is happening – that the town is becoming one of the worst in the state for youth crime, along with the Melbourne CBD, Frankston, Traralgon, Traralgon, Traralgon and Bendigo. I know my colleague Gaelle Broad has raised the issues happening in Bendigo on multiple occasions, and in Mildura my good colleague Jade Benham is doing her work there to highlight these issues and call for additional police resources in our regions. We see the need for more PSOs in regional Victoria as well. In boys aged 15 to 17 there is an alarming rise in this space. No-one wants to be the parent of a child who has gone off the rails. No-one wants to be like this mother – I am going to read this article very shortly – who said we need these tougher bail laws, we need to see this happening, because something has to stop her son from being out on the street committing crimes. Something has to bring him in; something has to turn his life around. This cannot go on. Although the bill includes some provisions for youth offenders, many in the community feel that it does not go far enough, and we agree with them. They argue that more needs to be done to deter young offenders.

Here is a parent quoted in a Nine News article on 17 March 2025, a few days ago regarding parents of repeat offenders. It says:

... for parents losing control of their children for the first time, there was nowhere to turn –

'Kate' is the parent's name in the article –

"What I went through at that time was so isolating, and I was so ashamed," Kate recalled.

Another parent watched her son get bail over and over again in a never-ending cycle. The son was preparing to attend court for his 18th appearance. She said:

"When this all started, I was pleading for him to be locked up ...

That is a parent who loves her child and was pleading for him to be locked up. She goes on to say:

"Once they're in Parkville, there's no rehabilitation, no programs in place. My son gets to choose if he wants to go to school, he gets to choose what classes he'd like to go to. He gets to swim in the pool, he gets to go to the gym ... There's not enough being done in there, and I just feel it's an absolute waste of time.

I just want to reiterate that in terms of the frustration that these parents must feel. We have heard comments certainly in the space of our First Nations youth and our multicultural youth – all Victorian youth deserve to have a good chance in life. We know that early intervention can make a huge difference. We know that prevention can make a significant difference. We know that even though they sound a little bit soft, there can be some tremendous diversion therapies. But what are we seeing after 10 years of Labor? We are seeing escalating youth crime.

There is a fantastic organisation in the Latrobe Valley that is philanthropically funded. On the one hand we have got youth crime getting out of control and we also have an example where people are doing amazing work with amazing results. I want to do a shout-out to this small number of people. It is called Mountain Track and it is out the back – I am trying to think where it is – past Churchill; I have forgotten the name of the specific location. Mountain Track connects and engages with young people in the Latrobe Valley who most need support and are likely to end up incarcerated without intervention. They provide hope, they engage, they provide skills, they organise diversionary activities, they support personal development, they provide learning, training, work experience and employment opportunities and they help people connect and feel self-worth. This is a fantastic initiative. Guess how much government subsidy it gets? Nothing, zero, nil. Yet these are fantastic things that we see.

We also have seen the important work that our police are doing. Police in schools is an incredibly important activity that occurred very widely between 2010 and 2014. That has been cut back. I also give a shout-out to Victoria Police in my region. I was speaking only recently to VicPol, and they lament the fact – they must do the paperwork they have to do and they respect that – that as they are walking in to do the paperwork to charge someone, that someone, who is often a youth but not always, is walking out the door after being bailed again. We need to see this working better. When do youth understand that they are a victim of whatever it is, when are they being a pawn and when do they know that they are working with impunity and they can get away with these things? These are critical issues.

This government has had 10 years to get it right. The Productivity Commission talks about how Closing the Gap is not working in this state, and neither are education, health, children in out-of-home care and First Nations people in the justice system. This bill is a start, but it is not good enough. I ask people to accept our amendments and make this bill better.

Jeff BOURMAN (Eastern Victoria) (11:24): I am pleased to speak about the bail amendment bill. I will not call it 'tough bail' – that is a political title, but it is no less political than the amendment to take it out for being political. We should just leave it the way it is as far as I am concerned.

Remand is a vexed subject for any society because you are locking up unsentenced people, so that is why you have bail. Bail is an undertaking that you do not reoffend. Bail can have various conditions imposed – some of them are fairly light; some of them can be quite onerous. The problem with bail is that when someone does not abide by those terms of the bail, what happens next? Contrary to popular belief, I am not going to say we chuck everyone in the can. There are certain circumstances where you can have a reasonable excuse for breaching bail, like if you have a reporting condition and you are in

hospital, well, you are not going to report from hospital, or if you have got something else that is a reasonable excuse – happy days. There needs to be a system around that.

What we have at the moment, though, is serious offenders – and we are not talking about youth offenders where it is a kid doing a bit of shoplifting. You do not get remanded first time for that. We are not talking about kids' high jinks, as we used to call them back in the day. We are starting to talk about serious offenders here. Ironically for the tough bail bill, the offence of breaching bail should have never gone, because honestly, if you are not going to get remanded for breaching bail and you are not going to get a penalty for breaching bail, why wouldn't you breach bail? You get caught, they let you out again; you get caught, they let you out again. And with some fairly serious offences, like home invasions/aggravated burglaries – I am still a little bit bemused that there are two separate offences because they are the same thing – you are not just talking about kids having a bad day. You are talking about the invasion of someone's home, generally with weapons.

We dealt with the machete thing yesterday, but it is not just machetes, there are a number of things, and we are talking about a fairly serious cohort of people, including youths, that are turning Melbourne and Victoria into a place that is worse than it was in the 1980s. For those of us that are old enough to remember the 80s fairly clearly, it was quite a violent time, but it was fairly localised. I do not use names of criminals in this place, but it was fairly well contained within the criminal community. But what we have got now is the wider community supplying the serious offenders, and as they are coming in and out of police stations I am pretty sure they are high-fiving each other because they know that they will be going the other way shortly. And that has led to where we are here today.

Probably the biggest problem I have with this bill is that youth offenders do not get the offence of breaching bail, because then we go back to the same thing: what is going to happen to them? The whole point of having a penalty is that if you do it, you get a little extra – maybe you can serve concurrently or whatever; that is up to sentencing at a later date. That is not the point of the police, it is the judiciary's problem. But if there is no penalty other than remand, then they will just keep on doing it. Everyone can have their own opinion about whether it leads to an escalation of offences or not – that is beyond the scope of my speech today – but I think this is a little bit too long in coming. I think youth offenders should be included in the offence of breached bail – again, it goes up to the judiciary to deal with the seriousness of it – because we have a youth crime problem.

Locking people up, remanding unsentenced offenders – I call them offenders, force of habit – also comes with some personal risks to those people on remand. One of the things I would like to have seen in this bill is more support for people in a custodial setting for the first time. There was a study done in 2016 by the Australian Institute of Criminology about suicides in custodial settings, particularly for first-time people. You are 50 per cent more likely to take your own life in the first three months of a custodial setting if it is your first go at it. It seems to me, because of, let us call it, the weakening of the bail laws, this bill will have a lot more first-time people in a custodial setting, but there is no – the government loves this term so I will use it – wraparound service for these people. There are people that are going to be remanded in a decent prison, and there needs to be culturally appropriate people available to help them out when the time comes.

I have been involved in the death of a prisoner in custody. It is no fun at all. Obviously it is not for the person in custody, but it is no fun for the family, the police and, in this case, a lot of the prison staff either. It is no fun for anyone. If we can prevent a death by having someone to help them through these times – I do not know what I would be like my first time in custody; my plan is to never find out, but it would not be fun – then I think that is something the government probably wants to look at. If we are going to have more people in custody, there needs to be more support, particularly for first-time offenders.

I am going to finish my speech on the Greens, my favourite subject. I have been listening over the last few days to various things. What I have heard is sticking up for ducks, wombats, offenders with visa problems and repeat offenders. Where are they sticking up for the victims of crime? These are people

that have been in their own homes – we are talking about home invasions, which is the topic du jour – generally asleep when armed offenders have come into their place and invaded their home, invaded their sense of wellbeing. I live in Melbourne – I do not hide that – and in the area where I live home invasions have become so common that they are not even reported; I read about them on Facebook community noticeboards. Where is the concern for the victims of these people? I do not know which Victoria the Greens live in, but it is not the same Victoria the rest of us live in.

Richard WELCH (North-Eastern Metropolitan) (11:32): I rise to speak on the Bail Amendment (Tough Bail) Bill 2025. I think generally in life it is not what you say that matters, it is what you do that matters. It is not what you say, it is what your actions are that matter. At a time when we have record crime, families being terrorised and a genuine sense within the community that things have got out of control, you really need to be walking the walk on these. It is what you do that matters.

We have seen rising crime. We have had new stats out today that show we have reached yet again unprecedented levels of crime. There is an article in the *Herald Sun* which has numerous data points to sum up what is happening. We are now passing 30,000 burglaries a year. We have got more crime by youth than ever before, since records began. There are stats upon stats upon stats: 38,750 recorded store thefts last year, and on and on. It is nothing short of a horror story for the people of Victoria. They rightly turn to the government, they turn to the Parliament, they look to us and say, ‘What are you going to do about it?’

If ever a bill represents the modern Labor government, it is this bill. It is a bill where the title says ‘tough’ but there is no substance behind it. You stand for nothing. It is a bill briefing where there is no bill; that is where it starts. It is a bill where half of the content is literally left blank for a future bill. It is a hollow shell of a bill. It puts ‘tough’ in the title to win a news cycle to save the Premier’s blushes. But for committing an indictable offence while on bail there is no consequence, there is no action. They say it, but there is no action. There is breaching bail, but there are no consequences for breaching bail. There is no breach of bail at all for under-18s, among whom the stats that came out today show crime is at the highest level since records began. Burglary and robbery still have the presumption of bail. There are trial delays because of the underfunding of the court system, so the threshold for bail drops because you might be remanded for too long, so it is a hoax. It is a cruel hoax on the people of Victoria, who want action. Everybody opposite, we know you are here arguing for something you do not believe. You argued aggressively against stronger bail laws in the past. You are trying to make this work somehow with the Greens, who – and I hope those opposite take this up – make outrageous statements that tougher bail, and your bill in this house, is racially motivated. That was the statement. It is outrageous. It should not stand. It must be challenged. It is offensive. It is offensive to everyone in this chamber. But you will not admit it.

If ever a bill was ripe for mocking of the government, it is this, but I am not going to go there because it is too serious. You have all said things you would now regret, in the context that your Premier has recognised and admitted that you regret them, because you have made a mistake around this. But it has not happened without context. It has happened in a context where we have police shortages, we have cut police station hours, we have cut funding from mental health services, we have cut early intervention programs, we have less police patrols, we have selective enforcement of law, we have less support within custodial settings and we have magistrates acting on the basis of harm minimisation alone. That was a big part of the case for reform, but if you are not true to the principle and you fail on the implementation of that, then everyone suffers. If you want accountability for the impact on vulnerable communities, you do not get to implement a policy in name only. You do not get to implement policies about harm minimisation and then only implement part of them. It is a little bit like putting a tougher bail bill forward and then having no tougher measures. So in the harm minimisation you have failed, because you have only implemented the part that weakens the bail laws. As we have just said, there are less PSOs, there are less police, there is less early intervention, there are less mental health services, there are less magistrate actions around custodial services in court services. If you are advocating for harm minimisation and if you want to convince people that harm

minimisation is actually a sensible way to approach it, you have failed. You have failed to do it. You have probably ruined your own argument.

We inevitably come to the human cost of that failure, and it is a pretty universal cost, actually. Again, people are very happy to talk about lived experiences. Well, let us talk about the lived experiences of families who have had their homes invaded or their cars run through or their essential tools for their jobs stolen, or in some cases goldfish stolen, or the shopkeepers who have to put up with endless aggression and theft and thuggery, and the whole of the community, where people are now afraid to go down their streets. The vulnerable people, yes, they pay the cost too; they share the cost, because the community does care about vulnerable communities and First Nations people. It does care and it does want better, but when the community is exposed and scared, it needs action. If none of the other components of harm minimisation have been implemented, then they have a right to expect action that changes the situation, that does not maintain the status quo.

I have had many people say to me, 'Well, what's the point of harm minimisation, because if someone's pointing a machete at my throat, they're already a serious criminal. What serious crime are you stopping them entering into? Well, they've entered into it.' That is what people say. That is what the community say; that is their lived experience of this. Within this contribution that is really whom I want to speak to most – the community. The Parliament keeps dodging its responsibility to you. The buck stops with us. We want compassionate laws when it is sensible to be compassionate. We do not want to lock people up just for the sake of locking people up. People are not actually asking for tough bail; they are asking for commonsense bail. That is the law we need in this state, and we do not have it and this bill does not provide it. If you ever want to know what the Liberal and National parties stand for on this, just look at our list of amendments to this, because they are common sense. It is not taking away compassion, it is not taking away sensible evidence-based reforms; it is common sense that if you breach bail again and again and again there is a consequence. No-one can argue against that.

Again I refer to the outrageous Greens statement that, 'Oh, this is a racially motivated bill directed at certain groups.' I will tell you what, the certain groups are also victims of crime in this state. I represent a very multicultural community, proudly. They are the victims of these crimes. There is the basic principle of equality before the law; there is also safety behind the law, and we do not have it. Young people need to understand there are consequences of actions, and that is at any age. Just because you stop recording the stats on certain crimes – just because you make a semantic change to a law where you declassify something as one – it does not mean that does not happen. We decriminalised all crimes by anyone between the ages of 10 and 12. It does not mean those crimes are not taking place; it just means they are not in the stats. For every one of the stats that goes through the official records, we now know that crime is so rampant that that is merely the tip of the iceberg. So many people no longer report a break-in of their car, a break-in of their house, petty crime or shoplifting. This is the tip of the iceberg. No-one should be thinking this is the sum of it. It goes far, far, far beyond it.

I say to people who commit crime: do not confuse our compassion for weakness. Those who have been trained and conditioned by the current laws to believe that bail is a slap on the wrist, that bail is a privilege to go and do what you want, have got to learn that it is not; they have got to learn that there are consequences. And the people of Victoria, in their lived experience, expect that from us. This bill does not go far enough. It is window-dressing. The amendments that we are proposing go to consequences for breaching your bail. That is just the basic benchmark. Talk to anyone in the community and explain to them, 'Look, we're reintroducing the crime of breaching conditions of bail,' and they will ask, 'Oh, what are the consequences? It will be harder to get bail next time, right?' No, there is no consequence. So what is the point? It is about the same point as the point of putting 'tough bail' into the heading and then not having tough bail. But we do not want tough bail, we want commonsense bail that will uplift and restore the community's trust in police, trust in the criminal justice system, trust in each other, frankly, and trust in natural justice ultimately. People of Victoria, the buck stops with us today in this house. I strongly commend the amendments to the house, and we will stay as long as it takes to make sure we get this bill passed.

Trung LUU (Western Metropolitan) (11:44): I rise today to speak on this Bail Amendment (Tough Bail) Bill 2025. Before I go to my speech I want to stress in relation to this particular bill that it is as important as any other bill but so much more important now due to the issues we are facing in Victoria in relation to the youth crime crisis that we are trying to address. When I will talk about the bill today and the amendments put forward by members in this chamber, it is not to say whether the government is wrong or this side is right – who is right, who is wrong. We are trying to address an issue which the community is facing at the moment, and this is what the bail bill will hopefully do. When we point out some holes in this bill, it is not to say they are right or they are wrong; it is mainly to point out what needs to be changed to improve the bill for the benefit of our community.

I note at the start in relation to this bill, as many members in this chamber have mentioned, that the word ‘tough’ is straight from the spin of those who are trying to legislate this bill. I want to be clear that legislation needs to be fair, just and appropriate to the people about which it is trying to decree. When a law’s title declares that it is tough, already it does not meet expectations or the principles it is trying to adopt. Clearly this bill is being rushed through this chamber for debate.

Let us go on the record that bail reform is something that the opposition has been demanding from this government for many years now. Bail reform is something this government has repeatedly failed to take serious action on to strengthen the law. In most cases since coming to office they have repeatedly watered down the law. As a consequence the Victorian public is now bearing the brunt. As I mentioned, we are going through a crime crisis, and that has gradually built up over the years.

Let me briefly explain what I mean by ‘watering down’. Under this government we have seen offenders get caught for an offence and then get released soon after being interviewed and charged by police. Offenders are released on bail over and over again regardless of whether they have committed a summary offence or an indictable offence. They are breaking into someone’s house or car or lighting up premises while people are sleeping or breaking into someone’s car, dragging the driver out of the vehicle in the middle of the road and trying to steal the vehicle. Offenders who are arrested for indictable offences like aggravated burglary, robbery or carjacking need to justify to the court or the bail justice why they should be granted bail and satisfy the court or bail justice that they will not reoffend and that they are not a risk to the community when seeking bail. When applying for bail, you acknowledge and sign an undertaking, as I mentioned earlier, that you will not breach those conditions and reoffend. We should automatically ask, when an offender has been brought in to be interviewed by a bail justice or a court, if he has offended previously. Under the Allan Labor government we see offenders get released for serious and indictable offences over and over again. We have seen and heard in the news that offenders are being caught after being released on bail 10, 20, 30 times.

At the outset I want to acknowledge that the real concern for the Victorian community is bail reform, as I mentioned. These laws will rehash our old laws in some respects as they existed previously. Before I go on to the youth offender aspect of this bill, people making legislation on bail in this chamber need to understand what bail is, why we grant bail and why we are remanding those offenders. It is not a right; it is a privilege that you are granted bail. You must justify why you are being granted bail. You must justify it by not reoffending, and you must justify it by not being a risk to the community. An automatic assumption of bail for reoffenders is something this government needs to understand, and those legislating this bail reform need to understand that, if there is crime, the court or bail justice need to understand of those persons brought before them seeking bail whether that person has offended previously, how many times they have offended and how many times they have committed those crimes. It is not like a series of thefts. We are talking about breaking into people’s houses, carrying weapons and firearms and taking invasive actions on people’s privacy and properties.

Another concern in relation to this bail reform bill before us regards youth offenders. My concern – and I think this was mentioned previously by Mr Bourman – is in relation to no penalty for youth offenders. I understand they are underage, but if they commit certain crimes, they need to understand that if they are granted bail, there will be consequences if they reoffend or breach bail. If there are no penalties for those who breach bail and reoffend over and over again, they will continue doing so. That

is one of my concerns in relation to youth offenders not getting penalties in relation to breaches of bail. This will continue in relation to this bail reform.

If people under 18 years face no criminal sanction for breaching bail conditions, it undermines the reason bail conditions are even imposed. We are told just to hang on tight by this government in relation to strong reforms later in the year regarding youth offending. We are in the middle of a crime crisis, and the big issue is youth offending. We are trying to combat or tackle these issues regarding youth offenders and yet we are not addressing what is happening. We have not just got those who have offended for a first time. There are criteria when a bail justice or court sees a youth offender brought before a court for the first time. The presumption mostly is that those youth offenders would be granted bail. However, we are talking about youth offenders who commit series of crimes and reoffend with series of crimes involving indictable offences and serious indictable offences, yet they are not being addressed. That is the real issue in relation to this that we are concerned about.

Serious offences we are concerned with and talking about are aggravated burglary and breach of bail. It is time to debate that reform, and we need to do it now to address the issue. We cannot wait several months down the track and then debate it. The community are crying out about what this government is doing regarding the youth crisis and the granting of bail. We have been told this bill is one of two bills being brought before the Parliament and that later this year there will be another revision of the granting of bail for repeat offenders.

We need to address repeat offending now, whether it is youth or adults. While the government have been light on detail about this bill, we need to discuss it now and debate and seek those various amendments from those in the chamber. We need to debate those amendments seriously to see why they need to be included to improve the bill moving forward. I am now going to mention those amendments. It is not to say we are right or you are wrong, it is to better the bill and improve the bill so that once it is legislated the community can have confidence that governments are putting legislation in their best interests forward and tackling crime and tackling repeat offenders. It is too often and too regularly that we see, sadly, on the news and in the papers repeat offenders being caught and then stating that they have been bailed and re-bailed.

I know the government has been spinning a lot on this issue this week regarding its attempts to strengthen efforts against crime, using words like 'tough on crime' and 'tough bail', but we need to be positive in talking about these amendments to improve the bill and convince them to achieve the desired outcome. When we are in a crime crisis and this bill is trying to improve the law, any measures to strengthen the bill are a benefit and any amendments to strengthen the bill are a good thing.

As I stated initially, although this bill has holes in it, we will not stand against it passing. Nevertheless, we will attempt to make some amendments to better reform the bill moving forward. A lot of us have spoken many times in this chamber regarding strengthening bail. This is my sixth time in my short time in this place. As I have said and will relate again, bail as a concept is a fundamental principle of a free democratic society. It needs to be tough but fair. Legislators are elected by our communities to implement legislation and strike the right balance, which means engaging constructively with the community, who we hear from regularly, and also those across the benches in this chamber. Listen to concerns and understand that we need to make certain amendments to better this bill. I agree with many of my colleagues, and I mention it again, that bail is a privilege, not a right.

Before I finish off on this bill, I want to state that my colleague in the other place the Honourable Michael O'Brien has tried to introduce bills to strengthen bail laws, including reinstating the offence of contravening conduct conditions to commit indictable offences while on bail, on three separate occasions in the last 12 months, all of which have been knocked down by the government. Hopefully with these amendments put forward by us on this side of the chamber the government understands and embraces those amendments, as we are trying to improve the bill put forward to us in the chamber today. It is also a concern of Shadow Attorney-General Michael O'Brien that serious offences, including burglary and robbery, are not listed as schedule 1 but instead as schedule 2 offences,

meaning an alleged offender receives the assumption of bail. Instead, the applicant should need to justify and show compelling reasons why they should be granted bail, as I mentioned, when they are submitting an application. It makes no sense. It contradicts the Labor government's claim that this is a tough new bail law.

I would be glad to see the commencement date of the bill brought forward from late September to the end of June. I hope the government understands that bringing this forward would address the issues that we are facing at the moment. It is clear that there are a lot of holes in this bill, but I urge the government again to plug those holes by accepting those amendments put forward by this side of the chamber and those who have spoken before me. In the last 30 seconds I want to mention that this bill has various loopholes, although it is going in the right direction, and we want to see that it tries to address certain concerns within the community.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Taxation

David DAVIS (Southern Metropolitan) (12:00): (861) My question is to the Treasurer. The government has already introduced more than 55 new and increased taxes since 2014. Is it the government's policy with regard to new taxes and imposts that hardworking taxpayers can afford to pay more?

The PRESIDENT: Maybe, Mr Davis, you can repeat it and do it in another form. I am a bit concerned it is asking for an opinion.

David DAVIS: No, it is not. The government has already introduced more than 55 new and increased taxes since 2014. Is it the government's policy with regard to new taxes and imposts that hardworking taxpayers can afford to pay more, as the Treasurer said?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:01): Mr Davis, thank you for your question. There have been a number of tax changes since we came to government, including reduced taxes on many Victorians, particularly businesses et cetera. I take your point that no-one particularly likes paying tax. I do not think anybody says, 'Yes, I want to pay my tax bill.' But what people do accept is the need to invest in infrastructure that Victorians rely on: schools, roads, health – there are so many things that this government is all about getting right behind. I will always continue to balance the settings in relation to who can afford to pay tax, who benefits from tax cuts and who benefits from cost-of-living support. This is what a responsible government will do.

David DAVIS (Southern Metropolitan) (12:02): Well, it is the Treasurer's statement that I think many are worried about – that they can afford to pay more. Treasurer, in 2013–14 the state tax take was \$16.9 billion, or \$2867 per Victorian.

Members interjecting.

David DAVIS: President, can I just pause and start again? Over there.

The PRESIDENT: How about this: to those over there, can Mr Davis be heard in silence, and to those over there, can Mr Davis be heard in silence?

David DAVIS: Treasurer, in 2013–14 the state tax take was \$16.9 billion, or \$2867 per Victorian. In the 2024–25 budget update the state tax had ballooned to \$38.9 billion, \$5504 per Victorian. If that was not bad enough, the tax take is estimated to increase to a staggering \$45.8 billion over the forward estimates, \$6160 per Victorian. Treasurer, Victorian households are being crushed by surging taxes. This time you have hit rental providers with double taxation through the emergency management tax. How much more can they bear?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:04): Mr Davis, the government will always endeavour to strike the right balance between providing services and infrastructure that Victorians rely on, and that is often something that is talked about in the case. You have got to balance that with the need to raise the revenue that is necessary to provide it. As I said before, we have cut or abolished taxes and fees 65 times since coming to government. It is not something that you like to counter with your rhetoric, but that is true. It includes lifting the payroll tax free threshold five times since coming to government, with a legislated commitment to lift it again from July. The changes to the threshold mean –

David Davis: \$45.8 billion.

Jaclyn SYMES: I went through the economic conditions of the state yesterday. We are investing in the priorities of Victorians. We are supporting business. You are seeing that in more and more business investment, more and more housing investment and more and more housing approvals in this state than in any other state. I am very comfortable with the feedback that you want to provide, but perhaps maybe ask a question that I can answer next time.

Quail hunting

Georgie PURCELL (Northern Victoria) (12:05): (862) My question is for the minister representing the Minister for Outdoor Recreation. Native stubble quail shooting season is set to commence on private and public land across our state in just a matter of weeks. There is no long-term, consistent, robust, scientific, independent quantitative data on stubble quail populations in Victoria. The best available evidence is just two counts, which have shown a 20 per cent decline in quail populations. It is highly likely that due to overall waterbird decline, drought conditions and loss of habitat quail numbers are now concerningly low. The regulator should be making decisions based on the best available evidence, but for quail we literally just do not have it. What is worse is that quail shooting takes place during their known breeding season, which goes against longstanding advice from the CSIRO. How can the government justify a full quail-shooting season without long-term population data?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:06): I thank Ms Purcell for her question – in fact her many questions around quails. These matters will be referred to the Minister for Outdoor Recreation for a response.

Georgie PURCELL (Northern Victoria) (12:07): Thank you, Minister, for referring it on. The critically endangered plains-wanderer, of which there are approximately 200 left in the wild, look very similar to stubble quail. Quail shooting is a known threat to the plains-wanderer, as evidenced in the national recovery plan for the plains-wanderer. There are no mandatory species identification tests in place for existing quail shooters. What signs would the minister be relying on to approve a stubble quail shooting season given these circumstances?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:07): I thank Ms Purcell again for her supplementary question. These are matters that are connected to her substantive question, and they will be referred to the Minister for Outdoor Recreation.

Ministers statements: youth justice system

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:07): I rise today to update the house on our government's commitment to reducing reoffending amongst young people in the youth justice system. We know the best outcome is to prevent young people from coming into contact with the criminal justice system in the first place, and we are having some success. Last financial year more than 98 per cent of Children's Court diversion plans were completed successfully, well above our target of 90 per cent. We also know that the young people that do enter our youth justice system are an increasingly complex cohort, with a range of issues driving their offending behaviour. That is why, as part of our

comprehensive approach to community safety, the Victorian government has invested in multisystemic therapy and functional family therapy. These are two internationally recognised intervention programs that are proven to address the root causes of youth offending and break the cycle of harm. Therapists work intensively with young people and their families over a period of four months, providing up to 60 hours of tailored support. The focus is on giving parents and caregivers the skills and support systems necessary to guide their child away from crime and towards positive engagement with their education, employment and the wider community. Functional family therapy builds on this by addressing family conflict, negative behaviour patterns and poor communication. The program works closely with families to reduce conflict, increase motivation for change and improve relationships, ultimately creating a more stable and supportive home environment. By addressing the root causes of offending, these programs are about supporting young people to get their lives back on track, reducing recidivism and making the community safer. I want to thank our youth justice staff and community partners, particularly OzChild and Anglicare Victoria, for their hard work and commitment to helping these young people and delivering for our community.

Health services

Georgie CROZIER (Southern Metropolitan) (12:09): (863) At the request of those opposite, my question is to the Treasurer. The Premier has said:

... in our government, my government, we believe women, we respect women and we support women ...
and we are making sure that their care cannot be dismissed ...

Jaclyn Symes interjected.

Georgie CROZIER: Treasurer, the question is to you. I am just doing a quote from the Premier.

Lizzie Blandthorn: On a point of order, President, I think we genuinely on this side did not hear who the question was for and so missed the start of the question.

The PRESIDENT: Ms Crozier, are you happy to start from the start? We will reset the clock.

Georgie CROZIER: My question is to the Treasurer. The Premier has said:

... in our government, my government, we believe women, we respect women and we support women ...
and we are making sure that their care cannot be dismissed ...

The Allan Labor government is selling the Royal Women's Hospital's family accommodation site to a developer. Is the government so desperate for money that you, Treasurer, are happy to force mothers with sick newborns and women needing cancer treatment onto the street?

Members interjecting.

Georgie Crozier: On a point of order, President, I know that Ms Shing wants to answer this question, but my question is directed to the Treasurer and I would like her to answer it, please.

The PRESIDENT: I will repeat that a member has got every right to ask a question of a certain minister. It does not guarantee that that minister will say that it is in their responsibility, but I will put the question to the Treasurer.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:11): Ms Crozier, the matter that you refer to has nothing to do with the Victorian budget. The minister next to me has indicated that in one of her portfolios she could provide further information if you were wanting to direct the question to her. But given you have directed it to me, it is not a matter that falls within my remit.

Georgie CROZIER (Southern Metropolitan) (12:12): I find it stunning that the Treasurer has not even read the front page of the *Age* today, where it references Tim Pallas identifying sites. That is your predecessor, the former Treasurer. So I ask: given the average price of a hotel room in Melbourne rose to \$234 last year, why in the middle of a cost-of-living crisis has the Treasurer forced mothers with

sick newborns and women needing cancer treatment to pay for expensive hotels by selling the Royal Women's Hospital's accommodation site to a developer?

The PRESIDENT: This puts me in a position where the minister has answered the question, saying that particular topic is not within the remit of her portfolio, and then the supplementary question is on that same issue. But I will put the supplementary to the Treasurer.

Members interjecting.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:13): As the interjections have indicated, the hospital declared this property and land surplus. It is a conversation that we have been having over several weeks in relation to opposition members seeking to create questions for incorrect ministers. As always, I am attempting to be helpful, but in this instance Ms Crozier should take the advice to direct her questions to the correct minister.

Georgie CROZIER (Southern Metropolitan) (12:13): I move:

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

Motion agreed to.

Housing

Sarah MANSFIELD (Western Victoria) (12:14): (864) My question is to the minister for housing. Last week the Labor government confirmed that once the public housing towers at North Melbourne and Flemington are demolished, no state-run public housing will be built on these sites. Homes Victoria wrote to Alfred Street residents in November 2023, confirming that after their homes are demolished and rebuilt they have the right to return to the estate and their rent and conditions will not change. Many residents only accepted relocation offers because they were assured that they would be able to return to the same rent and conditions that they have now in public housing – that is, rent capped at 25 per cent of their income. On Tuesday you confirmed to Mr Puglielli that residents have a right of return but not whether their rent or conditions will change. Can the minister publicly confirm that returning residents will have public housing conditions and rent for the long term?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:15): Thank you, Dr Mansfield, for that question. I just want to make it really clear that when we are developing these sites for the purpose of providing housing for up to 30,000 people to accommodate growth and to provide the sort of housing, including for private renters, who as you know and as you have indicated in a number of questions to me in this place are also feeling the challenges of affordability and availability, it is with this in mind that we have announced the ground lease model, which is again, to be really, really clear, not about selling government land – there will be no sale of government land on these sites. We will be making sure that we are engaging in a partnership with the community housing sector – that is, not-for-profit, for-purpose organisations with charitable status who receive GST exemptions – as part of delivering on that housing. I also want to make it clear, as I have already on numerous occasions, that the right of return exists for people to be able to come back either to that site or to the neighbourhood upon completion of a new build, subject to their ongoing eligibility for social housing, which is about their income, and subject to the needs that they have – for example, they began needing three bedrooms and subject to changes over the years only need one or two bedrooms; the list of examples goes on.

I have also been very, very clear that for the duration of relocations, public housing rent settings will apply. What happens after that process will depend upon what it is that individual tenants decide to do, and again, the rent distinctions between public housing and community housing are about making sure that we can access the supports and the services that often exist and are a wraparound for community housing tenants. I also want to be really, really clear: the Residential Tenancies Act applies

equally to public and community housing tenants. It covers the broad umbrella of social housing. Social housing is about long-term housing. The development of these sites is about making sure that people have homes to go to. We work so carefully and so closely with people to understand what their needs are but also what their aspirations are. We work alongside interpreters, alongside legal representatives and alongside support people to understand where and how people want to move as those relocations take place. We will continue to do so carefully, respectfully and in a culturally safe way. Upon completion of housing we will also engage with people to make sure that they understand the choices that are available to them, and that may involve the preservation of settings. It may involve a change to settings, but that will be a matter that we work through with people on the ground in the same careful and considered way as we have done our work to date.

Sarah MANSFIELD (Western Victoria) (12:18): Can I just clarify, to be absolutely crystal clear from your response: after the period of relocation, during which public housing rents and conditions do apply, upon return residents will not necessarily have the same public housing rent or conditions?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:18): What I will confirm to you is that we will work with residents to determine the settings that are right for them. Where we have settings that apply because of the need for housing, for example, for victim-survivors of family violence or for women with Women's Housing Limited or Aboriginal tenants and residents, who are again deserving of self-determination as part of the delivery of community housing providers, then those settings will be different. You are again persisting with this narrative that community housing is not able to meet with tenants –

David Davis interjected.

Harriet SHING: I see you nodding at Mr Davis, and yet again this is going to make its way into an imaginative set of social media reels. I just want to be really clear: this is about residents and about tenants, and the answer to that question will depend upon what it is that residents and tenants want to do. We will continue to work with them around the rent settings that are right for them. That does not exclude public housing rent settings. Again, please be aware of the information that you hold and the importance of accuracy.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:19): I rise to update the house on one of the ways in which the Allan Labor government is supporting First Nations families, by delivering the beautiful Baluk Balert Barring early parenting centre in Frankston. Last week it was a pleasure to visit this stunning centre for First Nations families with my colleagues Paul Edbrooke and Paul Mercurio in the other place. The centre is operated by the wonderful team at First Peoples' Health and Wellbeing, providing culturally safe and holistic care for Aboriginal and Torres Strait Islander families from the antenatal stage to when their little ones start school. The centre is giving First Nations families the choice to access early parenting supports while recognising the unique needs of Aboriginal people. This early parenting centre is part of the \$165 million Allan Labor government investment into 12 new and upgraded centres we are delivering across the state.

We were welcomed to the centre by Karinda Taylor, CEO of First Peoples' Health and Wellbeing, and the team at Baluk Balert Barring. When entering the purpose-built centre, you immediately feel the welcoming atmosphere created by her team. From the gorgeous gums overlooking the centre to the inviting and peaceful consultation rooms, Baluk Balert Barring is certainly providing a wonderful meeting place for First Nations families to access these supports. By supporting new parents with sleep, settling and day supports as well as early parenting programs and cultural education workshops, this centre is helping parents and carers achieve their parenting goals, ensuring families have valuable parenting strategies to use at home with their little ones. I met with mums and their babies, who described to me how the centre has helped them from the early stages of their pregnancies, supported

them through their early parenting journey and assisted them in developing a distinct connection to community and country, giving them the confidence and skills they need to raise their beautiful babies.

Through initiatives such as Baluk Balert Barring, the Allan Labor government is helping First Nations little ones to have the best start in life. We know that supporting families in these very early stages makes a real difference in family outcomes, and that is why we are delivering a network of early parenting centres right across the state, creating opportunities for all families and children to thrive.

Land tax

David DAVIS (Southern Metropolitan) (12:21): (865) My question is again to the Treasurer. Treasurer, the government's changes to the land tax threshold, as you admitted in response to a question earlier this week, have scooped up tens of thousands and possibly hundreds of thousands of new taxpayers in the form of legitimate home businesses occupying a modest share of their land. These include small consultancy firms operated from home and hairdressers and nail salons operated from home. They include women with children who have chosen to conduct their business from home using a room or two. It also includes part-time mechanics who may service one or two cars, trades men and women who use a shed or a room as a home office and accountants and bookkeepers who work from home. I ask, Treasurer: can you tell the house how many new microbusinesses will pay the tax scooped up by the lower threshold and how much additional land tax will be collected from this hitherto untaxed group of home occupations?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:22): I thank Mr Davis for his question. It builds on the question that Mr Limbrick asked me this week, and therefore my answer remains the same. There is no change to the settings, which have been in place since 2013, so for more than 10 years. As you have identified, I answered the question in relation to, yes, the thresholds have changed. Taxpayers who are running a substantial business from home, which has always been the case, could be subject to partial land tax. As you have indicated, doctors surgeries that are operated out of homes and your old-style corner milk bars with apartments up the top and the like – it all comes down to whether you are operating a substantial business. It is not a land tax over your entire property; you still can claim the PPR exemption. It is in relation to partial land tax that would be calculated based on –

David Davis: On a point of order, President, the Treasurer said this was the same question as Mr Limbrick's question. It was not the same question. It was: how many businesses will be scooped up and how much will be collected? That was the question.

The PRESIDENT: The minister was relevant to the question. I will also point out previous rulings, which I have externalised in this house in recent times, about the expectation about the degree of detail that a minister will have at any given time.

David Davis interjected.

Jaclyn SYMES: Mr Davis, we are anticipating that only a very small proportion of people will be impacted by this change.

David DAVIS (Southern Metropolitan) (12:24): That is not what I am hearing from the industry and the sector that deal with these tax cases. They think there will be many of these. Let me ask therefore: will the Treasurer confirm that in line with previous tax cases a \$30,000 threshold is being applied to these home microbusinesses and that the State Revenue Office is using all techniques, including AI and online research, to hound and chase these small home microbusinesses?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): It is certainly not the advice that I am receiving from people that are talking to me about land tax. Mr Davis, if you have got examples of people that feel as though they have been harassed or treated inappropriately by the SRO, I would welcome –

Members interjecting.

Jaclyn SYMES: Many MPs write to me about land tax. I speak to the SRO about this, and I respond to all of your correspondence. Nothing in the order of what you have just articulated has been brought to my attention from any member of Parliament or any member of the public. If you do have any of that type of information, then let me know. But of course it is appropriate for the SRO to receive information from a range of sources, including the ATO et cetera, to verify the information that they have got so that they can get it right.

United States trade

David LIMBRICK (South-Eastern Metropolitan) (12:26): (866) My question is for the Minister for Regional Development, but it also affects the minister's role as Treasurer.

Jaclyn Symes: Everything does, apparently.

David LIMBRICK: Well, everything does, yes. Recently, the United States signalled –

Members interjecting.

David LIMBRICK: I am going to run out of time.

The PRESIDENT: Do you want to start again?

David LIMBRICK: Yes, please. It was very noisy over there.

The PRESIDENT: Can we reset the clock. Just do not start until we hear the sounds of silence.

David LIMBRICK: My question is for the Minister for Regional Development, but it also affects the minister's role as Treasurer. Recently the United States signalled that they would be bringing in agricultural tariffs on importers to the United States. I did a bit of research into this. The United States is saying that they will come in in a couple of weeks, on 2 April. Apparently Victoria has a fairly large number of agricultural exports, including beef, lamb and goat meat, and I was wondering if the minister's department had done any modelling to see what sort of impact this might have on Victorian agriculture.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:27): I thank Mr Limbrick for his question. It is not regional development but probably more agriculture, but I think on the question that you have asked in relation to tariffs and the exposure of Victoria, I share your concerns. I am also conscious of the impact in particular on beef and lamb in relation to our export market. This is advice that I have asked for from the department, to see the exposure. It is information that I will be working on with the Minister for Agriculture, Minister Spence, and I will be happy to catch up with you after I have had that briefing.

David LIMBRICK (South-Eastern Metropolitan) (12:28): I thank the minister for that answer, but yes, we are running out of time very quickly on this. The other thing that I did recently is I asked the Minister for Finance to urgently activate the Global Victoria network to try and find alternative markets through our trade networks. I am wondering if the minister has been briefed on any progress on that.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:28): Thank you, Mr Limbrick, and again you are asking the same questions that we are asking in relation to making sure Global Victoria are working on diversification, which is BAU for them as well. I would say I support the federal government's intervention and advocacy in relation to arguing that we do not need these tariffs and we should not have these tariffs, but being prepared for the impact and being aware of what the impact will be on Victoria is an important piece of information that we are working on at the moment.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:29): The Allan Labor government believes that every Victorian deserves access to a safe, stable home in a place where they want to live, and I have said that many times before. We are pulling every lever that is available to us to build more social and affordable housing for the Victorians who need it most.

Recently I visited Shepparton and Wangaratta to see some of the new homes we have delivered and to speak with people like Jeffrey and Belinda. Both of these people were impacted by the October 2022 floods and spoke about what a massive difference having safe access to homes that are stable has had on their lives. That stability was made possible thanks to homes delivered in partnership with Beyond Housing and funded through our flood recovery program. Not far from Jeffrey and Belinda I visited another block in Shepparton where construction was about to begin on a new \$10.3 million supportive housing complex, which will provide 15 brand new homes for people who have experienced homelessness along with the support that they need, that wraparound support, to help them to stay housed.

Earlier that day I joined the Treasurer on a hot Wangaratta morning, alongside so many members of the local community, to open another 44 new social housing homes in partnership with the good people at Uniting Vic.Tas. This means that we have transformed, through a \$13.5 million investment from our Social Housing Growth Fund, 16 ageing properties that were no longer fit for purpose into 44 modern, energy-efficient homes close to jobs, schools and services. These are homes that people are proud to live in. Perhaps more importantly, 75 per cent of these homes are set aside for priority applicants on the social housing waitlist, with a particular focus on families and people with disability.

It is the experiences of people like Jeffrey and Belinda that really do speak to the importance and the impact of our investment into social housing. We are also looking forward to continuing our partnership with the Commonwealth – unless Peter Dutton gets into the Lodge, in which case he will scrap the Housing Australia Future Fund. Shame on him.

Emergency Services and Volunteers Fund

David DAVIS (Southern Metropolitan) (12:31): (867) My question is again to the Treasurer. Treasurer, you have announced a special additional levy to be placed on rental providers for the new and savage emergency management and volunteer fund. Given the surge in rents over the last two years and the desperate need for housing, did the government –

Members interjecting.

David DAVIS: President, can we restart?

The PRESIDENT: Yes, we can restart, as long as there is a deal that when she answers it, you do not yell at her. Restart the clock.

David DAVIS: Treasurer, you have announced a special additional levy to be placed on rental providers for the new and savage emergency management and volunteer fund. Given the surge in rents over the last two years and the desperate need for housing, did the government model the increase in rent, which will occur with these changes, and the reduced supply of housing? If so, will you release the modelling? And if not, why not?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:32): I thank Mr Davis for his question. Obviously we will have the opportunity to talk about the Emergency Services and Volunteers Fund in the coming weeks, as it is currently being debated in the Legislative Assembly. I take issue with the way you have characterised this levy, Mr Davis. This is applying across the board. This is not targeted in particular at areas; this is

building on the existing fire property services levy to use properties as the link in relation to ensuring that we can spread the capacity to raise this important fund for our emergency services workers.

In relation to the impact on landlords and the impact in relation to rents, I do reject the premise of your question in connecting a small levy increase to being a massive impact on rental costs. What we know drives up rental costs is the market. What we know drives up rental costs is the availability. That is why we want to make sure we have got more houses and more apartments, and that is how a responsible government will deal with rental increases.

David DAVIS (Southern Metropolitan) (12:33): I thank the minister for her response. It is very clear the government did not model these outcomes. Treasurer, last year there were 24,716 fewer homes being rented in Victoria through the private sector. Prior to this new tax it was reported that property investors were continuing to flee Victoria in their tens of thousands amid increased land taxes and tightened rental regulations. Picking up your earlier point, Treasurer, given this comes on top of massive increases in land tax and sharp new rental rules, is the government concerned that more property investors will flee Victoria and put further upward pressure on rents?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:34): Similar to previous responses, Mr Davis, we are building more homes and approving more homes, and more first home buyers are entering the market in Victoria than in any other state. In relation to the statements that you made, I might use some other words to counteract what you said, because recent analysis by Jim Malo at domain.com.au demonstrates that more investors are buying than selling in Victoria, meaning that there are more investment properties, not less. He also found that while more than 40 per cent of New South Wales investors invest in properties interstate, less than 10 per cent of Victorian investors do, because Victorians know that Victoria is a fantastic place to invest their money. As I said, if we are talking about pressure on landlords, let us talk about the facts. We know that interest rates have had an impact, we know that supply has an impact, and that is what we are taking measures on.

Emergency Services and Volunteers Fund

Rikkie-Lee TYRRELL (Northern Victoria) (12:36): (868) My question today is for, you guessed it, the Treasurer. Local CFA volunteers have reached out with concerns over the Emergency Services and Volunteers Fund and confusion surrounding the exemptions for volunteers. Can the Treasurer please provide clarity and definition to the term ‘active CFA member’?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:36): I thank Mrs Tyrrell for her question. As you would appreciate, this is a joint initiative between the Treasurer and the Minister for Emergency Services, but considering I am the former Minister for Emergency Services, in relation to the discussions that we have had with the CFA and the SES, we want to ensure that the exemption applies to active volunteers. I take your point that in determining that we want to work very closely with the agencies to make sure that we are drawing on their expertise in relation to their definitions of ‘active’ in relation to those that are turning up effectively. They will be able to help us verify those claims. We have also, as you might not have picked up on – and I can follow up with a briefing between the chambers in relation to the normal way that we brief on bills – life members wanting to pick up that so that we recognise past service for those who may not be able to get onto a truck and things like that, for example.

In relation to the interaction with the emergency services volunteers, their representatives and the agencies, the Minister for Emergency Services Vicki Ward is best placed to have some of these conversations with you, but I am very, very happy to continue having these chats with you.

Rikkie-Lee TYRRELL (Northern Victoria) (12:37): I thank the Treasurer for her answer. Further to the above concern, CFA members are confused as to what they are actually exempt from. Can the Treasurer clarify whether volunteers are exempt from the full Emergency Services and Volunteers Fund, the fixed levy or the variable part of the levy?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:38): I thank Mrs Tyrrell for her question. We will certainly be able to go over the details of the bill in the committee stage, but in relation to the exemptions that people will be able to apply for – and I have got to say I have spoken to a lot of volunteers who do not intend on claiming the exemption because for various reasons they think that they should not – for those that want to opt in to ensuring that they receive the exemption, it will be applied to the full amount, subject to the exemption applying to farmers, which will be capped. But everybody else will be able to apply for the full amount.

Ministers statements: Vietnamese Museum Australia

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:38): I rise to update the house that work is officially underway on the Vietnamese Museum Australia project in the heart of Sunshine. On Sunday I had the pleasure of attending the turning of the first sod at the site, together with a number of colleagues from both this place and the other place. I was also thrilled to announce additional funding of \$2 million to support the construction and fit-out of the project. This brings the total investment by the Allan Labor government to \$8.7 million, and we are really proud to invest together with the federal government in such a meaningful project to build Australia's first Vietnamese cultural centre and museum. This museum will not only hold historical artefacts but will stand as a space where the whole community can learn about the history and struggle of Vietnamese refugees who made Australia their home. The Vietnamese Museum Australia will provide Vietnamese Victorians with a place to celebrate their heritage and preserve their stories of migration and refugee settlement, honouring the journey of freedom and the contributions of the Vietnamese community to the fabric of our country. This milestone is very timely as we come to the 50th anniversary of Vietnamese settlement in Australia. Each Vietnamese refugee has a unique and poignant story to tell, and it is important to preserve the stories of the first generations of Vietnamese Australians. Their stories remind us of their courage, strength and the sacrifice made by the Vietnamese community in leaving their homes and in many cases their families to build a new life in a new country. I extend my thanks and congratulations to Tammy Nguyen, the CEO, and Bruce Mildenhall, the chair of the VMA, the volunteers and the many community members who have worked so hard to get to this stage of the project.

Written responses

The PRESIDENT (12:40): Can I thank Ms Tierney, who will get written responses for Ms Purcell for both of her questions to the Minister for Outdoor Recreation.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:41): (1482) My question is to the Minister for Agriculture in the other place. I have continued to meet with and support mills, contractors, workers and communities as they navigate the massive changes associated with the end of native timber harvesting in Victoria. Last week I visited Nowa Nowa to announce over \$300,000 of support to three local businesses. AvaGrow Farms will be able to chill their veggies faster and keep them ready for market longer, the Nowa Nowa general store will expand and offer more services and sole trader LCT Auto will be able to purchase a trailer and tools to set up a mobile vehicle servicing business. This is in addition to other great local stories I have shared here before, like Lachie and Luke from building company Built QA, who set up a steel manufacturing plant in Newmerella just near Orbost. Last week I visited Swifts Creek, where local businesses are feeling the impact of the transition. Meeting with the school, the kinder, the general store and the pub, I know there is more to do for towns affected by the timber transition. Minister, what work is being done to support the transition of the timber towns in Eastern Victoria?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:42): (1483) My question is for the Minister for Outdoor Recreation, and it concerns the gutting of the Victorian Fisheries Authority, which will close five fishery stations, including Queenscliff in my electorate. This savage cost cutting has been disguised as moving from enforcement to education-focused roles. Queenscliff and other stations will be shut, replaced by three community hubs. It is a nonsense. As my constituent David Burgess, a 47-year-old VFA veteran, says:

If you have no-one out there you can have all the rules you like ... it doesn't work.

Once word gets out you can do what you like in the bays, it will be a free-for-all with illegal fishing and the illegal sale of recreationally caught fish. These new engagement staff will be toothless – a pamphlet patrol. Minister, since your consultation, VRFish and CPSU have now come out publicly in opposition. Will you commit to a rethink?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:43): (1484) My constituency question is for the Minister for Regional Development. For the past 13 years Leadership Great South Coast has been operating with tremendous success. A total of 198 alumni have graduated from the program, which equips its participants with strong leadership skills, preparing them for stepping into governance roles and highlighting the importance of community-minded collaboration in the regions. Two young women who participated in the last couple of years told me about how valuable it was, given the limited opportunities for leadership development for young women in regional areas. But since 2023 this program has received no state government funding. In the last two years it has operated from community and corporate grants and philanthropy from those who strongly believe in the program's vision. To build leadership capacity in the regions and to ensure resilient, diverse and effective governance into the future we need to see this program funded ongoing. Minister, will you reinstate funding for Leadership Great South Coast in the upcoming 2025–26 budget?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:44): (1485) My question is to the Minister for Housing and Building. The temporary fencing that surrounds the La Trobe University site where the Commonwealth Games village was going to be built has been there now for over two years. It has been hired during that time. Also the Virginia Hill housing site in Eaglehawk, where 64 homes were demolished in 2023, is surrounded by temporary fencing that has been hired. Can the minister please advise when the temporary fencing was hired and the cost of hiring the temporary fencing at each site since it was first installed?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:45): (1486) My question today is to the Treasurer and relates to land taxes. Many residents in my region regularly are in contact with my office about the cost of housing and the implications of the tax system on those costs. They need a fairer tax scheme that would see the use of a broad-based land tax rather than things like the existing residential stamp duty in the current situation. When will your government take action to implement a fairer land tax system that reduces housing costs for residents in my region?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:46): (1487) My constituency question is to the Minister for Roads and Road Safety and concerns the desperate need for the duplication of Donnybrook Road. Members might be interested to know that this is my 21st time raising Donnybrook Road in Parliament – so, happy 21st. It appears the pressure is working. I note that last month the government established a shiny new webpage promising this duplication. I ask the minister to advise

how much money has been set aside for technical investigation, which the Big Build site says is underway, and when will an actual business case be completed?

John Berger interjected.

Evan MULHOLLAND: Mr Berger has jeered at me to stop talking about Donnybrook Road – that I talk about it too much; it is all I ever talk about. Well, that is because I will not stop fighting for my community, who have an old farm track as a main exit onto the Hume. They are stuck in traffic gridlock every day. It takes an hour just to get onto the Hume in peak hour. It is a disgrace.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:47): (1488) My constituency question is for the Minister for Agriculture. I have been inundated with emails over the past week about the horrific neglect horses have been experiencing in six properties across the Macedon Ranges for over 10 years. Images show horses emaciated and starving with deep, open and untreated wounds. The owner, in response to public outrage, has been throwing out mouldy bread to the horses. Despite the community pleading with the RSPCA to save these horses, it was actually Project Hope Horse Welfare who had to step in to provide veterinary care in January. The CFA and other locals have also stepped up to try to save these horses, providing emergency care, filling water troughs and doing feed drops, but with inaction from authorities, a horse died three weeks ago. My constituents want to know whether the minister will order the RSPCA to go in and finally seize these horses.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:48): (1489) My question is to the Minister for Community Sport, and I ask: Minister, will you provide the necessary immediate funding for Red Roo Sports in Dandenong, which is now being forced off its leased premises by the owner after 10 years, and a refurbishment with well-kept basketball courts and a party space in the building, which would cost about \$350,000? The building's owner is said to be having the premises demolished, probably due to this government's painfully elevated land tax and rumours of obscene high-rise towers to replace it. I have been to see the Red Roo Sports in action. It is an amazing youth basketball program founded 10 years ago with the aim of giving underprivileged youth in the south-east credible mentors, coaching and time to play high-level competitive sports. At Red Roo teenage boys representing refugee and ethnic minority groups have the chance to get scholarships overseas and interstate. But what is truly impressive about this program is that it incorporates in its teachings character training and life skills needed for young people to excel both personally and professionally. Teams have been involved in the annual South Sudanese Australian National Basketball Association tournaments in past summers and the young now excel in the Amateur Athletic Union Spring Madness national championship ring.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:49): (1490) My constituency question today is for the Minister for Roads and Road Safety, and my constituents ask: will the dangerous southbound lane of the Goulburn Valley Highway at the Union Road intersection near Toolamba be repaired before it causes a serious accident? I have received many emails and calls from my constituents regarding the dangerous condition of this section of road. The Goulburn Valley Highway is a very busy thoroughfare that serves as a major route to and from Shepparton for many of my constituents. This damaged section of road is right on a sweeping bend, and it is impossible to avoid the holes and undulated road surface, as it covers the whole lane. My constituents ask: will this dangerous section of road be repaired before it causes a serious incident?

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:50): (1491) My constituency question relates to a matter of concern for the Minister for Roads and Road Safety. In particular I was approached by

a constituent who managed to take a number of photographs, and I will not share those, not least because such things are not permissible in this chamber. Nonetheless he was very concerned. The constituent had crossed a part of the Maroondah Highway which is particularly busy. There is a whole stretch of Maroondah Highway, many stretches for that matter, that are particularly busy, but this is where Maroondah Highway meets Dublin Road. I am particularly interested to know from the minister for roads whether there have been any surveys in respect of pedestrian traffic and, in addition to that, whether there are any plans for a future pedestrian crossing across that particular part of the Maroondah Highway. It is not far from where Car City is. That will be well known to most Victorians. If you have lived, breathed or walked in Victoria, you must have heard of Car City in the district of Ringwood.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:51): (1492) My constituency matter is for the Minister for Planning. Recently we have had a range of activity centres declared, including Blackburn in my electorate. There is some high-level detail provided about 20-storey buildings and six-storey apartments 800 metres from the station – in that range – but there is considerable concern in my community about what that is going to mean for them and whether the intention is for Blackburn Village to be demolished and rebuilt as 20-storey towers, a complete change of lifestyle for the residents of the community. Of course that concern is exacerbated by a vacuum of information. The fact is that other precincts have had their draft plans published; Blackburn has not. In fact the people of Blackburn do not even know when it will be published, so my question to the minister is: please let us know when it will be published.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:52): (1493) The community will be very aware of the Crime Statistics Agency figures today, with residential aggravated burglaries up 34 per cent – that is 20 aggravated burglaries per day; motor vehicle theft up 41 per cent – nearly 80 cars stolen a day; theft from motor cars has risen by 33 per cent; and stealing from retail stores has skyrocketed by 37 per cent. Those are the figures released today. In my electorate of Southern Metropolitan I am aware of the failure of the government to provide proper policing. Indeed police have been stripped out of a number of police stations in my election – Camberwell, South Melbourne, Caulfield and Prahran, to name a number. I have a freedom-of-information request that shows the fall in the number of active police on the rosters. My request today is: will the Minister for Police restore the rosters in Southern Metropolitan Region so that the crime can be prevented?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:53): (1494) My question is for the Minister for Roads and Road Safety. When will the government fix the giant pothole on the westbound carriageway of River Road near the intersection with Maley Court? River Road forms part of the C391, the Shepparton alternate truck route that diverts heavy vehicles around Shepparton and takes trucks travelling north and south out of the town centre. Near where River Road is joined by Maley Court there is a giant pothole several feet wide. The hole has been patched before but not repaired properly, and with over a thousand heavy vehicles driving over it every day, the patch has been depressed by several inches. Regular heavy vehicle traffic has also pushed the repair asphalt up into a wave that is 5 or 6 inches high. This poses a serious risk of damage to smaller cars and is making drivers swerve dangerously to avoid it on a single-lane road. The minister must instruct the Department of Transport and Planning to carry out a full repair and replace the pavement section.

Sitting suspended 12:54 pm until 2:01 pm.

*Bills***Bail Amendment (Tough Bail) Bill 2025***Second reading***Debate resumed.**

Rachel PAYNE (South-Eastern Metropolitan) (14:01): I rise to speak on the Bail Amendment (Tough Bail) Bill 2025. Here we go again. Only a few months ago we were in this place debating a bill to overhaul the youth justice system. While this bill was passed, it is yet to fully come into effect. Also, the last range of reforms to Victoria's bail laws only came into effect this time last year. Just last sitting week I called on the Premier to end the politicisation of bail laws and for any review of bail laws to be evidence based. Clearly these calls have been left unanswered. This kneejerk bill is devoid of any evidence base. It is wilfully turning a blind eye to the relationship between incarceration and recidivism.

Our bail laws were changed in 2023 for a reason. As described by this government, they were a 'complete, unmitigated disaster'. Time and time again this government tinkers with bail laws. This government is constantly making and unmaking changes as they are forced to respond to the perverse outcomes of their tough-on-crime approach, including the doubling of the rate of Indigenous women in prison. You might think a government so open to changing bail laws would at least follow through on announcements made, but that is not what we have seen. Instead we have seen this government turf out plans to improve the bail system for young people and backflip on their promise to raise the age of criminal responsibility. Make no mistake: this is a government caving to media pressure and political aspirations. This race to the bottom between the Labor and Liberal parties achieves nothing and hurts everyone. Play politics all you like, but don't you dare put our most vulnerable and marginalised communities in the firing line.

Before turning to the details of the bill, I would like to echo the concerns of many in this chamber about the way we were briefed on this bill. I was astounded this week to not even receive a copy of the bill until the night before we were expected to start dealing with it. This is not the way to progress legislation; this is a government in fear. The lack of consultation with stakeholders has been shocking. Much like us, they have been left in the dark. We have been unable to properly do our job of scrutinising this legislation. As a member of the Scrutiny of Acts and Regulations Committee I have major concerns about this process of scrutiny being circumvented, especially the considerations in line with the Charter of Human Rights and Responsibilities Act 2006. Representatives of the Australian Council of Social Service and the community services, human rights, family violence and legal sectors have stood in solidarity this week to strongly condemn these changes and their impact on criminalising marginalised and vulnerable communities. Many of these stakeholders played a fundamental role in the development of last year's Youth Justice Act 2024. To now see their efforts being dismantled before the legislation has even come into full effect is a disgrace. Any bail reform must align with Poccum's law, which this bill fails to do.

I want to be clear: everyone has a right to feel safe in public and at home. I acknowledge that a significant number of people do not feel that way at the moment, but without addressing the root cause of crime we will not see any change. Motivators of crimes are complex, as are the ways to address them. Instead of directing your time and effort to locking up kids who are some of the most disadvantaged in our state, how about we work on addressing high school attendance – it is at an all-time low – family violence rates increasing, waiting times for mental health supports blowing out and people struggling with the cost-of-living crisis.

A lot of young people who offend are victims themselves, traumatised and disconnected from our community, and a lot of these young people are in state care as well. You know what does not help people deal with trauma and disconnect? It is prison. The sad thing is that we can force people into prison, but in a lot of cases we still cannot force people into treatment services. In pushing for these

changes, the government talks about reducing the risk of reoffending and putting community safety first. When their own media release talks about the expected increase in adult and youth offenders on remand, this statement is an oxymoron. Vulnerable groups like children have not even fully developed consequential thinking. They are not mini adults and should not be treated as such and thrown into a prison cell. Entrenching children and young people in the justice system by its very nature will only further offending, not deter criminals, and will do nothing to make our community safer. These reforms lack nuance and an understanding of non-carceral approaches that would actually decrease rates of recidivism.

Turning to the bill itself, it makes sweeping changes to the Bail Act 1977. These changes include uplifting a number of offences from schedule 2 to schedule 1 and establishing a new schedule 2 offence. Community safety is to be considered an overarching principle, while remand as a last resort for young offenders is taken out. We are completely opposed to this change as it goes against the presumption of innocence and basic human rights. The bill also proposes to reintroduce bail offences. These two offences are 'commit indictable offence while on bail' and 'contravene a conduct condition of bail'. Importantly, the latter offence has carve-outs for participation in bail support services and for children. These offences were repealed as part of the 2023 bail reforms. Again, these changes have been in effect for less than a year.

While it is promising to see that this bill includes a review clause, unfortunately this includes delaying the planned statutory review of the Bail Act that would have occurred next year. Ironically, in the second-reading speech when talking about this, the Premier noted the need to ensure the review is meaningful and properly informed. This bill is not properly informed, it has not been guided by meaningful reviews and it will cause existing reviews to be pushed down the line. We should not be amending bail laws until a full statutory review of the last change of bail laws can be undertaken.

While it is promising to see that a number of the tough-on-crime changes to bail laws were relegated to a later bill, we wait to see how this government will avoid repeating past mistakes. We understand that there will be amendments to the bill that address some of the most problematic aspects. We will be supporting these and a push for further consultation before such radical changes are forced through this Parliament. At the end of the day, this bill is a kneejerk reaction that lacks evidence and has shown a complete and utter disregard for due process. I call again on the Premier to end the politicisation of bail laws. These people are not your political football. I have major concerns that this bill will have unintended consequences and we will again have to deal with the perverse outcomes of rushed and reactionary bail reform. We are already seeing a trend of Aboriginal women and young people being misidentified as perpetrators in family violence contexts. I shudder to think of the consequences that this bill will have, because the reality is we are talking about real people. They deserve laws that are evidence led and do not criminalise disadvantage. When we get it wrong we know that people die.

In closing, if this government is set on being tough on crime and wanting to resource police, how about it regulates the personal adult use of cannabis? It would save police resources and keep people out of prison. Interestingly, some data has come out of Atlanta in the USA around this very proposal. Decriminalising cannabis in Atlanta, critics feared, would lead to more crime. As it turns out, the opposite happened. Recent data shows that violent crime dropped by nearly 20 per cent. That works out to be 20 violent crimes fewer per 100,000 people every month. Researchers believe this is because police were able to shift their focus from low-level cannabis arrests to serious crimes. In fact the Atlanta police department backed up this evidence, saying that they would rather fill jails with dangerous criminals than pot smokers. Now, that is some food for thought.

David DAVIS (Southern Metropolitan) (14:11): I am pleased to rise and make a contribution to the Bail Amendment (Tough Bail) Bill 2025, and I want to endorse many of the comments made by Mr Mulholland earlier and other speakers, including Ms Payne just now. The government's process behind this bill has been chaotic, undemocratic and, frankly, outrageous. For the idea that parties would be presented with bills at 6 or 7 o'clock the night before on major matters – matters of significant

impact that require significant work and thought and indeed consultation with community and other groups, including specialists – I think outrageous is not too strong a word.

This government has become very, very arrogant and very determined to push its stuff through. The paradox of this bill is that the opposition has been calling for tougher bail laws now for several years. We have seen the crime epidemic. We have seen the increased numbers of home invasions, we have seen the number of knife crimes, and we have seen the numbers of youth who are out there committing very serious crimes, frightening many in the community. Many in the community are legitimately asking why on earth they have to put up with this. Why are we in a position where young people go out and commit these crimes, they are brought to court, they are bailed, they go out and commit more crimes, they are bailed again, they go out and commit more crimes and they are bailed again? I am aware of one case of more than 50 bail occasions. This is completely and utterly unacceptable, and the opposition has pushed again and again and again, reintroducing its bill seeking to make committing an offence on bail a crime in itself and seeking to ensure that there is proper uplift where those crimes are committed and that they are recognised properly by the justice system – by the judge when a judgement is being made.

Suddenly of course we were told all sorts of things. I know many of my colleagues have used some of the notes of what Labor MPs and ministers said previously. They accused the opposition of being heinous in every regard because we called for greater community safety, because we called for proper penalties and because we said, 'Enough is enough.' Belatedly now, years later, the Premier wakes up with a jolt and says, 'Oh dear, I've got to do something.' Do you know what, she is suffering in the polls because of the way she has behaved, because of the crimes that have been committed in the community and because of her government's failure to attend to that most basic and important role of government, and that is keeping the community safe and ensuring that people can go about their business, their lives, their homes, their shopping and their recreation in safety. The government has failed on that most basic of tasks. Then the Premier had this jolt moment, this wake-up moment: 'Oh, dear. Oops. There are people being hurt.' There are people being savaged, people being confronted with machetes, people facing home invasions – all of that – and the Premier did not listen until very recently. Then she said, 'Oh no, we won't work with others in the Parliament. We're just going to confront them with a bill. They can take it or leave it.' That is effectively what is going on here: we can take it or leave it.

The Greens, Legalise Cannabis Victoria and other parties have got some different views to us, and that is entirely proper. They would want to see a different bill in front of the Parliament. They would want to see the bill modified in a whole range of ways. But they have not been able to put their case properly because of the truncated time period, nor have the opposition. The opposition have, truthfully, got a little bit more in the way of resources and we have put a lot of effort into this over time. We understand through the good work of Mr Southwick and Mr O'Brien that a number of the bits of work that needed to be done were done ahead of time. We did have draft bills in position. We did have earlier iterations of some of the amendments that we will seek to put in place. That was already dealt with, and we did that because we knew that the community needed tougher bail laws. This had to happen. You cannot have people just completely and utterly flouting normal rules, normal conventions and normal arrangements. There needs to be a clear message sent. The government's bill is not tough enough. It is weak. It does not go as far as opposition amendments previously have sought to go – the ones the government has rejected – and that is a mistake on the part of the government. They have said they are going to do more later. They say, 'There will be a second bill. There is urgency now. We cannot tell you what is in it until 6:30 on the night before, but there will be another bill later which will be tougher.' This is just another sign of a government that is chaotic. Its legislative program is in absolute and utter chaos.

The list that the whip sent around last week had three bills on it. None of them were this bill. The bail bill was not on it. We did not know about the bail bill until much later. The government decided it was going to do this and just pushed this through.

Jaclyn Symes: We told you it was coming. It just had to go to cabinet.

David DAVIS: But you could have done the work weeks before. You should have worked your way through it a long time before – that would have been the way to deal with it. You could have brought the briefing forward. If you talk to Mr O’Brien, he was promised the bill on Monday at an early point, ahead of the briefing which was listed at 3 o’clock. He got to the briefing, he still did not have the bill. He texted the Attorney-General several times asking, ‘When is the bill –

Jaclyn Symes: I think Michael O’Brien can tell his own stories. You don’t have to tell his stories.

David DAVIS: Well, you are engaging with me, so I am giving you the explanation and the detail.

Jaclyn Symes interjected.

The ACTING PRESIDENT (Gaelle Broad): Thank you, members. I will just remind you to go through the Chair.

David DAVIS: Mr O’Brien sought the bill ahead of the briefing, because he wanted to consult, he wanted to talk to people and he wanted to read it. On Monday, once it became clear there was going to be a bail bill, people said, ‘Will it be amended? Will you amend it?’ and we said, ‘We haven’t seen the bill. We don’t know whether we can amend a bill that we haven’t seen.’ Like very reasonably –

Jaclyn Symes: I thought you said you would amend it before you saw it.

David DAVIS: No, no. We made it clear about the line that we wanted. We were hopeful that the government would do a proper bill, but the government did not do a proper bill. The government have got a half-baked bill that they have cooked up over a short period of time in a panic. That is the truth of the matter. It is a panic. The government did not know what to do. They thought, ‘We’re going to put this bail bill in.’ It is a half-baked bill that does not go far enough, and the truth of the matter is even the government knows it does not go far enough because they have said they are going to do more at a later period. You should have listened a lot earlier. You should have worked with the community and you should have worked with others in the Parliament so we could have had a sensible and reasonable process.

Ms Payne made the point about the Scrutiny of Acts and Regulations Committee, and I agree with her. Normally with a bill of this type, which does clearly have an impact on the rights and privileges of members of the community, you would have SARC look at it. It is a point of regret that we could not find a way in the chamber to deal with having SARC look at this bill even in a truncated way over recent days. We have had two days where it could have done something and actually looked at the bill. Sometime on Monday or on Tuesday it could have got the bill, and it could have perhaps done some work on Wednesday and delivered the details of its judgments and views to both chambers this morning. That would have been a sensible way forward. It might not have been the perfect time period that is required for the most detailed report, but it would have been better than the one we have got now, which is nothing. Major impacts on rights – no check, no balance, no proper scrutiny by SARC. I agree with Ms Payne – it is a bad principle, and we should try to remedy that in future.

Returning to the details of the bill and the opposition’s amendments, we do want to see that for people who commit offences on bail there is a proper uplift, and the proposals in the bill do not provide the proper uplift and the proper recognition of the seriousness of the offence of committing a particular action whilst on bail. These are very modest, reasonable points that we are making. We want to change the name of the bill because the government, in line with its panicked spruiking, has given the bill a name that is not commensurate with the actual bill. It is sort of a name that is designed just to spruik that the government is trying to do something, anything: ‘What on earth are we going to do?’ You can feel the panic of the government in the name of this bill.

I ask that the crossbench and the government reasonably look at these proposed amendments. They have been thought through. Mr O'Brien has been working on some of these areas for some time. As the government understands, there have been bills already in this chamber –

Jaclyn Symes: They're different to what he has done previously.

David DAVIS: Well, the essence of them is actually very similar. It is very similar to what was proposed earlier with a number of these amendments.

Jaclyn Symes: It's desperate overreach.

David DAVIS: No, it's not. It's actually thoughtful and reasonable.

Jaclyn Symes interjected.

David DAVIS: I don't think that is right, actually, Treasurer.

The ACTING PRESIDENT (Gaelle Broad): I just remind members to go through the Chair.

David DAVIS: Acting President, I take your guidance on that, but the truth of the matter is the government is panicked. The government did not know what to do, and the –

Tom McIntosh interjected.

David DAVIS: Seriously? What I would say is that the government has got this very wrong. We see the crime statistics that are out today with very significant increases in a number of the categories that should concern people, violent crime categories. A significant part of that is its failure on these bail matters and the failure of the government to have proper penalties in place over a longer period. The government can say what it likes, but the community knows the penalties have not been clear. The ability of certain people to get out on bail repeatedly, to commit offence after offence after offence, has been understood for some time, and the government's failure to act is what has caused the problem and worsened the situation. The worsening of the situation is not just some academic thing; many people have been hurt and property has been damaged. That failure is the fault of the Allan Labor government, let us be clear. Jacinta Allan, her Minister for Police and her Attorney-General have got to accept that they are part of the problem here and that their longer-term failure to grapple with these points has put the community in a terrible position.

David LIMBRICK (South-Eastern Metropolitan) (14:25): It is with much regret that I have to debate a bill embarrassingly called the 'tough bail' bill. It is a bit weird. The government all of a sudden want to look tough, and they have literally called the bill the 'tough bail' bill. Apparently the opposition is upset because they want to look tough too and they do not want the government to look tough, and they are so upset about it that they want to amend the title to take out the word 'tough'. It is all a bit of a joke. But I will say this much on the toughness – I mean, both major parties this week seem so scared of Victorians being able to defend themselves with nonlethal weapons that they would not even support that. I would say if you are too scared of your own people to let them defend themselves against violent crime, then you are as tough as wet lettuce. I would say that.

Members interjecting.

David LIMBRICK: You guys and the Greens and other members of the crossbench deserve criticism for that as well.

It is clear that there is a problem with the bail system, and it is good that the government has acknowledged that. Bail is an interesting philosophical area for libertarians. We prioritise freedoms of people, but we also believe in the harm principle, where people should be free to do what they want as long as they do not harm other people. The types of crimes that have been listed in this bill, I am very pleased to say, very much do fit within harm to other people or property. Crimes like carjacking, like home invasion, like arson and other crimes that are in this bill very much do fit within causing harm, and we have seen the harm that has been caused.

It is clear that the presumption of innocence and the rights of people who are accused have to be balanced against community safety. I noted when I was listening to the Greens speak about this that they seemed to have a lot of compassion for the accused but did not seem to have much compassion for the victims of crime, of which there are many in this state – victims of very serious crime. I do not know whether this bill will get the balance right. I have seen too many bail bills come through this place, and it seems like every single one of them has caused problems. I do not know whether this one is going to fix it, but I hope that it makes things better than the status quo.

The Libertarian Party will not be opposing this bill, despite my reservations and despite my annoyance that it was only given to us this week. I did oppose this being debated using urgency procedures in Parliament. I would have much preferred to have had another two weeks to consult with stakeholders on such an important thing, like I normally do. There are a range of stakeholders interested in the justice system who we often speak to, and we simply have not had an opportunity to do that. Nevertheless, I am forced to make a decision. I do believe that we need changes to the bail system, and my team's analysis of this bill is that we are cautiously not opposing it today. But I am still eternally frustrated by not just the government but in fact the opposition and also members of the crossbench not tackling, not even acknowledging, many of the root causes of the crimes that are being committed.

One was brought up earlier by Ms Payne around cannabis. As it would be clearly known to anyone that has listened to me in here, I am a long-time supporter of the legalisation of cannabis. Ms Payne brought up the fact that in some jurisdictions where they have legalised cannabis they had a drop in crime, which should be obvious to anyone because something that was illegal is now legal and it is no longer a crime, so crime should drop. But the bill that Legalise Cannabis Victoria put forward would not have that effect at all because it does not address the critical issue of supply chain, other than people being able to grow it a bit for themselves, but I imagine that would be a very small part of the market in a legal market. As we have seen in other markets, just about any market where cannabis has been legalised, some people do grow it themselves, but ultimately it is delivered through a system. In Victoria that market exists. We have a very high rate of cannabis consumption in Victoria, and it is all controlled by organised crime and has all of the stuff that happens with that. One way we could rip billions of dollars out of the hands of organised crime would be to legalise cannabis – not just legalise possession of it but allow it to be legally traded and sold to adults. That is one way we can fix it.

We could start acknowledging as well the other problem, which I have spoken about many times – I know the state government cannot fix this; they think they can fix it, but they cannot – around illegal tobacco and vaping. The state government has said that they are introducing a licensing scheme. Organised crime has already responded to this, by the way. They have already started adapting their business models, and they are just selling it in places that are not tobacconists. It was pretty obvious how they would respond. They are selling it in \$2 dollar shops, discount stores and all sorts of other places. At least the state government could acknowledge it and say out loudly to the federal government, 'You've got to do something about this excise tax because we are having arson attacks every other day. We've had murders and all these other crimes that are associated with it. Please do something about it,' which they have not done. I hope that if there is a change in the federal government the Victorian government might actually start attacking the federal government, which would be great because they deserve to be attacked for their position on this. I do not think that the opposition at the federal level would be much better than the current government on this particular matter, which is unfortunate. They are both one and the same on this – too scared to stand up to these public health people that have built their careers on selling what has turned out to be catastrophic policy. No-one wants to turn around and say they were wrong. Well, I will say it: they were wrong, and their policies have resulted in arson and murder all over the state. Maybe we should think about that.

I will give credit to the government for one thing they are doing – expanding pharmacotherapy. Another market – heroin. I do not want organised crime selling heroin in Victoria, but the fact is that they are. One thing the government is doing is expanding the pharmacotherapy system, including a new trial of hydromorphone. To my mind it is nowhere near big enough. It does not have enough scale

to have that much impact, but at least it is a start. I commend the government on doing that, because every person that starts pharmacotherapy is a person that is no longer supplying money to organised crime in this state. That is a good thing.

The government also needs to acknowledge – and I think sooner or later they will – that many of their policy settings, as I spoke about earlier this week, have turned out to be opportunities for organised crime. I gave one example – the most unlikely thing that you would have thought at the time – the Gender Equality Act 2020. It has turned out now that we have organised crime taking advantage of this in the form of labour hire companies. This is not just with the Gender Equality Act but the entire procurement process for government projects. They are taking advantage of this, and now it has resulted in a situation where women are ending up on sites where they are in danger. We saw what happened this week. I do not think anyone thought that that would be a consequence of this type of legislation, but that is what has happened. We need to acknowledge that and say, ‘Well, there are problems with some of the policy settings here.’

The other thing that I would urge the government to put the brakes on or at least reconsider is what they are doing with the tobacco licensing scheme. They think that more law and order will fix the problems with the violence and everything associated with tobacco in this state. I do not think that that will happen. Black markets operate like any other market. They have incentive structures, and when you create massive fines and jail terms as penalties for committing certain crimes, like selling illegal tobacco, what you are doing is raising the stakes. We know that these people are violent people. What are they prepared to do to avoid a \$300,000 fine? What are they prepared to do to avoid jail sentences for this sort of stuff? They commit arson like it is nothing in this state. These people commit murder, they commit arson, they commit standovers, they bash people, and we do not even know about the dark crime – how much crime is being committed and people just do not report it to police? I think there must be a lot of it, because there are a lot of people getting threatened and stood over by organised crime in this state, and they do not say anything. They stay quiet or they do what they are told. We never hear about it, but it is happening; I am certain it is happening. We only hear about the arson attacks because everyone sees it when a building burns down. We hear about the murders because we see a dead body on the street. But when someone gets bashed or threatened, often we never hear about it, and it is terrible.

Some of the other things that could reduce crime, which I spoke about earlier, include enabling citizens to at least have some form of self-defence. What we passed earlier this week with the machete ban is legislative virtue signalling; it is not going to achieve anything. People can easily substitute a different weapon. Anyone that looks around their house does not have to go any further than their kitchen to find a weapon that could be used to harm someone. There is this idea that they are doing all of this new legislation and they are going to solve crime through these things; I just do not think is going to work. But nevertheless, there needs to be some sort of change to the bail system. I have seen it fail so many times now that I am still sceptical about this as well, but I will not be opposing it.

As to changing the name, I am not going to be supporting the opposition’s amendment to take away the word ‘tough’. If the government want to call themselves tough, then they can call themselves tough as far as I am concerned. But whether or not this turns out to actually help stop crime we will wait and see when it comes into effect. That said, I am hopeful. I am hopeful that it does what the government expects, and I am hopeful that it does what we all hope it does, which is reduce crime and reduce the number of people that become victims of crime in Victoria.

Renee HEATH (Eastern Victoria) (14:37): I rise to speak on the Bail Amendment (Tough Bail) Bill 2025. The coalition has been asking for tougher bail laws for years now, and despite the name being the Bail Amendment (Tough Bail) Bill, my first observation is that even after this bill passes, bail will be weaker than it was one year ago. It is more government spin; it is a campaign slogan. And I was staggered to hear about how it came about. I am happy that the Premier has finally had her ‘aha’ moment, but for over a year now we have been coming to this chamber and telling stories about how our constituents have been living in fear and have been the victims of crime. For some reason those

stories have been water off a duck's back, until the Premier took to her Instagram or Facebook or whatever it was the other week and said that she finally heard a story that actually touched her heart – about a young kid who was at home alone whose home was invaded and he hid in a cupboard. When I hear that, I feel for that child, but I think, 'My gosh, if you had listened to all of the suffering and all of the stories a year ago, that child may not have had to go through that terrible, horrific experience.' What about the rest of the people that have suffered?

I just want to say that I am very thankful that the government has finally had its 'aha' moment, but I also want to say: when will it have its 'aha' moment in other areas – for instance, on emergency management days? It was about six weeks ago now that I had a debate on a petition where thousands and thousands and thousands of Victorians signed their name to ask that violent and high-risk offenders not be eligible for emergency management days in prison. What that is is if you were locked up in prison during COVID you got up to four days off for every one day that you were locked up due to inconvenience. Despite the thousands of signatures, despite Katie's family sitting right up there – a beautiful girl murdered by her partner, who has now had 427 days wiped off his sentence, which takes him below his non-parole period – the government still fails to grasp that that is actually important. I hope the Premier and the minister have their 'aha' moment very soon so that young women – not even young women, just women in general, Victorians in general – can actually be safe in this state and so that people who commit violent crimes actually have to face the consequence of what they have done.

This government is so out of touch, in my opinion. I am glad that their moment of enlightenment in one area has finally come, but I am disturbed that the other stories of the suffering of Victorians have not touched them at all. They are deaf to the suffering of everyone else. They have been deaf to the pleas of the opposition. They have been blind to the soaring crime statistics until they hit them where it really hurts, and that is in their polling. Then all of a sudden we are in this place. We had an urgent bill come in without even time to consider it, without even time to have a proper bill brief. We were not even given the courtesy of being told, 'Here's the bill we're going to brief you on.' They did not even provide that. It is nothing more than a stunt; it is nothing more than a campaign slogan. I hope that soon this government will lift their eyes above their own jobs and start doing what is best for Victorians.

I think we actually have to restore a bit of compassion not just to the offenders but to the people that are the victims of these offenders. I have been confused listening to the Greens' speeches. I think we have known for a long time that they hate anything that makes the community safer. They hate anything that makes violent and high-risk offenders actually take a bit of responsibility for the crimes they have committed. It is just so confusing listening to them saying that tougher bail laws are somehow a bad thing for the community, are somehow making vulnerable people more vulnerable. No, it is about protecting the vulnerable in this state.

So that is emergency management days. I just want to say on that as well that during COVID in this state violent and high-risk offenders had over 1000 years shaved off their prison sentences. I am really upset, I am actually distressed, that the government has failed to act on that. I am so distressed that the government has even failed to grasp what the community are asking. Minister Erdogan said that it is really tough. He said although he feels sorry for the people whose families have been murdered and the people that have been left here grieving, it is really hard because of the retrospective nature of what we are asking. Well, I am going to tell you what we asked. Petitioners requested:

... that the Legislative Council call on the Government to, as a matter of urgency, remove the eligibility for violent and high-risk prisoners to access Emergency Management Days and ensure that any sentence reduction due to Emergency Management Days cannot reduce the time served to less than the minimum non-parole sentence.

I do not know if you noticed, but there is nothing about retrospectivity in that – nothing at all. We have had so many people come in here and say we need a change. There is nothing. This is about a change from here on in. Families are suffering and the government just seems to miss the point. I hope that one day soon, as with that poor child that was locked in a cupboard because he had a possibly violent

offender inside his house, the stories of devastation and loss from everyday Victorians begin to touch their hearts too, so they can begin to make a change.

I am also staggered that regardless of the fact that the Law Reform Commission of Victoria gave 45 recommendations to strengthen stalking laws in Victoria after the violent murder of Celeste Manno, that story has not touched the government's heart. I am staggered that, years on, still nothing has changed. Can we organise some polling for that so all of a sudden they can notice that, 'Hang on, if we don't actually fix this and make young women safer in Victoria by giving them more rights than violent stalkers, that actually could affect our jobs,' because if that happens, maybe, like we are seeing today, we will see an urgent bill come through this house that may actually protect people. Celeste was killed by a violent stalker. I have spoken about this in this house almost until I have been blue in the face, not that it has landed a blow on the attitude of the Labor government, because nothing has changed. Her cause of death was a stab to the heart by a violent murderer who broke in through her bedroom window and stabbed her 27 times until she died. She died in the place where she should have felt safest, in her own home, yet the government has just left that report on the shelf. I see you shaking your head there, Treasurer, but at the time you were the Attorney-General. When you were asked about it at the Public Accounts and Estimates Committee you said you were under no obligation to respond to that report. It is really upsetting that these stories of Victorians that have been irreparably harmed and families that have been irreparably harmed have just been, in a sense, put to one side.

Jaclyn Symes interjected.

Renee HEATH: I am being truthful. I have raised this many times. I hope that, given the Premier's comments on this bill, which have led to some change – I do not think it goes far enough, but in the interests of time I cannot go into that – things will change soon before more lives are lost and more harm is done.

This bill does not go far enough, and here is why these changes and this bail law – this campaign slogan is a sense – are not going to make Victorians safer. The so-called toughest bail test for repeat serious offenders is not in this bill. The government has failed to deliver on this promise and is now saying that any change will be delayed for months. The offence of committing an indictable offence while on bail is being reinstated, but it will have no impact on raising the test for bail, when previously a person charged with an offence faced an uplift test to stay on bail. The offence of breaching bail conditions is being reinstated but in a weakened form. People under 18 face no criminal sanction for breaching bail conditions. Like Mr Welch said, if you are a teenager under 18 it is impossible to breach bail because it is not in this bill. Serious offences, including burglary and robbery, are not listed as schedule 1 or schedule 2 offences, meaning alleged offenders receive a presumption of bail and the weakest test to receive it. And Labor has refused –

Jaclyn Symes: What is the bail test?

Renee HEATH: I am sure you know the test. Labor has refused to reverse its cuts to Court Services Victoria, including over \$19 million cut this year and a \$58 million cut in the budget looking forward to 2027–28. This contributes to the justice system being under pressure. You can roll your eyes as much as you want, but I am thinking about Victorians here.

Jaclyn Symes: On a point of order, Acting President, Dr Heath is misleading the house by pointing at me and saying I was rolling my eyes. I did no such thing.

The ACTING PRESIDENT (Gaelle Broad): There is no point of order.

Renee HEATH: My sincere apologies if I offended you by misreading what I perceived to be an eye roll. I am sorry about that.

If the best Labor can do with bail laws is come up with a bill that has the word 'tough' in it – I agree with what Mr Limbrick said: this is legislative virtue signalling. They probably had a bit of a brainstorming session and said, 'What would be a great headline? What about if we had a tougher on

bail bill? Beauty, let's do it.' But the substance of it is not even strengthening the bail laws to what they were a year ago.

I think Victorians know there is a major problem. If you look at the statistics that came out this morning, you see that they are not heading in the right direction. There are people that are terrified inside their own homes. I am glad that the government is finally doing something. I just want to say: may the Premier and the government have many more of these 'aha' moments so we can have a safe Victoria once again.

David ETTERSHANK (Western Metropolitan) (14:50): My colleague Ms Payne has already made a substantial contribution to this debate, so I will keep my remarks fairly brief and reiterate that Legalise Cannabis Victoria will not be supporting the bill in its current form and that we will be supporting the amendments put forward by the Greens and the amendment to change the title of the bill, as suggested by the opposition.

I would also just like to say, before I launch into it, that I think there are certain things that everyone in this house shares. I think we all share the view that every citizen has a right to feel safe in their own home. I think we all share a view that every citizen has a right to feel safe in public irrespective of the place, the time and the circumstance, and nothing that is said here should be deemed in any way to diminish the pain or the trauma experienced by victims of crime. Where we disagree, and I think often quite profoundly, is on how we respond to that. And to us in Legalise Cannabis, it is frankly quite astounding to be here once again amending bail laws that have been in effect for less than a year, amendments, as members will remember, that were prompted by the recommendations of the coroner's report into the entirely preventable death of Veronica Nelson. These were necessary amendments to bail laws that were described by that coroner, His Honour Simon McGregor, as being an 'unmitigated disaster'. It is, I think, a tragic coincidence that this bill was first read into the Assembly on the birthday of the late Veronica Nelson, who would have been 43 were it not for the failed bail laws of the day, which the government is apparently now so keen to reintroduce.

Those amendments were developed through painstaking and thorough consultation with justice, human rights and community advocates. So what did it take to get this government scrambling to dismiss all that expert advice? What did it take for them to deliberately ignore evidence of the disproportionate impact that these latest changes will have on Aboriginal Victorians? What did it take for them to reintroduce regressive bail laws that will usher more people into our criminal justice system, young people already experiencing significant disadvantage – or, for example, cannabis consumers picked up for low-level drug offences? I would like to just step back for a second and commend Mr Limbrick for his comments on the question of cannabis law reform; albeit some of the other stuff seemed to be a little bit out there.

Apparently all it took was a campaign by the *Herald Sun* and a couple of weeks of Fifi Box venting on Fox FM to have the Premier of this state turf out well-formulated laws. I am not saying they are perfect and I am not saying they are without fault, but the government instead takes its policy cues from Fifi, Fev and Nick. To hear the Premier's chest-thumping, tough-on-crime kind of rhetoric, to hear the Premier all but boast about the increase in the state's prison population after these changes, let me just say that it leaves me feeling profoundly, profoundly disturbed. The Premier stated, to Fifi Box no less, 'I have listened and I have acted.' She clearly has not listened to the relevant stakeholders who are overwhelmingly horrified by the prospect and the impact of these proposed reforms.

Rueben Berg, First Peoples' Assembly co-chair, noted in his statement on the new bail laws that:

First Peoples in Victoria share the broader community's concerns about violent crime – we are impacted by it too. But the evidence is clear: rushed, knee-jerk reforms will disproportionately harm Aboriginal people, lumping petty offences together with serious crimes under the same laws.

The Victorian Aboriginal Legal Service have echoed these sentiments, noting the profound and devastating impact these new changes will have on First Nations people. We know the impact the

previous bail laws were having, particularly on Aboriginal women. Incarceration rates for Aboriginal women soared prior to the 2023 bail reform. Can I just say the sense of despair I felt reading the Premier's press release, where I think in the second or third sentence she talked about preparing the system for an influx of prisoners – I mean, seriously, that is so disappointing.

Most stakeholders are questioning why the laws are being changed before they have had a chance to have any impact assessed. Greg Barns, the Australian Lawyers Alliance spokesperson on criminal justice has called the proposed bail law reforms:

... an alarming backwards step that ignores local and international human rights principles and will not work to make the community safer ...

Isn't it startling when you have someone of that prominence, who is that knowledgeable, saying that the government would be breaching human rights principles if it put this bill before the house without it being reviewed by the Scrutiny of Acts and Regulations Committee and without actually testing this law against basic human rights principles? It is shameful; it is just shameful. Mr Barns, like others, is urging the government to instead invest in intensive support to reduce the risk of offending and address the real causes of youth crime. The tough-on-crime response to youth offences will really only result in vulnerable young people being entrenched in the criminal justice system and caught up in a cycle of recidivism – what Les Twentyman, an old mate and a great youth advocate, called 'graduation to college for crime'.

That is the problem with the 'lock 'em up' approach. The connection between incarceration and recidivism is profound and very, very real. If we want to make the streets safer, perhaps we should not be training up so many criminals in our jails. Let me be very clear on this point, and I just want to reiterate that: we all have the right to be safe in our homes and we all have the right to be safe on our streets. We are not in any way seeking to diminish the impact of violence on the victims of crime, nor am I dismissing the concerns of the residents who are feeling unsafe, but the fact is we have been on this merry-go-round many times before and it has not worked. We know that poverty and disadvantage are huge determinants of criminalisation rates. Statistics show that young people in my electorate, the Western Metropolitan Region, are more likely to be victims of domestic violence than to have committed a crime. They are more likely to be isolated, to be living in poverty, to have undiagnosed mental health issues and to have experienced early and ongoing contact with the police. These are complex issues. These are issues that need sophisticated responses from thoughtful government, and that is not what we are witnessing today. Reactionary and populist ideas that go tough on crime may give the illusion of something being done, but they do nothing to reduce the root causes of crime. The Youth Justice Act 2024 sought to address some of the structural issues, but as noted, it has not come into force yet and there has been no proper budget allocation for its planning and its implementation.

The government should be looking at the causes of offending and investing more in support programs to minimise reoffending. Recently in this chamber I spoke about just such a program taking place in my electorate that seeks to break the cycle of disadvantage and vulnerable children being funnelled through the criminal justice system. Target Zero is jointly administered by Westjustice, Victoria Legal Aid and the Centre for Multicultural Youth and is supported by a coalition of over 20 local stakeholder organisations. It aims to end the criminalisation of First Nations young people, multicultural young people and young people in residential care within the Brimbank, Melton and Wyndham LGAs. This sort of whole-of-community approach is seeking to end the over-representation of kids in the justice system by supporting them to stay in school and to be active and engaged in their community. The first pilot is being run out of Wyndham community college alongside Project 100, a parallel program which aspires to 100 per cent year 12 completion. If you want to keep kids out of prison, keep them in school – keep them supported in school, keep them supported in their community.

Programs like Target Zero that keep kids at school and engaged in their communities have a far, far better chance of interrupting that cycle of disadvantage, which leads to criminalisation. That would be a far, far better use of taxpayer funds than administering these new bail laws, and to put it bluntly, it

would be a damn sight cheaper. To those who say we cannot afford such programs, it is worth noting that it costs \$7500 a day to keep a child in detention compared to \$6000 a year to keep them in school – \$7500 a day; \$6000 a year. I listened to Dr Heath's comments before and she talked about bail reforms having cut prison sentences by a thousand years. Multiply that by \$7500 a day and you get some pretty bloody interesting numbers. We will be supporting the Greens amendments to this bill as well as the opposition amendments to change the name of the bill. We will also ask questions during committee.

In closing, I would like to just say that it feels like a dark day when a Labor government chooses to respond to alarmist media campaigns and manufactured panic from *Herald Sun* editors rather than backing the expert advice of legitimate stakeholders, who worked hard to help develop the sensible bail laws that the government is now so desperate to undo. They are strange days indeed when a Labor government wilfully ignores the impact that laws will have on First Nations people and marginalised communities and when it would prefer to sink money into administering laws that are destined to fail rather than invest in programs that will help break the cycle of recidivism and disadvantage. Those are core Labor values that this government is walking away from, and it is shameful.

What is more, these new laws are likely to see our bail system clogged up with people involved in low-level offences rather than the hardened, machete-wielding crims that they are purportedly targeting. We understand that a second round of bail law reforms will be before this chamber in three months, after a comprehensive process of consultation with stakeholders. We welcome that consultation process. Wouldn't it be better to hold off pushing through this atrocious bill until after that consultation has occurred? When announcing these new reforms the Premier conceded that the 2023 bail reforms did not meet community expectations and that the government had got it wrong. I do not believe that is correct, to be honest, but I agree that this is too important to get wrong – whether to get wrong again or just to get wrong in the first place. It is not too late for this government to show both wisdom and courage by halting the passage of these rushed and ill-conceived reforms and by giving further consideration to how these changes will impact those vulnerable communities it should actually be protecting.

Bev McARTHUR (Western Victoria) (15:04): I rise to speak on the bail amendment bill 2025. I am not even going to put the focus group word 'tough' in it; that is a complete euphemism. We have heard from some Greens members the theoretical arguments against bail, but there is another side too. I will come later to some of the detail of the law and Labor's flip-flopping, but I will start by challenging the apparently sacrosanct idea we hear from the Greens that we should avoid bail at all costs and the more cynical position of the government that a lack of resources means we need to give bail. There are some simple and compelling arguments against bail. I will run through some quickly. On public safety, there are three points. First, the risk to the community – bail should be denied if there is a reasonable belief that the accused will commit further crimes while released. This is particularly relevant in cases of violent offences or repeat offending. Second, the protection of specific victims – victims, especially in cases of domestic violence or gang-related crime, may be at risk if the accused is released; keeping criminals in custody prevents intimidation, retaliation and further harm. Third, preventing offenders and crime from escalating. We know from experience and indeed studies that individuals who reoffend while on bail very often escalate their crimes. A more cautious approach ensures that small crimes do not turn into serious ones. There is also the issue of deterrence – there should be consequences for criminal behaviour. If offenders come to expect bail whatever happens, they will not take the justice system seriously and they will have no respect for the police or the courts or the community as a whole. We need deterrents.

Chronic offenders – and we all know the stories – should not be given multiple chances to break the law without serious consequences. Just today, crime figures released showed 20 offenders were responsible for more than 300 aggravated car thefts last year – that is 15 each. I have got my own theft story: a repeat offender, having been bailed multiple times, stole a car of mine in the middle of the day in the middle of the country and got off again on bail. He has gone on to commit multiple more offences – I understand he had a \$2000-a-week drug habit – so all that happened was that he continued

to be a drug user and a criminal offender. Giving him bail on multiple occasions did nothing to solve his problems and nothing to keep the community safe or their property safe. That is just ridiculous.

To come back to the theoretical arguments, there is also public confidence. The stories we see on social media, TV and newspapers cannot fail to undermine confidence in the justice system. A weak bail system causes serious public concern. Then there is the issue of human rights. We have heard that people deserve bail and they should not be locked up. But what about the duty of the state to protect the innocent? Don't we have a moral obligation to prioritise the safety of law-abiding citizens over the rights of those plausibly accused of serious crimes? Whatever some on the other side might say, the reality is that some criminals will just offend, offend and reoffend. We would love it to be different, but it is not, and sometimes they target the same person – offences on bail involve repeat victimisation, stalking or domestic violence, for example. Our justice system ought to protect victims rather than give offenders more opportunities. As a state, we risk normalising serious criminal behaviour. If we choose to repeatedly release offenders, the message is clear: we do not take crime seriously. That has a psychological effect and eventually it spreads through society. It is like the Overton window in politics.

To deal with the more cynical objections to bail, that we do not have the resources to keep people locked up – well, perhaps we should. What about the waste of police and court resources caused by police having to constantly rearrest the same individuals and the courts having to deal with them, and the economic cost of reoffending? It may cost more to have more bail justices – mind you, the bail justices do not get paid anything anyway – courts and prison places, but the economic cost to society of reoffending is great. Property crimes, thefts and assaults often lead to insurance claims, medical costs and increased policing. Victorians pay the price yet again. The idea that people deserve a second chance is not unreasonable, but that is not what we are talking about here. The problem is caused by habitual criminals, not first-time offenders. Innocent until proven guilty might be a fundamental legal principle, but it does not trump every other consideration, or we would not have any form of bail whatsoever. We would just leave everyone, even mass murderers, free to roam the streets until we could get them in court. Bail is about managing risk, not determining guilt. As a society we have to balance individual rights with community safety, and the truth is, as any Victorian can tell you, this Labor government has not been doing very well.

To be more specific now, here is just one story which I spoke about here earlier this year: two cases in Ballarat in the same week. A 32-year-old man pleaded guilty to a 12-hour crime spree, including car theft, a police chase and bashing and imprisoning a woman, and a teen allegedly stole \$150,000 in jewellery, threatened commuters at knifepoint and broke into homes, all while on bail. Across Victoria as a whole there has been a 15 per cent increase in crime, particularly violent assaults and serious youth offending. Every day an average of 19 residential aggravated burglaries occur, while vehicle thefts take place every 20 minutes in this state. Young offenders were responsible for over 20,000 criminal incidents last year – a 20 per cent escalation on previous figures. That is the situation now despite the introduction of what the Labor Party claimed the last time around were carefully designed and strict new bail laws.

I have got some quotes from members here. It is quite amazing what the Labor Party members on the other side of the house said. Mr Berger, you are here. You said the 'purpose is to address and solve the problems with the current bail laws while ensuring there remains a focus on community safety'. How has that gone?

Ms Shing said:

The reforms we are now introducing seek to ensure that all members of the community are protected ...

That has not gone too well; in fact it has gone very badly. She said there should be consequences for breaching bail – there have been none. She said she wanted to emphasise that accused people must comply with their bail conditions and that alleged offending while on bail is a serious matter. Well, you have done absolutely nothing about it. These were your bail laws in 2023 – absolutely hopeless.

I wonder if I have got something from Mr Erdogan. Did you say anything, Minister? I do not know. But Ms Ermacora from my own electorate said:

These are the toughest bail laws in Australia ...

Well, hello. She said:

Instead the Bail Act will have a balanced and fairer categorisation of offences to specifically target those accused of serious offending.

That has not worked, has it? Oh, my goodness. Now we have the 'really, really tough bail bill', as if changing the title makes a difference. What focus group did you use to get that? It is a marketing gimmick, like 'new and improved formula' on washing power – no different. The legal system does not care if a bill is called the 'Iron Fist of Justice Act' or the 'Marshmallow Bail Reform Initiative'; what matters is what it contains.

The bill itself, let us go to that. A mere 12 months ago breaching a bail condition in this state was deemed an indictable offence. This not only rendered the offender guilty of a serious crime, but it also imposed a stricter test to remain on bail, reflecting the principle that bail is a privilege, not a right. Failure to comply warranted a higher threshold of scrutiny. Yet what does this bill deliver? It reinstates the offence of breaching a bail condition but reduces it to a summary offence rather than an indictable one. Consequently, no escalation in the bail test applies. Offenders may receive a minor penalty, but they face no increased risk of losing their liberty, enabling repeated breaches with little consequence. More astonishingly, the government contends that this offence should not extend to those under 18. A 17-year-old repeat offender – and we know there are many of them – perhaps wielding a machete in residential homes can violate bail conditions without facing any criminal sanction under this so-called tough legislation. What a misnomer. What a fraud. What a disgrace you lot are over there. Far from being the toughest laws in Australia, they fall short of the measures we had in Victoria just a year or so ago. You have got less tough, not more tough. Additionally, the government points to the reclassification of certain offences as schedule 1 and schedule 2, intended to impose more stringent bail tests. While this applies to specific crimes, significant gaps remain. This administration does not consider robbery, burglary or even arson worthy of such tests. None are designated as schedule 1 or schedule 2 offences. As Mr O'Brien noted in the other place: how will the tobacconists across Victoria feel to see arson left out while they face firebombings nightly?

I have got time, so I think it is worthy to quote some more of your comments when you were talking about the bail laws in 2023. Mr Batchelor said:

This legislation will make our bail laws fairer for vulnerable and disadvantaged people while continuing to take an appropriately tough approach to those who pose a serious risk to Victorians.

What? He also said:

The government hopes the amendments to the Bail Act will effectively achieve a proportionate balance between the protection of the community and the protection of the human rights of those accused of crimes.

There are repeat offenders on bail, and they are snubbing their noses at you. Every time they get out on bail, they go and offend again because they can. How is that acceptable at all? Nothing you are going to do is going to change this.

Mr Galea even said:

The Allan Labor government holds that remand and custody should be used to keep Victorians safe ...

You all talked about keeping Victorians safe, and they have become incredibly unsafe. Now you have had a rush of blood to the head because, as others have said, the media and others, and certainly the opposition, have advocated, and you now actually need to do something about this extraordinary situation. But you have not done anything in reality that will keep Victorians safe. These bail laws will not keep Victorians safe. You are a disgrace.

Ms Watt said:

With this bill we are recognising that there is a problem, but most importantly we are acting on it.

No, you did not. She also said:

The truth is I could go on and on about how this bill could and will reform our bail laws for the better ...

You certainly did not do that, and now you are still not doing it.

Minister Symes said:

This has certainly been a priority of mine, and it is somewhat surreal to know that we are so close to making some significant reforms ... it is why the government have put forward reforms that, we are of the view, strike the right balance between ensuring people are not unnecessarily remanded and seeing that we have sufficient safeguards to maintain community safety.

Sorry, Minister, and sorry, Labor – you have failed.

Moir DEEMING (Western Metropolitan) (15:18): This Bail Amendment (Tough Bail) Bill 2025, the so-called tough bail bill, has been brought before this Parliament under the guise of strengthening our justice system. But let us just be clear: this bill does not exist because Labor believes in firm, fair justice; this bill exists because Labor's last set of bail reforms in 2023 directly led to an explosion of crime across Victoria. It exists because public confidence in our legal system has rightfully and justifiably plummeted. It exists because the people of Victoria are rightly outraged. Labor did not introduce this legislation because they believe in justice; they introduced it because Labor believe in their own political survival and an election is coming.

The truth that every Victorian really needs to reckon with is that Labor's political ideology is incompatible with public safety. The reason Labor just keep on failing on bail laws – the reason that they keep tightening and then weakening and then tightening them again – is not because they lack intelligence or even because they are incompetent, although you can make those arguments separately; I believe it is because Labor do not even believe in justice at all. Listen to them closely – they believe in social justice, and those two concepts could not be more different. Under social justice, criminals are victims of society and must be given endless opportunities, even when they show no intention of reforming. Under social justice, actual victims of crime are invisible, irrelevant, and in some cases, they somehow brought it on themselves by being members of a class who did things in the past that they had nothing to do with whatsoever at all. Under social justice, the law is not about fairness; it is just something that you use to redistribute power and influence in society – away from little innocent boys on bikes and into the hands of bikies, for example. Under social justice you have two choices: either you are a horrible monster who just wants to lock up kids and black people or you need to let crime run rampant in society. But that is just not true.

A responsible government that cares about the people that it is governing for can create a system where we have fair laws applied fairly. A responsible government and anybody with common sense – any teacher, any mother, anybody at all – will tell you that justice, as in consequences and accountability, is actually part and parcel of rehabilitation. You cannot be rehabilitated unless you admit what you have done, unless you know it is wrong. You pay for your crime, you do the time, and then you are forgiven. It is a pattern that repeats. Every time Labor has changed the bail laws it has not been because of careful governance or sound policy but because they were forced to react to public outrage – never to prevent tragedy, always to protect their political reputations.

In 2017 Labor's bail laws allowed a career criminal named James Gargasoulas to walk free – it is not a laughing matter – despite a long history of violent crime, armed robbery and drug offences. There were clear warnings that he was a danger to the public. He had already ignored court orders but continued to break the law, yet under Labor's laws he was allowed to walk free, and what was the result? Six innocent people were killed; dozens more were injured. I do not know about you, but I still remember the image of that pram on the car, because it was the same pram that I had with my babies.

The whole community was shattered, all because Labor's laws had prioritised something called bail fairness over public safety and justice and just basic wisdom. Only after this massacre, when the public demanded action, did Labor tighten the bail laws in 2018. They did it because they had no choice. They knew their approach to bail was costing votes. But their true colours always come out, because just a few years later they weakened the bail laws again, not for public safety but to appease activists.

By 2023 crime had stabilised thanks to the tougher bail laws, but rather than maintain these strong laws that had worked, Labor caved to activist pressure, claiming that the bail laws were somehow, all of a sudden, too harsh, especially on youth offenders. Despite all the lessons learned from Bourke Street, Labor watered down the bail conditions. Despite all the evidence that predictable consequences and fair laws fairly applied do deter crime, they made it easier for offenders to get bail, and the results were immediate. A 17-year-old gang member had already been arrested multiple times for carjackings, armed robberies and home invasions. Under Labor's laws, despite having breached bail conditions four times, he was still granted bail again. Two weeks later he violently attacked a pensioner during an aggravated burglary, leaving that person hospitalised. This is predictable. This is preventable. Weakening bail laws has deadly consequences. We all know that offenders, once emboldened, keep breaking the law. They imagine they can get away with it because they do. This is what political survival demands of Labor, and that is what they are willing for all of us to pay.

By 2024 Labor's 2023 bail changes had actually sparked a surge in crime. Violent offenders, including repeat domestic abusers, were now walking free under the weaker bail system. A domestic violence offender with a long history of breaching intervention orders was arrested again for making threats against his ex-partner. Under Labor's 2023 laws he successfully argued that his offences were not serious enough for automatic remand, and two months later he tracked her down and nearly killed her. This was a direct result of Labor's ideological approach to crime, where offenders deserve leniency but victims do not deserve protection. And then not only did they wipe out the possibility of being done for repeat offences, they decided to erase offences altogether by raising the minimum age of criminal liability from 10 to 12 and eventually to 14. So now you have got a whole class of victims who will never be acknowledged under the law. If you think there are not 14-year-old girls who have been raped by 14-year-old boys who are not absolutely traumatised by the fact that it is not recognised in law, you are delusional.

Here we are in 2025 and we have this backflip. After the rise in crime, the public outrage and the plummeting polls, Labor is backtracking again, claiming that these new laws are the toughest in Australia. But they are still weaker than the laws we had in 2018. They do not automatically remand repeat offenders and they still allow criminals to breach bail conditions without serious consequences – and people are just ignoring it. The new member for Werribee even had the gall to say that the reason people were talking about crime so much was because they were somehow rich snobs. I do not know how the three mothers of the murder victims feel about their local member saying that, when three murders happened during the by-election which elected him to Parliament. It is one thing to disagree on policy, it is another thing entirely to debase the trauma and the experiences of the actual victims that you are supposed to represent.

Labor's history on bail laws is not an accident, it is a pattern. They weaken bail laws in response to activist demands in order to win votes, and then when crime rates inevitably rise, they are forced to backtrack in order to win votes. They are not interested in long-term stability; they just repeat the cycle again and again. What we actually need is justice and law and order. We need governance. Instead, from Labor we get self-serving misuse of power driven by ideology rather than evidence. We need laws that are applied equally, and we need a justice system that protects the innocent while ensuring that those who break the law face consequences based on their actions, not on their identity. That is why I am no longer a fan of Labor. That is why I am a Liberal, because this party may not be perfect, but our base philosophy is that parliamentary democracy should serve everyday Victorians, who deserve to feel safe in their own homes, not activist groups and not self-serving election cycles.

Georgie CROZIER (Southern Metropolitan) (15:27): I rise to speak to the Bail Amendment (Tough Bail) Bill 2025, and I do so because, like members on this side of the house who have made their contributions in relation to how the government has gone about this, I note the concerns of the community over many years about the community safety aspect and the increase in crime that has occurred on our streets and in our homes. We have had the crime stats released today which show the extraordinary uptick in crime because this government has been soft on crime for many years.

What this bill does is a complete turnabout, because the government had to react to the polling where it was being exposed for failing to address this very serious issue. The community were speaking out – they were speaking out in droves. But can I just come to the point about this bill – it has been rushed into the Parliament. On Monday when the opposition was to have a bill briefing and many of us connected via the link to have that bill briefing with the minister, there was no bill provided. How the hell can you have a bill briefing without even a bill? The Shadow Attorney-General quite rightly said what a farce it was – and it was. You cannot have a bill briefing without a bill, without seeing the legislation. It was amateur hour at its best, and to be told by the state’s Attorney-General ‘We’ve got concerns in the community about safety’ was just an absolute slap in the face to everybody who was wanting to get some information and understand what this bill was going to do. But more importantly, it was a slap in the face to every Victorian and every victim of crime. This government has been absolutely hopeless on so many areas within government, and crime is just one of them.

In these latest stats that have been released today, which are very, very shocking, I am actually one of those stats. I am a victim of the crime that we are talking about today; I fall into the statistics for last year, because I was subjected to an aggravated burglary. Somebody tried to get into my home – tried to kick down my door – and it was terrifying. They did not succeed, thank goodness. I was home alone. I have spoken to so many constituents in my community who have far worse accounts of violence and aggravation. They have terrifying accounts of when somebody comes into their home when they are asleep in the middle of the night. They stand over you wearing balaclavas. One woman told me that she thought she was going to be raped and murdered. She screamed, her partner woke up and another one of these thugs came into her room. These four thugs that came into this constituent’s home had been out time and time again, released on bail. They are part of the complete circus that has been bail in this state.

We warned the government, when they weakened the bail laws back in 2023 that would come into effect in 2024, that there would be an uplift, a surge in crime, and guess what, it has occurred. What is more, they were warned by the former Chief Commissioner of Police, who got the sack, and the deputy. In the frank and fearless advice that was provided to government they were told they needed to toughen up on this, because once you weaken it the crime stats will increase. Well, they have. And yet when we were talking about that in this very place and when we were arguing the point to make it clear to the government why we were concerned about the government’s approach in weakening the bail laws, there were members of the government who just went on a frolic and criticised. Some of those members are in the house now and some are not, but I want to quote from a couple of them. Mr Galea said:

Engage, do the work properly, do not just come into this place with half-baked bills.

Well, that is exactly what we have got. We tried to have a bill briefing on Monday and we did not even have the legislation. This government has rushed this. We have had an Attorney who was in the position for five years. She is no longer in that position. She has been turfed off to the side and is now the Treasurer. She thinks that job is fun. The ongoing failures and the inadequacy of this government to understand the severity of what is happening in our communities are just staggering. They had the arrogance to say to us, ‘No, you’ve got no idea what you’re talking about.’ Every single one of those government MPs should be ashamed of what has occurred in this state under the bills that they have

passed under the watch of Jacinta Allan. Ms Ermacora was talking about the Bail Amendment Bill 2023:

... the Bail Act strikes the right balance between vulnerability, offending and community safety.

Now we have got an apologetic Premier who says, 'We got it wrong. I'm listening.' Why weren't you listening years ago when so many members of the community were saying this would not work and your own police command was saying this would not work? You were not listening, Premier. You were not listening at all. You say you were, but that is just a political fix. You were not listening at all, because if you had been, you would have taken the advice of police command to understand that weakening bail laws would have the impact of a very shocking increase in crime in this state.

In the latest statistics for my area of the Southern Metropolitan region, criminal incidents in the City of Port Phillip, which takes in the electorate of Albert Park, including St Kilda and South Melbourne, have increased by 19.3 per cent. I have had people from that community speaking to me the entire time. I have raised in this house on so many occasions the out-of-control crime in St Kilda. Nothing has been done. If the Premier was actually genuine about listening to and hearing from the community, she would have understood, or her member representing that area would – these people have also spoken to her. Mr Berger, you are in the house. You represent this area too. You have done nothing to help these people. They have been talking about the increase –

John Berger interjected.

Georgie CROZIER: I am not making decisions. I am just making the point, Mr Berger, that you are an absolutely useless member when you are not representing your community on this issue.

John Berger interjected.

The ACTING PRESIDENT (Jeff Bourman): Order!

Lee Tarlamis: On a point of order, Acting President, Ms Crozier is engaging with members across the chamber. She should be addressing her remarks through the Chair.

Members interjecting.

The ACTING PRESIDENT (Jeff Bourman): Let us not indulge in cross-chamber little chats. Let us just go through the Chair, thanks.

Georgie CROZIER: Through you, Acting President, I make the point though that the member, who is very sensitive, was interjecting on me. I was making the point that the members of this community have been ignored by Labor. For the Premier to say she has been listening is disingenuous and frankly not true. We know it is not true.

In Bentleigh and Bentleigh East, in the other area that I represent, there has been an increase of 7.5 per cent. The numbers are staggering; the uptick in crime in these areas is staggering. This is an area that has been firebombed, with arson in tobacco shops.

I want to make a point, which has been raised by a number of members but which Mr O'Brien made very, very significantly in his contribution, about the recategorisation of certain offences to make sure that they go to schedules 1 and 2. Unbelievably, there are crimes like robbery, burglary and arson that do not cross the tougher bail test. As he said, if you keep committing a crime of arson, you might not be reaching that test. Therefore they are not strengthening the bail laws – they are not strengthening the laws at all. How can that be? Why is that omitted? The government is talking about tough bail laws and the Premier keeps saying these are the toughest in the country, but we know that is baloney because this is one bit of legislation that they are going to do and then they going to bring in another bit of legislation down the track.

This government is about spin; it is not about substance. It is completely out of its depth. It is more interested in trying to keep favour with those who are supporting it. We need a higher degree of

confidence in this state. The community deserves to have a Premier and a government that is truly committed to putting victims first rather than the failure of what has gone on over many years. These statistics have been on the increase, whether it is aggravated burglary, whether it is family violence, whether it is car theft or whether it is retail robbery, it is just out of control. We have been debating this week about machetes. Who would have thought that in this city, in this state, in this country we would have vision of the most violent young people wielding knives and threatening innocent Victorians? These are shocking images, and we see them day in, day out on our weekly news items. We hear about it day in, day out on radio stations and we read about it day in, day out in newspapers. Over social media it is prolific. That is where we are at. It is an appalling state of affairs, and this government has got it wrong.

I want to go back to 2023, as Ms Watt walks into the chamber. I am going to quote from her contribution then. She said:

This bill reflects that those opposite lack a commitment to making Victoria a safer place for all.

Well, didn't she get that wrong? She continued:

I think it is worth noting that the opposition has been quick to call this a weakening of bail laws, and they could not be more wrong.

I will tell you who could not be more wrong. It is you, Ms Watt, because now we have got the consequences of the weakening of the bail laws with these out-of-control crime figures and a government that is trying desperately to back-pedal out of this monumental mess that it has got this state in, this very significant issue. As I said, I have had so many constituents speak to me. I have had neighbours and I have had groups of people who have just said, 'We are now patrolling our own streets. We are setting up our own WhatsApp chats just so that we can keep our eye on one another.' And it is not the police's fault. The police told me when they came to me – when they were just fantastic – that 10 years ago we were lucky to have one aggravated burglary every few months. Now they are doing them several times a night. It is just out of control. They were worried, but they did not have the resources. They never got the guy that tried to get into my home, but they did everything they could. Who knows where that person is? Who knows what else they have done, what other crimes they have committed and what other homes they have broken into and terrified their occupants.

Then there are the elderly people in my electorate – the shocking instances where they have been bashed by machetes. I mean, it is just quite terrifying. It is a disgrace that our great state, our great city, has descended into this dreadful state of unlawfulness, where society is breaking down, where there is no respect for the law, where people thumb their nose at the law. But the government have contributed to that, because they have not held these perpetrators to account. Every single victim of these horrendous crimes, because of the weakening of bail laws, deserves a full apology and more.

Just in closing: the opposition have tried to fix this over many years. Michael O'Brien, the Shadow Attorney-General, introduced private members bills in February 2024, August 2024 and February 2025. We knew the government had got it wrong. They have, and I am not sure that this bill is going to fix it.

Wendy LOVELL (Northern Victoria) (15:42): I rise to speak on the bail amendment bill, the so-called tough bail bill, of 2025. The title of this bill says 'tough bail', but the closer you look at this bill, the weaker it gets. It should be the 'Bail Amendment (Weak Bail) Bill 2025'. The so-called toughest bail test for repeat serious offenders is not even in this bill. The Allan Labor government have failed to deliver on that promise that they gave, and now they are saying that any change for that will be delayed for months. The offence of committing an indictable offence whilst on bail is being reinstated. It will have no impact on raising the test for actually gaining bail. Previously a person charged with this offence faced an uplifted test to stay on bail, but this is not in Labor's bill, and any change will be delayed for months.

The offence of breaching bail conditions is being reinstated but in a weakened form, as contravention will not result in the offender facing a stronger bail test. People under the age of 18 years face no

criminal sanction for breaching bail conditions, undermining the reason why bail conditions are imposed. Serious offences, including burglary and robbery, are not listed as schedule 1 or schedule 2 offences, meaning alleged offenders receive a presumption of bail and the weakest test to receive it. This bill is delayed and diluted; it is too little and it is too late. It is better than nothing, but it is certainly not a tough bail bill. This is a weak bail bill, a slap in the face to all Victorians who have suffered because Labor has lost control of crime.

We saw new crime stats released today, and crime is rising rapidly in Victoria. The number of criminal incidents recorded by Victoria Police in the year to 31 December 2024 was 456,453. That was up by 18.7 per cent on December 2023. Crime is up all over the state, but there are very large jumps in regional cities and towns in my electorate. In Greater Bendigo criminal incidents jumped from 8002 to 9541, an increase of 19.2 per cent. In particular, sexual offences increased by 22.15 per cent. Theft saw an increase of 48.96 per cent and burglary and breaking and entering jumped by a massive 54.73 per cent. You can see why people in Bendigo do not feel safe in their own homes when breaking and entering has jumped by a massive 54.73 per cent. In Greater Shepparton criminal incidents also jumped from 5719 to 6843, an increase of 19.7 per cent. Greater Shepparton had the fifth-highest rate of offences in Victoria, with 14,697.2 offences per 100,000 estimated resident population. That was up by 19.6 per cent. In the Macedon Ranges shire criminal incidents jumped from 1494 to 1906 incidents, an increase of 27.6 per cent. In the City of Whittlesea criminal incidents spiked from 9588 to 12,929, an increase of 34.8 per cent. I know people in the City of Whittlesea do not feel safe in their own homes, because I am kept up at night by a WhatsApp group that I monitor to hear some of the incidents that are happening in that area. The chief statistician for the Crime Statistics Agency, Fiona Dowsley, said that the rate of theft offences being recorded per 100,000 Victorians has exceeded historical peaks, driven by record-high stealing from motor vehicles, stealing from retail stores and motor vehicle thefts.

The government has moved to treat this motion as an urgent bill. I wish they had shown some urgency about community safety last year when Victorians were crying out for the Labor government to do something about the crime wave, but Labor ignored them. So many lives have been harmed and so many people have been traumatised by the wave of crime that was unleashed when Labor weakened bail laws. Repeat offenders have been constantly let out on bail over and over again. Teens laughed at police because they knew there would be no real consequences for their behaviour. All over my electorate of Northern Victoria people are living in fear in their own homes as break-ins, car thefts and burglaries continue to rise. The latest Crime Statistics Agency data that came out today gives an overall picture of the crime wave in Victoria.

But it is the personal stories that capture the true horror of what is happening in our communities. I mentioned just before the WhatsApp group that I watch for residents of estates that are off Donnybrook Road in the City of Whittlesea, and this does keep me up at night while I monitor the fear of my constituents in that area as they talk about break-ins that are happening, attempted break-ins, car thefts – in fact there were four cars stolen a couple of nights ago. But the break-ins to utes to steal tradies' tools and stuff are just out of control in this area. There is a lot of suspicious behaviour happening on those estates as well. People are starting to take matters into their own hands, and this really concerns me. It concerns me that they feel the need to try and protect themselves and to protect their families, that they feel unsafe in their own homes. But it also makes me fear that they could actually end up being hurt by one of these people who are on their estates that should not be there, that are there for the wrong reasons. They are there to break into homes, or they are there to steal cars or to break into utes. But the people who try and protect their family could end up being hurt if they confront one of these people, and that really concerns me. It also concerns me that they may accidentally end up on the wrong side of the law just because they are trying to protect their families and their property.

I spoke with one woman from Donnybrook who was at home with her sister when someone tried to break into their home. They heard the break-in happening, and they raced down the stairs to get to the

front door as a guy with a hammer opened the door and was coming in. They threw themselves at the door and forced the door back to close it, but the sister of this lady said she could see the guy hitting her sister with the hammer and she feared that he was going to kill her before they could get that door closed. They were absolutely terrified, but they managed to hold the door shut while the attacker was trying to attack them. Thankfully, they were unharmed in the end. But many are not as lucky as they were. There are so many similar harrowing stories from residents all over my electorate. In Bendigo just in the last sitting week we had an incident where a group of youths attacked a security guard and a blind man at the marketplace. This happened right opposite Jacinta Allan's electorate office, and yet she still kept her head in the sand. It was only very belatedly last week that she made a change to say that she was sorry. The crocodile tears have been absolutely amazing in her performances on TV and radio. She has been dragged kicking and screaming to make these changes and she is making these changes not because she is sorry about what is happening to people in Victoria but because she is sorry about her own opinion poll ratings going down. That is the only reason that she has moved to act on these bail laws now.

The Allan Labor government needs to take responsibility for what has happened on their watch, because they have weakened bail laws. They were warned about what would happen, but the warning was ignored. Labor were driven by ideology instead of facts, blind to the horrific reality of crime that was spreading all throughout Victoria. The buck stops with the Premier, and she is ultimately responsible for the devastation, and in some cases the deaths, caused in Victoria by criminals who should never have been on bail in the first place.

The Premier went in front of the TV cameras, as I said, and said she was sorry and cried all of her crocodile tears, but is she really sorry or is she only sorry about those dropping poll numbers? If she was really sorry, she would have supported the changes that the Liberals and Nationals were asking for all last year. On three separate occasions the Liberals tried to introduce private member bills into Parliament to reform the bail laws, but every time we were blocked by the Labor government, who insisted on defending their weak bail laws.

They ignored the advice, which was so short sighted. Labor would not even listen to their own Chief Commissioner of Police. A recent report revealed that in the weeks before he was fired former Victorian police commissioner Shane Patton submitted a proposal to strengthen the bail laws, but his advice was ignored. Inside sources said the proposal was rejected by the Allan government because of the cost and also the lack of prison beds needed to keep more people in custody. I was astounded to hear the government claim that they were short of prison beds, because in July last year they shocked the local community in Greater Shepparton with the surprise announcement that the government would close the low-security Dhurringile prison within a few weeks. Labor's short-sighted decision reduced the capacity within Victoria to move prisoners through the prison system and out of the remand centre, leaving fewer prison beds available to keep dangerous repeat offenders on remand while they await trial. Now the government is scrambling to find more beds within the prison system so that they can keep more people in custody. It is hard to imagine a more incompetent and short-sighted government than the Allan Labor government, which closes prisons one year and then rejects the police commissioner's proposal to tighten the bail laws the next year because they do not have enough prison beds.

Jacinta Allan is moving from one crisis to another, making knee-jerk responses to bad polling instead of focusing on good policy. The opposition will not be opposing this bill, because it is better than nothing, but it is not good enough, and we have a lot of amendments to make it better, to make it stronger and to genuinely give Victorians the protection they deserve. Firstly, while the government claims this is an urgent bill, its default commencement date is 29 September 2025. If this bill is truly an urgent bill, then it must come into force sooner, and we will move to bring the commencement date forward by three months to 30 June 2025. We will move to include the serious crimes of robbery and burglary in the list of schedule 2 offences, meaning bail applicants will have to give a compelling reason to be released on bail. We will remove the exemption for minors for the offence of breaching

bail conditions. I have heard directly from police how frustrated they are to arrest and charge youths only to see them immediately released and go on to breach bail and commit more crimes the very same day. Bail is a privilege, not a right. If people abuse that privilege by failing to comply with their conditions, it is only right that they face a tougher test to stay out on bail. Our amendment will mean that teen offenders who breach bail conditions will be uplifted to a tougher bail test. For adults we will reinstate both the offence of breaching a bail condition and the offence of committing an indictable offence whilst on bail so that both of these violations will result in an uplifted bail test, meaning it will be more difficult for repeat offenders to get released.

There should be consequences for breaching bail and when someone commits a new offence or fails to comply with conditions, but right now the consequences are not strong enough. Criminals are no longer afraid and teens laugh at police because they know there is no consequence of their behaviour. And they will continue to laugh at the police, because this bill does not even include people under 18. The justice system is no longer taken seriously, because offenders know that they can keep being released and keep on offending. The highest priority must be the safety of the Victorian community, and that means the bail settings must be changed to keep criminals in check.

A crime wave has been unleashed across Victoria by Labor's weak bail laws, and it is time to fix it. The Liberals and Nationals will not oppose this bill, but we do urge the chamber to support our amendments to make the bill the strong bail reform bill that it should be.

Nick McGOWAN (North-Eastern Metropolitan) (15:57): Mark my words: we will be back. It is prophetic that I can say that, but we will be back here. I am less sure of the sun rising than I am of the fact that we will be back in this chamber changing bail laws within two years. That is the average right now: every two years. If that in and of itself does not paint a picture, and a very disturbing picture, then perhaps nothing does, because this is the fifth time in 10 years that this government has considered substantial changes to the Bail Act 1977.

If we go back some time, to 2015, the dilemma, the problem, one of the challenges faced and one of the reasons that there were reforms was that we had too many children in jail. In particular we had too many Aboriginal children in jail. The Attorney-General at the time, Martin Pakula in the other place, said that remanding children should be a last resort. Under a section that was then added to the Bail Act and that came into effect in 2016, courts were then required to:

... consider all other options before remanding the child in custody ...

In 2023, in the government's last changes to our bail laws, this government further required courts to:

... impose on the child the minimum intervention required in the circumstances, with the remand of the child being a last resort ...

Let us never forget that in 2023 it was Minister Carbin's who told this Parliament that the tightening of bail laws in 2018 got it terribly wrong. History shows there was a trebling of the number of people in Victoria on remand. There was overcrowding of our jails, and yes, tragically, there was the death of Veronica Nelson, an Aboriginal woman who died in custody while on remand for a series of minor offences. Incremental changes could have prevented the kneejerk, last-minute, rushed, panicked response we now see before this Parliament today. Many in the chamber have already made that observation on this side of the chamber and also on the crossbenches. On three occasions the opposition sought to introduce a bill to this Parliament to improve the status quo: on 20 February 2024, on 1 August 2024 and on 6 February 2025. I hope that when this period is studied by scholars or students or the media or someone who is just interested and cares, the one thing they will take from today is that those who are opposed to many aspects of this bill are opposed perhaps for differing reasons but with the ultimate concern that what is being proposed today actually does not hit the mark.

It takes a unique government to bring all the opposition and crossbench together in their opposition to what the government is doing. Notwithstanding there is some commonality among us – some, not all; I am the first to acknowledge that – how has this government monumentally managed to please nobody

in the process of this bad policy? I am reminded that good policy is good politics – that makes sense. I have always said it; I will always maintain it. Bad policy, by contrast, is bad politics. And guess what, it is bad politics. I suppose what causes me most concern about what we are asked to consider today is that it does nothing to tackle the root causes of the crimes in the first place. This has been mentioned by a number of speakers today already. By the time bail is a consideration, the horse has well and truly bolted – an alleged crime or crime has actually already occurred.

Today of course we have seen the release of the latest crime statistics. I do not wish to be salacious, I do not wish to be in the slightest bit inflammatory, but I will let them speak for themselves. In Maroondah the total crime incidents are up 20.8 per cent – that is up from 5436 incidents to 6567 incidents. In Whitehorse, criminal incidents are up 17.1 per cent, from 7387 to 8650. There are a couple of points about these statistics that are of interest. In Maroondah, of the total criminal incidents, there have been 32 per cent where charges have been laid – one in three, 32 per cent. I actually thought it would be a lot higher than one in three. In 17 per cent of the cases, no charges have been laid – we can round it off to 20 per cent. And the other 50 per cent are completely unresolved – 50 per cent of 6567 criminal incidents have gone unresolved in Maroondah as of the last reporting period. When you look at the location types for these incidents, the top of the list for Maroondah is homes; it is 1476 for the previous period. Whitehorse is the same. Their figure is dramatically more: 1901. For Whitehorse the number of charges that have been laid is considerably less; it is 22.4 per cent – that is one in five. And 66.3 per cent, or two-thirds, of all of those incidents in Whitehorse – the number of incidents is 8650, which is numerically significantly more than in Maroondah – are unresolved. They are unresolved at a time when we know that the police station at Box Hill has 15 too few police officers – 15, 1-5. Is it any wonder that 66.3 per cent of the 8650 criminal incidents remain unresolved? That ought to be cause for concern, or cause in fact for alarm. Maroondah is no different. We have at least five too few police officers in Maroondah at the Ringwood station.

Some have spoken today about the name of the bill. It is perhaps a silly subject. I tend to think it is silly. I am less interested in what it is called and more interested in what it does. But it does tell us that someone in either the Premier's office or the minister's office thought they would be clever – a little too clever. The last time this government was that 'clever' they decided to rename the Maroondah Hospital. Some of you might recall that. It went down like a lead balloon, as has this silly name. But karma is a funny thing: it comes back to haunt those who do wrong. In being called the tougher bail act, in very many respects this bill will come back to haunt this government, because this government has satisfied no-one, not even itself. They have not satisfied the crossbench, and rightly so. Those who bothered to listen to the speeches today would have heard some very articulate, intelligent arguments, some genuine concern for those in our community who are vulnerable, notwithstanding that the acts some of them have committed are atrocious, heinous and shocking.

But their focus, without verballing them, sought to prioritise in one respect a number of other aspects, that is, how we prevent these crimes occurring in the first place. How do we deal with social disadvantage? How do we ensure that no-one is a victim of crime, much less a perpetrator? It is much harder to solve these questions, and yet there has been report after report. The government has had some of the answers. The truth is that this government has, sadly, failed not only itself, but it has failed the entire community here in Victoria. It has allowed a situation to develop where we are at the point we are today: we are all rushed, we are all dissatisfied, and none of us – not even those opposite, if they were being honest with themselves – believes this is any kind of solution.

We have absolutely failed those who have been victims of those who have committed these crimes. There has been little, if any, thought of them until recently, and as has been said by Mr Ettershank and others, until it became an electoral problem, a polling problem, this government did not even look like it was going to act. And while I commend those who have brought this matter to the attention of the government, the truth is it has been in front of the government for years now; they have simply failed to respond in a meaningful way. They have failed to understand that the changes they made had some unintended consequences. They have also failed to engage, in many, many respects, the communities

and the individuals who are perpetrating these crimes. What does it say about us that we are doing so little that these crimes continue to be perpetrated again and again and again and we are failing to fix the problem? We are clearly failing in our preventative measures. I would probably go a step further and say we are failing those new immigrant communities here in Australia, because with every new community that joins us here in Australia there is always a teething stage. It does not matter whether we are talking about the Vietnamese, the Ukrainians, the Greeks, the Italians, the British or the Irish; among all our communities we have always had challenges. We have always had challenges when communities integrate, when one generation grows into the next.

We have abjectly failed in our primary task of not only keeping people safe but also ensuring that we keep those who would err, those who would commit crimes, those who are wayward or those who are marginalised somehow off the streets, out of trouble and in their homes. That is a collective failure. It also does not diminish our own failure individually of course. I will end this where I started: we will be back here in less than two years.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:12): I want to take this opportunity to thank every member who has contributed to the Bail Amendment (Tough Bail) Bill 2025 debate. I would like to acknowledge everyone for their sincere contributions. Hearing the stories was quite harrowing, but I do believe that most people approached the debate in good faith, although I might not necessarily agree with their viewpoints and their conclusions.

Those of us on this side of the chamber are in agreement, as the Premier herself has acknowledged, that the current system is not tough enough and does not reflect the expectations of the public. The public has a right to not only be safe but feel safe. That is why the government is taking action by making these important changes to target higher risk repeat offending and to improve community safety. We know that a small group of repeat youth offenders is driving the increases we have seen in offending. Reoffending is a serious problem. Today's crime statistics confirm that fact. The reforms before the house tonight squarely target these serious and repeat offenders by putting community safety above all in bail decisions; removing the principle of remand as a last resort for a child; making it harder for high-harm offenders to get bail; elevating offences like aggravated burglary, home invasion, carjacking and armed robbery to the toughest bail test; and ensuring respect for the rules with new bail offences, including the second strike rule for offenders.

I am mindful that behind these crime statistics are victims. There is a human cost to high-harm offending. In my former role as Minister for Victim Support I met with many victims of crime, and I understand the trauma and disruption that victims of crime and their families experience. It can be profound and long lasting. As we have this important and necessary debate, my thoughts are with victims of crime. To those listening, know that the government is doing the work to improve the justice system and bring it in line with community expectations. At the end of the day, we make no apologies for doing what it takes to stop crime in its tracks. I call on everyone in this chamber to join the government's mission to improve community safety. I commend the bill to the house.

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, Gaëlle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Council divided on motion:

Ayes (30): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

Motion agreed to.**Read second time.****Committed.***Committee***Clause 1 (16:25)**

Evan MULHOLLAND: For the benefit of the chamber, I will ask all of my questions at clause 1. I thank the minister for his discussions on this bill. I will ask all the questions at once, and I am sure that I do not have as many questions as the Greens. I will try to get through my questions as quickly as possible.

Minister, who made the decision to insert a political slogan into the name of the bill? Was it the Premier, was it the Attorney-General or was it the Premier's staff?

Enver ERDOGAN: The bill is obviously an Attorney-General's bill, as the minister responsible and as the first law officer, so I think it is expected that it would come out of the Department of Justice and Community Safety and the minister's office.

Evan MULHOLLAND: You said the department of justice and the minister's office. I would have thought it would be entirely inappropriate for the department of justice to put a political slogan into the name of the bill such as this. Can you confirm it was the minister's office that made this decision?

Enver ERDOGAN: For clarity, it was in fact the minister's office.

Evan MULHOLLAND: It is just incredible that the first law officer is interested in sloganeering and is tampering with a bill. My apologies to the department of justice – I knew that they would not be involved in a political decision such as this. Given the bail test in this bill is still weaker than it was the last time your government amended it, do you not think you are misleading the Parliament with sloganeering in the bill?

Enver ERDOGAN: With all due respect, I feel as though the only people politicising the name of this bill are the opposition. I notice the amount of amendments that relate to the name of the bill. I think the bill is quite clear in its objectives – it is to improve community safety and have a higher threshold for bail for people that are causing significant harm to our community. I think the goal of this bill is quite clear – if you are a repeat high-harm offender, you will face a tougher test.

Evan MULHOLLAND: But not as tough as before March 2023. What is the cost to the budget associated with this bill?

Enver ERDOGAN: There will be a budget process in relation to the costs, and they will be accounted for in the normal way. When you are introducing new legislation, especially legislation such as this, the full impacts on the system will take some time to show. As a Parliament and as a minister, when you introduce laws the effects of them will play out through law enforcement and the way the courts interpret and implement these changes.

Evan MULHOLLAND: You do not yet have a cost and it will take some time – that is what I got out of that answer. During the bill briefing the Attorney-General mentioned that additional staff within Victoria Police and the corrections system would have to be employed due to a predicted increase in individuals on remand. How many additional staff does the government forecast it will need to hire for Victoria Police?

Enver ERDOGAN: I think Victoria Police are well resourced. Our government has made a record investment in Victoria Police of over \$4.5 billion since getting into government. There are a number of vacancies at Victoria Police, but what you will notice is that police are doing an amazing job in bringing those responsible to account with a record number of arrests in the last year.

Evan MULHOLLAND: Given the Attorney-General's comments in the bill briefing, how many additional staff does the government forecast it will need to hire within the corrections system?

Enver ERDOGAN: I thank Mr Mulholland for asking a question about my corrections system. In Victoria we are currently hiring, and I launched a big recruitment campaign for our corrections system earlier this year in relation to our Western Plains prison, the new state-of-the-art maximum-security prison out in Lara. In terms of recruitment, we currently have a strong complement of staff across our corrections system but we will continue to hire as well. As with any frontline service there will always be attrition, where people leave the system and enter the system, but we are looking to hire for hundreds more roles within corrections, many of them at our Western Plains prison but across the system as well.

Evan MULHOLLAND: Was the Attorney-General wrong to state that additional staff at Victoria Police and corrections would need to be hired as a result of the changes in this bill?

Enver ERDOGAN: I think it is fair to say that since the Premier announced these law changes, we have been expecting more people will be put into remand, which will mean greater demand on the corrections system and the youth justice system in my portfolios. We will always look to hire more staff into our system, but currently we do have a strong complement to manage the population.

Evan MULHOLLAND: How many individuals are currently on remand across the state, and what is the government's expected figure once this bill is implemented?

Enver ERDOGAN: I might just go to the box for the exact figure on that one – so the amount of people on remand?

Mr Mulholland, you will appreciate that the remand population does fluctuate from day to day. I understand it is roughly 2500 today – roughly – but it does change from day to day. The last time we looked at the data it was around 2500.

Evan MULHOLLAND: How do you see your cuts to Court Services Victoria impacting the effects of this bill, and do you foresee as a result of this bill that those cuts to Court Services Victoria might need to be reversed?

Enver ERDOGAN: I think the Premier was very clear that we will adequately resource the justice system to meet any demand that flows from these changes.

Evan MULHOLLAND: Did the government receive any advice from parliamentary counsel or the clerks about the inadvisability of inserting a slogan into the title of this legislation?

Enver ERDOGAN: No.

Evan MULHOLLAND: If this is called the 'tough bail bill', will the next instalment of the legislation be called the 'tougher bail bill' or maybe the 'tough bail bill 2'?

Enver ERDOGAN: I like the sound of that in terms of the name. But let us get back to what we are doing today. What we are doing today is responding to a real issue out in the community, of high-harm repeat offenders. We need a tough approach to that element within our community to stamp it

out and hold them to account. In terms of the name, irrespective of the name, these will be the toughest bail laws in the country.

Evan MULHOLLAND: I gather from your answer that the next bill will be the ‘toughest bail bill’ instead of just the ‘tough bail bill’. I just cannot believe how silly it is putting a political slogan into a piece of legislation. Obviously courts, in making decisions and determinations, look to legislation and look to committee stages but particularly all legislation, including the titles, in making decisions. Have you received any advice about how the name of the bill might influence a court decision?

Enver ERDOGAN: No.

Evan MULHOLLAND: The Attorney-General mentioned during the bill briefing that existing staff would have to undergo training as a consequence of this bill passing. What is the cost of that training?

Enver ERDOGAN: In terms of training for the courts, training magistrates and the courts is a matter for them. But I think the Premier has been clear: we will be adequately resourcing the justice system to meet any extra demand that is needed as a result of these laws.

Evan MULHOLLAND: Minister, I was in this Parliament when we were successful in getting a statutory two-year review into the last round of bail changes were made. What happens to the two-year statutory review that was passed with the bail changes in March 2023? Will that statutory review be done, and will it review the bail changes that have been in effect for the past year?

Enver ERDOGAN: Thank you, Mr Mulholland, for a very important question. In terms of the review in relation to those bail changes, it was initially planned for March 2026 and to be concluded within six months. In light of these further changes to the Bail Act 1977, we will do that review together, to incorporate these changes, and it will be approximately two years after – therefore March 2027 is when there will be a review of the bail changes from last year and this year.

Evan MULHOLLAND: If history is any judge, we are probably going to be back changing the bail laws twice, on my estimate at least, by 2027. So we will have the tough bail bill, the tougher bail bill, the toughest bail bill and probably an even tougher bail bill after that. Can I ask, Minister, when the text of this legislation was finalised?

Enver ERDOGAN: I might just go to the box on that one.

Mr Mulholland, without breaching cabinet confidentiality, cabinet normally meets on Monday, and this is the kind of matter that obviously could only be decided or settled through a cabinet process. Monday was when cabinet met, and that is when I guess this bill had the full support of the government.

Evan MULHOLLAND: I note that the Attorney-General refused to give a copy of the bill to the opposition prior to a scheduled briefing on Monday. Was this because the text had not been finalised?

Enver ERDOGAN: Mr Mullholland, as I have outlined to you – and I might have even pushed the boundaries here – there is a cabinet process in a cabinet-led government. That process, which was on Monday, finalised this bill to be supported and introduced to the Parliament on the next day of sitting.

Evan MULHOLLAND: Why is the so-called toughest bail test that the Premier spoke fondly of for repeat serious offenders not in this bill?

Enver ERDOGAN: I think the Premier has been very clear. I am focused on this bill, and this bill does strengthen the Bail Act. There will be a further package of reforms to strengthen the bill. In particular it will include an uplift for the offence of committing an indictable offence, and that will come in that second bill, which I believe Mr Mulholland is referring to. It is right, in terms of the second bill, that there will need to be some additional consultation, and the Attorney-General’s office will need to make sure, in line with that section, that appropriate safeguards and caveats are developed.

Evan MULHOLLAND: While I look forward to seeing that bill, I suggest you pick up my bill that I introduced in this place in March of last year, which you voted against. That might be a good starting place, and you might be able to shepherd it through cabinet pretty quickly because it is already prepared. We might not have needed to be back here. Was the decision made to put half of the reforms promised by the Premier off into the never-never? Why was the decision made to split that bill, rather than just getting the job done with one bill?

Enver ERDOGAN: I think it is important to clarify, Mr Mulholland, that the community will be a lot safer after we approve this bill and it gets royal assent. In relation to the second package – which I do not believe should be the focus today because we have already got a significant package before us that will strengthen bail – as I outlined in my answer to the previous question, in terms of an additional uplift offence of committing an indictable offence, that will come in the second bill. I am just giving that as an example of the further strengthening work to be done. I think the Attorney-General's office and the department will make sure that they are developed in such a way that there are appropriate safeguards and caveats in place to ensure proportionality, and we will consult on them. I think broader consultation is needed, because you would expect that this will have a further impact on the justice system.

Evan MULHOLLAND: You said that that will need further consultation. Does that mean that consultation was not done on this particular bill?

Enver ERDOGAN: There has been significant consultation on this bill, and I think it is important for especially the crossbench to hear this. The Attorney-General has been very forthright in having an office and a team that she has dedicated to hearing from stakeholders. In relation to the development of this bill, as one of the justice ministers, we hear regularly from Victoria Police. The Attorney-General hears from the courts, and I hear from my youth justice and corrections team but also important community partners – the Aboriginal Justice Caucus and the First Peoples' Assembly of Victoria. There has been consultation across government in the development of this bill. Obviously there is always iteration. That is a new bill. That is why I do not want the focus on the second package, as that work is still going to be undertaken. I think it is important to understand that we want to obviously consult further and also make sure that we avoid any unintended consequences.

Evan MULHOLLAND: Minister, the Premier has acknowledged that prison rates will increase as a result of this bill, as has the Attorney-General. If that is the case, why are you decommissioning Dhurringile Prison, if the bail laws are anticipated to increase prison rates?

The DEPUTY PRESIDENT: Minister, I will be interested in this.

Enver ERDOGAN: I know this an issue that the Deputy President is very interested in. I think we have sufficient capacity, both operational and physical capacity, in our adult corrections system, and what we are planning to do is to scale up in the safest way possible. That means looking at the mix. Currently our remand population is about 40 per cent of the system. Prisoner placements are important work. You need to take in a number of factors in doing that work, such as affiliation, gender, people's health conditions and their security rating, so to speak – it all needs to be worked through. We want to do that in the safest way possible for our staff. I think having that time will help staff adjust to the new demand but also to the make-up of the prison, going from roughly 40 per cent remand to a much higher remand population.

Evan MULHOLLAND: I will just go to the commencement. Part 1, clause 2, provides a default commencement date of 29 September 2025. Given this bill is so urgent that the government is ramming it through and considers it an urgent bill, why is the default commencement date more than six months away?

Enver ERDOGAN: The Premier is very clear that we are expecting these changes, these reforms, the tough bail bill, to jolt the criminal justice system across the board, not only at the back end in corrections but also in the courts, law enforcement, the police, the prosecutors and the legal fraternity.

To be frank, they will all be jolted by these changes. We need to allow them time to adjust. People have practices that they implement based on certain rules. We are effectively changing the rules to make them tougher, so we need to give them all time to adjust.

In relation to that commencement date, I want to be clear that the Attorney-General and Premier have stated our goal is to proclaim this much earlier. Some of it will be proclaimed immediately, some a bit later, but I think that is being worked on. The key is that it will be proclaimed earlier, but we need to allow everyone affected by this the time to adjust.

Evan MULHOLLAND: Given that some would be a bit later, what provisions in the bill will be the last to be made operational?

Enver ERDOGAN: The changes to schedules 1 and 2 will commence a bit after the other changes. Community safety has the highest – I was going to say ‘goal’ but more so an overarching principle. Also, remand as a last resort for children will be immediately applied. But some of the changes to schedules 1 and 2 will be commenced slightly after.

Evan MULHOLLAND: I will just take you to the bail guiding principles, referenced at part 2, clause 4 (1AA). The number one guiding principle within the current Bail Act states that:

The Parliament recognises the importance of –

- (a) maximising the safety of the community and persons affected by crime to the greatest extent possible ...

Given the extremely minor alteration this bill makes to the existing number one guiding principle, isn’t it true this change is entirely cosmetic?

Enver ERDOGAN: I would not accept that. I think this is clarifying, if you look at the purpose of the bill, which we are discussing, which is to make sure maximising community safety is the number one principle is important. It is important to have it at the beginning and also to have a bill that outlines that that is the reason for these changes. If you read the second-reading speech, I point to community safety as a paramount consideration. That is our view in terms of bail considerations, and I think this bill is all about prioritising community safety. I think to have it highlighted as a change is an improvement. It is key to sending a strong message.

Evan MULHOLLAND: Just on that same reference, has the government received any advice that this minor change would actually better guide the decision-making within the judicial system?

Enver ERDOGAN: Yes.

Evan MULHOLLAND: Minister, can a copy of that advice be published so that the Victorian public can better understand the government’s thinking?

Enver ERDOGAN: The government does not intend to waive legal privilege, so therefore I cannot provide that, Mr Mulholland.

Evan MULHOLLAND: Can the minister explain the government’s thinking?

Enver ERDOGAN: Mr Mulholland, the drafting in relation to the bill states the guiding principles which will sit now above. They are:

The Parliament recognises the overarching importance of maximising, to the greatest extent possible, the safety of the community and persons affected by crime.

It is important to add that additional layer on top which makes it the first and paramount consideration before all others. I think it does provide greater clarity for the judiciary in their decision-making.

Evan MULHOLLAND: Minister, in clause 4 (2) of the bill, why hasn’t the government prefaced those other factors by stating ‘subject to subclause 1AA’ to make it absolutely explicit that the safety of the community is a paramount factor and the other factors are subsidiary?

Enver ERDOGAN: I think those other factors are also important principles of our justice system, such as taking into account the presumption of innocence and the right to liberty, promoting fairness, transparency and consistency in bail decision-making, and promoting public understanding of bail practices and procedures. I think they are all principles that still have a role, but clearly we are saying that Parliament recognises the overarching importance of maximising, to the greatest extent possible, the safety of the community and persons affected by crime, elevating community safety and victims to the top. But those other principles are still important principles to maintain in the Bail Act, understanding that bail is there to protect the community, but in the use of these powers they are done fairly and proportionally.

Evan MULHOLLAND: Does this specific change have any cost implications for the government?

Enver ERDOGAN: In terms of the costs in this change, I think what the Premier has already discussed is that we are expecting an increase in the remand population and will see some of these repeat high-harm offenders appropriately end up in a custodial setting. So there may be a cost at that back end initially. We might see some more appearances in court potentially, but I think they are much more difficult to quantify, because some of these people are already appearing in the courts and it is just that they are obviously getting off under the current settings, which are not working. That is why we are making tougher tests to ensure that more of them are captured and put into a custodial setting.

Evan MULHOLLAND: Have you advocated or has the Attorney advocated for public service staff that might interact with these bail changes? Obviously there is going to be a lot of work that is exempt from the government's current Silver review, given the increased capacity and pressure that is going to be on the justice system.

Enver ERDOGAN: I know the Silver review is outside the remit of this committee stage, but what I will say is I think the Treasurer has been very clear that the goal of that is not to focus on frontline services. But in relation to this bill, the Premier has been clear that we will adequately support the implementation of this bill. It is always difficult to assess demand before legislation goes through Parliament and is applied through the courts, but it is clear that we will see more people end up in custody as remandees.

Evan MULHOLLAND: Just on clause 8, new section 30B, 'Offence to commit indictable offence while on bail', the bill reinstates the offence of committing an indictable offence whilst on bail. Why does it have no impact on raising the test for bail?

Enver ERDOGAN: Mr Mulholland, if you are referring to the double uplift that existed in the 2018 legislation, we have no intention to return there. We did see a disproportionate impact on people that were effectively committing low-level offences and quite tragic consequences of those reforms. So we have no intention, not in this bill nor in any subsequent bill, to return the double uplift that previously existed, which I understand that the opposition is proposing.

Evan MULHOLLAND: I think you might be a bit confused. The government has said that it will propose this in the second tranche previously, to reinstate the offence of committing an indictable offence whilst on bail in terms of the raising of the tests. This is not doubling up; this is the raising of the test.

Enver ERDOGAN: I was just clarifying that. We are not confused. We are uplifting the compelling reasons in the second tranche, so it will not be going to exceptional reasons but to compelling reasons. In the past when there was that double uplift it was going up to the exceptional circumstances test, which is a much tougher test. We are not going to be returning there, but in the second tranche we are going to be uplifting to compelling reasons.

Evan MULHOLLAND: Why is this new offence not a schedule 2 offence, as it was before Labor abolished it?

Enver ERDOGAN: It is because of the disproportionate impact we saw with the previous bail act, in that iteration, and that is why we do not intend to return to that position.

Evan MULHOLLAND: The justice system is used to applying an uplifted bail test when a person commits an indictable offence whilst on bail, so why is the government delaying the implementation of this as a consequence?

Enver ERDOGAN: In terms of the implementation and the second tranche of it, I have previously answered this. There is an element of making sure that we have appropriate guardrails, safeguards and caveats in place to make sure it is proportionally applied and drafted, but also safely implemented. We are even with this bail bill expecting an increase in the remand population and in custodial settings. Across the criminal justice system it will mean a different level of workload to ensure that we space it out and give the staff that work in our criminal justice system the time to adjust and plan to have the right mix. As I said, in our custodial settings at the moment we have about 40 per cent remandees. We are expecting that to significantly increase as a proportion. There are a lot of decisions to be made about the placement and treatment of people as they enter the system to make sure it is done as safely as possible.

Evan MULHOLLAND: You voted against this uplift in our amendment – our bill. Why aren't you doing the uplift as part of this bill? Why wait?

Enver ERDOGAN: The Premier is committed to uplifting the offence of committing an indictable offence on bail, but that will be in the second bill. I want to be as clear as possible. The Attorney-General's office and department will need time to make sure appropriate safeguards and caveats are developed and to ensure that that uplift is proportional. They commit to undertaking significant consultation as part of the second package.

Evan MULHOLLAND: I will just refer you to the schedule offences, part 2, clause 12. Why has robbery not been listed as an offence under this section?

Enver ERDOGAN: Mr Mulholland, we are elevating armed robbery, aggravated burglary, home invasions and carjackings to the toughest test. It is important to state that these are the offences that we have seen, and the crime statistics tell us, have the most significant growth, and it is important that our bill is targeted to those offences.

Evan MULHOLLAND: Robbery has not been listed as an offence and, from my understanding, neither has burglary. Would I be correct that it is only armed robbery and armed burglary that would be considered offences?

Enver ERDOGAN: That is right, Mr Mulholland.

Evan MULHOLLAND: Minister, we obviously saw the crime stats today, and I can only look to our community in, say, the City of Hume where theft from a motor vehicle is up 57 per cent. Would this be classified in the schedule of offences, given that it is not necessarily armed?

Enver ERDOGAN: If it co-occurred with an aggravated burglary, it would fall straightaway into the highest bail test, where people will need to prove exceptional circumstances to be granted bail, but theft alone would not qualify.

Evan MULHOLLAND: Just to confirm again: theft from a motor vehicle which is not aggravated would not result in an offence under this schedule?

Enver ERDOGAN: Yes.

Evan MULHOLLAND: Wow. Minister, isn't it correct that by not including robbery and burglary as schedule 2 offences, the presumption of bail still exists for these offences?

Enver ERDOGAN: Can you just repeat that question?

Evan MULHOLLAND: Minister, isn't it correct that by not including robbery and burglary as schedule 2 offences, the presumption of bail still exists for these offences?

Enver ERDOGAN: Theft of a motor vehicle co-occurring with dangerous conduct is going to be in schedule 2 – that means if they steal a car and go on a dangerous drive, so to speak. But more broadly, you are correct that they will not be at schedule 1 or 2, as standalone.

Evan MULHOLLAND: Does the government not consider burglary and robbery serious?

Enver ERDOGAN: I think they are very serious offences, but at the same time we are seeing that the highest level of harm is being caused with the aggravated nature of burglaries and armed robberies. We have heard too many harrowing stories of home invasions and carjackings where people are directly involved, where the person is directly affected and it is quite traumatic. What we have tried to focus on, in having a really targeted bill here, is at that really high level of harm. Those other offences you are talking about are very serious, and they are concerning to our community – I know, because many of my constituents tell me about the big effect they have had on them, but clearly this bill is targeted at the highest level. That is why it is the armed robbery, aggravated burglary, carjacking and home invasion, of which we have seen way too many in our state.

Evan MULHOLLAND: Minister, you admit that it is a concern for your community. I get the same constituents contacting me about this in our community. We have seen, as I said, a 57 per cent increase in theft from a motor vehicle in our community, which is having a big impact on people. Yes, I agree: obviously the aggravated thefts, robberies and home invasions are having a big impact on people as well, but no less serious are other thefts, robberies and burglaries. Why is the government opposed to making bail applicants satisfy the show-compelling-reason test for robbery and burglary offences?

Enver ERDOGAN: We are adding a number of crimes to schedule 2 in particular, one of which is related to the theft of a motor vehicle – that is, those certain car theft related offences linked to dangerous driving, where we see there is, again, a big potential for causing not only great harm to others on the road but also harm to themselves. That is what we are targeting here; that is why that is in schedule 2. This bill is also about targeting repeat offenders, and that statistic is quite scary, the statistic on the growth in motor vehicle thefts we have seen of late. That is why this bill and in particular the second bill will have a strong effect on those people that repeatedly offend.

Evan MULHOLLAND: So by not adding robbery and burglary to those schedule 2 offences, is the government not concerned about the number of robberies and burglaries?

Enver ERDOGAN: Mr Mulholland, we are concerned. We are concerned with what we are seeing, and that is why we are focused on making sure that aggravated burglaries, home invasions, carjackings and armed robberies face the highest tariff, but also in schedule 2, that car thefts which are linked to other forms of dangerous driving are on schedule 2. That means that they will have the compelling test straightaway, but if people keep repeatedly offending, there will be consequences. There will be opportunities to raise those offences to compelling reasons, but with the greater focus on community safety our goal is that when people deliberately breach the rules and breach their bail conditions, they will be held to account, and we are providing the courts with the tools to be able to implement that.

Evan MULHOLLAND: So you are concerned, just not concerned enough to add them to the schedule 2 offences. I will go to the changes to the Summary Offences Act 1966, reference part (3), clause 14(2). New section 49F(2) goes into conduct conditions of bail undertakings. The existing Bail Act outlines one conduct condition – namely, that the accused not consume alcohol or use a drug of dependence within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 without lawful authorisation. Is contravention of this condition an offence under the new section, or is it exempt?

Enver ERDOGAN: Mr Mulholland, I might kindly ask for you to just repeat that question.

Evan MULHOLLAND: No worries. I am sure all in this chamber would be interested in me repeating it. New section 49F(2) goes into conduct conditions of bail undertakings. The existing Bail Act outlines a conduct condition – namely, that the accused not consume alcohol or use a drug of dependence within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 without lawful authorisation. Is contravention of this condition an offence under the new section, or is it exempt?

Enver ERDOGAN: My understanding is that the only exemption to the offence of breach of bail is if a person fails to attend bail support services. I will refer you to clause 14 and new section 49F(2).

Evan MULHOLLAND: Can the minister provide a full list of bail support services which are exempt from this new offence of contravening certain conduct conditions of bail undertakings?

Enver ERDOGAN: There are many bail services, but I do not have on hand a comprehensive list. When people are on bail, there could be orders in relation to alcohol and drug treatment, there could be orders in terms of mental health and there are many, many service providers. I do not have at hand a comprehensive list to provide unfortunately.

Evan MULHOLLAND: The offence of breaching bail conditions used to result in an uplifted test for remaining on bail. Why has the government reintroduced the offence but without consequences?

Enver ERDOGAN: I strongly reject your characterisation of what we have done. It is a summary offence like it was before, and people face an additional potential three months imprisonment for a breach of that nature.

Evan MULHOLLAND: Isn't this an example of how the government's claim that these are the toughest bail laws in the country is not correct? This provision is not even as tough as the bail laws that existed 12 months ago.

Enver ERDOGAN: I was waiting for this question. I think that the Shadow Attorney-General may have been confused when he stated that these offences were previously indictable offences. They never were; they were summary offences, which can have consequences of up to three months imprisonment. Therefore we would say this is returning it back to what it was. This is consistent with what existed previously.

Evan MULHOLLAND: Just for reference, in part 3, clause 14, new section 49F(3) exempts children from this new offence using the definition of 'child' from the Children, Youth and Families Act 2005, which places the age of a child as above 10 and under 18. Why have children between these ages been exempt when we know that youth offenders are driving a significant portion of the crime wave?

Enver ERDOGAN: What we are doing with this bill is improving community safety, and we are reintroducing the offence of breach of bail conditions as it was in 2018. It has never applied before to children, for a whole range of reasons. Our government does understand that youth offending is an issue, and that is why as Minister for Youth Justice I will share that in late April we will have electronic monitoring to be able to supervise young people and provide the wraparound support to address their offending behaviour in a more comprehensive fashion whilst they are out on bail. But I think it is appropriate that we go back to what the rules were in 2018 and the settings in relation to this provision.

What I will say is that we are holding young people to account, and it is about being proportionate. The Bail Act has a separate section, section 3B, which focuses on the application to children, of which I have joint coverage with the Attorney-General, and I think we understand the need for a nuanced approach for people so young.

Evan MULHOLLAND: Minister, why do people under 18 face no criminal sanction for breaching bail conditions? Doesn't it send the wrong message that a 17-year-old can repeatedly breach conditions of bail and not commit an offence at all?

Enver ERDOGAN: I think it is important to understand that young people's response to some of these measures will be quite different to that of adults. That is why I said the Bail Act, in terms of committing an indictable offence on bail, will capture the conduct that the community is concerned about. It depends on what offences they commit whilst on bail. If it is the carjacking and aggravated burglary that we are seeing, then they will face a higher test, an exceptional circumstances test. But for the lower level offending, or breaches so to speak – and a breach could mean, in some instances, turning up late to appointments – we feel for young people in particular that would be a disproportionate response.

Evan MULHOLLAND: The last question for now – I do not have a clause to refer to, but in reintroducing the offence of breaching bail conditions, why have you ultimately decided to weaken it, given contravention will not result in the offender facing a stronger bail test?

Enver ERDOGAN: Just for clarity, as I stated earlier, we are not going back to a situation where there will be an uplift on these types of offences, but people do face the consequences of an additional charge, the summary offence charge, which does mean the potential for an additional three months imprisonment.

Katherine COPSEY: Minister, I am asking my first question on this bill on behalf of Aunty Donna Nelson, the mother of the late Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, who tragically and unnecessarily lost her life in police custody as a result of Victoria's previous bail laws. Aunty Donna asks:

Many of your current ministry looked into my eyes and apologised for the circumstances that led to my daughter's death, and promised never again. You have now said that the reforms implemented in response to the coronial inquest into her passing were a mistake. Would my daughter have been granted bail under the proposed amendments?

Enver ERDOGAN: My thoughts are with Aunty Donna. The previous Attorney-General, not I, had the opportunity to meet Aunty Donna in Shepparton, where she discussed what happened. We here were able to reflect on what had occurred to Veronica. I think it is important to delineate this bill from the bail settings of 2018, and I think Mr Mulholland asked me a question that prompted a response about the fact that it is not our intention to have a double uplift, which applied to Veronica at that time, about bail decisions. They would still be decisions of the court. But in Veronica's situation, we will not have the double uplift that she was subjected to in this legislation. The sole focus of this legislation is on improving community safety, in particular in relation to those offences we are seeing causing significant harm to Victorians.

Anasina GRAY-BARBERIO: Minister, my next question is also from Aunty Donna Nelson, the mother of the late Veronica Nelson, who would have been celebrating her daughter's 43rd birthday this week. She asks:

How are we meant to trust in your government when I sat opposite so many of the Ministers here today, while your crocodile tears fell, to have you turn around and walk back the necessary reforms that would have saved my daughter's life?

Enver ERDOGAN: Ms Gray-Barberio, with all due respect, I refer you to my answer to Ms Copsey's question. We are not returning back to the double uplift that existed in 2018. This bill is focused on the high-level repeat offending we are seeing. The offending that we have introduced and elevated to schedule 1 is a good example of those types of offending where we are seeing significant growth. In terms of ministers, I know that the previous Attorney-General was quite sincere in the fact that we are never going to return to that situation, and Premier Allan has reconfirmed that commitment.

Georgie PURCELL: Minister, I have some questions in relation to the guiding principles and community safety. We have heard from Aboriginal community controlled organisations who fought hard for the 2023 bail reforms, who now feel like the government is turning its back on them. How

can the government possibly square this bail approach with its commitment to a treaty for Victoria and self-determination for Aboriginal peoples?

Enver ERDOGAN: I think our government is committed to improving community safety across the board for all Victorians. In my previous portfolio I was the Minister for Victim Support, and Aboriginal people are disproportionately victims of crime themselves. This is about protecting all Victorians, including Aboriginal Victorians. But where people enter into the criminal justice system – and we want to keep as many Aboriginal people out of the criminal justice system as possible – we will work together with our Aboriginal partners to ensure we have the safest possible systems. In my portfolio, in corrections, we have had a longstanding agreement and partnership with the Aboriginal Justice Caucus, who provide us with guidance and also lead many of the improvements for Aboriginal people in the system. Of course we do not want to see more Aboriginal people in custodial settings, but where people do make contact with the criminal justice system it is important that we provide support. As I said, in my portfolios we have Aboriginal wellbeing officers, we have an Aboriginal healing place and in the women's system we have improvements for Aboriginal places, but that is not the place where Aboriginal people need to be. I think many of those commitments that governments have made are outside the criminal justice system, and they start at the beginning with early childhood and go all the way through the education system and across health and many other portfolios where the government has a commitment and will continue to work with Aboriginal people and move towards self-determination.

Georgie PURCELL: Just to follow up to that question, just to clarify, does the government believe that these reforms are compatible with their commitment to treaty?

Enver ERDOGAN: Our government is committed to community safety and is committed to treaty, and they go hand in hand. Aboriginal people are disproportionately victims of crime, and that needs to end.

Georgie PURCELL: Minister, the Premier has stated that the safety of women and children is part of the reason for these amendments, but for Aboriginal women and children, prisons are inherently dangerous places, as you have just acknowledged yourself, where hundreds of Aboriginal people have died in police and prison custody. What actions will the government take to ensure these changes do not lead to more Aboriginal deaths in custody or put Aboriginal people in harm's way in police and prison cells?

Enver ERDOGAN: Definitely that is a focus of the work we are doing. I can probably reflect more on the work within the corrections space than the police, as the Minister for Corrections. We are focused on a more culturally safe system, not only for Aboriginal people but for all prisoners. In particular a specific focus has been on the historical disadvantage and historical over-representation of Aboriginal people, which still continues today. Within the correctional setting we have invested in Aboriginal wellbeing officers and appropriately cultural spaces at all our facilities, which we are working on together with the Aboriginal Justice Caucus. We have Aboriginal-led programs that we are working on, and we are even working on additional programs in this space. But obviously the real goal should be, and I think this is a goal of our community and of our government, less Aboriginal people in custody and less Aboriginal people coming into contact with the criminal justice system in the first place. Custody is at the end of the road. But in my system we are focused on working with our Aboriginal partners to make all our facilities as culturally safe as possible.

Georgie PURCELL: Just to follow up to that, again to clarify, I understand that the government is undertaking work in this space already, which you have just listed off, but what action will the government take in relation to these reforms that have been proven to disproportionately impact Aboriginal and Torres Strait Islander people?

Enver ERDOGAN: I think the Premier has been clear. We will make sure that there is support and in particular that these systems are adequately resourced. I think that is the commitment we give.

In Victoria I have been proud to talk about the relatively lower incarceration rates of Aboriginal people in our youth justice system compared to any other jurisdiction for Aboriginal young people, for example, and in the adult system as well. Obviously there is always more work to be done, but I think the Premier has given a commitment to adequately resource these systems so that we can make sure that we can support everyone that enters into our system.

Georgie PURCELL: I just want to be really clear, and I am genuinely not trying to be difficult: has the Premier made a commitment to adequately resource in relation to these reforms or do you believe the Premier will?

Enver ERDOGAN: The Premier has made a commitment to support our systems and to scale up as required, and part of that is making sure that the supports that we have in custody are available to support the new people that will enter our system.

Anasina GRAY-BARBERIO: Minister, you spoke earlier about consulting with Aboriginal community partners. Can you please expand on which Aboriginal community partners you have consulted with for this bill?

Enver ERDOGAN: The community safety review was led by the Attorney-General's office and also the Minister for Police's office. I will get some clarification, but I know the Aboriginal Justice Caucus reached out. I know that the Premier met with the First Peoples' Assembly. I understand that the Victorian Aboriginal Legal Service met with the Attorney-General. I will see if there are any others to add to the list.

Thank you for waiting, Ms Gray-Barberio. I can confirm those three.

Katherine COPSEY: Thank you, Minister, for your earlier response regarding Veronica's situation. In response to that question, you referred to and relied on the fact that the government is not reinstituting double uplift. However, getting rid of bail offences was an explicit recommendation of the coronial inquest into the death of Veronica Nelson. I would like clarity on reintroducing bail offences through this bill. How do you reconcile that with the recommendations? Do you intend to go against the recommendations of the coronial inquest?

Enver ERDOGAN: The bill is focused on improving community safety, and it is clear that the current settings are not working. The crime statistics were out today. What we have is a situation in the youth space, because obviously I pay close attention to it as the Minister for Youth Justice, where we have a declining number of children committing offences. That is a positive outcome. That is because of the work we have done in early intervention, diversion and the work we have done throughout different systems of government, whether that be in early childhood education through to the education system through to the health system. But with a decrease in the amount of young people committing criminal offences we are seeing an increase in the amount of offences. We have got a smaller cohort of high-level offenders – well, high-level offending from a smaller cohort of young people. This bill is focused on that cohort. It is about making sure if you are doing repeat, high-level harm and offending, you will be captured by this legislation and face a tougher test when you apply for bail. I think Victorians expect us to do that. The Bail Act is designed to focus on balancing those rights between community safety and, obviously, the right to the presumption of innocence. That is why we have a bail act, and that is what we are trying to achieve today. It is not about targeting the low-level offenders; it is the people that are doing the carjackings and the aggravated burglaries et cetera.

Katherine COPSEY: Thank you, Minister, but forgive me: the changes you are instituting are not just targeted at 300 young people – who, by the way, deserve to have their rights respected in our criminal justice system as well. These bail offences will apply to Victorians across the state. How on earth can you claim that reinstituting sweeping bail offences that we know have contributed to deaths in custody is a targeted response?

Enver ERDOGAN: Ms Copsey, with all due respect I point to the additional schedule 1 and 2 offences that we have listed. We have been explicit on which type of offending we are focusing on, but overarching is the focus on community safety in terms of the principles that are needed. It will capture many more people, and some appropriately so, because I think the community to an extent has seen that people are getting bailed and repeatedly offending, and that is causing quite considerable harm in our communities. As the government for all Victorians, we have a responsibility to act.

Katherine COPSEY: With respect, I asked specifically about bail offences in that question. You did not touch it. Can you please respond? How is reinstituting sweeping bail offences – committing an indictable offence while on bail and contravening bail conditions, which apply across the board, not just to 300 people – a targeted response?

Enver ERDOGAN: The Premier and the Attorney-General have assured us that in terms of the work for the second package we will make a focus on ensuring that the low-level offenders are not captured and that there are appropriate safeguards so vulnerable cohorts are protected. These reforms are focused on broader community safety, but in particular those schedule 1 and 2 offences.

Katherine COPSEY: You are going to have to excuse my memory, because crim law was a long time ago for me, but theft is a schedule 2 offence, is it not?

Enver ERDOGAN: No, it is not.

Katherine COPSEY: I will revise my question. Is theft an indictable offence?

Enver ERDOGAN: Yes, it is an indictable offence.

Katherine COPSEY: If I recall correctly the circumstances of Veronica's case, it was a result of theft as an indictable offence while on bail that saw Veronica locked up in custody, and that was what contributed to her death. Please can you answer the question that I asked originally about whether the provisions that you are enacting in this bill would lead someone who is in Veronica's circumstances to be locked up?

Enver ERDOGAN: I think community safety is the overarching obligation of bail. I do not want to relitigate that case in particular, because there were many errors in relation to Veronica's death. Some were failings in the custodial settings, not just in the court process or the law enforcement process. There were many errors that contributed to her death. In terms of a scenario where someone commits theft a number of times, they will be potentially pushed to a higher test, the compelling reasons test, but I might just get some more clarification about the specifics of your question.

Just to clarify, in Veronica's situation she faced a double uplift, which meant that she was subject to the exceptional circumstances test. In this legislation we are not returning to that. What we are returning to is the potential for someone to go to the compelling reasons test, the lower test, if they repeat. I will add that under section 3A of the Bail Act, which you would be familiar with, there are considerations for Aboriginal people. We expanded them in 2023, and we are not going back on that.

Katherine COPSEY: Thank you, Minister, for providing that clarity. Minister, can you please define for me 'community safety'?

Enver ERDOGAN: It is not defined in the act, but you would appreciate, I think, that it is people's welfare in their homes and in the broader community. It is their physical and mental wellbeing in our society. Community safety, especially in light of the legislation before us, is their sense of welfare in their own homes in particular and when they are out in public and when they are out in the community. That is the way I would envisage community safety.

Katherine COPSEY: How will adding community safety as an overarching guiding principle influence bail decision makers when deciding whether to grant or refuse bail, in practice?

Enver ERDOGAN: I think in practice the expected outcome is that greater weight would be given to the potential of the alleged offender and if there were risks to the broader community if they were released back into the community. I would say there would be a greater weight on the likelihood of that person offending whilst out on bail. That is what I would expect would be the outcome. If that was interpreted in that manner, then what we would see is more people remanded as a result, because greater weight would be placed on the potential impacts on the broader community and not on the impact on the alleged offender.

Katherine COPSEY: Minister, is it the government's intention that this overarching principle also guide police decision-making, and if so, how?

Enver ERDOGAN: Yes, it will guide police. I might go to the box in relation to how.

Yes, I think the police will apply that. On how they will apply that, I think there is always an operational aspect, and I guess they will update their guidelines. But I think it is fair to say, in light of the new laws, that police may seek to remand more people. Law enforcement do have a lot of discretionary powers, and they may seek to remand more people based on the new laws, under which they have a greater prospect of succeeding.

Katherine COPSEY: Minister, with the amendment to the guiding principles and the emphasis on community safety, can the government confirm that this amendment is not intended to affect the operation and consideration of section 3A of the Bail Act by bail decision makers? Section 3A sets out mandatory considerations to be taken into account that arise due to a person's Aboriginality. Can you confirm that the overarching principle does not affect bail decision makers' consideration of section 3A requirements?

Enver ERDOGAN: I think the overarching principles apply to the whole act, but section 3A will still have operation and those considerations will still be a factor in decision-making. In terms of the overarching principles, they apply throughout the act, including to children.

Katherine COPSEY: So despite those considerations being mandatory and set out in law, you intend for those considerations to be changed by the change in emphasis that the government is introducing with the overarching community safety focus?

Enver ERDOGAN: I think the intent is that they apply the same way they do now. The bill obviously has an overarching principle that has been elevated, but in terms of the way those provisions work, whether it be section 3A or 3B, they interact with other sections of the act as they do now. But yes, there is a greater weight overall to community safety in the bill.

Rachel PAYNE: Minister, the Victorian government's policing budget has almost doubled from \$2.4 billion to \$4.2 billion over the last decade, and the number of uniformed police officers has increased from 13,000 to 16,000, yet the government tells us that we are in the midst of a crisis of crime. How can the government justify this increase in spending when it is clear that locking people up and additional police are not an effective response to community safety?

Enver ERDOGAN: Victoria Police play an important role in keeping our community safe. They have made record amounts of arrests, and I think their role has been key in protecting our community, so I want to thank Victoria Police for the work they do. We do not apologise for investing in Victoria Police and will continue to do so. But in terms of broader community safety, police also play a role as a deterrent of crime. We see that in communities, and that is why as members of Parliament we always get requests for a more visible presence of police. There is definitely a major role for frontline community safety initiatives being led by police, and we make no apologies for those investments.

Georgie PURCELL: Minister, there are a few questions in this one, so I will go through them. They are all related. In a very tight fiscal environment, where is the evidence that spending on police is effective to reduce crime? Minister Carbine is quoted as saying that VicPol is being resourced to provide programs that address the root causes of offending. What are these programs and what

evaluation has been undertaken of these programs? If there is no evaluation, on what basis has the government made the decision to defund community crime programs while continuing to increase resourcing for police?

Enver ERDOGAN: The government does invest in a range of diversionary programs in a number of portfolios that are focused on a mix of targeted services in terms of alternative education pathways, skills and programs. Police do play an important role in the criminal justice system. There is a youth crime prevention early intervention program that has been very successful, but we do have other services as well. There is the youth support service for Aboriginal young people, with 1200 people having had access to that. We have got close to 500 people getting youth justice community support. I talked about, during question time, multisystemic therapy; that is more of a youth justice program that assists over 70 families. But there is a lot of work being done together with police.

We do want to address the root causes of crime, and some of that work is crime prevention and diverting young people away from the criminal justice system in the first place. There has been quite a bit of publicity about the role that police play in educating people and giving them cautions and the success that has had. I must admit some people have been critical of it, but it has been a success in keeping young people out of the criminal justice system. Usually police are the first point of call when there is an incident in our community, and we need to respect the role they play there. They do play a role in enforcing the laws, but they have a lot of discretionary power to encourage positive behaviours in young people, and we see that every day. The cautions program is an example of the good work that police have done in diverting young people away from a greater interaction with the criminal justice system. We do not want to see young people interact with the criminal justice system. That is why we have a number of programs and continue to invest in youth crime prevention but also youth offending early intervention programs across government, and we will continue to do that work.

Georgie PURCELL: You listed some of the programs. Just following up on the question – and I understand there were a few in my own question – has an evaluation been undertaken of these programs and their effectiveness?

Enver ERDOGAN: Many of the programs we engage in are evaluated, and they are quite successful. Recently I did a bit of an audit of some of the youth justice programs in my portfolio, and we found them very effective for the young people they could reach in terms of addressing some of the behavioural issues and providing support not only to them but to their families. We know when young people display offending behaviour, there is usually an underlying cause, and we are strongly committed to resolving those underlying issues and supporting young people through that process. But police are part of that, and especially the crime prevention initiatives that are led by police. There is of course more work to be done in this space, and we will continue to work with partners to do that work.

Georgie PURCELL: Just to follow up on the programs, obviously there has been a big focus throughout this debate and in the committee process on youth, and they are the programs you have listed, but this bill also impacts and poses risks to adults. What programs are there for adults?

Enver ERDOGAN: Yes, that is right. I think a lot of the focus is on young people, but there are programs tailored to adults as well in crime prevention. There are also a lot of programs that are not directly criminal – alcohol and drug programs or mental health programs – that support people out in the community. What we find is that a lot of people who come into contact with the criminal justice system do have these underlying issues, and we see it through the admissions to corrections when we do an initial assessment of people. We find very high levels of mental health illness and psychological issues. We will see very poor health outcomes in people that enter the corrections system. Work is being done across the board, in health, education and many different portfolios of government that do target both adults and young people. We will continue to do that work and make those investments.

But in terms of the police's role, I want to be clear that it is not 'and/or'. I think it is important that we continue to do both – support law enforcement to arrest and hold to account people causing high levels

of harm, and at the same time try to address the offending behaviour in the community and make sure that people get the support they need and we can address those needs before those issues escalate to high levels of harm.

Georgie PURCELL: The government has also said that these laws are targeted, but targeted laws would only address instances of people being bailed for serious violent offending. The government knows that reintroducing bail offences will sweep up people accused of low-level offending, which is why the Premier has publicly stated that remand numbers will significantly rise. I note that you have also said the same throughout this committee process. Given the inclusion of nonviolent offences that do not endanger community safety, can the government explain what the purpose of reintroducing these broad bail offences is?

Enver ERDOGAN: I would say that the bill before us today is squarely focused on targeting the high-harm repeat offences that evidence shows people are committing whilst on bail. The community expects us to do this work, because people are repeatedly causing harm. We especially see this with aggravated burglaries and in particular carjacking offences. A very high proportion of those repeat offenders are actually committing offences whilst on bail. That is why there is an elevation for them. But I also think many people need to understand that if you are granted bail, you need to comply with the rules, and there needs to be consequences, even for others. Bail is not just something people should take for granted. They should comply with those rules whilst the initial charge goes through the criminal justice system. Our expectation is that people will follow the rules that the courts have given them. It is an important factor for maintaining confidence in the criminal justice system.

Katherine COPSEY: Minister, sweeping up people accused of low-level offending who do not pose a risk to community safety with the bail offences will unnecessarily clog up courts, doing the exact opposite of keeping the community safe. Courts will not be able to finalise matters quickly, and as has occurred previously, many people will again be released after time served with no rehabilitative program provided and no supervision going back into the community. There is substantial evidence indicating the criminogenic nature of periods on remand. What evidence does the government have that bringing back bail offences is going to have any positive benefit for community safety? Evidence please, Minister.

Enver ERDOGAN: To that I would say that there is evidence that people are getting bail and reoffending out in the community. As I said in response to the previous question, a high number of people that are committing these offences, such as carjackings and aggravated burglaries, are in fact on bail. Sometimes 30, 40 per cent of these offences are being committed by people on bail. What I would say is that the community needs to be kept safe, and for these people to stop repeating their offending they need to be placed in a remand centre so that the community is kept safe from them.

Katherine COPSEY: You have restated the problem, but you have not provided any of the evidence that I asked for. I will ask you again: what evidence is there that sweeping people up on bail offences and warehousing them in jail avoids the criminogenic effect of that? Isn't that going to supercharge reoffending, not address it?

Enver ERDOGAN: I need to make it clear that if you are charged with a bail offence and found guilty, there are consequences, but that does not necessarily mean you will be placed into remand. People are at times found guilty of breaching their bail conditions but are granted bail again. Not every person that breaches their bail conditions will be automatically remanded. But in terms of access to programs whilst people are placed in custody or on remand, in youth justice one of the changes that I was proud to make to the Youth Justice Act 2024 last year was that criminogenic programs will be available to all young people upon entry into custodial settings. It is quite common, especially for the younger cohort, to be sentenced effectively to time served, so they are back out. In our youth justice system I am proud to say at both our Parkville and our Cherry Creek facilities our young people have access to criminogenic programs to address their underlying issues. Many of those issues are issues that are going undiagnosed out in the community, and it is the same for people in the adult system.

People are coming into our system with major health issues that are not being addressed in the community. Help may theoretically be available in the community but the first time they get attention or assessment is when they enter into our system. For many people it is a break from that cycle that they are facing out in the community. Not for all – I am not going to pretend that that is for all – but we have seen, especially in the youth justice system, examples of where this break has been crucial to addressing the underlying behaviours in young people. In the youth justice system you have access to criminogenic programs from day one effectively. Once they are in, they get assessed and they get access to programs and support. In the adult system it is a bit different, but people are assessed. The goal is to keep people out of the criminal justice system at the front end before they address their behaviours out in the community. Many people have theoretical support in the community but they might not necessarily take that opportunity, especially the younger cohort, so when they enter into our system it is the first time they get some of these issues addressed.

Anasina GRAY-BARBERIO: Minister, Australia has endorsed the United Nations Declaration on the Rights of Indigenous Peoples. Victoria has an obligation under this United Nations declaration to consult and cooperate in good faith with Aboriginal people to obtain their free, prior and informed consent before adopting laws and policies which impact them. Why is this government flagrantly ignoring Aboriginal people's United Nations Declaration on the Rights of Indigenous Peoples right to free, prior and informed consent in adopting this bill?

Enver ERDOGAN: I think I have been clear a number of times that this bill is about protecting the whole community, including Aboriginal Victorians. Aboriginal people are 2½ times more likely to be victims of crime than the broader community. In terms of protections for all Victorians, irrespective of their background, that is what this bill is focused on, ensuring that people that commit high-level repeat offending are held to account. I think we will continue to work with the Aboriginal community. We have a commitment to treaty – the first jurisdiction in the nation to do that work. We have a commitment to self-determination for Aboriginal people. Obviously as part of that partnership it does mean we do consult with the Aboriginal community. But that does not necessarily mean we always agree with their views, because ultimately we have a broader responsibility to all Victorians, and that is what we are doing today.

Anasina GRAY-BARBERIO: The *Yoorrook for Justice* report made specific, detailed and reasonable recommendations to amend the Bail Act 1977 to reduce Aboriginal people's contact with the criminal legal system and protect Aboriginal people's lives. Why is your government ignoring the recommendations of Australia's first truth-telling commission and passing laws that will make this state more dangerous for Aboriginal people?

Enver ERDOGAN: I just want to take this opportunity to thank the Yoorrook Justice Commission for their report into the criminal justice system. I think many of the recommendations they made made improvements across the board, and some we are seeing are benefiting all people in the criminal justice system. One of the recommendations made was around making phone calls cheaper in custody. I know it was not just Yoorrook that was saying that; a number of people in this chamber were strong advocates for that push. That was something that came out of Yoorrook that we have been able to implement, but obviously there are others in areas for the Attorney-General and police. Following Yoorrook, we did make changes to section 3A considerations, expanding them in line with what Yoorrook had suggested or based on the findings of Yoorrook. We are focused on community safety, and this is a bill to cover all Victorians.

Georgie PURCELL: Minister, I just want to pick up some questions in relation to Yoorrook as well. The now Treasurer but then Attorney-General stated to the Yoorrook Justice Commission that:

It is an unacceptable reality that the number of Aboriginal people charged by police, held on remand, sentenced to custodial settings, and not released on parole, has steadily increased.

How is this bill, which will worsen this unacceptable reality, compatible with what the government learned at the Yoorrook Justice Commission?

Enver ERDOGAN: I think the Yoorrook process did acknowledge the fact that Aboriginal people find themselves disproportionately in contact with the criminal justice system and then, as a consequence, in custodial settings, but it also was quite informative for the fact that Aboriginal people come into contact with the criminal justice system because of the impact that colonisation has had on Aboriginal people and the disadvantage they find themselves at in our society. It is an issue that I always face because obviously corrections is at the end of the cycle; it is once everyone has gone through and all the other systems have failed. I think it is difficult to say that these issues about contact with the criminal justice system and law enforcement and then ultimately who is in custody are issues that need to be addressed before people display their offending behaviour. If people create a high level of harm in the community, there are going to be consequences. That is what this bill is really about. It is about recognising that there are a group of people that are creating significant harm to Victorians, irrespective of their background, and there need to be consequences to meet community expectations.

Georgie PURCELL: Minister, I am just not totally sure what you mean by that response. The question is how is it compatible with what was heard at the Yoorrook Justice Commission? If it is not compatible, does the government disagree with what the former AG said?

Enver ERDOGAN: I think you would need to ask the former Attorney-General about that. I do not want to reflect on her comments. I think it is clear that Aboriginal people are over-represented in the criminal justice system. Why are they over-represented in the criminal justice system? There may be many reasons, one of which, Aboriginal stakeholders say, is the way the discretionary powers within the justice system operate. That is one reason that Aboriginal people say, but I also believe it is because of the position that Aboriginal people find themselves in in our community. That is the impact of colonisation and the disadvantage that we see in Aboriginal communities. I think the policies that have been implemented over 200 years are not going to be fixed with a single piece of legislation. This legislation is for all Victorians, and it is about community safety. That is the goal today. The goal is to make sure that we have settings that appropriately respond to high levels of harm caused. That is why I focus on particularly the schedule 1 and 2 additions we have made. They are the offences we are seeing and the statistics show are increasing in large numbers. We are talking about some of these offences increasing 500 to 600 per cent over the last 10 years, and the community, to be frank, has had enough. They are expecting governments to respond, and that is what we are doing.

Anasina GRAY-BARBERIO: Minister, just speaking about colonisation, how is this bill balancing Aboriginal safety and over-representation in the justice system and the colonial agenda that this bill is pursuing?

Enver ERDOGAN: I think this bill is focused on balancing the right of any accused to the presumption of innocence with the community harm risk. That is what bail legislation is about, fundamentally; it is about balancing those. For some offences there is a high test to be granted bail, but that does not mean you will not get bail. Some high-level offenders do get bail, but the point is that it is about where you put the settings. What we are saying is for certain offences you should be compelled, or sometimes there should be exceptional circumstances, and there should be a high test, because the level of potential harm to the broader community outweighs the potential detriment to that individual. I think that is what it is about, putting the community interest more. It is about rebalancing it. As the Premier said, it is just factual that the current settings are not working. We are seeing in our communities that the balance is not fair at the moment, in terms of the outcomes. We are seeing people committing high-level-harm offences, effectively being continually bailed. It is just not good enough, and we are going to have to balance that out. That affects all Victorians, including Aboriginal Victorians.

Anasina GRAY-BARBERIO: Minister, does the government agree that funding Aboriginal community controlled organisations and community services to provide bail support programs that help people on bail to address drivers of offending are necessary to achieve the government's overarching aim of community safety, and what programs will the government fund to ensure this?

Enver ERDOGAN: That is a really good question. I think that definitely investment in Aboriginal-led programs is what works. In my space this work is ongoing, whether in custody or out in the community. But I think we do need it. One of the programs I am really proud of is more in the South Sudanese community space, but there are equally programs in the Aboriginal community that come to mind, where they are led by lived experience and by mentors with a similar cultural background that can understand the issues that Aboriginal people face. In my portfolio there are a number of these programs that I have seen work. We are going to continue to invest in them because they are important and they are vital, and I think the Premier has talked about that work being ongoing and making sure we have adequate resources to implement it. In my system we have Aboriginal wellbeing officers, but there are many, many roles in the community as well that we as Victorians invest in. No government has invested more in Aboriginal-led programs than the Allan Labor government.

Sarah MANSFIELD: Minister, today is Close the Gap Day. How can the government justify a bill that will undermine its obligations under the National Agreement on Closing the Gap?

Enver ERDOGAN: Dr Mansfield, I do appreciate your question, but I think there is a similar theme here. I think the reason why we are here today is that we are seeing a higher level of harm being caused in the community by people who whilst out on bail are reoffending, and they are reoffending to an extent that is just frankly unacceptable. This is not about one community or another. This is about all Victorians, and that is why we are focused on community safety. Our commitments to Closing the Gap remain, and we will continue to build on what we have done. No government in the history of this state has done more to work with Aboriginal people than the Allan Labor government.

Sarah MANSFIELD: Can you explain to me what impact this bill will have on Closing the Gap targets 10 and 11, which relate to reducing incarceration of First Nations adults and young people respectively? Can you explain what impact you expect this to have on those particular targets?

Enver ERDOGAN: I think the impact will be similar to what we will see in the broader community. We will see an increase in people incarcerated. Aboriginal people are already over-represented in our youth justice system and in our adult correctional system, and therefore that will mean that there will be an increase in that over-representation in the system.

Sarah MANSFIELD: I have to say it is pretty astounding that that is okay. But anyway, I will leave that commentary. You mentioned before that being incarcerated is the end point. You really see this as the end point of the result of colonisation on First Nations people. But if you look at the system, for example, many First Nations women are in prison on very low level offences like shoplifting necessities and unpaid fines. You have said that there are a whole lot of things that have gone wrong in the first place. Why is it that there is such over-representation for such low-level offences for First Nations women in our criminal justice system, and how can you say that the criminal justice system itself is not inherently racist and driving that over-representation? How can you justify a bill that will only exacerbate this?

Enver ERDOGAN: Dr Mansfield, just respectfully, the amount of people in for low-level offending within the women's system is not as high as it once was; it is actually quite a small number, since the changes we made. Consequently, we did see quite a drastic decrease in the amount of women in custodial settings. There was one stage where I believe there were about 500 women in custodial settings; it went down to about 300, and proportionally you will see a large number of Aboriginal women also were released as part of previous reforms we have made.

There is always a risk that we could see that go up as well. The case now is that not a lot of people are ending up in custody, both in the men's and the women's system, for low-level offending, even when it is repeat offending, to be frank. But there is a risk with these reforms. That is why we need to monitor them, and that is why the review of these reforms is crucial, to ensure that they are targeting those who they are intended to be focused on as part of the implementation. That is why the Attorney-General is

going to take the time to make sure that when we bring the second bill in place we can have a look at these settings and have caveats and guardrails in place.

Sarah MANSFIELD: Minister, just to clarify, in the answer you previously gave you said you expected that as a result of these laws we will see an increase in the over-representation of First Nations people incarcerated and that you expect that to be an outcome of this bill. So does it not follow that, despite the progress that had been made on reducing the number of women in prison on low-level offences, it will increase as a result of these laws? And if not, what safeguards do you believe are in these laws that will prevent that from occurring?

Enver ERDOGAN: I think we are expecting an increase in the remand population across the system. I think that is fair to say, and I have said that a number of times today. I think in terms of the safeguards, the way that the legislation has been drafted is quite clear on what offences are schedule 1 and 2 and the tests to be applied to them. I think they are really important to clarify. But I think, to be frank, if people are causing a high level of harm, we do not make apologies; they should be incarcerated. The community needs to be kept safe. If people are not taking the opportunity to address their behaviour and they continue to cause harm to members of the public, we have a duty as the government to protect everyone, to protect the public. That is what the people expect of their government. We are a government for all Victorians, and we are not going to be apologising for that.

Georgie PURCELL: Minister, I just want to pick up on your comment before about there being a common theme among these questions. We are all in here tonight because we are deeply concerned about the impact of these laws and what they will mean for our First Nations people. Just before when questioned about rising remand rates, you seemed to refuse to acknowledge that this could disproportionately impact Aboriginal and Torres Strait Islander people. If the government has so much faith in these laws, are you as a minister willing to commit that will not be the case?

Enver ERDOGAN: Thank you, Ms Purcell, for allowing me to clarify. Yes, I do expect an increase in the amount of people on remand overall. More Victorians that are reoffending will end up in custody. It is difficult to tell or predict who will make up that additional cohort in remand, to be frank; that is not as easy to predict. Just as when Mr Mulholland was asking me about my predictions on the increase in remandees, I would say governments set laws, but they are interpreted and applied by the courts, the independent judiciary. There are considerations for Aboriginal people, and rightly so, that we strengthened in 2023 and that will remain in section 3A for the courts to consider, but there will be an increase in those on remand.

Georgie PURCELL: This is obviously not an untested system; we have been here before and we have seen it happen. Are the government willing to at least acknowledge that they are taking the risk that they will be locking up more Aboriginal and Torres Strait Islander people, despite apparently doing the work to prevent that?

Enver ERDOGAN: I think we have been very clear and the Premier has been clear that we expect an increase in the remand population, and that will be for all Victorians that offend.

Sarah MANSFIELD: Minister, I just take you back to a response you gave earlier about prisons often being places where people can access health care and address their health needs. One of the last reports from the Victorian Ombudsman was an investigation into the provision of health care for Aboriginal people in Victorian prisons. It was pretty scathing in its findings and identified that particularly First Nations people in prisons are not receiving the same quality of care that they may be able to access outside. It is not culturally appropriate. There are significant delays in accessing care. It has been a contributor to deaths in custody. How can you justify the comments made earlier that these bail laws may allow people to access health care or better services and that potentially being a benefit of these strengthened laws?

Enver ERDOGAN: I think it is a really important issue, health care in custodial settings. I might give a shout-out to the department, because when I started this role at the end of 2022 one of the first

actions was to talk about health services and provisions within custodial settings. That report was really based on the previous experience, and since then we have had new contracts in place in the adult men's system. We have transferred the women's system into public health care – Western Health is the primary caregiver for health services at Dame Phyllis Frost. I have read that report, but a lot of those findings were based on the old system. Since that time we have had significant uplift in the level of service given to people in custodial settings, and that is a significant investment by this government.

I can confirm, without going into specifics, that it is a significant expense to taxpayers, rightfully so, because we want a more effective and efficient system, and addressing healthcare needs is one of them. The women's system is now in public hands. We have a new private contractor. We have an Aboriginal health check, for example. That was a part of the design of the new contract, and I remember speaking very clearly to the department to make sure that it was consistent with what is available under Medicare for Aboriginal people in the community and it is – Aboriginal people have that level of care and have a range of additional services. Since then we have done really good programs not just for Aboriginal prisoners. Aboriginal people have also benefited from hepatitis treatment programs as a focus, and we have had great success there. Hundreds of people in our custodial facilities have been treated for hepatitis, which did not exist at the same level. There have been improvements across the board, and it is really transformative.

I would encourage those crossbenchers that want to come and see to reach out. I always think that it is important to see for yourself the work that is being done in our custodial facilities. I do want to take this opportunity to thank the staff. The health professionals and the custodial staff really care about the people in custody, and that has been the transformation that has come out of a number of reviews, including the Ombudsman review, to lift that. Our approach is we are proud of running a modern system that is focused on rehabilitation, and that happens when you have health supports in place. It is not a perfect system; there is always improvement to be made. I think that is a longer journey, but we are committed as a government to doing that work.

Sarah MANSFIELD: Given you expect that there will be a significant increase in the number of people incarcerated as a result of these laws, is the government going to commit to increasing the healthcare resources available to prisoners, including drug and alcohol services? At the moment there are limited options for people in prisons. It is a critical part of rehabilitation. Given we are expecting an influx of prisoners, what are you going to do to ensure that health care is adequately resourced?

Enver ERDOGAN: We have committed to hiring additional staff, and that is part of the safe implementation plan we are working on. But in terms of demand for services as you have outlined, I think some of these demand challenges are similar to what exists in the community. Demand outstrips supply with some of these services. We are in discussions with the commissioner about what is needed, but we do have quite flexible contracts. I do not want to get into them too much, but Western Health is a good example because they are a public provider. We have provisions for many more women. We have contingency. We have got a lower population; it might go up. Western Health will be able to meet the needs of women that enter the women's system, as an example. Being a public provider, already in our contracts there are provisions to do that work. If we do see a dramatic increase in women in custody, we will have health services for them. Obviously we do not want to see more people necessarily in custody, but if people breach these new laws, in particular the high-level repeat harm, then a custodial setting is appropriate.

Anasina GRAY-BARBERIO: Minister, the United Nations Convention on the Rights of the Child stipulates that detention of a child under 18 must be a last resort and only when all other options have been exhausted. How can this government justify breaching the human rights of our youngest citizens when its youth crime rate remains below the national average?

Enver ERDOGAN: I think it is important to state that our act is fully compliant with the Charter of Human Rights and Responsibilities. In terms of custody as a last resort, under section 3B, I do pay very clear attention to it in terms of the general laws, being in charge of it together with the Attorney-

General. But we will still keep the need to impose on the child the minimum intervention required in the circumstances, although there might not be remand as a last resort.

I think the reason why we are removing that, to be frank, is to give the courts greater discretion, because what the courts are telling us and what we are seeing is that people that probably should be on remand are effectively – and there are cases, as others opposite have discussed – getting off 10, 20 times and still reoffending and causing harm in the community. We need to balance that with what is happening. There have been instances where courts have referred to this provision as a grounds – although they believed that probably, for community safety, custody should have been a real option – and have decided to grant someone bail again. I think the community expects that that cannot continue, so we are removing that provision. But we are still keeping the need to impose on the child the minimum intervention required in the circumstances. Courts will have greater discretion now. I think the Children’s Court will have greater discretion to make that assessment. But for some of these young people it is clear that a custodial setting might be what breaks the cycle.

Katherine COPSEY: Minister, I am curious about that answer. I think I heard you say that the courts have given you feedback that they want greater discretion. What format was that feedback provided in, please?

Enver ERDOGAN: I think we have seen judgements that have displayed that. I think there has been some – I will not say discussion, because it was not at my level – feedback that people have passed on, but I might just seek some guidance on that.

Just to clarify, Ms Copsey, I think in the Attorney-General’s office, in the course of their work in terms of liaising with the courts to find out how these principles and the legislation are being applied, that was one of the examples given, where it effectively limits why decisions are made in such a way. It seems that that provision was an issue that would come up in terms of the reason why people were granted bail although they have consequently, on multiple times, breached bail and caused significant harm. Also from my point of view it comes through the judgements. You read the judgements that are coming out where magistrates are saying, ‘If it were not for this provision, this person would be in a custodial setting.’

Sitting suspended 6:29 pm until 7:33 pm.

Katherine COPSEY: Minister, just before we broke you referred to feedback or advice – I cannot remember the words you used, ‘feedback’ or ‘advice’ – that you had received from the courts –

Enver ERDOGAN: It was more feedback from stakeholders.

Katherine COPSEY: That is a good clarification the minister has just mentioned. It was more feedback than advice. That is good, because that was going to be one of my questions. My recollection is that you said it had come through discussions with the Attorney-General and was evident from the judgements. I just want to understand: were those discussions with the Attorney-General documented in any way?

Enver ERDOGAN: I think I was referring more to informal discussions with her office, but the judgements – I think some of them have been publicised.

Katherine COPSEY: I do not think that judgements constitute a form of the courts trying to give feedback to the government, do you? I do not think that is the purpose of a court judgement.

Enver ERDOGAN: The purpose of a court judgement is to make an outcome on the specifics of a case before them, but what we have seen is that there are many instances where people who have caused a high level of harm and have repeatedly done so are not being remanded as a result of that provision. The community does not accept that outcome. We have had a lot of feedback and, as all good governments do, we have responded to the community’s expectations in relation to these matters.

Rachel PAYNE: I just want to go back to the therapeutic service provisions that are part of the incarceration process. You acknowledge that there will be a significant increase in people on remand. I am just wanting clarification around whether therapeutic service provision such as rehabilitation, alcohol and other drugs and mental health support will be available to people on remand, or only once someone is sentenced?

Enver ERDOGAN: In youth justice there is a greater availability in terms of offence-specific treatment and treatment for young people whilst they are on remand. In the adult system there are some limits on what is available, so it is not as comprehensive as what is available for sentenced prisoners.

Rachel PAYNE: Are you able to provide just a little bit more clarity in response to that? If someone is an adult on remand, there is only a limited amount of service provision available in comparison to if they were sentenced and in the prison system, for example – am I understanding that correctly?

Enver ERDOGAN: Yes, that is right. I might just seek from my office a couple of examples. I do not have them at hand, but I will seek them, and maybe later in the committee stage I will be able to update you.

Anasina GRAY-BARBERIO: Minister, last year children in youth detention were subjected to ongoing lockdowns due to staffing issues. These young people were disconnected from schooling and family visits due to these lockdowns. How will you ensure that these reforms do not result in lockdowns that equate to isolation and confinement for children on remand before they have been found guilty by the court?

Enver ERDOGAN: From the outset I want to make it clear that isolation is only ever used as a last resort and cannot be used as a form of punishment. When it is required, it is done in line with legislative instruments, in particular giving careful consideration to the human rights of the young person. When young people are isolated, they continue to have access to support and education at times, but it is important that these assessments are made on need in a dynamic way, and the staff making them do not take that task lightly; it is a very serious consideration. I have been clear that we will be adequately resourcing our adult corrections system and also our youth justice system to meet the needs of the increasing population.

Anasina GRAY-BARBERIO: Just in relation to isolation and confinement: typically how long will a child or young person be in confinement or isolation?

Enver ERDOGAN: I am advised that most isolations are for a relatively short period. I can follow up with more information, but usually about 2 hours is what I am told. I go and visit our youth justice facilities and speak to the staff there. They always tell me that isolation, especially when there is a danger to the person themselves or to other young people in the system, is not a form of punishment but to prevent harm, in particular to others in the system. The staff there really do want to make a difference to these young people. In one description of some of these incidents, where these young people do sometimes struggle to regulate their behaviour, it is viewed as a bit of a timeout. They might be put into isolation for their safety and security, and the safety and security of other young people, and placed in isolation as a bit of a timeout in their room, effectively. They still have access to education and entertainment offerings within their room, so to speak. But these are not decisions made lightly. There are dynamic risk assessments made all the time in custodial settings. They are complex environments, and the staff take the safety of their fellow staff and the young people in their custody very seriously.

David ETTERS HANK: Minister, if I can take you back to the Royal Commission into Aboriginal Deaths in Custody, the then Labor government sort of committed itself to a fulsome and forthright and any number of other adjectives implementation of the findings of that royal commission. I note that the successive Labor governments have reiterated that commitment. I guess I would ask firstly the question of how you see this legislation being consistent with the government's ongoing commitment

to those findings, including can I say most recently obviously refreshed with a number of ministers' testimony before Yoorrook.

Enver ERDOGAN: From the outset I want to be clear that this bill is focused on community safety for all Victorians, including Aboriginal Victorians. Aboriginal Victorians are over-represented in the crime statistics – in fact 2½ times more likely in the statistics. I believe that figure would be a lot more in fact, because we know that Aboriginal people are less likely to report as victims of crime, and that is something that the government is looking at as well and working with the Aboriginal community to address but also with law enforcement.

In terms of that commitment that we have made – exactly as you have outlined, Mr Ettershank, in the Yoorrook process – we are continuing to work with Aboriginal partners to focus on improvements across the justice system even before Aboriginal people end up in custodial systems. I have already talked about the investments we have made in custodial facilities, whether it be an Aboriginal healing unit in the women's system, Aboriginal wellbeing officers across our system or Aboriginal health checks. We have got a new deputy commissioner that is looking at these matters as well. In particular we are creating Aboriginal cultural places at all of our men's and women's facilities. This is all part of making sure we have a culturally safe system.

But the real goal is – you are right – to keep Aboriginal people out of custody. Some of that falls outside my portfolio and, I dare say, falls outside probably the purpose of this bill. It is more about the work we need to do to bridge the gap in health outcomes, employment outcomes, educational outcomes for Aboriginal people so that they do not end up as a statistic in the criminal justice system, because that is what happens and that is an over-representation that we do not want to see.

This bill is about creating a safer community for everyone, because the crime statistics will tell you there is a real issue with people reoffending, especially the types of offences we have targeted here – carjackings and aggravated burglaries et cetera. I think that is the target really. Obviously it is difficult to see who will be captured – it is difficult to predict – but Aboriginal people are already over-represented in the criminal justice system.

David ETTERS SHANK: I promise I am not taking the scenic route here. To go back to my question, is it fair to say that the government is still committed to the implementation of the findings of that inquiry into Aboriginal deaths in custody?

Enver ERDOGAN: Yes, we are very committed, and we are obviously committed to treaty with Aboriginal people as well. Truth and treaty are core commitments of this government, and we will continue to do that work in partnership with Aboriginal people. I can understand that some Aboriginal communities do not necessarily support this legislation; I think that is very clear. But this bill is focused on making the community safe for all Victorians, and we will continue to work with Aboriginal people.

David ETTERS SHANK: If this government is still committed to the recommendations of the Royal Commission into Aboriginal Deaths in Custody, I note recommendation 92 of that commission, which called on governments to legislate that imprisonment should only be used as a last resort. Why is the government going back on this recommendation for children?

Enver ERDOGAN: I think what we have seen is that the way that that part of the legislation – section 3B – has been interpreted has meant that some young people that have caused significant harm have been released back into the community, endangering the lives of the broader community, time and time again. Therefore in light of that we have decided to remove that provision. It is a response to what is occurring out in the community. It is very real, and it not a decision taken lightly by this government, but it had to happen.

David ETTERS SHANK: I do not want to play gotchas or anything, but given what you have said about an inherent result of this legislation being increased imprisonment and given that we know it is

going to particularly adversely affect First Nations youth, I am afraid I have real difficulty understanding what you were saying when you suggested that is in fact not the case.

Enver ERDOGAN: It is a fact of the case that there will be more people incarcerated. Who that will be in terms of the broader community is always difficult to ascertain. We are being very specific in who we are trying to target. I do not want to speculate on who that will be in terms of which members of the community will be disproportionately affected by these laws, but even without this legislation Aboriginal people already are over-represented in the criminal justice system. There is going to be an increase, but I am not sure if that increase will mean further over-representation of Aboriginal people, because it is difficult to distinguish who will be the cohort that will be captured in this legislation.

David ETTERS HANK: I appreciate that, and I appreciate your candour. I particularly appreciate your candour with regard to the reality of what this legislation may mean by way of perverse consequences. Can I take that proposition and extend it to what we understand, perhaps not well, in terms of how this legislation relates to the second tranche, on which I believe consultation commenced today in fact with some of the agencies and some of the stakeholders. Could you perhaps elaborate a little bit for us on the rationale behind it and what is actually happening with that consultation process with stakeholders for tranche 2, if I can call it that?

Enver ERDOGAN: Mr Ettershank, I like the fact that you appreciate my candour on these matters and on the fact that there will be an increase in the remand population. In terms of the second package it is difficult for me to get into details, because obviously there is still going to be work, but there will be a tough new test if you cause high harm in the community whilst out on bail. The definition of what that new higher test will look like is obviously still going to be worked through by the Attorney-General's office, so I have not seen it.

That work obviously will be consulted on. There will be broad consultation before that is implemented. There will also be a test for indictable offences. If you are out on bail and commit an indictable offence, you will be facing the compelling reasons test. Again, an indictable offence is currently not a schedule 2 offence, but if you commit an indictable offence while out on bail, it will be treated like a compelling reasons test, equivalent to the first instance test for schedule 2 offences. That will be, I guess, the single uplift in the second package. I do not have more detail than that, to be frank.

You asked a good question about consultation. It is my expectation that the Aboriginal community will be consulted, and so will other stakeholders, Victoria Police being an important one and the legal fraternity being another important stakeholder. I am expecting much broader consultation, obviously, given that we will have additional time to do that work. The reason why the Attorney-General believes we need this additional time is to make sure that caveats and safeguards are in place. We are talking about a definition which I do not have at the moment, because that is going to be subject to some of this consultation or feedback from stakeholders about a high new test, a new test that is different to this for high-level harm whilst out on bail. I am being very forthright.

David ETTERS HANK: I genuinely appreciate that. I understand you are saying that you have got limited eyeballs on where it is at. I presume in your second part you were talking about what people are calling the two-strikes provision. I am sorry; I am just curious: what is the high test you were talking about? This is a genuine question; I just did not understand quite what you were saying.

Enver ERDOGAN: It is a really good question. That work is being led by the Attorney-General, but broadly speaking, I think an example would be a high degree of probability that a person will not reoffend. So not only is the test about community safety, it is putting the onus back on the judicial decision-maker or bail decision maker to be confident that there is a high probability that the person will not reoffend whilst out on bail. So it is a high test. I think New South Wales has a high-confidence test, for example, which they are trialling at the moment. I am speculating a little bit here, but I am trying to be as forthright and as informative as possible. It is still very early, in terms of the Attorney-General going in with an open mind, but it is going to be tougher. There is going to be a higher test

than what exists in the next tranche. I can reveal that the high test that the Attorney-General is intending for the next package, which I do not want to get into because I am focused on this bill, will focus on adults and children. So that will be a significant lifting of the standard to be granted bail in certain circumstances where you have caused a high level of harm. That work is still going to be undertaken. There will be broad consultation, particularly with First Nations but also with other stakeholders in the justice system, such as the courts, the police and the legal fraternity. I am sure the Attorney-General will do all that work in that time. That is why there need to be appropriate safeguards as well: when you have higher tests, you have got to make sure you mitigate the risk of unintended consequences.

David ETTERSHANK: Just following this conversation, you were talking about consultation in the process leading up to these high tests and the two-strikes provision. Good on you; I think that is great. That is terrific. I think we have also heard and discussed that there will be some serious consequences and some pretty high-impact potential changes from this legislation, some of which are foreseeable and others which may not be. I want to come back to that point in a minute. If we accept that there are potentially serious perverse consequences or unforeseen consequences to both tranches of legislation and the government is consulting on the latter, I guess my obvious question is: well, why haven't you consulted on the first, specifically to identify those potential risks?

Enver ERDOGAN: I think the Attorney-General and the police minister have consulted, even with the first package. I am focused on today's package because I think we will have another opportunity – and I am sure the crossbench will be keen to interrogate every clause – when we get to the second package, when the Attorney-General will have worked on those settings. But I do not necessarily, and we do not necessarily, accept that there will be serious unforeseen consequences. This is a very targeted bill; this bill is about high-harm, repeat offenders in particular. We have signalled, you could say, with the schedules who we are targeting. If you are committing those types of offences repeatedly, then you may need to be remanded, and that is why you will face a tougher test. I think that is appropriate. The high test will mean that many of those people that do repeat forms of these crimes that the community, to be frank, has had enough of, will need to be remanded. I do not necessarily accept that there will be unforeseen circumstances out of this package, and we will get a chance to talk about the next package when the bill is introduced into Parliament.

David ETTERSHANK: My intention was not to actually take us into that terrain but rather, I suppose, to find a comparator. I mean, the proposition was put to me this morning that you are going to end up with more severe treatment under this proposal for stealing a car than you will for a sex offence. That is probably contestable, but probably George Pell is rolling over in his grave with some happiness at the prospect. That said – and I probably expressed myself poorly, Minister – it still comes back to my original question, which was not to talk about tranche 2 but to ask: if there is a logic there to tranche 2 consultation, why is this being rushed and why are we not seeing consultation associated with it? My understanding and in fact the understanding of everyone I have spoken to – and we have spoken to a lot of people, as I am sure you have, whether you have wanted to or not – is that there has not been that consultation. I am just trying to understand the logic that would say 'We're not going to consult on this one, but we will consult on the next' when both of them will have profound impacts on young, vulnerable multicultural communities – all of the people we know are typically at the wrong end of the justice system.

Enver ERDOGAN: I think the Attorney-General and police minister would say that we have undertaken consultation. It may have been truncated because of the seriousness of this crime that we are committed to stamping out, but there will be broader consultation with the next package. We know the views of First Nations people; I gave an example of the people that were consulted. We know the views of Victoria Police, who have been forthright about what is needed. We know the views of the community. You know, we are elected representatives, and we spend our time in our communities and our electorates hearing from people of their experiences and consulting on what they believe are some of the options for resolving some of this high level of crime. But we will continue to do the work.

In the end, these tougher bail tests are to ensure community safety if you pose a risk to the community. People will still be getting bail even with this legislation if they can give compelling reasons, if they can prove exceptional circumstances. But to be frank, if you have caused this high level of harm repeatedly, obviously this test will be much tougher on you, and that is the intended goal.

David ETTERS HANK: I understand what you are saying about the intent. Yes, that is good; I get it – I may not agree with it, but I get it.

I think Ms Payne and I have probably heard 30 or 40 different major stakeholders in the justice system. When you say there has been a process of consultation, I guess I would say: putting aside for a moment VicPol, putting aside for a moment Bec Judd and putting aside for a moment Fifi Box, can I ask who else has the government consulted with in formulating this first tranche?

Enver ERDOGAN: I will just go to the box and find out, because this work was led by the Attorney-General's office.

Mr Ettershank, on your point, I think it is clear to say as one of the justice ministers that we regularly consult with people that are interested in the criminal justice system – you might call them stakeholders. Some of them are in fact very important partners of ours. I do not want to elevate them, but they are very important. Between the justice ministers and the department of justice we know their views on some of these settings. With some of them respectfully we will disagree on this issue, especially in relation to these laws. There might not have been direct discussion about it clause by clause, but on the direction of where we believe the laws need to sit I think it is clear what the views of the different stakeholders and partners are on these matters. They would not be difficult to ascertain, because we work with them on a daily basis. I know one that is familiar to you, so I will use it as an example – maybe they are watching – Westjustice. I know Westjustice and the activists there would not support this bill. I do not think we need to necessarily take it out to them. This was a government decision to strengthen the bail laws for this cohort of offenders. We know their views and we respect them, but at the same time we believe this is what is necessary to stop this high level of harm.

David ETTERS HANK: I am sorry, Minister. You are just getting under my skin a little bit here. We work closely with Westjustice, as do you. There is a lot of respect there and a lot of love there for many of the things you have done, but something is almost implicit within your suggestion : if we talk about the Criminal Bar Association, the Australian Lawyers Alliance, the Law Society of Victoria – any number of professional legal bodies – well, they say success has many parents and failure is an orphan. Can I suggest by way of parallel that this legislation is likewise an orphan. It is deeply unloved, unfortunately, so I guess I am trying to understand, when you say there is this broader group and you have looked into their minds, have you ignored them or have they not really been involved in the consultation process?

Enver ERDOGAN: I think it is clear that the government's commitment is to community safety, and we believe these settings are needed in response to what we are seeing. Some of those stakeholders, to be frank, have similar views to each other, and a different philosophical basis for those views, but I think what we are seeing right now is not working and that is why we need to strengthen the bail laws. We hear from victims groups, obviously, and other stakeholders regularly about the need to balance the rights, as I said, of the accused with the rights of the broader community in terms of their immediate safety, and that is why when bail comes into it ultimately the decisions will still be for the judiciary. There will be settings, but bail decision makers will have to weigh all the different aspects in making that decision. We are saying greater weight should be given to community safety in those decisions. Many of the stakeholders, although very loud and very effective, are not necessarily always right. I think I have pushed your buttons.

David ETTERS HANK: You have not. I am going to move on and I am going to segue from one of your points there, if I may. The beauty of this place, I am sure, is that we can agree to disagree, and ultimately we will vote on it, and we will probably lose. You talked about influence and you talked

about the bail decision makers, the magistracy and suchlike. I am cognisant there were some questions and some discussion before with Mr Mulholland, which I listened to with interest. Thinking about the bail decision makers, they are not Supreme Court justices. They draw direction from this place and from your statements and those of others. I am having a lot of difficulty understanding what it says to those people – and I have a lot of respect for them – when you give them a piece of legislation that says that this is a tough bail bill. What does it say to them when they hear ‘tough, tough, tough, tough, tough’ and when you yourself say there will be more people put in prison as a result of this and there will be more people on remand? I will start by discussing, I guess, the question of how you understand the impact of that sort of direction – I think it could be seen as a direction – on really crucial people in the judicial structures?

Enver ERDOGAN: I think it is fair to say, if you look at the second-reading speech, that the message is quite clear. If people commit these types of offences, it gives greater weight to the potential risk to the community. It is our expectation in law – it is not just our expectation; it will be in law – that greater weight is placed on those factors. That is why it is our expectation that, at the end of this, if we are successful and pass this legislation, more people will end up on remand. We obviously want to have greater guidance, but the guidance is community safety should be given greater weight.

David ETTERS HANK: Taking on board your logic there, given everything that has been in the public domain – the *Herald Sun* or whatever – but more importantly, I suppose, what has been raised in this discussion, I read the Premier’s press release, and I guess this is right into your budget, when the Premier was telling the corrections system to prepare for a lot more prisoners and a lot more people on remand, if we accepted that – I mean, they are people; they are not immune to that – is the government proposing to seek to correct that potential judicial interpretation by trying to clarify that this is not simply some sort of new form of show trial, that it is not a negation of a balanced approach to a judgement on the evidence before the court or the bail rulers? I mean that specifically in terms of some formal mechanism or some formal guidance rather than just relying on the community and the debate within this chamber.

Enver ERDOGAN: That is why second-reading speeches – and I remember this as a law student – are very important. The second-reading speech finishes by clearly stating:

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.

It needs to balance that out, and that is the message here. We believe that the current balancing is slanted in a certain direction that is not appropriate with what the community expects, and that is why we have removed custody as a last resort. But in the end we have an independent judiciary. They are quite intelligent people. They will be able to make their decisions, and I am sure they will look for guidance in the second-reading speech.

Aiv PUGLIELLI: Minister, currently publicly released crime statistics in Victoria do not really provide a full picture, because while the chief statistician receives Victoria Police data, they do not currently receive court data. From May this year the chief statistician will receive data from the courts, thanks to recent changes passed through this Parliament. As Minister Carbinas noted in the second-reading speech in relation to those changes:

Statistical linkage of court data with other justice data can predict future impacts on the justice system more broadly and help build proactive policy actions to safeguard the delivery of justice services.

But the public will never be able to see this data unless the government commits to publishing whole-of-justice system data on the Crime Statistics Agency website. It is needed to inform public and government decision-making. With the passage of this legislation, will the government commit to ensuring the Crime Statistics Agency publishes accurate, objective and accessible evidence and information about crime and justice, including de-identified court data?

Enver ERDOGAN: Thank you, Mr Puglielli, for a really good question. In terms of the bail data, there is already an existing commitment from the previous Attorney-General to publish publicly available updated bail data. I am just following up on where that is at, but we are committed to maintaining that commitment, so hopefully by – I am loath to give a timeframe on a lot of this stuff, but yes, there is a commitment to release bail data. On the broader Crime Statistics Agency, I am not empowered to make any commitments there.

Aiv PUGLIELLI: I do not mean to push on that one too hard, but can we expect that nonetheless to occur during this parliamentary term?

Enver ERDOGAN: I will say yes to that. I think that should be the goal, that we see it. I was trying not to commit to a timeframe, but I think definitely in this term of government we should see at least the bail data.

Aiv PUGLIELLI: We were speaking earlier about the number of people currently on remand in the state. Are you able to speak to what proportion of people currently on remand are on remand for an accusation that would not result in a custodial sentence if convicted?

Enver ERDOGAN: Can you just repeat that?

Aiv PUGLIELLI: Of the people that are currently on remand in this state, what proportion are on remand for an accusation that would not result in a custodial sentence if convicted?

Enver ERDOGAN: I do not have that kind of specific data, Mr Puglielli.

Aiv PUGLIELLI: Do you have data for the proportion that have been on remand for longer than their likely sentence if convicted?

Enver ERDOGAN: I do not have that on hand. It is easier to comment in relation to the youth justice system. The adult correction system is a much larger system. I would be much more speculative, but what I do find in the youth justice system is many – possibly the majority – of the young people will get time served as the outcome. Even when they do do a stint in remand, it is quite common in youth justice. In the adult system it is a bit more complex than that, and I do not have that level of data.

Aiv PUGLIELLI: Given you are the Minister for Corrections, do you think it is reasonable for the public to expect that you would have that data, and as such, will you commit to taking both those questions on notice?

Enver ERDOGAN: I am happy to take on that data, but I will also add, as the Minister for Corrections, I normally do not decide who enters into our system. I think that is a decision at the other end of the system, especially for law enforcement and the judiciary to decide that, and we welcome everyone into our system; we do run a rehabilitative system. We keep the community safe but also try to rehabilitate people where we can, and we will keep doing that work. I always try to get more data, as much data as I can. It is important work that our corrections team do when people enter into our system. I cannot make a commitment that we will have more data, but I will see what I can follow up with the department.

Aiv PUGLIELLI: While I understand you do not have the data to hand, for those two proportions that we have just been speaking about – so people on remand for an accusation that would not result in a custodial sentence if convicted and people who have been on remand for longer than their likely sentence if convicted – do you expect either or both of these groups to expand following the passage of this legislation?

Enver ERDOGAN: That is very speculative, Mr Puglielli. I think what I do expect is the remand population to increase. That is clear.

Aiv PUGLIELLI: The Youth Justice Act was passed last year after five long years of consultation with Aboriginal community controlled organisations and the legal sector. Why is the government rushing changes to bail laws now, including for children and young people, before Victoria's new youth justice framework has had a chance to begin operating and positively affect the trajectory of children involved in the youth justice system?

Enver ERDOGAN: I think the work that we did on the Youth Justice Act is very important, and I want to give credit to everyone that worked on it during that period. A lot of the work was in the early intervention and diversionary space, with cautions, making sure that we keep young people away from being incarcerated. We are doing that work. That work is ongoing, with a record number of cautions and a record number of early intervention and diversion programs that are making a difference. We have seen a drastic decrease. The statistics show us less children are offending, but what we do have is less children offending more often – the repeats – and that is going on at the same time. That is what this bill is trying to address. I think it complements some of that work we have done in the Youth Justice Act.

Anasina GRAY-BARBERIO: Minister, similar bail reforms in Queensland and New South Wales have led to significant increases in the number of adults and children remanded in cells before they have been found guilty. In Queensland we are seeing children held in adult watch houses. What is your government's plan for ensuring that the children's prison system is able to cope with these additional pressures without putting young people's rights and safety at risk?

Enver ERDOGAN: Currently we have a very strong complement of staff in our youth justice system. The youth justice system does run a much higher level of support to address the needs of the young people in our system. Of course the Premier has outlined that we will be adequately resourcing our youth justice systems. We are already recruiting, but we will continue to recruit more staff to make sure we can support young people as they enter our system. We are in a good place in Victoria. We have the lowest incarceration rate in the nation, so we do have physical capacity, and we will make sure we have the staff ready to support those young people when they enter our system.

Katherine COPSEY: Minister, the report on government services found that it costs over \$1 million annually to lock up a child. Wouldn't the Victorian government be better placed spending this money on addressing the factors that drive youth justice involvement, including cost of living and poverty?

Enver ERDOGAN: I think what I would say is that we make no apologies for investing in keeping the community safe but also investing in giving these young people the opportunity to turn their lives around. We are proud of our system. I have been asked this question by the opposition before about the costs per head. I think they are not good comparators because of the fact we have the lowest incarceration rate, so in fact those costs per head will come down because there are economies of scale here. And there are significant fixed costs; as an economist, I can share that with you. Nonetheless we want to make sure that we support young people in custody with all the supports they need, and that means health, education, employment, training – all the stuff that we need for young people to succeed. Connection to culture is an important part of that as well.

We will continue to do that work. It is not 'and/or'. We will continue to invest in community programs. In fact I would say that some of the investments we have made in other portfolios are about early intervention – early childhood education and three- and four-year-old kinder. It is about making better life outcomes. There are the investments we have made in free TAFE. These are about keeping young people away from the criminal justice system, and to a large extent they are working. And I thank you: some of you acknowledge that in Victoria we do a good job per capita compared to other jurisdictions in terms of youth offending, but we have seen certain types of offending increase, and that is what this bail bill is about – keeping the community safe from this type of repeat, high-harm offending.

Katherine COPSEY: What is the government's advice on the removal of the principle of remand as a last resort for children and how that will breach rights protected under the Victorian charter of human rights?

Enver ERDOGAN: We have a statement of compatibility which states that this is fully compliant with the Charter of Human Rights and Responsibilities, so we say it is quite consistent with the charter. Ms Copsey, I encourage you to read our compatibility report.

Katherine COPSEY: Is the Victorian charter of human rights inconsistent with Australia's international obligations under the rights of the child?

Enver ERDOGAN: I do not have the UN charter at hand, but I do know that we are fully compliant with our charter and the laws of the state, and that is what we are focused on.

Katherine COPSEY: I do not have the charter here either, and I do not claim to know it off by heart, but the rights of the child, as I understand, contains an explicit statement that detention of children should be used as a measure of last resort. So is the Victorian charter deficient in terms of delivering on the UN Convention on the Rights of the Child?

Enver ERDOGAN: I would say no. I believe there is still a need to impose on the child the minimum intervention required under the circumstances. That remains, and that is an important consideration, but in all bail decision-making there is a need to balance the rights of the individual against the broader right to community safety. We do not apologise for prioritising community safety.

Katherine COPSEY: Last year the government deferred raising the age to 14 years because it wanted to first scope and design the implementation of the alternative service model. It feels like a blast from the past at the moment. Can you please advise the chamber on the progress of the alternative service model panel's work and when we can expect to see its final report?

Enver ERDOGAN: Thank you, Ms Copsey, for reminding me. Yes, our government did deliver on its commitment to raise the age of criminal responsibility to 12, but we have also confirmed that we will not be proceeding to 14. The independent review was established to provide research and analysis relevant to designing an alternative service response which may be relevant to a number of cohorts. That work is being led by the minister for child protection. Although the work of the panel is not directly related to the bill before us, it is important work, and I will follow up with the minister for child protection and see what I can provide.

Katherine COPSEY: I just really want to double-check – and you might seek advice before you speak again – as I thought I heard you just say that the government was no longer pursuing raising the age to 14, which was not my understanding. I understood that that remained the government's intent, contingent upon the alternative service model's findings. Do you want to check, or are you actually telling me that you have changed it quietly and not announced it?

Enver ERDOGAN: I just want to confirm that the government has no plans to raise the age of criminal responsibility to 14. It will stay at 12.

Sarah MANSFIELD: Minister, on a number of occasions you have said that this bill, by increasing incarceration rates for young offenders, will act as a circuit breaker for them. I am wondering what you base that on, given the evidence does not really support that statement. As evidenced by the high rates of recidivism, in fact early contact with the youth justice system and early incarceration actually increase the likelihood of long-term offending, more serious offending and being reincarcerated as an adult. I am wondering how you can justify the statement that this will act as a circuit breaker for young people when the evidence seems to point to that being completely incorrect.

Enver ERDOGAN: Definitely for kids, especially the younger cohort of 13 and 14, we can see that early contact with the criminal justice system can have that effect. But I was pleased that the report on government services this year showed that we went from a very high recidivist rate of above 70 per

cent to below the national average, in the low 50s, in recidivism in youth justice. What I know from my experience is that because we have such a small cohort of young people in custody in youth justice they are quite a hardened and complex cohort and there are challenges in addressing that. We do a lot of work with these young people and give them opportunities that sometimes the community does not see.

I do not like sharing too many stories of young people, because it is such a small cohort, but for example, three of the young people in our youth justice system are completing bachelors degrees at university. If you look at the history and profiles of those young people I do not believe they would have gone to university if they had been out in the community or had been released back into the community as often, but it is a time in the custodial setting where the youth justice workers, who really care about these young people and are trying to make a difference, have succeeded in addressing the underlying behaviours of these young people and have put them on a better path. I am not saying that is true for all young people, but for some of them it genuinely leads to a difference in their life outlook. We have now got a mentoring program for many people that have lived experience and especially for young people that are successful. Some of them – I am not saying all of them – will tell you that that time in youth justice was what gave them the opportunity to move away from the bad influences in their life. It is really sad when you consider why they are in youth justice in the first place. That was the circuit breaker for them. I am not saying it is true for all young people or even for the majority, but for some it has proven to be the circuit breaker.

Sarah MANSFIELD: You provided some anecdotes, but I am just wondering what evidence you are relying on in making statements about it being a circuit breaker. What evidence have you relied on that can show that this will actually help in the long term to reduce the rate of criminal activity and improve community safety? Given we know that contact with the criminal justice system and incarceration in particular for younger people increases the likelihood of them going on to commit further crimes once they are released and more violent, more severe crimes in the long term, how is this going to benefit long-term community safety? What figures can you provide? What evidence? Not anecdotes, but evidence.

Enver ERDOGAN: What evidence we have is that young people that end up in our custodial system, because they are such a small cohort, have committed quite significant high-harm offences and have also been involved in a lot of repeat offending. For the vast majority of young people in the end, contact with the criminal justice system is a big negative, and that is why we have done a lot of work to prevent people ending up in custodial systems. When we talk about the criminal justice system, I am talking about the work that we have been doing to divert people away – cautions, early intervention; that works. But for the young people that end up in custody there is usually a high level of harm and there is usually a high level of repeat offending, and at that stage I think, appropriately, the legal settings need to consider the interests also of the broader community and the interests of victims of crime. We are talking about attacks in people's homes. We are talking about quite traumatic high-level violence. We are talking about fatalities. Someone needs to consider their interests too, and I think that is why the bail settings as they are do not work. Community safety needs to come first.

Georgie PURCELL: Minister, I have some questions relating to the part of the bill where, if a person on bail is arrested during court sitting hours, police must bring them before a court, not a bail justice. How will the enormous additional pressure on our courts and legal services be funded with the requirement for police to now bring a person arrested whilst on bail before a court?

Enver ERDOGAN: I might just clarify that these changes are about making sure that people go to court if they breach a bail condition during business hours instead of them being put into a holding cell. The opportunity for them to go to court initially is a positive change in terms of them getting heard. It is only for people that breach bail. Not everyone on bail will go straight to court, but people that breach their bail conditions during business hours will. In terms of the impact of that, again, we have been clear that we will be adequately supporting these reforms.

Georgie PURCELL: My question was in relation to how this pressure on our courts and legal services will be funded – or do you not expect anything to change in relation to this change?

Enver ERDOGAN: I think because it is breaching bail during business hours, when that is spread out, we are not expecting a large impact to the system as it stands. But obviously we will monitor that, and if there is a requirement for greater resources, we will do that work with the Magistrates' Court.

Georgie PURCELL: I have got some questions in relation to it being an offence to commit an indictable offence while on bail. Can the government confirm that the offence to commit an indictable offence while on bail is a summary offence?

Enver ERDOGAN: Yes, we can.

Georgie PURCELL: Minister, will nonviolent indictable offences – for example, fraud or theft offences – be captured under this despite them being unlikely to result in a term of imprisonment or to endanger community safety?

Enver ERDOGAN: Yes, because being a summary offence, that faces the potential for up to three months imprisonment. That does not mean you will get three months imprisonment. That is an assessment for the bail decision maker and for the courts to make. You will find usually in these kinds of cases, people will not get imprisonment, but that is up to the discretion of the decision-maker. But yes, there will be an option for up to three months, but that does not mean they will get it.

Georgie PURCELL: Minister, how will the government ensure that police do not continue to overcharge people with indictable offences, leading them to be remanded for crimes that they likely will not be convicted of?

Enver ERDOGAN: I think police would say that they do not overcharge. They have a handbook which guides their charging principles, and they would be very firm in saying that. But also I think it is a very hypothetical question to ask – every circumstance is different. But I think police would say they do not overcharge.

Georgie PURCELL: I just want to confirm, Minister, that you do not believe there are instances of police overcharging?

Enver ERDOGAN: Ms Purcell, I may be a bit clearer: I do not want to speculate on hypothetical situations. I think every situation is different, but I might leave my comments there.

Rachel PAYNE: I just want to circle back to the offence of committing an indictable offence while on bail, just to get some parameters so we are clear here. Using a fake ID is an indictable offence in Victoria. Is it the government's intention that someone who uses a fake ID on bail should be charged with this additional offence of committing an indictable offence on bail and be at higher risk of having their bail revoked?

Enver ERDOGAN: I think that is not necessarily the goal, but it is quite clear that every indictable offence will be captured. If the person is on bail and they commit an indictable offence, they could be charged, that is right. It could apply to them in that scenario. But the goal of this bill is to keep the community safe, and in particular the target is those offences we are seeing repeatedly causing high harm in our communities.

Rachel PAYNE: Obviously using a fake ID is a nonviolent crime, so you are saying that that would be captured in a similar –

Enver ERDOGAN: If they breach their bail conditions.

Rachel PAYNE: If they breach their bail conditions – okay.

Enver ERDOGAN: That could be a summary offence, yes.

Rachel PAYNE: In Victoria theft is an indictable offence, which we discussed earlier, but I have a concern about people who are either potentially sleeping rough or in unstable home environments. If a person is living in poverty, sleeping rough and steals food from a shop, is the government's intention that they will be further punished with this new offence of committing an indictable offence while on bail?

Enver ERDOGAN: I can confirm that if you breach that bail and commit an indictable offence whilst out on bail you will face consequences. This is about respect for the rules, and it will apply to everyone.

Rachel PAYNE: I just want to clarify: if someone is living in poverty, they are quite disconnected, clearly, they are sleeping rough and they steal some food from a shop while literally just trying to survive, does this government say it is more appropriate if they are currently on bail that those considerations are not met with other options? Rather it is the government's position that they should potentially be sent off to prison. I am just trying to clarify the cost of sending someone off to prison for something as small as, say, stealing a sandwich, compared to, say, them having appropriate access to service provision that would prevent them from doing that again. I am just trying to clarify if that is exactly what you are saying.

Enver ERDOGAN: What I am really trying to get at is the overarching principles we are putting in about community safety. I do not want to get into speculation about every different scenario, but clearly that situation you are giving would not be a risk to community safety. That is why people have discretion throughout the justice system. Law enforcement has discretion, the courts have discretion. That does not sound like a community safety risk, but what does is aggravated burglaries, armed robberies and home invasions. These are things affecting community safety that we are sending a strong message on.

Rachel PAYNE: Thank you for clarifying, Minister. Back to indictable offences, under the Drugs, Poisons and Controlled Substances Act it is an indictable offence for a person to possess or use drugs of dependence, possess a document containing instructions on the cultivation of drugs of dependence or for an owner or occupier of land to permit another person to use that land to cultivate a drug of dependence. Does the government believe it is reasonable and proportionate for a person to be denied bail for minor drug possession; for printing out a document about how to grow cannabis, for example; for letting a housemate or family member grow cannabis in their backyard or for other minor drug-related offending?

Enver ERDOGAN: Ms Payne, I might need to repeat that a charge of a bail offence does not necessarily mean remand. It is just an option for the court in the circumstances. I think the clear goal of this bill is community safety. When you talk about some of the lower level harm, it is not the intention to capture that, but that is an option. There are rules that need to be followed. But I think the decision-makers will have that information before them before deciding on a case-by-case basis.

Rachel PAYNE: I just want to work back a little bit around that scenario that I have put in place, because we have been presented with a case study that was before an inquiry. It was in reference to a person that the police were doing a welfare check on, and what they found when they checked on this person's welfare was that in the person's backyard there were a couple of cannabis plants growing. This person was also on bail. The risk to that person and their safety was, I would have thought, paramount, but what happened was that this person was arrested based on the cannabis offence rather than the fact that they were a victim of a crime that was being committed in the house at that time.

I am just wondering if you can clarify if there are some safeguards for victims of crime who fall foul due to committing an indictable offence while on bail. What I am trying to get at here is this particular person, and it was a woman who was a victim of crime, is no longer going to reach out to police if any incidents happen again. Now they do not trust police because what happened was that there was a safety call and that safety call was not met. What was met was an arrest. I am just wondering if there

are safeguards in the bill for victims of crime in particular to prevent them from not accessing, say, police if they are at risk of being considered to be committing an indictable offence.

Enver ERDOGAN: Ms Payne, with all due respect you are asking me to go back over what I said before. I do not want to really entertain every single hypothetical because I do understand these are complex cases. That is why the criminal justice settings are always a challenge for government to balance. I cannot really comment on that individual case.

Aiv PUGLIELLI: Minister, during tonight's proceedings you have indicated to us that the government has abandoned its prior commitment to raising the age of criminal responsibility in this state to 14. In abandoning that commitment you have said you have no plans to make that change. When was that decision made?

Enver ERDOGAN: Mr Puglielli, let us stick to the purpose of this bill. This bill is about strengthening the bail laws. I know you are interested in raising the minimum age of criminal responsibility, but my focus is on this bill. If we can get to the purpose, that would be helpful.

Aiv PUGLIELLI: I have raised this, Minister, because we are talking about whom these laws apply to and how they apply. I would argue this is highly relevant to what we are talking about tonight. Again I will ask, when was that decision made?

Enver ERDOGAN: I felt that was clearly communicated. That is why I am surprised by the Greens. Last August it was announced by the Premier that we would only be going to 12 and would be no longer planning to increase to 14. August last year, I believe – if my memory serves me correctly – was approximately when the government made that decision and the Premier announced that decision.

Aiv PUGLIELLI: Were the Aboriginal Justice Caucus consulted prior to the government abandoning that commitment?

Enver ERDOGAN: Again, Mr Puglielli, I make the point that I do not believe it is necessary for the purposes of this bill – this is a bail bill, very strictly – but I think they were informed of the government's decision.

Anasina GRAY-BARBERIO: Minister, the government admits in its statement of compatibility that bail offences can draw children further into the criminal legal system, which itself has a criminogenic effect. Isn't the same true for adults? Why has the government reintroduced a bail offence that applies to children in a way that undermines community safety, which you have been speaking to tonight?

Enver ERDOGAN: I think it is very important – because of the type of offending we are seeing, and the statistics are quite alarming – that 64 per cent of home invasions, for example, have an associated or alleged offender under 20 years of age. We have in the past decade seen a 1000 per cent increase in aggravated burglaries that co-occur with thefts of motor vehicles. We are seeing that young men, in particular those in their mid teens, 14- to 18-year-olds, have the highest number of alleged offender incidents with a principal offence of aggravated burglary on which they are arrested or issued with a summons. So we are trying to address the issues, and clearly some young people are caught up in this repeat high-harm offending.

I think it is important to also state that although children are captured, there are additional factors required to be considered by a bail decision maker under section 3B, which provides for a bail determination to take account of special needs of children charged with criminal offences. So although a child might be charged with a similar offence to an adult, you will find time and time again in these decisions that children are more likely to meet, say, a compelling reasons test or an exceptional circumstances test because of section 3B.

Rachel PAYNE: I just want to circle back around to you talking about this bill being compatible with the charter of human rights. Are you referring to the statement of compatibility?

Enver ERDOGAN: Yes.

Rachel PAYNE: Yes, okay. I am just wanting to clarify, because it has not been through the appropriate mechanisms of being reviewed through the Scrutiny of Acts and Regulations Committee (SARC). Obviously, as part of that review process and scrutiny process it is compared to the Charter of Human Rights and Responsibilities. Is the intent that that would be clarified?

Enver ERDOGAN: Going to SARC, are you saying?

Rachel PAYNE: I am not saying it would need to go to SARC, but you have stated that it is compatible with the charter.

Enver ERDOGAN: Yes, we say it is compatible.

Rachel PAYNE: Can you just please clarify the process?

Enver ERDOGAN: How we came to this conclusion?

Rachel PAYNE: How you got to that resolution, please.

Enver ERDOGAN: Yes. The assessment on the statement of compatibility is made by the Attorney-General and, per the normal process, it will go to SARC as well.

David ETTERS HANK: It is a while since I have looked at it, but I think in the Yoorrook report something like half of all Aboriginal people in incarceration are there because of remand. Is that consistent with your understanding?

Enver ERDOGAN: Young people?

David ETTERS HANK: First Nations people.

Enver ERDOGAN: For men that is right. For women in fact it is slightly over 50 per cent of Aboriginal women on remand. I am being up-front and honest.

David ETTERS HANK: It is really appreciated. I think in a number of forums on these questions of Indigenous incarceration and how it falls, when we have looked at the findings, including I think out of Yoorrook, we have seen a guiding principle that the presumption of innocence and the right to liberty are some of Aboriginal people's key protections against overincarceration. Is that consistent with your understanding, Minister?

Enver ERDOGAN: To clarify, I think those guiding principles remain in the bill, but it is also important to note that the Bail Act itself is about striking a balance between the importance of maximising the safety of the community and victims of crime and the right to liberty for persons accused of a crime. Inherently those challenges exist within the proposition of bail itself.

David ETTERS HANK: Could you elaborate on that? I think I am at 180 to you on that, but I do not want to jump until I am clear on what exactly you are saying.

Enver ERDOGAN: Obviously, there are guiding principles that apply more to Aboriginal people. More broadly, the Bail Act is about striking the balance between the importance of maximising the safety of the community and victims of crime, so that is one side, and the right to liberty of persons accused of a crime. There is a presumption of innocence at law and with that comes the right to liberty, but that needs to be balanced with the importance of maximising community safety and the rights of victims.

David ETTERS HANK: I wonder from the bells if the Assembly is going to watch this on the big screen and maybe pass a bit of time. Minister, I take on board your comment there. I do get that you

are saying it is about balance. If we were talking to any number of stakeholders, I think they would be pretty much in consensus that if you were weighing these up, clearly this legislation fundamentally, and particularly if we are talking about remand, undermines the very principle of the presumption of innocence and the right to liberty. I just do not understand how you could suggest that it is balanced when manifestly it has got to have that impact on liberty and the presumption of innocence, especially in the context of remand.

Enver ERDOGAN: In fact we say currently it is not balanced. We are saying the balance is actually too far in favour of the alleged offender, so we are balancing it through this legislation to make it more evenly balanced. That is what we say, so we are giving greater weight to community safety.

David ETTERS HANK: Minister, how can you say that, just looking at the levels of incarceration of First Nations people? That just defies logic. If you are right – Jesus – what does the future hold for those folks?

Enver ERDOGAN: The bill is targeted to all Victorians and all people that commit this type of offending. There will still be the provisions in section 3A that we expanded during the last reforms to the Bail Act, and they are very important, to give consideration to Aboriginal people, but more broadly this legislation is for all Victorians. If you commit a high level of harm, there will be greater consequences and greater weight given to broader community safety concerns.

David ETTERS HANK: I am going to move on, because we are certainly not going to have a meeting of the minds on this point. Minister, I think we have already talked about the fact that these bail changes will result in more First Nations people being detained in custody. I would like your thoughts on whether or not many of these people will be detained in custody on remand for a longer period than they would be if they were imprisoned or sentenced.

Enver ERDOGAN: I think this is very speculative. I do not want to speculate in relation to that. I think once the law is implemented we will see the impact. It is important that we monitor those impacts, so I cannot speculate in relation to that, Mr Ettershank.

David ETTERS HANK: Can I respectfully suggest that it does not require speculation, that in fact the government already has data which would support that. Even before we do these changes, Aboriginal people are spending more time on remand in many cases than they would if they were sentenced and incarcerated. I do not think this is news.

Enver ERDOGAN: I think this is a bit of a repeat of what I was asked previously, but like I said, it is a difficult assessment to make. When we have these laws in place we will see the bigger effect, but the goal is to target those high-level repeat offenders.

Jeff BOURMAN: I would like to ask the Greens some questions about their amendments, if I may. I have had a bit of a look through them, and they are fairly sweeping amendments which effectively, to my view, gut the bill. Who did they consult with to come up with these amendments?

Katherine COPSEY: In answer to your question, I do not have an exhaustive list, but there have been numerous legal and First Nations stakeholders who have been reaching out. I know that earlier this week VALS launched a letter signed by at least 92 Aboriginal organisations calling for the implementation of Poccum's law.

Jeff BOURMAN: 'FALS'?

Katherine COPSEY: The Victorian Aboriginal Legal Service, Mr Bourman. There are a number of stakeholders – legal, First Nations, human rights and Aboriginal community controlled health organisations – calling for precisely the amendments that the Greens are putting forward this evening and much more.

Jeff BOURMAN: I thought Ms Copsey said something beginning with ‘F’ for ‘foxtrot’ not ‘V’, because I know what VALS is. Did the Greens consult with the police or the Police Association Victoria over the effect of this?

Katherine COPSEY: No, Mr Bourman, since Monday evening I have not consulted with the police or the police association.

Jeff BOURMAN: I share your irritation about the lack of time we were given, but this is what we have. Did the Greens consult any victims groups?

Katherine COPSEY: Mr Bourman, included in the number of stakeholders that we consulted with are a large number of legal stakeholders who regularly have to defend clients who have become embroiled in the system, as well as people who are victims of crime themselves. I think one of the things that the questions this evening are going to is precisely around the fact we are concerned that many vulnerable people are going to get swept up in the sweeping powers that the government is preparing to give to police in relation to this, and the sweeping powers –

Jeff Bourman: On a point of order, Deputy President, I appreciate what Ms Copsey is saying, which is that people that can be swept up and all that, but that is not what I asked. I asked about victims groups, and I believe that was answered. If Ms Copsey wants to expand a bit further on the yes or no or whatever – I know what they are trying to do, and it is not for me to say whether it is good, bad or indifferent, but I just asked a simple question.

The DEPUTY PRESIDENT: I think you made your point, but I do not have the ability to instruct Ms Copsey how to answer the question. You have asked the question, you want a certain answer and she is giving you a different answer, but I cannot instruct her to give you the answer you want.

Katherine COPSEY: As I was saying, we are concerned that many people will be swept up in these changes. One of the things that has been brought up to us by stakeholders is the misidentification of people who seek help from the police, and Ms Payne has given an example in her questions and contribution to the debate on this as well. We are very concerned that people who are themselves victims of crime are going to be affected by the draconian changes that the government is pushing through. I think I know who you mean, but I would consider that we have consulted with a number of groups that do represent people who are victims of crime.

Jeff BOURMAN: I am afraid that I have to take that answer as no, because you know who I mean – victims of crime leagues, victims of crime commissioners, anyone that actually represents those groups. I will take your answer as your answer, and I will move on. I went through the list of amendments before and one of them was titled ‘Remand as a last resort’, which is a laudable goal. But what is a ‘last resort’? At what stage do we remand people under your system?

Katherine COPSEY: I think that the courts are well-versed in applying this, as it is their current setting for remand affecting children. I will not endeavour to supplement my own off-the-cuff interpretation of that, but that is the current situation under the reformed laws that were passed. The reason that we are seeking that is because this is a common legal standard that is applied through international law. As has been canvassed in committee this evening it is one of the requirements of the UN’s declaration of the rights of the child, and so it should remain the law. That is our view, and it is the view of the stakeholders that I mentioned earlier.

Jeff BOURMAN: I appreciate that that is your view. We are all entitled to our views; it is a good contest of ideas in this place. But I guess what I was getting down to is that that may be the way it is – that is not the way it is going – but how many offences and how many victims does it take for us to get to a last resort?

Katherine COPSEY: One of my frustrations with the state of debate around criminal justice in Victoria is the tendency for politicians to substitute their judgements on these issues for the judgements of the court, who are there to actually interpret the law.

Jeff BOURMAN: That is exactly my point. Moving on to the removal of the indictable offences on bail part – why would we bother having bail if we are removing all the offences and there is no offence for contravening bail? Why would we just cut people loose to do what they want and just hope they turn up on a court date?

Katherine COPSEY: These are very good questions, Mr Bourman. In fact if we do not reinstate bail offences – to be clear, the government is reinstating these two bail offences which were repealed.

David Davis: Partially repealed.

Katherine COPSEY: Yes, that is true, Mr Davis, actually – they were partially repealed. They are partially reinstating them I think is the point that you are making. They were repealed following an explicit recommendation from the coroner Simon McGregor in his findings from the inquest into the death of Veronica Nelson, a proud Aboriginal woman who died in a Victorian prison. The state of Victoria's broken bail laws contributed directly to her death, and the repeal of all bail offences actually was Mr McGregor's recommendation in relation to that. So that is the current situation that we face. The Greens are suggesting that that should remain the case and that the government acted correctly in following that recommendation and should not be reinstating these bail offences. As for people not facing any consequences for the contravention of bail conditions, that is also not accurate. Police have current powers to apply to a court for revocation of bail. One of the other things that police can do, in particular in relation to youth offenders, should they feel it is necessary, is make an application for uplift from the Children's Court to the County Court. So there are current mechanisms that are available to address contraventions of bail conditions without reinstating broad bail offences that are going sweepingly capture people regardless of the severity, and we have had discussions about people who are in vulnerable situations and may inadvertently breach bail conditions and then find themselves criminalised further. We do not think that that is a good outcome. That is why we are putting forward the amendment to keep the bail offences out.

Jeff BOURMAN: With the way the system is now – and the numbers are such that this is going to get through, but if it did not – someone can be presented to a court for bail. When you remand someone, it is before a bail justice until you can get to a court. Do the Greens trust the courts enough to deal with this properly? Because in the end it is not the decision of the police to remand someone, except to get them to a court. It is up to a magistrate at some point in time to remand or not remand someone, and that should be the court's jurisdiction.

Katherine COPSEY: Mr Bourman, I can just say that the separation of powers is very important. I think that the legislature should do its job, the police should do their job and the courts should do their job. The courts are the decision-makers, and the bail decision makers should be interpreting the legislation that is set for them by the Parliament.

Jeff BOURMAN: Ms Copsey, do you not think it fair to say that the courts, no matter what the law, when it gets down to bail, are in a position to decide whether it is fair or not? I heard a case of someone stealing food whilst they are on bail. Absolutely, in my opinion – and I am not a magistrate or a judge – they should not be remanded for that. But isn't that what we pay the judiciary to do?

Katherine COPSEY: Mr Bourman, one of the things that we are trying to avoid through the amendments that we are putting forward this evening are the harmful outcomes of repeated contact with the criminal justice system. So yes, the person may not end up being thrown in jail, but prior to that there are a number of steps that can be traumatic, unnecessary and might disrupt someone's housing. If that person is in a vulnerable condition, then even contact with the police when they decide to charge someone with a bail offence and all of those steps leading up to the actual hearing can have an impact as well. We seek to avoid all of that, and we also seek to not waste the courts' time by having people who clearly should not receive a custodial sentence brought before the courts.

Jeff BOURMAN: My understanding of this, and feel free to correct me, is that to save them from contact with the legal system, whether it is the police or the judges and such, we should just let them breach their bail conditions with no repercussions, because that is what I heard.

Katherine COPSEY: Then you misheard me, Mr Bourman.

Jeff BOURMAN: I am pretty sure *Hansard* will help me with that later. I have a question for the minister, just to finish off. Minister, this goes to concerns I have regarding people that are incarcerated for the first time. In 2016 the Australian Institute of Criminology did a study on the suicide rates or attempted suicide rates of first-time incarcerated people. In the first three months there was a 50 per cent higher likelihood of people self-harming or suiciding in custody, as opposed to people that have, unfortunately, been there longer or been there before. I was listening before. This will result in more people and more first-time incarcerated people in the system. What is the government doing to help particularly those in their first experience of the system to deal with it? Sadly, First Nations people are more likely to do this, so everything needs to be culturally appropriate. What has the government got up its sleeve to deal with that?

Enver ERDOGAN: That is a really good question. That is where the greatest risk is, especially in suicides. I know that everyone that enters our system is provided with a health check. Usually we find that the majority of people that are incarcerated for the first time are suffering from quite serious mental health issues. That is quite common; it is quite a distressing process. There are ratings, and according to the ratings people are managed and risk is managed based on that assessment. It is a difficult period for people, especially when they enter the correctional system for the first time. That is why we have those health checks and try to complete those health checks within the first 24 hours of people entering our system and then monitor people according to their rating. The Minister for Mental Health might know the terminology a bit better than me when it comes to mental health, but there is a category of clinicians that do this work to make sure we check up on people's mental health when they enter the system for the first time.

Jeff BOURMAN: Minister, the tragic case of Veronica Nelson suggests that there are gaps in the system. Will the government at least commit to investigating further increases in help? Whilst I am on the right side of Attila the Hun when it comes to law enforcement, I am not into hurting people. If there is a way to stop people from coming to harm when they are in the care of the government, I would like to see it. What we had before could use improvement, which is how we ended up in this spot where we have got a youth crime problem. I feel that the government has an opportunity now to play both sides of the street and work on a system to give culturally appropriate help to people, particularly their first time. Obviously First Nations people have a higher rate of all these things anyway. I think more needs to be done for them. I do not think they should be running around and not answering to bail and committing offences and all that sort of stuff, but I am also not suggesting we should be chucking them into the system and walking away saying job done.

Enver ERDOGAN: From the outset, we do not expect people from vulnerable cohorts engaged in low-level offences to be remanded. That is not the objective. The goal of this legislation is to address genuine community safety concerns around high-harm repeat offending. As I said, it is a very different system to what it was five or six years ago. There is a thorough assessment on a range of aspects upon entry into the correction system, and physical and mental health are some of those checks and assessments done on entry into the system. We will endeavour – and that is why we will be hiring more people in our corrections system and youth justice system – to maintain those high standards.

Georgie PURCELL: Why is carjacking, often a nonviolent crime, now in the same schedule as murder and subject to more onerous bail conditions than rape and sexual offences?

Enver ERDOGAN: Just to correct you, carjacking by its very nature is quite violent. You are effectively taking a car off a person, so it is very similar to an aggravated burglary in that sense. But I do respect your interest in these matters, and Victoria is leading the way when it comes to prevention

of family violence. The state had a royal commission. There were 227 recommendations, and we have committed more money and more effort than any other government ever has in the history of this state or any jurisdiction in the nation and we will continue to do that work. I want to be clear that the schedules are not a moral judgement about every offence in the Crimes Act 1958 or the Bail Act. They are squarely focused on targeting high-harm repeat offenders. There were some statistics I had about the fact that people on bail are going ahead with 30 or 40 per cent of some of these offences. Carjacking is a good example: over 30 per cent of people that commit carjackings are on bail. There needs to be consequences to stop them getting bail again and then causing further harm in the community. I think it is a real concern and it is a real problem. We have seen almost a thousand per cent increase in carjackings over the last 10 years. It is a big issue. I know a few victims of crime that have come and explained to me their experiences of being carjacked. It was quite traumatic to them and life changing.

Georgie PURCELL: I just want to be clear I am not saying carjacking cannot be a violent crime. Of course it can be. But is it really appropriate to be in the same category as rapes and sexual assaults, which are always a violent crime?

Enver ERDOGAN: Ms Purcell, I must respectfully disagree with you. The nature of carjackings is where you threaten to use force or you do use force to take someone's vehicle off them, so I would say it is a very violent offence. But it is not a moral judgement and these schedules are not a moral judgement on the level of severity per se. It is a response to the level of harm being caused in the community, and more so whilst people on bail they are repeatedly doing these offences. What is happening is people that commit carjackings are much more likely to commit similar offences whilst on bail, which is really concerning.

Georgie PURCELL: Minister, what message do you think this sends to women in this state that crimes like this, which should absolutely be taken seriously, are put in the same category as physical violence against our bodies?

Enver ERDOGAN: I might be repeating my answer, but I think no government in the history of this nation has done more to address family violence. We had a royal commission, with \$4 billion invested. I think these are very difficult decisions in terms of settings, but what we are seeing is a high level of harm being caused by in particular the four offences that were elevated in schedule 1 and the other offences elevated to schedule 2, which are repeatedly occurring whilst people are on bail. This is about the bail laws in particular and how they are operating, and these are the offences that we are seeing repeatedly taking place in our communities, causing quite traumatic impacts on people. I think it is important that these adjustments are made to reflect this high level of repeat harming.

Georgie PURCELL: We will obviously have to agree to disagree on that one, but I want to move on to a similar topic but different question. Section 4AAA(1) of the Bail Act prohibits all bail decision makers from refusing a person's bail for summary offences not in schedule 3. The other summary offences in schedule 3 are significantly more serious than most contraventions of conduct conditions on bail undertakings – for example, sexual exposure, aggravated assault, distribution of an intimate image, food or drink spiking and assaulting emergency workers or healthcare workers. How does the government justify making minor contraventions of bail conditions, such as missing a sign-in at a police station or being slightly late for a curfew condition, as serious as the other schedule 3 offences?

Enver ERDOGAN: I think it is important to understand that people do have a right to bail, but if they pose an unacceptable risk then they will be remanded.

Georgie PURCELL: The question was: how does the government justify having these minor contraventions in the same category? I understand they will be remanded, but how does the government justify it?

Enver ERDOGAN: This bill is squarely focused on high-harm repeat offending. No government in the history of this state or this nation I would say has invested more in preventing domestic violence, in supporting women and women's safety, but the goal of this bill is in particular to target those

high-level repeat offenders. There are other bills that we have that are focused on those initiatives that complement this work, but the work of this bill is really on those high-level repeat offenders. That is the focus.

Georgie PURCELL: I just want to clarify. Is that a commitment that we will see similar bills coming from the government in relation to addressing the increasing rate of sexual and family violence against women?

Enver ERDOGAN: I am not here to make commitments or announcements, but I think women's safety is a whole-of-government priority, quite clearly, with a lot of the initiatives that we have made. So is family violence, and we will continue to do that work. We have a range of initiatives in this space that already exist, and we will continue to build on them.

Georgie PURCELL: I just want to take you back very briefly to my line of questioning before in relation to sexual offences. I note in your response that you said carjacking is a real problem and is traumatic, which I am absolutely not denying, but so is violence against women. I just want to clarify why the government is not responding with the same severity to repeat sexual offenders as it is applying to carjackers. Obviously we are talking about repeat offenders a lot in this bill, so why isn't the same seriousness applied to repeat sexual offenders?

Enver ERDOGAN: I feel we are diverging here. I think some of the issues about severity of offending are probably better for the Crimes Act 1958 about the sentencing that applies to those offences and the penalties, whereas the Bail Act is about complying with the rules you have been provided with if you are on bail. If a person commits a schedule 2 offence, like rape or a sexual offence, they will be uplifted to schedule 1. So if they do actually commit a repeat of that offence, then the next time they go through the highest test – that is, the exceptional circumstances test. But about the consequences for offending, you need to understand there is a presumption of innocence. They are not being sentenced whilst on bail. There are conditions to protect community safety that they need to abide by. But if we are talking about broader consequences for them, I think that is more the Crimes Act, about the sentences they receive for the types of offending.

Anasina GRAY-BARBERIO: The explanatory memorandum states that where appropriate, having applied the applicable bail test, a bail decision maker may refuse to grant bail to a person charged with this offence and remand them in custody. Does your government have examples of the types of breaches of bail conditions where it would be appropriate or inappropriate to refuse bail?

Enver ERDOGAN: In relation to this provision it is quite clear that it will not apply if they do not attend their bail support services. It is not applicable in those circumstances, but in every other circumstance it would be applicable.

Anasina GRAY-BARBERIO: Minister, I do not understand your answer just there. Can you please clarify your answer?

Enver ERDOGAN: Can you just repeat that question?

Anasina GRAY-BARBERIO: Sure, I will repeat the question. The explanatory memorandum states that where appropriate, having applied the applicable bail test, a bail decision maker may refuse to grant bail to a person charged with this offence and remand them in custody. Does the government have examples of the types of breaches of bail conditions where it would be appropriate or inappropriate to refuse bail?

Enver ERDOGAN: I do not have examples at hand because every case is different and that is for the decision-maker to decide. Except for where someone does not attend a bail-related appointment, let us say, that would be at the discretion of the bail decision maker whether they apply it.

Rachel PAYNE: Minister, from the 2023–24 budget to the 2024–25 budget we saw a 46 per cent reduction in resources for community crime prevention programs, which we know are effective at

improving community safety, reallocated towards funding electronic monitoring, prisons and police, which has not led to decreases in crime rates. If the government is serious about community safety, why is it cutting funding for programs that are shown to prevent youth offending?

Enver ERDOGAN: I appreciate Ms Payne's question. I do not agree. I respectfully disagree with that assessment. There has not been a 46 per cent reduction in crime prevention. Part of this relates to an accounting adjustment made by the department last year in terms of the reallocation of a relevant team as part of an organisational change. The team was not abolished – it was relocated to another department – so that work continues with record investments in this year's budget.

Rachel PAYNE: I will move on to questions about the offence of contravening bail conduct conditions. Is it the government's intention that this offence would be used for any contravention of a bail condition even if the contravention does not involve any criminal or unlawful activity and does not endanger community safety? That is the offence of contravening bail conduct conditions.

Enver ERDOGAN: I refer to my previous answer. Except for not attending bail appointments et cetera, it would apply.

Rachel PAYNE: What is the purpose of punishing people for technical breaches of bail where no-one has been harmed?

Enver ERDOGAN: I again refer to my previous answer: people are expected to abide by the rules, and it would be at the discretion of the decision-maker how they are held to account.

Rachel PAYNE: Minister, how will the Victorian government ensure this offence is not used for technical breaches of bail that do not threaten community safety or where no-one has been harmed?

Enver ERDOGAN: There will be a review in 2027.

Aiv PUGLIELLI: Minister, just on the same topic, could you provide the house with some examples of a reasonable excuse for contravening a bail condition?

Enver ERDOGAN: I think a more straightforward example is where, say, someone is 10 minutes late or half an hour late for their curfew and they have a reason like the bus broke down or the bus was running late or a legitimate reason like that.

Aiv PUGLIELLI: Minister, can I clarify: who will decide what constitutes a reasonable excuse, and what factors or considerations should they be taking into account?

Enver ERDOGAN: The bail decision maker.

Aiv PUGLIELLI: I am just going to follow that one up, Minister, since the second half of the question was: what factors or considerations should they take into account?

Enver ERDOGAN: The act says what is a reasonable excuse in the circumstances. That is very wide language, and so I guess it would be at the discretion of the decision-maker to make an assessment on a case-by-case basis.

Aiv PUGLIELLI: Minister, if a person on bail had a medical reason but could not afford to see a doctor, was too unwell to travel, could not get a GP appointment and breached their bail, would that be still seen as a reasonable excuse, or would a medical exception only apply if a person is able to provide documentation?

Enver ERDOGAN: I refer to my previous answer: case by case.

Aiv PUGLIELLI: Are you able to expand on that answer a bit more?

Enver ERDOGAN: I think I said it was amounting to speculation about different scenarios, but I guess that is why we have decision-makers that make those assessments of what is reasonable in the

circumstances. So I do not want to speculate on a case-by-case basis, because the decision-maker would need all the full facts in front of them.

Aiv PUGLIELLI: It is particularly challenging for people experiencing homelessness or housing instability to comply with bail conditions relating to residing at a particular address or reporting to a police station in a particular suburb, particularly if they are moving around to temporary housing options or couch surfing, for example. Would contravening bail conditions because of homelessness or unstable housing be viewed as a reasonable excuse?

Enver ERDOGAN: Medical reasons, the housing situation – I think these all sound like factors that those bail decision makers will take into consideration. But they will make the assessments on a case-by-case basis.

Rachel PAYNE: In the last financial year the Magistrates' Court of Victoria's court integrated services program, a coordinated bail support program, ran out of funding for alcohol and drugs treatment before the end of the financial year. If a person on bail was unable to access drug and alcohol treatment because of service underfunding and then breached their bail, for example, for using drugs or alcohol when it was prohibited as part of their bail conditions, would you expect Victoria Police to take this into account when deciding whether to charge a person for this offence?

Enver ERDOGAN: I think it is speculative. I think bail decision makers take into account a lot of factors, and these would obviously be factors that they would consider. It is very speculative.

Rachel PAYNE: Can the minister please confirm that these coordinated bail support programs are going to have additional funding as part of the rollout of this bill.

Enver ERDOGAN: I do not have any announcements to make today about these matters except to say that we will adequately resource the delivery of this bill.

Rachel PAYNE: Does the government think it would be appropriate to use this offence against people unable to access support programs they need due to insufficient funding?

Enver ERDOGAN: Again, I say that is speculative. I think bail decision makers have a number of factors to consider, and they will look at it on a case-by-case basis.

Rachel PAYNE: Minister, we have had a few conversations tonight around access to, say, bail support programs and integrated service programs, particularly for people who are on remand. My concern here is that we have got evidence here to say that programs currently running were underfunded. I just want clarification. Every media release that has been presented around this bill indicates that there will be an increased number of people entering the criminal justice system, there is no denying that. So can we please have that assurance that the programs that you are requiring people to attend will be funded appropriately?

Enver ERDOGAN: I refer to my previous answer on this issue.

Katherine COPSEY: Minister, on this topic, are rehabilitation and diversion programs frontline services for the purposes on the Silver review?

Ryan Batchelor: On a point of order, Deputy President, I think program funding and questions about quantum of program funding are outside the scope of the purposes of the bill.

Katherine Copsey: On the point of order, Deputy President, this bill deals with attendance at support services, and it is one of the exemptions available. The bill deals with attendance at support services, so this is directly relevant to the content of the bill because we need to know that those support services are going to be available for people to attend.

Ryan Batchelor: On the point of order, Deputy President, I do not think the bill does go to those services. And more to the point, the bill does not go to the Silver review, so I think that is outside the scope of the purposes of the bill.

The DEPUTY PRESIDENT: I am afraid I agree with Mr Batchelor that it is outside the purposes of the bill. But the minister has been very generous in his answers about these things, so if the minister would like to provide some edification to you –

Enver ERDOGAN: I will decline.

The DEPUTY PRESIDENT: The minister does not want to answer that one.

Katherine Copsey: On a point of order, Deputy President, can I ask why the minister answered questions on the Silver review earlier in the committee stage, please?

Ryan Batchelor: On the point of order, Deputy President, I think the Silver review is outside the scope of the purposes of the bill.

The DEPUTY PRESIDENT: Mr Batchelor is right. The Silver review is outside the purposes of this bill. The committee stage should be kept to the purposes of this bill. I think the minister has been generous in some of his answers around some of the funding for programs, and if you would like to continue to ask questions, the minister can choose whether he answers those or not.

Katherine Copsey: No, I will sit in my confusion, then, as to the minister's earlier answers.

Rachel PAYNE: Just a question on data collection. Will Victoria Police be required to collect data about the types of bail conditions that are breached for these offences?

Enver ERDOGAN: No, it is not a requirement.

Rachel PAYNE: I guess that leads to my next question: has the government done modelling to determine what the rise in incarceration from these amendments will cost? Considering that you are not requiring police to collect data on the types of bail conditions that are breached, that would infer that that would also then create costs. Has the government done any modelling to determine what the rise in incarceration from these amendments will cost?

Enver ERDOGAN: I believe I have answered this. The Premier said we will be adequately funding this, and there will be an ordinary budget process to fund what is needed.

Rachel PAYNE: I just want to clarify that there would not be a figure that could be outlined as part of the statutory review, for example. Would that be considered as part of the review process?

Ryan Batchelor: On a point of order, Deputy President, I think it is pretty clear that the budget is outside the scope of the purposes of the bill.

The DEPUTY PRESIDENT: The question was about the scope of the statutory review, which is actually within the scope of the bill.

Rachel PAYNE: To clarify, I am just wanting to determine as part of the statutory review whether there would be modelling done to determine the rising costs of incarceration from the amendments. Surely that would be considered part of the review process.

Enver ERDOGAN: The costs of our custodial settings will be reported in the usual way as part of every budget, where we list the costs of the corrections system.

Sarah MANSFIELD: This follows on from some questions I asked earlier, but just some more specific ones. Corrections revealed in 2022 that 12.7 per cent of women in Victorian prisons are Aboriginal women and 53 per cent of women in prison are on remand. Will this bill lead to more Aboriginal women and non-Aboriginal women being held on remand?

Enver ERDOGAN: I think I have already answered this. It is speculative. We do not know who is going to be entering into custody as a result of this bill.

The DEPUTY PRESIDENT: If there are no further questions, we will move to the amendments. We have 10 different sets of amendments. Most of them test consequential amendments. I invite Ms Copsey to move her amendment 1 on grouping A, which is the one to do with remand, and it tests her amendment 6.

Katherine COPSEY: Thank you, everyone who has been in the chamber, particularly the minister for providing those answers. This is an important piece of legislation, and I appreciate the time that members of the Parliament taken to ask questions and also the minister and his dedication to providing as much information as he can. I move:

1. Clause 1, lines 8 to 12, omit all words and expressions on these lines.

The purpose of this amendment is to retain the principle of remand as a last resort for children. Making it easier for children to be put in prison does not improve community safety, as I outlined in my second-reading speech and as we have discussed during the committee debate this evening. As a country Australia has entered into international obligations that require that imprisonment be a last resort for children, so we are very concerned about the backward step that will be taken by the government's approach in this bill. What we know is that the earlier a young person comes into contact with Victoria's criminal justice system, the more likely they are to go on to reoffend, so we believe that the government got it right in their 2023 amendments and in their approach to the Youth Justice Bill 2024 and that imprisonment should be a last resort for children. I commend the amendment to the chamber.

Jeff BOURMAN: Just quickly, I will not be supporting this, with no surprises after my investigation. I cannot see how anyone would want to support this.

Evan MULHOLLAND: I thank everyone for their contributions during the committee stage. The Liberals and Nationals will not be supporting this amendment. I think we have seen the devastating consequences of Labor's weakening of bail laws, particularly this change under which many people were released on bail that should never have been released on bail, and we have seen people die as a result. We have seen the most horrific aggravated burglaries as a result of people that were on bail because of this specific measure, so the Liberals and Nationals will not be supporting this amendment.

Enver ERDOGAN: I just want to confirm that the government does not support this amendment.

Council divided on amendment:

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

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move amendment 2, which tests your amendments 7, 8, 10, 11, 12, 19 and 23 and partially tests 5, 17, 18 and 21.

Katherine COPSEY: I move:

2. Clause 1, page 2, lines 5 to 9, omit all words and expressions on these lines.

The purpose of this amendment is to omit the bail offence that the government is partially reinstating, committing an indictable offence on bail. As I said earlier this evening, abolishing all three bail offences under the Bail Act was a key recommendation of the coronial inquest into the death of Veronica Nelson. It is staggering that the government, having accepted that recommendation in the

past, now tosses it aside. We do not think it is appropriate to reinstate bail offences. For this one in particular we have had an exchange with the minister this evening, trying to ascertain whether the situation that Veronica faced of committing an indictable offence on bail would be repeated if she were in that same situation again. Would she be locked up in prison again and face the same terrible fate that she sadly did? I was not reassured by the minister's answer. The minister confined his answer to saying the double uplift does not apply. The concern that we have is that someone is still going to find themselves – more than one person; we know her story is not unique – swept up in this. Many people who have committed low-level, nonviolent offences will be swept up by the government's reinstatement of this bail offence. We do not want to see the situation that we saw with the last rushed, kneejerk policy that the government enacted on these very important laws, which led to a doubling of the number of First Nations women in custody. Sadly, it seems that the government is determined to repeat its own mistakes of the past.

Business interrupted pursuant to standing orders.

Enver ERDOGAN: Pursuant to standing order 4.08, I declare that the sitting be extended by up to 1 hour.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting this amendment.

Enver ERDOGAN: The government will not be supporting this amendment.

Council divided on amendment:

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

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaëlle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Mr Mulholland, I invite you to move your amendment 1, which adds bail offences to schedule 2 and tests your amendments 11 and 12.

Evan MULHOLLAND: I move:

1. Clause 1, page 2, line 18, after “offences” insert “(including both the offence of committing an indictable offence while on bail and the offence of contravening a conduct condition while on bail)”.

This would have the effect of reinstating the offence of committing an indictable offence whilst on bail and uplift the test for remaining on bail as it was prior to its deletion in the government's previous bail changes. The offence of committing an indictable offence whilst on bail was a schedule 2 offence. This meant it had the effect of raising the test for the alleged offender to remain on bail from the lowest test of unacceptable risk to at least the middle test, which is show compelling reason. Our amendment seeks to restore the position that existed prior to Labor's weakening of the bail laws. A person who commits an indictable offence whilst on bail will face a more stringent test to keep bail. The government says that it will only do this in the second tranche of the bail changes later this year. As we found out, this could be named the ‘tougher bail bill’. However, we believe that community safety demands this change be made without delay. If the Premier seriously thinks and does acknowledge that there is a crisis with community safety and has apologised for it – and given the crime stats today – I believe it is necessary to do this today.

This is also a test for our amendments 11 and 12, bail offences schedule 2, which is the reinstatement of the offence of breaching a bail condition and would have the effect of uplifting the test for remaining on bail. The government previously abolished the offence of breaching bail conditions. This not only sent the message that complying with bail conditions was an optional extra but it also scrapped the more stringent test for keeping bail that applied where conditions were breached. The government is recreating the offence of failing to comply with a bail condition, but there is no consequence in terms of a stronger test to stay on bail. Our amendment restores the previous position, where breaching bail conditions is a schedule 2 offence, which has the effect of that elevated test for the alleged offender to remain on bail from the lowest test of ‘unacceptable risk’ to at least the middle test, which is ‘to show compelling reason’. Please note that there are safeguards that operate where there is a reasonable excuse for not complying with the condition of bail, so no offence is committed. Also, if a breach is minor, inadvertent or of little practical consequence, there remains discretion for no charge to be brought.

Sheena WATT: The opposition supported this change in the 2023 bail amendment reforms to remove the double uplift consequences for low-level nonviolent offending. In fact your Shadow Attorney-General Michael O’Brien stated during the debate on this in 2023 that:

If we are talking about relatively low-level offences, which do not pose a material risk to the safety of the community, then people should have a right to bail ...

My question on this is: why are you now seeking to reapply the very test that was identified as leading to the unnecessary incarceration of low-level nonviolent offenders?

Evan MULHOLLAND: Thank you, Ms Watt, for your question and for your interest in our criminal justice system, to quote Mr Erdogan. There are a number of safeguards in the amendment which we did keep. I am not sure if you were listening to the end there. Particularly when it comes to those minor, inadvertent or of-little-practical-consequence breaches there does remain that discretion. In the amendments that we are to bring, you would have noted from the debate then, and also the several times we have attempted to bring bills to this place, that we have attempted to reverse some of the changes, including an amendment which was part of that particular bill – and you would note in this place the difference between ‘support’ and ‘not oppose’ as well.

Enver ERDOGAN: The government will not be supporting this amendment, and I just refer to my earlier remarks.

Katherine COPSEY: The Greens will not be supporting this amendment. We disagree with the approach that Mr Mulholland is outlining and are very concerned about the harms that bail offences are going to have in the form that they are being reintroduced, let alone making the consequences for the many people who get inadvertently swept up by them more severe.

David ETTERS HANK: The Legalise Cannabis Party will be opposing this amendment. We consider it profoundly retrograde, and it strikes to the very undesirable results that we have been discussing at length this evening.

Council divided on amendment:

Ayes (14): Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, 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: Ms Copsey, I invite you to move your amendments 3 and 4 on sheet C, which test amendments 9, 13, 14, 15, 16, 20, 22 and 24 and partially test 5, 17, 18 and 21.

Katherine COPSEY: I move:

3. Clause 1, page 2, line 19, omit “offences; and” and insert “offences.”.
4. Clause 1, page 2, lines 20 to 23, omit all words and expressions on these lines.

This is the second bail offence that is being reinstated by the government’s plan, the offence of contravening bail conditions. We are very concerned that this criminalises people for what could be very minor and inconsequential in terms of –

Members interjecting.

The DEPUTY PRESIDENT: Sorry, Ms Copsey. I am just going to ask if we could be a little bit quieter, because Ms Copsey is quite hard to hear.

Katherine COPSEY: This amendment will omit the second bail offence that the government is seeking to reinstate – that of contravening bail conditions. Contravention of bail conditions can be really minor conduct that does not actually pose an issue for broader community safety. There was a little bit of back and forth in committee about how people should still face the consequences of contravening bail. I am a bit confused, given the minister’s answers throughout the committee, about what the actual intent of this is. But what we fear the outcome will be in practice is what we saw when this offence used to exist, which was that a lot of people who had done very minor breaches of their bail faced repeated contact with the criminal justice system – traumatic and criminogenic in and of itself – even before they got to the point of having to have that bail offence heard before a court or a decision-maker. We seek that it be omitted from the bill. We are very concerned that the government has been really clear in the committee that they are looking forward to seeing lots more people warehoused in Victoria’s prisons on remand. I think that that is a disgraceful aim for a government to be measuring itself on. We were trending in the right direction, seeing less Victorians imprisoned. What is particularly troubling about this is that –

A member interjected.

Katherine COPSEY: I will take up an interjection I heard from those opposite. ‘Do the crime, do the time,’ I think is what I heard.

David Davis: That was not quite right.

Katherine COPSEY: You can repeat it, then.

The DEPUTY PRESIDENT: Sorry, Ms Copsey. I heard the comment, and that was not the comment.

Katherine COPSEY: The concern we have is that people are actually in Victoria’s jail system when they have not been convicted of a crime. The minister spoke about the frequency with which we are seeing particularly young people discharged with time served because they have been in prison on remand and they have been on remand for so long that by the time their case gets heard, even if a conviction is recorded, they have actually exceeded the time that they would have been imprisoned for the principal offence. That is a disgraceful situation for Victoria to be in.

What we are concerned about is that the reinstatement of the bail offence is going to see more people with very low level contraventions in repeated contact with the criminal justice system and at risk of imprisonment, which we know is criminogenic. We know that the more frequently that young people in particular are put in contact with the criminal justice system, the greater the chance of them reoffending later in life. We do not want to see adults either exposed to these risks. We know that those problems persist all through life, no matter when people are coming into contact with the criminal justice system.

I was not reassured, I have got to say, by the minister's comments particularly around people who might have a bail condition not taking prescription drugs or consuming alcohol, if that was one of their conditions of bail. If somebody has got an addiction problem and contravenes bail because of that, I am really, really concerned that effectively this government is criminalising addiction. That has just come out through committee. We do not think this should be reinstated. We think it is going to inflate the number of people warehoused in Victoria's prisons, and in the long term that is not going to actually make our community safer; it is going to cause greater reoffending.

Evan MULHOLLAND: The Liberals and Nationals will not be supporting these amendments.

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

Council divided on amendments:

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

Noes (30): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to.

Clause 2 (22:29)

The DEPUTY PRESIDENT: Mr Mulholland, I invite you to move your amendment 3, which tests your amendment 15.

Evan MULHOLLAND: I move:

3. Clause 2, line 31, omit "29 September" and insert "30 June".

With the come-to-Jesus moment for the Premier on the eve of the Werribee by-election that bail laws need to change, the language got more and more urgent by this government that they were acting. We all remember how the Premier was acting, with a formal review by the Attorney-General and by the police minister in the other place, only to be absolutely contradicted by her own police minister – I mean, the theatre – saying, 'It's not a review, it's just a discussion. I've got all the ideas in my bottom drawer.' They have brought this bill out of his bottom drawer. We know the internal politics, because you hear it around the corridors. The Minister for Police was actually on the side of the police, who were urging stronger bail laws to be put in place, and we know that weeks after the police put that to the Premier they were out the door – the commissioner, deputy commissioner, out the door. Given the urgent nature of the bill and how much the Premier has apologised for her weakening of bail laws, saying that she is urgently moving to get things fixed, this amendment would bring forward the default commencement date of the bill from 29 September 2025 to 30 June 2025. The government guillotined debate in the Assembly and provided little time for the Council to consider these changes, on the grounds of urgency of bail laws. The only thing that is urgent is the political fix for this Premier. The only thing that is urgent is the fact that she has got colleagues, whether it be –

David Limbrick: On a point of order, Deputy President, the minister is not here.

The DEPUTY PRESIDENT: We have a minister in the house, so it is okay.

Evan MULHOLLAND: As I was saying, if it was so urgent, the government would support our amendment. We had an urgency motion. We had a bill that was not given to colleagues until late on

Monday night, not even before the bill briefing, and was so urgent it needed an urgency motion to come to this place, but it is not urgent enough to start as soon as possible; it has to start on 29 September 2025. We are saying: bring it forward to 30 June. If it is so urgent that it is required to be rushed through this house, then let us bring it into place on 30 June. Again, they provided little time for feedback on the grounds of urgency of tackling the bail laws that they themselves weakened and that have unleashed havoc on our communities. How many times have we on this side of the chamber spoken about crime in our community that has been unleashed by this Premier's weakening of bail laws? Yes, the Premier had to bring it through with an urgency motion because it was urgent for this Parliament, but from the looks of this bill and when things actually come into place we know that the only thing urgent is a political fix for this Premier to turn around her poll numbers and to turn around her leadership internally, which is on a knife edge. Our amendment would bring forward the default commencement date to 30 June 2025, which is a fair compromise between immediate implementation and providing more than three months notice.

David LIMBRICK: My question on this is for the minister. Why was this bill brought forward as an urgent bill and yet there is such a time span between now and implementation of these reforms?

Enver ERDOGAN: I think the Premier was quite clear that community safety is the priority of this bill, but the changes will jolt the system and will have a dramatic effect on the system. I answered this during the committee stage in which I outlined that we need to allow for the criminal justice system – and when I say ‘the criminal justice system’ I am talking about the courts, law enforcement, the legal fraternity and at the back end in corrections and youth justice – to adjust to such a change. It will be a big difference for them, and we want to make sure that there is safe implementation of these changes across the system. We need to allow time for that to take place, and there will be obviously a second package in a bill later this year.

David LIMBRICK: Can I make it clear then: is the minister saying that the government believes it is impossible to move on the timeline suggested by Mr Mulholland?

Enver ERDOGAN: No, it is not impossible, but we want to make sure it is done in the safest and most sound way.

David LIMBRICK: The minister in his first answer to me spoke about the second package of reforms. Is the reason for this date so that the implementation of the second package of reforms can coincide with the implementation of the first package? Is that what you are implying?

Enver ERDOGAN: No, not necessarily. Obviously there is a default commencement date, but the Attorney-General's goal is to proclaim many of them as soon as possible and some in fact immediately. We are not expecting to wait until September to proclaim these; the Attorney-General will be proclaiming most of these much earlier. It is just a later default commencement date.

David LIMBRICK: I will not be supporting Mr Mulholland's amendment, not because I do not think it is possible but because if the government wants to stick to this timeline and do it properly, then they need to be held to account for that. I do not want to give them excuses, basically.

Katherine COPSEY: The Greens will not be supporting this amendment.

The DEPUTY PRESIDENT: The question is that Mr Mullholland's amendment 3, which tests his amendment 15, be agreed to.

Council divided on amendment:

Ayes (14): Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David

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

Amendment negatived.

Clause agreed to; clauses 3 to 8 agreed to.

Clause 9 (22:43)

The DEPUTY PRESIDENT: Mr Mulholland, I invite you to move your amendments 5 and 6, which amend the bill's short title and test your amendments 7 and 8 and 16.

Evan MULHOLLAND: I move:

5. Clause 9, page 6, line 8, omit “(Tough Bail)”.
6. Clause 9, page 6, line 12, omit “(Tough Bail)”.

The short title of the bill would be amended to Bail Amendment Bill 2025, deleting the words ‘tough bail’ wherever the slogan appears in the bill. Whatever our views are on the bill, we are concerned that legislation should not be used for political sloganeering. This is a law that, if it passes, would be on our statute books. Deleting the ‘tough bail’ slogan will send a message that the government’s legislative program should focus on substance rather than spin, and we know that the things that would have made the bill tough have been split off into a later bill. As I was discussing before, is it going to be called the ‘tougher bail amendment bill’, or perhaps ‘the toughest’ or ‘the toughest 2.0’?

We had theatrics before in the committee stage when I asked basic questions in trying to find out who came up with the name. The minister said it could have been the Department of Justice and Community Safety or it could have been the Attorney-General. When we delved down deeper into that, the minister admitted that the name came from the office of the Attorney-General. This is a disgrace. Whatever you think of the bill, political sloganeering should not be in the bill. It is not the ‘tough bail’ bill because it still leaves our bail laws weaker than what they were in March 2023.

Jeff BOURMAN: I will be pretty quick. This is a very serious subject. We are locking people up, and there have been a range of views about what will happen – that we will be depriving people of their liberty. While I find the title of the bill silly, I find the same problem with the amendment. We should be focusing on the substance. We have just been here too late.

Katherine COPSEY: The Greens will be supporting this amendment. We share the concerns of the opposition. We have a lot of points of disagreement with them on this topic, but we share the concerns of the opposition that the government’s response to this has been all about the Premier trying to save her political scalp and appear to be taking action on this issue purely to solve basically an immediate issue that she feels she has got to address. It is a much more serious topic than that, and it is terrible to see the Premier heading in this retrograde direction. We should be following the evidence of what works. Capitulating to law-and-order politics and trying to look tough on crime is not actually a position of strength, it is a position of weakness, so we think that the amendment will more accurately reflect the Premier’s position on this matter.

David LIMBRICK: I concur with my colleague Mr Bourman. This is a very serious topic, and I do agree that the title of this bill just seems like some marketing exercise. But as well, if the government wants to go with that, I will let them go with that, and they can stand by it.

Council divided on amendments:

Ayes (20): Gaele Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Rikkie-Lee Tyrrell, Richard Welch

Noes (15): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, David Limbrick, Tom McIntosh, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendments agreed to.

Amended clause agreed to.

Clause 10 (22:50)

The DEPUTY PRESIDENT: I invite Mr Mulholland to move his amendments 7 and 8, which were tested by the previous amendment and also amend the bill title.

Evan MULHOLLAND: I move:

7. Clause 10, line 17, omit “(Tough Bail)”.
8. Clause 10, line 26, omit “(Tough Bail)”.

Council divided on amendments:

Ayes (21): Gaele Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Rikkie-Lee Tyrrell, Richard Welch

Noes (14): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, Tom McIntosh, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendments agreed to.

Amended clause agreed to; clause 11 agreed to.

Clause 12 (22:54)

Evan MULHOLLAND: I move:

9. Clause 12, page 8, line 34, omit ‘firearm);’.’ and insert “firearm);”.
10. Clause 12, page 8, after line 34 insert –
‘(aac) section 75 (robbery);
(aad) section 76 (burglary);’.’.

These amendments mean that the offences of robbery and burglary would be listed as schedule 2 offences, meaning that there would not be a presumption of bail and instead the applicant would need to satisfy the show compelling reason test. Robbery and burglary are very, very serious offences. In fact Mr Erdogan and I were just discussing today that there has been about a 57 per cent increase in theft from a motor vehicle in the City of Hume, and those statistics are quite similar across the growth areas of Melbourne. These are quite serious offences. Receiving bail is a compact with the community, and it is not meeting community expectations. Adding these offences to schedule 2 would mean that the middle test for bail, the show a compelling reason test, would apply.

David LIMBRICK: My question is for the minister. Why were these offences not included in the first place?

Enver ERDOGAN: I thought I answered this in the committee stage, but I will just remind you that our goal in this bill is to target the high-harm repeat offending. We have picked the category that is the highest level, which is the armed robberies, the carjackings and the home invasions, in this initial bill. There is more work to be done for the next bill, but at this stage we believe that this is where we are seeing the highest level of harm and the most repeat offending, including carjacking, and that is what we are focused on.

David LIMBRICK: Whether something is a burglary or a home invasion really just depends on whether the person is home or not, though, doesn't it? They are similar levels of offending, I would have thought.

Enver ERDOGAN: They are similar types of offending but definitely different levels of harm. Obviously the aggravated nature of that offence means that it involves the person and is a lot more traumatic. In the end there is more work to come, and there will be a second package in relation to our bail reforms.

David LIMBRICK: I thank the minister for his answer, but on that basis I will be supporting these amendments, because the intent of the criminal who is committing robbery or burglary or home invasion is important. They do not necessarily know if someone is home at the time, and therefore they are a similar level of crime, in my view. Therefore I will be supporting the amendments.

Katherine COPSEY: The Greens will not be supporting these amendments. We have not gone into the impacts of reverse onus tests a lot in the committee stage today, but we did discuss them at length – I will not repeat the debate – in the initial bail bill that came before in this term of Parliament, the 2023 reforms. The Greens approach to this is to institute Poccum's law, which is to have a single, simplified bail test, unacceptable risk, which decision-makers can apply. The effect of reverse onus, particularly where you have defendants who are vulnerable or do not have as much access to support or legal services, is that people who do not necessarily represent a threat end up not being able to meet these harsher tests. We are concerned about these tests in general, and we consider that Mr Mulholland's amendment will just broaden their application and make things worse, so we are not supportive of these amendments.

Council divided on amendments:

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

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendments negatived.

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 agreed to; clause 13 agreed to.

Clause 14 (23:02)

Evan MULHOLLAND: I move:

13. Clause 14, line 18, omit all words and expressions on this line.
14. Clause 14, lines 22 to 24, omit all words and expressions on these lines.

The exemption for minors for the offence of breaching a bail condition would be deleted, meaning that minors would also face an uplifted test if caught breaching bail. Given the serious offences committed by many youth offenders, we do not believe minors should be exempt from having to comply with bail conditions. Our amendment would remove the exemption for minors from the offence of breach bail conditions. Safeguards are already in place to ameliorate potential unfair impacts on young people while also enhancing community safety.

Katherine COPSEY: The Greens will not be supporting this amendment. I realise in my comments earlier, when we were discussing my amendment on bail offences and contravention of conduct conditions, I was conflating the application of that to children. Mr Mulholland's amendment realises that situation that was so negative prior to the 2023 reforms and should not be repeated.

Enver ERDOGAN: We do not support this amendment.

Council divided on amendments:

Ayes (14): Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

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

Amendments negatived.

Clause agreed to; clauses 15 to 18 agreed to.

Title (23:06)

Evan MULHOLLAND: I move:

16. Short title, omit "(Tough Bail)".

This is the third tranche of the title amendment. We have been here before. This is just to change the short title. I will note that despite moving several amendments to try to make Labor's not-so-tough bail laws tougher and actually tough and actually fix the system and move forward some things by three months and not have to wait for some mystery second bill – the tougher bail bill 2.0 – this would complete the job of changing the title, because in reality it is not true: it is not a tough bail bill because it leaves our bail laws weaker than they were in March 2023, when that side decided to weaken our bail laws and unleashed havoc on the Victorian community. I am looking forward to going down to the Legislative Assembly and watching the government having to vote to accept this name change.

David LIMBRICK: Although I did not support changing the title of the bill, I feel that passing one of these and not the other is just going to make the bill a mess, so reluctantly I will support this amendment.

Council divided on amendment:

Ayes (22): Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Rikkie-Lee Tyrrell, Richard Welch

Noes (13): Ryan Batchelor, John Berger, Lizzie Blandthorn, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, Tom McIntosh, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendment agreed to.

Amended title agreed to.

Reported to house with amendments, including amended title.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:12): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (23:12): I move:

That the bill be now read a third time and do pass.

Council divided on motion:

Ayes (30): Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

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

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.

Business of the house

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:19): I move:

That the Council, at its rising, adjourn until Tuesday 1 April 2025.

Motion agreed to.

Bills

Gambling Legislation Amendment (Pre-commitment and Carded Play) Bill 2024

Introduction and first reading

The PRESIDENT (23:19): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Gambling Regulation Act 2003** and the **Casino Control Act 1991** in relation to pre-commitment and carded play and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:20): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:20): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the Charter), I make this Statement of Compatibility with respect to the Gambling Legislation Amendment (Pre-Commitment and Carded Play) Bill 2024.

In my opinion, the Gambling Legislation Amendment (Pre-Commitment and Carded Play) Bill 2024, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Gambling Regulation Act 2003* and the *Casino Control Act 1991*.

The Bill will implement the government's policy on pre-commitment and carded play for all gaming venues and provide for regulations to be made to support these harm minimisation measures. The Bill will also require slower spin rates for new electronic gaming machines (EGMs).

Human Rights Issues

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

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

- privacy and reputation (section 13)
- the right to be presumed innocent (section 25).

Section 13 – Privacy and reputation

Section 13 of the Charter provides that a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 6 of the Bill engages this right by requiring a person to have their identity verified before a venue operator may pay out, or allow another person to pay out, accumulated credits of \$2000 or more from a gaming machine. The venue operator must verify the person's identity in accordance with the regulations.

This right is further engaged by clause 7 of the Bill which inserts new section 3.5.33T to the *Gambling Regulation Act 2003*, providing that a person may not be issued a player card unless the venue operator has first verified their identity in accordance with the prescribed requirements (if any).

Identity verification is central to tracking gaming machine play to prevent a person giving false details to create a pre-commitment account, having more than one account or using someone else's card. The regulations will contain the processes and requirements for identity verification. Identity verification is intended to prevent and minimise harm and money laundering.

If an interference with a right to privacy is lawful and not arbitrary, it does not come within the scope of section 13 of the Charter. In this case, the requirement for identity verification will be required by law and is not arbitrary as it will apply to all persons who use an electronic gaming machine (EGM). Therefore, the above clauses do not limit the right to privacy in section 13 of the Charter.

Section 13 of the Charter is also engaged by clause 9 of the Bill in so far as it facilitates the disclosure of loyalty scheme information, which may include personal information about players. Clause 9 inserts new section 3.5.41B into the *Gambling Regulation Act 2003* to provide that the Minister may from time to time direct the loyalty scheme provider or venue operator to provide information derived from the loyalty scheme to the Minister or the Commission for the purpose of enabling the reconciliation of loyalty scheme information with information in relation to the pre-commitment system.

As noted above, if the interference with a right to privacy is lawful and not arbitrary, it does come within the scope of section 13. In this instance, the Minister may direct the loyalty scheme provider or venue operator to provide information derived from the loyalty scheme to enable reconciliation of such information with

information in relation to the pre-commitment system. There is currently no capacity for data to be requested in relation to loyalty schemes. Clause 9 of the Bill will support regulatory activities, especially in circumstances where suspicious activity via the pre-commitment system is detected. Under the new provisions, that data could be compared to the relevant loyalty data to assist with an investigation. Clause 9 will also enable regulation of loyalty schemes more generally, for example to confirm that points are being awarded in accordance with requirements.

Section 25(1) – The right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. Where an offence provides an exemption, this may affect rights under section 25(1).

Clause 4 of the Bill, substitutes paragraph (2) of section 2.5A.13 of the *Gambling Regulation Act 2003* to provide that a person does not commit an offence against section 2.5A.13(1) of the *Gambling Regulation Act 2003* where notice of the making of an interim ban or fixed term ban order is not published in a newspaper circulating generally in Victoria and the person is not aware of the making of the order. As this amendment provides an exemption, it appears to engage section 25(1) of the Charter. However, it does not require the accused to prove or establish their defence, nor does it require the accused to prove or establish the absence of an element of an offence. It therefore does not engage the Charter.

Finally, clause 15 of the Bill inserts new section 10.7.12(1)(b) into the *Gambling Regulation Act 2003*, to provide that a person does not commit an offence against section 10.7.3, 10.7.4 or 10.7.6 if immediately before the acts, there was produced to the person acceptable proof of age for the minor. The amendment does not engage the Charter because it does not require the accused to prove or establish the element of an offence. Even if it did engage the Charter, the amendment would be justifiable because it involves offences which prevent gambling by minors, conduct which carries a high risk of harm.

For the reasons set out above, I consider that the Bill is consistent with the Charter.

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

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:20): I move:

That the bill be now read a second time.

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

Most Members in this chamber will know people who have experienced gambling harm in some form.

We have met people who have struggled to pay bills because they have gone over their limit for what they are willing to gamble.

As Members of Parliament, most of us will have met people who have lost everything from their addiction to gambling. We have heard stories of the impacts on not only their lives, but the lives of their families.

This is why I am proud to introduce this Bill, which delivers on the government's commitment to introduce landmark gambling reforms.

These changes will protect not just the 10 per cent of Victorians who play poker machines from gambling related harm, but their friends and loved ones.

Purpose

The Bill I am introducing amends the *Gambling Regulation Act 2003* and the *Casino Control Act 1991* to establish the necessary legislative and regulatory framework for mandatory carded play and pre-commitment on electronic gaming machines in Victoria.

The Bill will also introduce new spin rate limits to new electronic gaming machines, slowing down the rate of play and player loss, both at hotel and club venues and at the casino – lowering the rate in which people can lose or launder money on gaming machines.

The Bill will also make some minor and technical amendments to ensure Victoria's gambling legislation is clear and consistent.

This Bill gives the Government the power to set requirements for carded play on gaming machines in hotels and clubs.

Carded play is a relatively simple concept – it means that a player card must be inserted into an electronic gaming machine for it to operate. This establishes the means to enable patrons to make better informed choices about their spending.

Victoria was proudly the first Australian state to introduce a voluntary statewide carded play and pre-commitment scheme for gaming machines. As such, the technical framework is established.

However, voluntary requirements have been stigmatising and would be more effective if normalised via standardising its use.

Implementation

In recognition of the weight and complexity of the reforms, the Act enables the Minister to conduct pilots, learn from the implementation and be responsive to these lessons.

In this way, the amendments provide maximum flexibility for implementation of the reforms, embedding the opportunity for continuous review and improvement, and ensuring a careful and considered rollout that allows venues and players to adapt gradually, if necessary. These laws also allow a flexible approach for different regions in the state.

As a first step, these laws will give the Minister the powers necessary to conduct a pilot of carded play.

It is expected that that pilot will take place in mid-2025 for a period of three months and will include approximately 40 venues.

Following a successful pilot, carded play requirements will be introduced on all poker machines. This is expected to occur by the end of 2025. Patrons will still be able to use “casual” cards which do not require any identification requirements and do not require them to set their own loss limits.

Following evaluation of the state-wide introduction of carded play, to occur by end-2026, additional requirements such as the phasing out of “casual cards” will be considered, with changes to the currently non-binding pre-commitment limits to be considered as part of the next monitoring license arrangements in late-2027.

Evidence

There is a strong Australian evidence base for these this type of reform. The proportion of people who play poker machines is shrinking, but the number of them who experience harm is growing.

The most recent study of Victorian gamblers found that 29 per cent of people who played poker machines experienced some form of harm.

In its 2010 report, the Productivity Commission recommended binding loss limits due to significant difficulties people using EGMs experience in controlling their gambling. The report highlighted that around 70 per cent of people using EGMs reported exceed their spending limits. A pre-commitment limit was further recommended by the Commonwealth’s 2011 Parliamentary Joint Select Committee on Gambling Reform

A 2019 independent evaluation from the University of Adelaide’s Centre for Economic Studies further highlighted that the voluntary nature of Victoria’s system was compromising its ability to assist problem gamblers, and a similar finding was made in the 2017 report by the Australian Gambling Research Centre, which found that pre-commitment works best when it is required to be used by all patrons.

And in June of this year, the Australian Capital Territory’s Standing Committee on Justice and Community Safety recommended mandatory carded play and binding pre-commitment, and in September the Grattan Institute also recommended that state governments implement pre-commitment schemes for poker machines.

Consultation

The major reforms in this Bill represent an important shift in the way gaming machines are played in Victoria – putting the power back in the hands of the patron.

Since we announced our reforms in July, I have met with advocates, people with lived experience of gambling harm, as well as with industry and clubs to hear from them directly about these reforms.

The Government’s approach to implementation has been informed by these conversations, as well as through the robust engaged undertaken by my Department.

We recognise that the approach and timeline for implementing these reforms must be balanced with the need to ease impacts on hotels and clubs and their patrons, and ensure Victoria maintains its vibrant hospitality sector.

This approach is not ‘set and forget’ – we will continue to work with advocates and industry on the implementation approach.

Spin rates

The Bill will also ensure that the pace at which gamblers lose or launder money is slowed.

Research shows that faster play speed is generally associated with higher bets, longer sessions of gambling, and some level of impaired control during gambling.

Furthermore, this will slow down the rate at which a potential criminal could ‘launder’ money, further discouraging this illegal behavior and complementing our carded play reforms.

The current gaming machine spin rate in Victoria is 2.14 seconds. Under the Bill, any new gaming machines approved by the Victorian Gambling and Casino Control Commission after 1 December 2025 must have a spin rate of at least three seconds per game – a 40 per cent increase in spin rate.

The *Casino Control Act 1991* will also be amended to ensure the slower spin rates also apply to new machines at the casino.

Penalties

The Bill creates new offences to support the reforms once in place and ensure that venue operators who do not comply face the consequences.

This includes offences for a venue operator to allow someone to play a gaming machine without a player card, to issue a player card that does not meet prescribed requirements, and to issue a card without properly verifying a person’s identity.

The Bill establishes a power for the Minister to direct a loyalty scheme provider or venue operator to provide loyalty scheme information for the purpose of data reconciliation with the pre-commitment system. It will be an offence not to provide this information when directed to do so.

It will also be an offence for a venue or casino operator to allow a person to play a machine with a faster spin rate than is allowed.

Ancillary amendments

The Bill also prohibits a venue operator from paying out, or allowing another person to pay out, accumulated credits of \$2000 or more without verifying the player’s identity. This elevates an existing operational obligation to a legislative requirement.

Further minor amendments will update the operation of loyalty schemes and the consistency of the Gambling Regulation Act.

A definition of player account will be added, meaning an account established in accordance with the regulations for the pre-commitment system.

Several offence provisions in the Act will be re-cast to explain the circumstances in which the offence will not be made out, rather than requiring a defendant to prove those circumstances as a defence. This will improve fairness and consistency across the Victoria statute books.

These reforms offer critical protections – both for Victorians experiencing harm from gambling, but also their families who disproportionately experience these impacts.

As such, I am proud to commend this Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (23:20): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025

Introduction and first reading

The PRESIDENT (23:21): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend and change the title of the **Fire Services Property Levy Act 2012** to expand the coverage of that Act to emergency services and volunteers, to make consequential amendments to other Acts and for other purposes.’

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:21): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:21): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025 (**Bill**).

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

Overview

The Bill amends the *Fire Services Property Levy Act 2012* (**Principal Act**) to expand the fire services property levy to fund a broader range of emergency services and consequently amends other Acts including the *Taxation Administration Act 1997* (**TA Act**).

Many provisions of the Bill do not engage the human rights listed in the Charter because they either do not affect natural persons, or they operate beneficially in relation to natural persons.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are the right to privacy, the right to property and the right to a fair hearing.

Privacy: section 13(a)

Section 13(a) of the Charter provides that every person has the right to enjoy their private life, free from interference. This right applies to the collection of personal information by public authorities. An unlawful or arbitrary interference to an individual's privacy will limit this right.

The right to privacy may be engaged to the extent that the Bill extends the concessions available under the Principal Act and introduces an offset of the leviable amount for eligible volunteers of certain emergency service providers. Natural persons may be required to provide personal information to enable the concession or offset to be applied.

To the extent that the collection of any personal information from a natural person in relation to these concession or offset applications may result in interference with a natural person's privacy, any such interference will be lawful and not arbitrary as these provisions do not require that a person's personal information be published. Further, these provisions only require the provision of information necessary to achieve the purpose of determining eligibility for the concession or offset which is exclusively in the person's possession. Therefore, there are no other reasonable means available to achieve this purpose.

Further, consequential amendments to section 92(1) of the TA Act pursuant to clause 22 of the Bill will permit disclosures of information obtained under or in relation to a taxation law to a Council for the purpose of administering the Principal Act.

The types of information that may be disclosed include, but are not limited to, information regarding land ownership, tax liabilities and payments by taxpayers, taxation defaults by taxpayers, and applications for objection, appeal and review under Part 10 of the TA Act by taxpayers.

Permitted disclosures are strictly confined to their legitimate purposes and are subject to considerable legislative safeguards. In particular, section 94 of the TA Act prohibits 'secondary disclosure', that is, on-disclosure of any information provided by a tax officer under section 92, unless it is for specific purposes (for

example, the purpose of enforcing a law, protecting public revenue, where the Commissioner has consented, or a disclosure has been made with the consent of the person to whom the information relates). Further, section 95 provides that an authorised officer is not required to disclose or produce in court any such information unless it is necessary for the purposes of the administration of a taxation law, or to enable a person to exercise a function imposed on the person by law.

The amendments to section 92(1) of the TA Act ensure that the Commissioner and municipal councils can exercise their respective regulatory and administrative functions in accordance with legislation.

Accordingly, to the extent that these provisions could interfere with a person's privacy, any interference would not constitute an unlawful or arbitrary interference.

Right to property: section 20

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain and sufficiently precise to enable a person to regulate their conduct.

The Bill may engage the right to property to the extent that a natural person may become liable to pay the levy or an increased amount of the levy. However, the imposition of the levy is not arbitrary because it is precisely formulated under Part 2 of the Principal Act and administered as provided under Parts 3 and 4 of the Principal Act. The Bill and the Principal Act are adequately accessible, clear and certain, and sufficiently precise to enable affected persons to inform themselves of their legal obligations. Furthermore, levy payers have the protections under both Division 2 of Part 3 of the Principal Act, and Part III of the *Valuation of Land Act 1960* in respect of rights of objection, review, appeal and recovery.

Right to fair hearing: section 24(1)

The right to a fair hearing is protected under section 24 of the Charter which provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a fair hearing. The right to a fair hearing applies to both courts and tribunals, such as the Victorian Civil and Administrative Tribunal.

Generally, the right to a fair hearing is concerned with procedural fairness and access to a court or tribunal, rather than the substantive fairness of a decision of a court or tribunal determined on the merits of a case.

The right to a fair hearing under section 24 of the Charter may be engaged by the Bill. The Bill provides for a concession from the levy in respect of a person's principal place of residence (PPR), expanding the concession available under the Principal Act for holders of certain concessions. The Bill also provides for an offset of the levy for eligible volunteers of certain emergency service providers. However, the Bill does not set out a right of review of a decision regarding a natural person's eligibility for the PPR concession or offset.

Limited statutory review rights for the offset and PPR concession are required to reduce the administrative burden on councils of administering the Levy and on the responsible entity for the administration of the offset, thereby promoting the efficient determination and collection of government revenue. Importantly, however, a person seeking to challenge a decision in relation to the PPR concession or offset remains entitled to seek judicial review by the Supreme Court consistent with administrative law principles.

Clause 19 of the Bill amends section 84 of the Principal Act to state that it is the intention of sections 5, 12, 15 and 37 to alter or vary section 85 of the *Constitution Act 1975* as they apply on and after the commencement of the proposed Act. This amendment is being inserted to ensure that the jurisdiction of the Supreme Court is limited in relation to certain non-reviewable decisions under the Principal Act as originally intended. The reasons for designating these decisions as non-reviewable and their compatibility with the right to a fair hearing have been previously addressed in the Statement of Compatibility which accompanied the Fire Services Levy Bill 2012.

To the extent that limiting the jurisdiction of the Supreme Court may limit a natural person's fair hearing rights as protected under section 24(1) of the Charter, any such limit would be demonstrably justified. The classification of certain decisions under the Principal Act as 'non-reviewable' is directly related to the particular statutory purpose and context of those decisions.

Conclusion

For the reasons given in this statement, I consider that the Bill is compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

Hon Jaclyn Symes MP

Treasurer

Minister for Industrial Relations

Minister for Regional Development

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:21): I move:

That the bill be now read a second time.

Ordered that second-reading speech, except for the statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard*:

This Bill amends the *Fire Services Property Levy Act 2012* (Principal Act) to replace the Fire Services Property Levy (FSPL) with the Emergency Services and Volunteers Funding Levy (ESVF) to enable it to fund a broader range of emergency services. To reflect this broader purpose, the Bill renames the Principal Act the *Emergency Services and Volunteers Fund Act 2012*.

From 1 July 2025, the ESVF will make sure Victoria's hardworking emergency services – including Fire Rescue Victoria (FRV), the Country Fire Authority (CFA), Victoria State Emergency Service (VICSES), Triple Zero Victoria, Emergency Management Victoria, the State Control Centre, Forest Fire Management Victoria and our recovery agencies – have the resources they need to keep Victorians safe and help them recover from natural disasters. It will also bring Victoria's funding arrangements for emergency services into line with other Australian States and Territories.

The ESVF is expected to raise \$610.9 million more in 2025–26, and \$765 million more in 2026–27 and 2027–28, when fully implemented. Every dollar raised will go towards vital life-saving equipment, vehicles, staff, training for volunteers, community education, and recovery support for when Victorians need it most.

In December last year, the Government announced its intention to provide more than \$250 million in additional support for CFA and VICSES volunteers across the state. This additional support will be funded by the ESVF and is conditional on the passage of this Bill.

Fire Services Property Levy

Since 2013 the FSPL has ensured that all Victorians contribute to funding Victoria's fire services: the CFA and FRV. The property-based levy system is a fair, equitable and sustainable way to distribute the burden of funding fire services.

FSPL applies to all land, including non-rateable land, and is collected by councils through rates notices or separate notices for non-rateable land. FSPL liability consists of a fixed charge, which is higher for non-residential than residential properties, and a variable rate that depends on the land's capital improved value and its land use classification such as whether it is residential or commercial land.

The State Revenue Office (SRO) provides oversight of the FSPL and its collection by councils.

ESVF

The Bill replaces the FSPL with the ESVF to fund several additional fire and emergency services authorities from the 2025–26 financial year. The Treasurer will determine and publish the ESVF rates in May each year, through a process similar to the FSPL. Councils will be notified of the new 2025–26 rates through this rate-setting process.

The ESVF will fund up to 95% of the annual budgets for VICSES, Triple Zero Victoria, Emergency Management Victoria and Forest Fire Management Victoria. These entities complement the activities of fire services agencies, including responding to flood, storm, and other emergencies. The proportion of entities' budgets funded through the ESVF can be reduced if that is appropriate.

The Bill further amends the *Country Fire Authority 1958* and *Fire Rescue Victoria Act 1958* to allow the ESVF to more flexibly fund the CFA's and FRV's operating budgets. The FSPL currently funds a fixed 87.5% of FRV's annual budget and a fixed 77.5% of the CFA's annual budget. From 1 July 2025 the ESVF will be able to fund variable proportions of up to 95% of the CFA's budget, and up to 87.5% of FRV's budget.

Existing FSPL concessions and exemptions will continue to apply to assist home and farm owners. This includes the \$50 concession for pensioners and veterans holding a pensioner concession card or Department of Veterans' Affairs gold card, on their principal place of residence. The single farm enterprise exemption will also continue to apply to assist farmers with multiple properties. This exemption allows farm owners to pay a single fixed charge for multiple properties that operate as a single enterprise.

Offset for volunteers

Our emergency service volunteers give so much for Victorians, making immense contributions to protect our community from the threat posed by fires and other emergencies. To recognise volunteers who give up significant time and resources to serve the community, from 1 July 2025 eligible CFA and VICSES volunteers

will be able to apply for a payment to offset the levy on their principal place of residence or farmland that they own (including where the farmland is owned by a trust or a company and the volunteer has an indirect ownership interest).

The Treasurer will declare the specific eligibility criteria for volunteers in consultation with the Minister for Emergency Services, by notice published in the Government Gazette. The Treasurer, in consultation with the Minister for Emergency Services, will also be able to declare further emergency volunteer-based organisations whose volunteers can access this offset. The maximum offset available in respect of farmland will be capped based on a certain land value, as declared by the Treasurer. This measure will ensure that the offset is only used to support our hard-working volunteers and will safeguard against the scope of potential avoidance of the ESVF given the broad eligibility criteria for the offset.

The government recognises this Bill represents a significant change to the administration of the FSPL by local government collection agencies. To reduce the administrative burden on councils, the offset scheme will be administered by a responsible entity declared by the Treasurer in a notice published in the Government Gazette. The entity responsible for administering the offset scheme is intended to be a State Government public service body or body head, entity or official with statutory responsibilities.

Vacant land changes

As part of the introduction of the ESVF, the existing FSPL category for vacant non-residential land will be abolished from 1 July 2025. Vacant land will be allocated to the land use classification closest to its intended use. For example, vacant industrial land under the FSPL will be reclassified as industrial land under the ESVF from 1 July 2025.

Residential land changes

From 1 July 2026, the Bill increases the fixed charge for residential land to match the higher fixed charge that applies to non-residential land. However, principal place of residence land will become eligible for a 50% fixed charge concession meaning owner-occupiers will continue to pay the lower fixed charge.

The Bill amends the *Taxation Administration Act 1997* to authorise the SRO to share appropriate data with councils on the principal place of residence status of different properties to facilitate administration, under the safeguards provided by that Act's secrecy provisions, such as the strict requirements prohibiting secondary disclosure.

Jurisdiction of the Supreme Court of Victoria

I draw the members' attention specifically to clause 19 of the Bill. This clause of the Bill proposes to limit the jurisdiction of the Supreme Court to ensure the determination of ESVF rates each year is non-reviewable. Accordingly, I provide a statement under section 85(5) of the *Constitution Act 1975* of the reasons for altering or varying that section by this Bill.

The Bill implements a sustainable model for the long-term funding of emergency services, using one of Victoria's fairest levies to support an essential public service.

Fire, floods and storms are becoming increasingly common and we have seen the lasting devastation they bring. The ESVF will provide dedicated funding ensuring our emergency services have the tools and resources they need to keep Victorians safe and help them recover from natural disasters.

I commend the Bill to the house.

Section 85(5) of the Constitution Act 1975

Harriet SHING: I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025.

The Fire Services Property Levy Act 2012, the principal act, is proposed to be renamed the Emergency Services and Volunteers Fund Act 2012 by the bill. Clause 19 of the bill amends section 84 of the principal act to provide that it is the intention of sections 5, 12, 15 and 37 of the principal act, as they apply after the commencement of the bill, to alter or vary section 85 of the Constitution Act 1975. These provisions preclude the Supreme Court from entertaining proceedings to which they apply, except as provided in the provisions.

Section 5 of the principal act defines the meaning of 'non-reviewable' in relation to the principal act. 'Non-reviewable' is referred to in sections 12, 15 and 37 of the principal act. If a determination or

decision is non-reviewable, no court, including the Supreme Court, has jurisdiction or power to entertain any question as to the validity or correctness of the determination or decision.

The reason for limiting the jurisdiction of the Supreme Court in relation to the determination of the levy rates under section 12 of the principal act is that the levy rates will be determined by the minister each year having regard to the funding requirements of the emergency services funding recipients defined in section 3 of the principal act as inserted by clause 6 of the bill, the administrative costs of councils as collection agencies and other relevant matters. This section limits the jurisdiction of the court in order to provide for the efficient determination and collection of government revenue to fund Victoria's emergency services, which would not be achieved if the minister's decision were reviewable.

The reason for limiting the jurisdiction of the Supreme Court in relation to the determination of the land use classification under section 15 of the principal act is that the determination is based on the allocation of the Australian valuation property classification codes, or AVPCC, to all parcels of land by the valuer-general under the Valuation of Land Act 1960, the VLA. Part III of the VLA permits a person aggrieved by the allocation of an AVPCC to make an objection. This section limits the jurisdiction of the Supreme Court to review the land use classification determination to prevent unnecessary proceedings and overlap with the review and appeal procedures under the VLA in respect of the allocation of the AVPCC.

The reason for limiting the jurisdiction of the Supreme Court in relation to levy amounts and levy interest collected by the collection agency to be kept in a dedicated account (under section 37 of the principal act) is that the commissioner may require interest earned by a collection agency on levy amounts and levy interest to be paid to the commissioner if they determine that a collection agency has failed to perform its duties or is in breach of its obligations under the principal act. This section is intended to encourage compliance and penalise collection agencies that fail to perform their duties under the principal act. This is important because breach of a collection agency's obligations may compromise the funding of Victoria's emergency services. This section limits the jurisdiction of the court in order to ensure the effectiveness of this provision as a penalty and deterrent in order to preserve the integrity of Victoria's new emergency services funding model.

I commend the bill to the house.

David DAVIS (Southern Metropolitan) (23:25): Despite that section 85 statement, I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:25): I move:

That the house do now adjourn.

Early childhood education and care

Jacinta ERMACORA (Western Victoria) (23:25): (1537) My adjournment matter is for the Minister for Children Lizzie Blandthorn. My request for the minister is to provide details of how the certificate III upskill support program will benefit early childhood educators and children in Western Victoria Region. The program provides priority places for childcare and kindergarten workers in rural and regional Victoria to gain a diploma in early childhood education and care. The opportunity is also backed by \$7000 in financial support for living expenses while studying. Opportunities for a career in early childhood are huge, thanks to the government's Best Start, Best Life reforms.

Northern Metropolitan Region roads

Evan MULHOLLAND (Northern Metropolitan) (23:26): (1538) My adjournment is directed towards the Minister for Roads and Road Safety, and I seek the action of the minister on behalf of residents in the north to address their concerns around built-up waste and rubbish and overgrowth of weeds on major roads in my electorate, like the M80 Western Ring Road, the Tulla, Pascoe Vale Road and others. These roads are vital transport corridors in my community. The M80 ring-road is used by 165,000 motorists every single day and Pascoe Vale Road connects communities from Moonee Ponds through to Roxburgh Park. Residents and road users have been raising concerns with me, as their local member, about how piles of rubbish are simply left to grow even bigger, ignored by councils and definitely ignored by authorities like VicRoads. I have spoken numerous times in this chamber about widespread rubbish dumping in my electorate, particularly around the City of Hume and places like Whittlesea and Mitchell shire, but in the last few months there has been a noticeable increase in the amount of litter lining these important roads.

This is an issue for Victoria's reputation as a state that is attractive to tourists, because the first thing people see when they leave an airport and go on the Tulla or go around the ring-road is rubbish, graffiti and overgrown weeds. In every other city you go to – if you go to Sydney and get on the M2 – it is all clean, but if you go to Victoria the state of the roads and the overgrowth, the rubbish and the graffiti say a lot about the state Victoria is in right now. It says a lot about the fact that we are heading towards \$188 billion of debt, paying \$25 million of interest a day – over \$1 million of interest an hour. It says a lot about that, because we clearly cannot afford to clean up our roads and make our state look beautiful again, make our state a place where you come and think, 'Wow, this is great.' People would not even have to drive all the way from the airport if we had an airport rail link in the first place. This is very concerning. I suspect there is a lack of regular maintenance and waste collection. It creates an unpleasant sight, particularly for people visiting our state. I seek the minister's attention and action to approve waste collection and the management of weed overgrowth along our major roadways in the northern suburbs. I ask the minister to work with VicRoads to take action to address this issue.

Emergency Services and Volunteers Fund

Gaelle BROAD (Northern Victoria) (23:29): (1539) My adjournment is for the Treasurer, and the action I seek is for the government to consider the impact of the proposed emergency services levy on regional Victorians and reconsider the government's priorities for the coming state budget. This new tax, which the government plans to introduce from 1 July this year, places a huge burden on regional Victorians already struggling with rising living costs. Households are set to pay almost double under the tax, commercial rates will increase by 100 per cent, industrial rates will jump by 64 per cent and primary producers will face an increase of 189 per cent. In another blow to renters, rental providers will be charged another \$267 plus a variable fee. Many rental providers are already stretched by land tax and increasing costs due to more than 130 rental reforms introduced by this government, and they have no option but to increase rents or sell due to rising costs. Local real estate agents have told me that the government's continued taxation of property has seen their rental rolls slashed by 25 per cent. In many regional areas rental vacancies sit below 1 per cent, forcing even more families onto the public housing waitlist.

I spoke with a couple in their 80s from Strathfieldsaye who are in poor health and very worried that they will not be able to pay the increased taxes. They own land surrounded by new housing estates, and the land value has risen dramatically. The government has announced exemptions under the emergency services levy but has not worked out how these exemptions will apply due to the complexity of what is being proposed based on unique business structures and multiple farm lots crossing council boundaries. Who will manage the onerous process of calculating this new tax? It is clear from the bill briefing and the Treasurer's response to questions in the chamber today that the details of exemptions and how to define active CFA and SES volunteers are yet to be determined. Local councils have also expressed frustration about collecting this state tax and how to cope with the backlash of complaints from ratepayers.

Given the errors that have already occurred within the expanded land tax regime, this new emergency services tax will only make things worse. I have spoken with people who have received land tax bills for properties they no longer own and accountants who are dealing with incorrect land tax statements every day, doing their best to liaise with the State Revenue Office and help farm businesses navigate the red tape. Due to the systemic breakdown in the land tax regime, the Shadow Treasurer has written to the Auditor-General requesting an investigation. Higher land taxes and the doubling of the emergency services levy on households will have a devastating impact on regional Victoria – on tenants, families and businesses already struggling to make ends meet. I ask the Treasurer to reconsider the government's priorities in the coming state budget, stop the exorbitant spending on major projects like the Suburban Rail Loop and ensure that our emergency services, including the CFA and SES, are funded appropriately without the need for another new tax.

Royal Flying Doctor Service

Georgie CROZIER (Southern Metropolitan) (23:32): (1540) My adjournment matter is for the attention of the Minister for Health, and it is in relation to the Royal Flying Doctor Service's community transport program. The action I am seeking is that the government consider the funding request to allow the Royal Flying Doctor Service's community transport program to be able to continue. We know that the Royal Flying Doctor Service does a tremendous job. It is well known, it is iconic and it does an extraordinary job in regional Victoria, providing vital services that connect rural and regional Victoria to essential health care. The problem for this community transport program is there is doubt about this ongoing funding that I have mentioned. I met with the Royal Flying Doctor Service recently to discuss this particular program and the many benefits it provides for people in the regions. The program helps patients travel to and from health appointments and funded social support groups. People living in rural and regional areas of Victoria are disadvantaged when it comes to accessing affordable and reliable transport to health appointments and specialist services, having to travel long distances for basic care.

I have spoken about this issue in the house today in relation to the shocking situation around the closure of the accommodation at the Royal Women's Hospital, which is disadvantaging women from rural and regional Victoria – women accessing and needing oncology management and treatment but also women and their families who have babies in intensive care. It is an absolute tragedy that that building has been sold off by the government. These services support women with those particular health needs and other people attending specialist appointments who have got chronic conditions but also, as I have just mentioned, provide that oncology care.

It is very, very important that rural and regional Victorians are not disadvantaged if they do not have the ability to travel to Melbourne and get the treatment they require. That is what the Royal Flying Doctor Service's community transport program does. It helps connect those Victorians who need that care to get their care and management. As I said, the Royal Flying Doctor Service is seeking funding from the state government to enable it to maintain its current operations that cover 10 sites across the state, providing 22,000 journeys to appointments per year. I hope the government will look on this favourably in the upcoming budget to ensure that this vital program continues.

Crime

Ann-Marie HERMANS (South-Eastern Metropolitan) (23:35): (1541) My adjournment is for the Minister for Education. The action I seek is for him to take immediate steps to prioritise dealing with our rising crime rate in Victoria so that the community can feel safe on our streets and in their homes by reintroducing a more rigorous, effective police in schools program in all Victorian schools. The current program, according to the Community Advocacy Alliance, that Victoria Police operate is:

... a shadow of the real program and probably no more effective than no program. You can't expect positive results from a spasmodic 'half-hearted' approach. The 'when we have time to do it' approach will not work.

The argument offered is that VicPol's resources cannot support such a program, but we need to provide police with the resources to prioritise their connection with schools. Police have a model to address this issue, but the resources provided mean that they are stretched in providing enough police to make this model successful. The police schools engagement model was introduced in 2022. It involves specialist and frontline police officers delivering crime prevention and safety messages to primary and secondary students across the state. The program aims to identify opportunities to partner with educators and other services to address determinants of harm and to prevent harm before it occurs. We need urgent intervention to provide our children with positive role models and to help them to avoid the gang culture which facilitates a life of crime.

If I have a look at some of the statistics, we know, for instance, that the *Herald Sun* reported on 21 January 2025 that crime at schools is at a 10-year high, with classroom crimes hitting 120 a week. Figures released reveal more than a hundred kids aged between 10 and 17 years were involved in at least 30 crimes each in 2024, with that number tripling over the last five years. The 103 repeat offenders reported last year carried out at least 3090 crimes in 2024 alone, an average of eight offences per day. Crimes committed by children aged 10 to 17 shot up more than 20 per cent year on year, with more than 23,000 incidents recorded. This is not only highlighting the results but also highlighting a real problem of discipline. According to the Community Advocacy Alliance, the CAA, headed by former police commissioner Kel Glare:

These problems can't be reasonably palmed off as crimes by others outside school hours; there is an inescapable nexus between the school environment and after-hours crime, for the most part.

The Australian Curriculum, Assessment and Reporting Authority's latest *National Report on Schooling in Australia* has confirmed only 88 per cent of 15 to 19-year-old Victorians are participating in full-time education and/or work, the lowest rate since 2010. Only 59.7 per cent of year 1 to 10 Victorian students attended school more than 90 per cent of the time, down from over 80 per cent a decade ago. On average, Victorian students are missing seven additional days per year compared to pre-COVID levels.

Early childhood education and care

Bev McARTHUR (Western Victoria) (23:38): (1542) My adjournment matter for the Minister for Local Government concerns cost shifting and the latest example of Victoria's councils being forced to pay to deliver the political promises of the state Labor government. Councils like Warrnambool City Council are tasked by the state government with transitioning four-year-old kindergarten to pre-prep. In 2026 regional councils like Warrnambool City Council must offer 16 to 20 hours weekly, with priority for vulnerable children and those identifying as Aboriginal or from refugee backgrounds or those with child protection contact. Warrnambool City Council has outlined serious concerns that are shared by others in this tranche.

As of now, no funding model details for 2026 have been provided by the Victorian government. Budgets for the 2025–26 financial year are being finalised, as is enrolment planning for 2026, with applications opening imminently in April 2025. Without funding clarity, how can councils begin to plan effectively? Services cannot budget for what they do not know. The impact on local government budgets is substantial, and it is either disrespectful or incompetent, or perhaps both, for councils to be treated this way. The policy itself also poses challenges for council. Increasing the hours offered from 15 to 16 per week requires an estimated 60 additional educator hours weekly, factoring in teaching, planning and compliance with the early childhood education award. This assumes existing staff want more hours, an assumption which is pretty dangerous in regional Victoria, which is suffering, especially in this sector, serious workforce shortages.

I know that Warrnambool City Council is seeking exemptions for multiple sites from implementing 16 hours, aiming to minimise disruption to families, reduce costs and protect staff, ensuring services do not overpromise and underdeliver. Without funding details building a viable service model remains impossible. This is not just Warrnambool's issue. Other councils in the 2026 rollout face similar

uncertainty, pointing to a broader coordination gap. The government extended the rollout to 2036, acknowledging implementation challenges, yet immediate support for 2026 remains absent. Councils are left scrambling, as budgets are due now.

The action I seek from the minister tonight is a commitment for some clear and timely communication with these councils. It is the least they should expect. When will the funding model for 2026 be communicated to the sector? Councils need this information urgently to deliver services. Will a constructive view be taken on exemptions that are requested? This is a state government initiative, a state government promise, but the political plaudits go to ministers in Melbourne. The very least you should be doing, Minister, is ensuring the councils delivering this service for you are properly informed and properly funded.

Western Metropolitan Region crime

Trung LUU (Western Metropolitan) (23:41): (1543) My adjournment this evening is for the Minister for Police and is regarding today's Crime Statistics Agency data, which reveals several alarming statistics for my constituency. The action I seek is for the minister to put together a comprehensive plan to tackle crime in the western suburbs of Melbourne. With every LGA in the Western Metropolitan Region seeing a massive increase in instances of crime, I first want to emphasise that crime in Wyndham Vale has gone up by a whopping 25.4 per cent across the board compared to the previous year, when crime was up 6.7 per cent. In just two years crime has gone up by over 30 per cent. Specifically in Wyndham Vale we see that theft of motor vehicles has gone up by 45.9 per cent in the past 12 months. This has been particularly felt in suburbs like Werribee, Tarneit, Hoppers Crossing, Point Cook and Truganina. In Hobsons Bay crime has gone up by 35.8 per cent, with areas like Williamstown, Altona North, Altona Meadows and Newport affected by the crime crisis.

At the same time as crime is spiralling out of control, the Premier is reportedly forcing Victoria Police to find almost \$2 billion in savings across the next four years. It is no wonder Victorians do not feel safe in their homes under the Allan Labor government. Over the past decade under Labor aggravated burglaries have increased by a staggering 169 per cent. Stealing in retail stores has gone up by 37 per cent. These figures are devastating. While crime is inevitable and will always need to be tackled, Victorians should feel safe in their homes, in their cars and in their businesses, but under Labor crime is out of control at the moment, and we see that day in and day out. Communities in the west are suffering and people are feeling unsafe, so I ask the Minister for Police to prepare a comprehensive plan to tackle crime in the west, in my region, which has the capacity to tackle, fight and lower these threatening statistics.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (23:44): (1544) My adjournment matter is for the Minister for Environment. I think there is potentially an emerging public health issue at the Suburban Rail Loop works at Heatherton. By way of background, the initial surveys in Heatherton before works began indicated in the environment effects statement that there was no asbestos in the soil where these works were taking place. Yet late last year and very early this year some communication went out to the local community saying asbestos had been found in the soil. It was implied that it was minor and there would be a two-week clean-up; however, four weeks after that the clean-up was extended by a further four weeks, and now with a somewhat open-ended period it seems it has been going for over eight weeks. It is now clearly much more significant than the original estimates would have implied.

Today residents contacted me extremely concerned because further asbestos exclusion zone signs were being erected merely 50 metres from homes along Kingston Road and Nicholas Grove immediately adjacent to the works. The community are very concerned. They saw billowing dust coming off the site, and as we know, asbestos can be airborne. There is long history of asbestos being airborne in dust, and dust is blowing over those houses right now. This is very, very concerning for the community. The community do not feel that they have been well communicated with. We have a significant risk, it would seem. At the very least it needs to be investigated by your department or the

ADJOURNMENT

Thursday 20 March 2025

Legislative Council

1243

EPA or both, and the action I seek is exactly that: to investigate the asbestos at the Heatherton site; to give a report back to the community as to exactly the extent of the asbestos, what containment works will be required and whether indeed they are safe or not; and to give the community the reassurance they need on this matter.

Responses

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (23:46): This evening there were eight adjournments for responses, and they will be referred to the relevant ministers in accordance with the standing orders.

I also want to place on the record my gratitude to the staff, the attendants and all the people who kept the Parliament functioning this evening in the course of a very, very long debate. I will leave it at that.

The PRESIDENT: The house stands adjourned.

House adjourned 11:45 pm.